



Annual Report on Migration and Asylum 2017

**European
Migration Network**

15th May 2018



Disclaimer

this Synthesis Report has been produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF) and EMN National Contact Points (EMN NCPs). The report does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider (ICF) 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 National Contributions from 25 EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway**) according to a Common Template developed by the EMN and 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 2017. 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. It is important to note that the information contained in this Report refers to the situation in the abovementioned (Member) States during 2017 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available EMN 2017 National Policy Reports and it is strongly recommended that these are consulted as well.

CONTENTS

EXECUTIVE SUMMARY	5	4. INTEGRATION	41
Legal migration and mobility	5	4.1. Developments at the EU level	41
International protection and asylum	6	4.2. Integration of third-country nationals	41
Unaccompanied minors and other vulnerable groups	6	5. IRREGULAR MIGRATION INCLUDING BORDER CONTROL	47
Integration	7	5.1. Developments at European Union level	47
Irregular migration including border control	7	5.2. Enhanced border management at the external borders	48
Return	8	5.3. Preventing and tackling of misuse of legal migration channels	51
Actions addressing trafficking in human beings	8	5.4. The fight against facilitation of irregular migration and irregular stay	53
Maximising the development impact of migration and mobility	9	6. RETURN	55
1. LEGAL MIGRATION AND MOBILITY	10	6.1. Enhancing return migration management including cooperation among EU Member States on return practices	55
1.1. Developments at the European Union (EU) level	10	6.2. Main national developments in the field of return	58
1.2. Economic migration measures at national level	10	6.3. Strengthening cooperation with third countries of origin and transit on return and reintegration management	62
1.3. Students and researchers	17	7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS	64
1.4. Family reunification and family formation	19	7.1. Developments at the European Union (EU) level	64
1.5. Information on routes to and conditions of legal migration	20	7.2. National strategic developments and legislative changes	64
1.6. Long-term residence and intra-EU mobility of legally resident third-country nationals	20	7.3. Improving identification of and provision of information and assistance to third-country national victims of human trafficking	65
1.7. Other measures on legal migration schemes	21	7.4. Cooperation between (Member) States	67
1.8. Schengen Governance	22	7.5. Cooperation with third countries	67
1.9. Visa Policy	22	8. MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY	69
2. INTERNATIONAL PROTECTION INCLUDING ASYLUM	24	8.1. Progress towards mainstreaming migration in development policies	69
2.1. Implementation of the Common European Asylum System (CEAS) and related policy developments	24	8.2. Cooperation with partner/third countries for economic migration	70
2.2. Changes in legislation, policies and practices	27	8.3. Efforts to mitigate 'Brain Drain'	71
2.3. Institutional changes in the national asylum system	31	8.4. Migrants' remittances	71
2.4. Efficiency and quality of the national asylum system	32	8.5. Working with diasporas	71
2.5. Challenges in the national asylum system	33	ANNEX 1. RETURN	72
2.6. Relocation and Resettlement programmes	33	ANNEX 2. BORDER AND MIGRATION MANAGEMENT	74
3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS	36		
3.1. Developments at the EU level	36		
3.2. Unaccompanied minors applying for asylum	36		
3.3. Other vulnerable groups applying for asylum	39		
3.4. Unaccompanied minors not applying for asylum	40		
3.5. Other vulnerable groups not applying for asylum	40		



EXECUTIVE SUMMARY

LEGAL MIGRATION AND MOBILITY

What have been the main developments in legal migration at EU level in 2017?

A number of developments took place in 2017 in the legal migration field. In terms of legislation, inter-institutional negotiations for the revision of the [EU Blue Card Directive](#) started in September 2017, leading to agreement on a number of technical points. Member States began with the transposition of the [recast Students and Researchers Directive](#) and completed their transpositions of the [Seasonal Workers Directive](#) and the [Intra-Corporate Transfers Directive](#). The evaluation of the current EU framework on legal migration (REFIT Legal Migration Fitness Check) continued and will be completed in 2018. The European Commission also started developing pilot projects to enhance cooperation with third countries of origin on the comprehensive management of migration flows, particularly in relation to the prevention of irregular migration and readmission. These pilot projects also aim to offer further safe and legal pathways for economic migration to both address shortages in EU labour markets and to provide opportunities for migrant to acquire new skills.

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

Next to finalising transposition of the above-mentioned EU legal migration Directives, many (Member) States made efforts to facilitate the admission and stay of highly qualified workers, intra-corporate transferees, seasonal workers, migrant entrepreneurs and au pairs. This was done through various means, such as amending national legislation, providing additional services to legal migrants to facilitate their access to national labour markets, as well as launching new types of visas or residence permits. 15 Member States introduced measures to satisfy labour market needs, which mainly related to implementing quotas for certain professions and signed bi-lateral agreements with third countries to attract necessary labour.

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

As a result of efforts to transpose the recast Students and Researchers Directive, 16 Member States adopted measures related to the attraction, admission and reception of students and researchers. These *inter alia* aimed at enhancing labour market access during studies and

after graduation, for example by increasing the limit of working hours and granting students more time to seek employment after graduation. In addition, around a third of Member States facilitated entry and stay conditions for students and/or researchers, introducing new types of visas or residence permits or facilitating the application process. In some cases, measures to attract students from specific third countries were also taken, for example by carrying out promotion activities in those countries.

What have been the main developments in the area of family reunification?

About a third of the (Member) States reported on developments in measures related to family reunification and/or family formation. These mainly followed the objective of simplifying family reunification conditions or strengthening the rights to family reunification. Furthermore, the income requirement for family immigration was reduced in two cases.

What national policies and practices were implemented to improve the provision of information on the routes to and conditions of legal migration?

Several Member States reported on new activities to disseminate information on legal migration options to third-country nationals. Such activities mainly included the launch of new campaigns, websites and information portals, as well as the distribution of informational material in third countries. These all aimed at providing information on entry conditions and application processes to third-country nationals. In addition, EMN National Contact Points (NCPs) continued to provide national updates to maintain the EU Immigration Portal to ensure that information provision for legal migration remains accurate.

Which were the main changes in relation to Schengen governance and visa policy?

In terms of Schengen Governance, four (Member) States reported on prolonging temporary border controls in line with the Schengen Borders Code. Other reported developments related to legal changes in line with the Schengen Border Code and the Schengen Information System. The Visa Information System was fully operationalised in a number of countries that had not previously implemented it.

INTERNATIONAL PROTECTION AND ASYLUM

What developments have taken place in the area of asylum at EU level?

In 2017, a total number of 709 200 asylum applications were lodged in the Member States and Norway, representing a decrease of 43% compared to 2016. In terms of legislation, the European Parliament and Council started negotiations on the 2016 Commission proposal for a [Qualification Regulation](#) as well as on the Commission proposal to amend the [Eurodac Regulation](#). A new EU resettlement scheme targeting at least 50,000 people to be resettled by October 2019 was launched following the European Commission's [Recommendation](#) of September 2017. The Court of Justice of the EU issued two important judgments, firstly [establishing](#) precise conditions for detention in the context of the Dublin III Regulation,¹ and secondly [confirming](#) the responsibility of the first Member State of irregular entry to process the asylum application, even in a situation of crisis.² Lastly, the European Union Asylum Support Office (EASO) continued and further developed its operational support to Greece and Italy.

How have asylum policies changed at the national level?

In 2017, around half of the (Member) States introduced changes to their national asylum procedures, reception conditions and the qualification of persons seeking international protection, in many cases with a view to complying with the (re-cast) Directives of the Common European Asylum System. In terms of access to the asylum procedure, eight Member States made legislative and policy changes, for example related to the duty of the applicant to cooperate during the procedure, as well as optimising the use of (biometric) data of applicants.

Following the decrease in the numbers of asylum seekers in 2017, about one third of (Member) States adjusted their reception capacities. At the same time, other countries expanded or improved facilities to respond to specific needs, for example by providing additional funding for the reception conditions of unaccompanied minors who reached the age of 18. As to asylum procedures, changes during the year related to the appeal process, the concept of safe third countries of origin and the organisation of asylum seekers' interviews. Several Member States facilitated the issuance of residence permits to beneficiaries of international protection and made corresponding legislative amendments. The procedure to withdraw international protection was also subject to change in a few Member States, for example through the elaboration of the specific circumstances under which a withdrawal may take place. Moreover, (Member) States continued to provide funding and participate in joint projects to support third countries in improving their asylum, migration and border management systems. This included the establishment of the Central Mediterranean Contact Group in March 2017 by the six EU Member States³ most affected by the Central Mediterranean migratory route, as well as Libya, Switzerland and Tunisia. The aim is to strengthen cooperation among European and North African countries.

Which institutional reforms were introduced in national asylum systems?

In response to legislative changes or the shift of policy priorities, more than half of the (Member) States introduced institutional changes to their asylum systems. While in some cases, this entailed the creation of new entities or the restructuring of existing ones, in others competences related to international protection were transferred from one unit, department or authority to another. Lastly, the number of staff working in entities responsible for asylum-related matters was adjusted in a couple of Member States to respond to changing needs in regards to asylum applications.

How are resettlement and relocation activities being implemented?

(Member) States continued to show their solidarity with other countries within and outside the EU by participating in resettlement and relocation activities. With regard to relocation, Member States continued to relocate applicants for international protection from Italy and Greece as agreed by the adoption of the [2015 Emergency relocation mechanism](#). As of March 2018, over 96% of all eligible applicants registered for relocation by Italy and Greece were relocated. As to resettlement, most of the resettled refugees arrived in the EU from third countries under national resettlement programmes. Resettlement also continued in the framework of the [EU resettlement scheme](#) launched in July 2015, with more than 19 000 resettled refugees as of 7th March 2018. In parallel to these activities, various Member States also implemented humanitarian admission schemes.

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

What developments have taken place concerning unaccompanied minors at EU level?

Throughout 2017, efforts continued to promote and protect the Rights of the Child, including those of unaccompanied minors, at EU level. The Council adopted [guidelines](#) and corresponding [conclusions](#) on this topic, specifically focusing on gender equality and mainstreaming the Rights of the Child in all areas. In parallel, the European Commission published a [Communication](#) on the protection of children in migration, outlining actions to reinforce the protection of all migrant children at all stages of the migration process.

Which new measures have been adopted at the national level concerning unaccompanied minors applying for asylum?

Almost all Member States introduced changes in legislation, policy or practice concerning unaccompanied minors or other vulnerable groups, usually with the aim of further improving overall reception and care conditions. To this end, a few Member States increased the number of staff responsible for the reception of unaccompanied minors applying for international protection and carried

¹ C-528/15 Al Chodor

² Case C646/16

³ AT, DE, FR, IT, MT, SI

out trainings, for example on interviewing children and on the detection of child marriages. Furthermore, depending on demand at national level, reception capacity was either increased or decreased, and in some cases included the creation of places for unaccompanied minors with specific needs, such as behavioural and mental health issues. Some Member States introduced changes to their age assessment procedures, for example with regard to interview practices. To improve the procedural safeguards for unaccompanied minors applying for asylum, new measures introduced in 2017 *inter alia* concerned the process of determining the best interest of the child and more favourable interviewing practices, as well as new guidelines regarding the adequate reception of unaccompanied minors in the country of return. A third of Member States improved information-sharing for unaccompanied minors applying for asylum, developing new information brochures, websites or audio-visual material.

What new measures have been adopted at the national level concerning other vulnerable groups?

In 2017, new measures undertaken with regard to other vulnerable groups followed the aim of clarifying the definition of vulnerability, introducing mechanisms to facilitate the identification of asylum applicants who may be vulnerable and establishing new special facilities for the reception of such groups, particularly with a view to improving mental health support.

INTEGRATION

What new developments have taken place in integration at EU level?

Following the publication of the EU Action Plan on Integration of third-country nationals in 2016, the European Commission implemented various measures in the areas of education, labour market and vocational training throughout 2017. Among these, the initiative '[Employers Together for Integration](#)' was launched in May 2017 to give visibility to employers' initiatives to support the integration of refugees, and the '[EU Skills Profile Tool for Third-Country Nationals](#)' was released to support national authorities to map skills and work experiences of third-country nationals. EU financial support for integration was also increased within the national programmes under the Asylum, Migration and Integration Fund (AMIF).

What have been the main integration-related measures introduced at the national level?

(Member) States' actions in 2017 related to integration comprised legislative measures/amendments, action plans or strategies, as well as the allocation of additional funding to integration measures and the launch of awareness-raising campaigns. These actions particularly aimed at enhancing migrants' language skills, for instance by introducing online language courses, and improving attainment in the education system. A number of Member States also sought to foster labour market integration, for example by facilitating the recognition of occupational or educational qualifications and establishing new services targeted specifically at beneficiaries of international protection. Moreover, various measures were adopted to improve access to social security, healthcare and housing, such as altering (the provision of) financial support and ensuring interpretation during medical consultations to

beneficiaries of international protection. Lastly, efforts were made to ensure non-discrimination of migrants – either tackling discrimination in general or specific forms of discrimination – both through changes in legislation and the adoption of action plans or strategies.

IRREGULAR MIGRATION INCLUDING BORDER CONTROL

What developments have taken place in irregular migration at EU level?

2017 saw a decrease in the number of illegal crossings at the EU's external borders, dropping to 204 719 from 511 047 in 2016, as well as lower numbers of illegally staying third-country nationals, which decreased from 491 918 in 2016 to 435 784 in 2017. In line with the new mandate of the European Border and Coast Guard Agency (Frontex), human and financial resources were pooled from across the Member States and mobilised in 2017 to increase the rapid response capacity of border guards and other relevant staff to 1 110, against a target of creating a 'standing corps' of at least 1 500 experts. In terms of legal and policy developments, a new [Regulation](#) amending the Schengen borders code on reinforcement of checks against relevant databases at external borders was adopted, obliging Member States to conduct systematic checks on all persons crossing the external borders. Furthermore, the Council adopted a [Regulation](#) establishing an EU entry-exit system for all non-EU citizens admitted for a short stay in the Schengen area, aiming at increasing the automation at border controls and improving detection of document- and identity fraud.

Which measures were introduced by the Member States to enhance border management at the external borders?

In line with the priorities established in the 2015 European Agenda on Migration to prevent irregular migration and enforce border control, various Member States reported on new border control measures taken in 2017. These included policy and legal responses to improve the effectiveness of border services, with some Member States working towards the establishment and implementation of European Integrated Border Management (IBM) in line with [Regulation \(EU\) 2016/1624](#). In addition, a few Member States adopted new approaches to manage border crossings, generally leading to stricter controls. With a view to improving the effectiveness of controls at external borders, new technical equipment for surveillance and document control was installed and border staff reinforced, either through the recruitment of new operational staff or the training of existing border staff. Almost half of the Member States reported the continuation of cooperation agreements and activities with third countries on border management, mostly entailing support with regard to border surveillance and training activities.

How did Member States prevent and tackle the misuse of legal migration channels?

Throughout 2017, various measures were taken to detect and prevent the misuse of legal migration channels, specifically by third-country national researchers, students

and workers, often by enforcing the rules more strictly and applying more efficient controls. Initiatives were also taken to more effectively prevent, detect and/or investigate the fraudulent acquisition and use of false travel documents, for instance through the modernisation of border equipment and document-verification tools.

Which actions have Member States taken to fight against irregular migration and irregular stay?

Around a third of Member States reported on developments in their monitoring of irregular migration in order to identify and better understand irregular migration routes, often by implementing tailored projects to collect and analyse data. These included the deployment of National Liaison Officers in strategic countries of origin and transit. Several Member States also engaged in reinforced verification and research activities to detect and prevent migrant smuggling, for example through the establishment of specialised units or new information collection/sharing systems. With the aim of discouraging irregular migration, some Member States developed legal or policy measures strengthening investigation methods and increasing penalties. Cooperation with third countries continued to serve as a means to prevent irregular migration in 2017, taking the form of cooperation agreements for joint investigations or data sharing, the secondment of border staff, development assistance as well as information campaigns.

RETURN

What developments have taken place in the field of return at EU level?

Developments at EU level emphasised the need to enhance return efforts across EU Member States based on existing legislation. The [Renewed Action Plan on Return and Recommendations](#) on a more effective return policy in the EU launched in March 2017 presented Member States with a list of concrete recommendations to make returns more effective, such as strengthening coordination among authorities involved in the return process, systematic issuance of return decisions, prevention of absconding and the set-up of operational assisted voluntary programmes. To this aim, an update of the [Return Handbook](#) was adopted. Efforts at EU level also focused on the conclusion of readmission agreements or arrangements for return with third countries of strategic importance. Such arrangement was concluded with Bangladesh to ease identification and return of irregularly-staying third-country nationals.

Which actions were taken at national level to ensure swifter and more effective returns?

Developments at national level show that Member States introduced several legislative changes to enforce swifter and more effective returns. These typically consisted of amendments to existing legislation in the field of return, with changes also being made to related provisions in migration and asylum legislation. A number of these changes were driven by policy objectives aiming at streamlining cooperation between competent authorities responsible for voluntary and forced return. Other legislative changes were adopted following the interpretation of legislation and practices by EU and national courts, for example concerning the issuance of return decisions.

Member States also introduced changes in their return policy to facilitate forced returns and implement more restrictive measures as regards the return of specific groups of third-country nationals, namely those with a criminal record or whose asylum application was rejected. Member States' efforts to ensure more effective returns throughout 2017 were also focussed on improving cooperation with third countries and conclude or implement readmission agreements. A majority of Member States pursued cooperation with third-countries via bilateral cooperation channels to establish a solid practical cooperation with them on matters such as identification and issuing travel documents for third-country nationals who received a negative decision on their application for a residence permit or for international protection. Cooperation measures also aimed to encourage voluntary returns and to enable forced returns of third-country nationals to the (presumed) country of origin; to fight against smuggling and irregular migration; and to further implement existing or conclude new readmission agreements.

ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

What developments have taken place on trafficking in human beings at EU level?

Throughout 2017, the EU continued its efforts to eradicate trafficking in human beings (THB). This is for example reflected in the [Council Conclusions of 18th May 2017](#), which set out a clear commitment to continuing the fight against THB through a single Operational Plan. Furthermore, in December 2017, the European Commission adopted a new [Communication](#) on the follow-up to the [EU Strategy towards the eradication of trafficking in human beings](#) (2012-2016) and identifying further concrete actions. These related to stepping up the fight against organised criminal networks by disrupting their business models and improving the effectiveness of investigations and prosecutions of perpetrators and users, ensuring the fulfilment of rights for victims of trafficking, as well as intensifying a coordinated and consolidated response at EU and national level.

What measures were adopted at the national level to fight against trafficking in human beings?

In 2017, some Member States developed initiatives to revise their national strategic framework on THB and adopted new national actions plans or policy documents. Legislative changes focused on strengthening the methods for identification of victims of THB. Member States also remained committed to improving the protection of victims of THB by strengthening assistance to reintegration and access to services. To this end, new measures such as training and awareness-raising campaigns, as well as cross-border cooperation initiatives were introduced by several Member States. These measures were usually targeted at frontline actors in contact with (potential) victims, such as police and law enforcement authorities, asylum and migration authorities and social workers. Cooperation initiatives were developed both among EU Member States and with third countries. In the former case, these mostly aimed at developing stronger practices for identification

and investigation of THB cases, while in the latter case, the objective was to share relevant know-how with countries of origin of THB victims.

MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

The majority of (Member) States reported actions to further mainstream migration in development policies. This

was done through the streamlining of migration, development and humanitarian efforts, the participation in international forums dealing with migration and development issues, as well as providing financial contributions to international, European and national programmes. Financial contributions were particularly made to the [EU Emergency Trust Fund for Africa](#), which aims at addressing the root causes of irregular migration. Several Member States also reported on efforts to facilitate labour migration from third countries, which took the form of mobility agreements or bilateral projects. Lastly, measures to facilitate remittance flows and improve access to banking and financial services in developing countries were taken.

1. LEGAL MIGRATION AND MOBILITY

This section looks at the new policies and measures adopted by Member States during 2017, or those planned to be started in 2018, on legal migration and mobility. The first section elaborates on the developments at EU level (section 1.1) while the following sections outline the main developments in Member States. Notably, this section looks at economic migration measures introduced at national level (section 1.2); measures on students and researchers (section 1.3); measures related to family reunification and family formation (section 1.4), information provided by Member States to third-country nationals on routes to and conditions of legal migration (section 1.5); long-term residence (section 1.6); other measures on legal migration schemes (section 1.7); measures related to Schengen governance (section 1.8) and finally, it describes visa policy measures introduced (section 1.9).

1.1. DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

The Commission proposal to revise the EU Blue Card Directive 2009/50/EC to attract highly skilled workers was the subject of intense negotiations in the EP and Council. Trilogues started in September 2017, leading to agreement on a number of technical points. A number of Member States started transposing the recast Students and Researchers Directive (EU) 2016/801, which requires Member States to adapt national legislation by 23 May 2018 at the latest. In 2017, a number of Member States also completed transposition of the Seasonal Workers Directive 2014/36/EU⁴ and the Intra-Corporate Transfers Directive 2014/66/EU⁵ respectively. Throughout the year, the Commission led the “contact group on legal migration”, providing a forum for discussion with Member States on legal issues related to the transposition and application of these Directives.

The Commission continued the preparation of its REFIT – Legal Migration Fitness Check, analysing the relevance, coherence, effectiveness, efficiency and EU added value of the 9 legal migration Directives, with a view to identifying possible gaps and inconsistencies and to consider the potential for simplification of the current EU framework

on legal migration.⁶ The outcome of the Fitness check will be published in the second half of 2018.

The Commission, together with interested Member States, started developing the concept for the pilot projects on legal migration. The pilot projects' aim is to offer additional safe and lawful alternatives to persons wishing to migrate for work purposes, thereby contributing to addressing shortages in EU labour markets and providing migrants with the opportunity to acquire new skills. The pilot projects should be designed to enhance cooperation with third-countries of origin on the comprehensive management of migration flows, including in relation to the prevention of irregular migration and readmission of irregular migrants. In practical terms, pilot projects can include a number of elements, ranging from capacity building, pre-departure measures, migration to and integration in the EU, as well as return to and re-integration in countries of origin.

In 2017, the European Court of Justice provided judgments on three preliminary references: one related to the long-term residents Directive 2003/109/EC (judgement in case C-636/16 on protection of Long-Term Residence holders against expulsion); one related to the Single Permit Directive 2011/98/EU (judgement in Case C-449/16 interpreting the equal treatment Article of this Directive); and one related to the Students Directive 2004/114/EC (judgement in case C-544/15 clarifying the interpretation of the public security clause in this Directive).

1.2. ECONOMIC MIGRATION MEASURES AT NATIONAL LEVEL



1.2.1. Admission policies of specific categories of third-country nationals

This section reviews developments in the Member States to facilitate admission for specific groups of legal migrants.

⁴ Member States were requested to transpose this Directive by 30 September 2016.

⁵ Member States were requested to transpose this Directive by 29 November 2016.

⁶ As part of the consultation strategy, an Open Public Consultation was carried out and the results are available at: https://ec.europa.eu/home-affairs/content/consultation-european-unions-eu-legislation-legal-migration-non-eu-citizens-fitness-check-eu_en

1.2.1.1. Highly qualified workers

Several Member States⁷ reported on efforts to facilitate admission and stay of highly qualified workers as part of the global competition for talent. These included: amending legislation to attract highly qualified third-country nationals, establishing services for these third-country nationals to enable easier access to information and giving additional rights such as access to self-employment, but also restrictions on routes for highly qualified third-country nationals. The examples below provide an overview of the main measures:

- As part of the 2017 Act Amending the Aliens Law,⁸ **Austria** amended the Settlement and Residence Act⁹ as well as the Act Governing the Employment of Foreigners,¹⁰ with the aim to facilitate the admission and labour market integration of qualified workers from third countries under the Red-White-Red Card.
- **Estonia** developed a new “Work in Estonia” strategy in 2017 to make Estonia more attractive to highly-skilled workers both from other EU and third-countries;
- **Germany** has established additional Information Points for Migration, Vocational Training and Career (DIMAK) in 2017, which offer interested individuals consultation on regular labour migration to Germany, among other services;
- **Italy** established a Memoranda of Understanding with the national Chamber of Commerce and Employers national association (*Confindustria*) and other corporate associations to facilitate entry procedures for highly qualified third-country workers.
- The **Netherlands** has enabled third-country nationals who hold either a residence permit for ‘employment as a highly skilled migrant’, ‘EU Blue Card’, ‘scientific research’ and ‘study’ to work on a self-employed basis;
- The **United Kingdom** implemented changes to its Tier 2 system, the main immigration work route for skilled non-EEA workers, to restrict this route to genuine skills shortages and highly-specialised experts, but with sufficient flexibility to include those filling high value roles and key public service workers.

Several Member States introduced changes with regard to the EU Blue Card to enhance its attractiveness:

- **Croatia** introduced amendments to the Foreigners Act in 2017 including changes concerning the issuance of the EU Blue Card¹¹;
- **Lithuania** has lowered the wage threshold from 2 to 1.5 times the amount of average gross monthly salary as part of the amendments to the Law on the Legal Status of Aliens¹² which came into force on 1 January

2017 aiming to enhance the attractiveness of the EU Blue Card for highly qualified third-country nationals;

- In **Luxembourg**, the Law of 8th March 2017 modifying the Immigration Law¹³ extends the validity of the EU Blue Card from two to four years, with the aim to increase Luxembourg’s attractiveness for highly qualified third-country nationals and to simplify the administrative procedure;¹⁴
- The **Slovak Republic** has prolonged the validity of the EU Blue Card from three to four years to enable third-country nationals’ settlement in the longer term.¹⁵

1.2.1.2. Intra-Corporate Transferees (ICTs)

Several Member States¹⁶ reported on their actions to implement Directive 2014/66/EU in 2017 in order to simplify intra-corporate transfer and facilitate the entry of managers and specialists in EU Member States:

- **Austria** transposed the Directive in the 2017 Act Amending the Aliens Law by introducing two new types of temporary residence permits: (a) Temporary Residence Permit for Intra-Corporate Transferees (ICTs) and (b) Temporary Residence Permit for Mobile Intra-Corporate Transferees (mobile ICTs) as part of implementing Directive 2014/66/EU with the aim to facilitate the admission of managers, specialists and trainees transferred within companies in the EU;¹⁷
- The ICT Directive was transposed by **Croatia** through the Amendments to the Foreigners Act that came into force on 22nd July 2017 and Amendments to the Book of Regulation on Status and Work of Foreigners in the Republic of Croatia that came into force on 19th October 2017. Like Austria, Croatia introduced two new types of residence permits: (a) work and residence permit for ICTs and (b) work and residence permit for mobile ICTs;
- The **Czech Republic** introduced new types of long-term residence permits e.g. a card of an intra-corporate transferred employee and a card of an intra-corporate transferred employee from another Member State of the European Union;
- In **Lithuania**, the amendments to the Law on the Legal Status of Aliens¹⁸ which entered into force on 1st September 2017 transposed the provisions of Directive 2014/66/EU.
- In **Luxembourg**, the Law of 8th March 2017 on modifying the Immigration Law introduced the notion of intra-corporate transferee into national law;
- **Finland, France, Germany, Italy, Portugal, Slovenia, Spain** and the **Slovak Republic** also reported that they have transposed the ICT Directive.

7 Including AT, CZ, DE, EL, EE, ES, FI, HR, LT, LU, NL, PT, SI, SK, UK

8 FLG I No. 145/2017.

9 FLG I No. 100/2005, in the version of FLG I No. 145/2017.

10 FLG I No. 218/1975, in the version of FLG I No. 66/2017.

11 Changes include that students and researchers are now allowed mobility if they have residence in any EEA State and, after completing or terminating a study period, they may regulate their stay in order to seek employment or self-employment.

12 Law No XII-2609 of 14 September 2016 amending Republic of Lithuania Law No IX-2206 on the Legal Status of Aliens

13 Law of 8th March 2017 modifying 1) the amended Law of 29th August 2008 on the free movement of people and immigration ; 2) the amended Law of 28th May 2009 on the Detention Centre ; 3) the Law of 2 September 2011 regulating access to the professions of craftsman, merchant, industrialist and certain liberal professions. Hereafter ‘Law of 8th March 2017 modifying the Immigration Law’.

14 Parliamentary document 6992/00 of 18 May 2016, “Exposé des motifs”, p.19.

15 Information provided by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

16 AT, CZ, DE, FI, FR, HR, LT, LU, PT, SI, SK

17 Act Amending the Aliens Law 2017, Ministerial proposal – Explanatory Notes, p. 2, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/imfname_582633.pdf (accessed 3 January 2018).

18 Law No XIII-382 of 25 May 2017 amending Republic of Lithuania Law No IX-2206 on the Legal Status of Aliens (entered into force on 1 September 2017)

Additionally, the **United Kingdom** reported on developments in their Tier 2 reforms. As part of the reforms, the Government reformed aspects of the Tier 2 Intra Company Transfer route, which were aimed at simplifying the visa system for this category of worker and aligning the UK's ICT provisions more closely with the UK's trade commitments, requiring all Intra-Company Transfers (except graduate trainees) to qualify under a single route with a salary threshold of £41,500, regardless of length of stay.

1.2.1.3. Seasonal Workers

Several Member States reported¹⁹ on their transposition Directive 2014/36/EU or other actions with the aim to improve the regulation of access of seasonal workers to the Member States:

- **Austria** transposed the Directive 2014/36/EU as part of the 2017 Act Amending the Aliens Law, with the introduction of a new Visa D for seasonal workers that is valid for a maximum of nine months. Additionally, the previously mandatory certificate of non-impediment for seasonal workers from third-countries generally exempt from visa requirements is no longer necessary. They must now apply for a Visa C or a Visa D;²⁰
- **Bulgaria** transposed the Directive through amendments in the Law on Labour Migration and Labour Mobility (LLMLM), which aim at improvement of the regulation of access of the third-country nationals as seasonal workers to the labour market;
- **Germany** transposed the Directive 2014/35/EU through the Act to Implement the EU Residence Directives on Labour Migration, which came into force on 1st August 2017.
- **Finland** approved the Act on the Conditions of Entry and Stay of Third-country Nationals for the Purpose of Employment as Seasonal Workers (907/2017), or the so-called Seasonal Workers Act, on 14th December 2017, entering into force on 1st January 2018.
- **Lithuania** transposed the Directive through amendments to the Law on the Legal Status of Aliens²¹ which entered into force on 1st May 2017 and **Luxembourg** transposed the Directive through the Law of 8th March 2017 modifying the Immigration Law, introducing seasonal workers into national law;
- **The Netherlands** transposed the Seasonal Workers Directive on 1st July 2017²² and the **Slovak Republic** included amendments to existing legislation in May 2017 with regard to the residence of third-country nationals who will perform seasonal employment in the country and in July 2017 created an official list of the seasonal employment sector which covers agriculture, forestry, fishing, hospitality, manufacturing and construction;

The **Czech Republic** reported additional developments with regard to seasonal workers, namely the introduction of a new type of Long-stay Visa (Visa for Stays Exceeding 90 Days) for the Purpose of Seasonal Work. The maximum period of stay under the visa cannot exceed six months. In **Portugal**, the exercise of professional activity within the seasonal work scheme was integrated (replacing the exercise of temporary professional activity). In **Spain**, the 2017 campaign on hiring seasonal agricultural from Morocco for the strawberry harvest in Huelva led to 5 156 job offers and 5 041 granted permits (an increase of 2 863 permits compared with 2016).

1.2.1.4. Migrant entrepreneurs

Almost half of the Member States reported on measures to further attract and retain migrant entrepreneurs, mainly 'innovative' start-ups and investors.²³ These included simplification of admission conditions, launch of new visa or residence permits specifically for 'innovative' start-up entrepreneurs and facilitated residence permits for investors, as the examples below show:

- In **Austria**, the conditions for the admission of start-up founders from third countries were amended to promote innovation. New provisions in the 2017 Act Amending the Aliens Law define the requirements for obtaining a Red-White-Red Card for start-up founders and detail the conditions for admission as a self-employed key worker.²⁴ Individuals who qualify can change to a Red-White-Red Card Plus or a Settlement Permit after two years;²⁵
- **France** launched the 'French Tech Visa' in 2017. The French Tech Visa scheme is a simplified and accelerated procedure for obtaining a residence permit, and in the first instance a Talent Passport, for eligible foreign talent. This system, which is based on the new residence permit "Passport Talent" set up at the end of 2016, further reinforces the impact of the public action to promote the French Tech's network of companies to attract international talent;
- **Lithuania** introduced a new ground for admission for start-ups as well as facilitated admission conditions for third country nationals who come to engage in legal activities. A residence permit is issued for a longer period (2 years); aliens may bring their families straight away;
- In **Luxembourg**, the Law of 8th March 2017 modifying the Immigration law introduced an authorisation of stay for investors, which aims to attract high quality investors to the country.²⁶ The permit is valid for three years and renewable for an additional three years, provided that initial conditions remain fulfilled;
- In **Latvia**, amendments to the Regulation No. 564 "Regulations Regarding Residence Permits", were

19 Including AT, BG, CZ, DE, FI, EL, LT, LU, NL, PT, SE, SI, SK

20 Act Amending the Aliens Law 2017, Government Proposal, p. 4, available at www.parlament.gv.at/PAKT/VHG/XXV/III_01523/imfname_619001.pdf (accessed on 7 January 2018).

21 Law No XIII-219 of 14 March 2018 amending Articles 2, 121, 19, 44, 57, 61, 62 and 63 of and the Annex to Republic of Lithuania Law No IX-2206 on the Legal Status of Aliens and Supplementing the Law with Article 621

22 Decision of 16 June 2017 establishing the date of entry into force of the Law to amend the Foreign Nationals Employment Act and the Aliens Act 2000 in connection with the implementation of Directive 2014/36/EU, Bulletin of Acts and Decrees 2017, 283.

23 AT, CZ, EE, ES, FI, FR, IE, LT, LU, LV, NL, SK, UK

24 Act Amending the Aliens Law 2017, Government Proposal, p. 7, available at www.parlament.gv.at/PAKT/VHG/XXV/III_01523/imfname_619001.pdf (accessed on 7 January 2018).

25 Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 17 January 2018.

26 Parliamentary document 6992/00 of 18 May 2016, "Exposé des motifs", p.19.

adopted on 6th June 2017²⁷, determining that start-up founders can request a temporary residence permit before actually founding the start-up;

- In **Portugal**, the Ordinance no. 344/2017 of 13th November sets the incubator certification scheme to welcome migrant entrepreneurs that wish to develop an entrepreneurship and/or innovation project in Portugal.
- In the **Netherlands** measures to ease entrepreneurship for international talents were introduced enabling highly qualified third-country nationals and students to work on a self-employed basis alongside their job or studies.
- In the **Slovak Republic**, entrepreneurs with an innovative project²⁸ have the possibility to get the temporary residence permit for the purpose of business under advantageous circumstances. This means that the financial security for the business activity is lowered (to forty times the subsistence minimum²⁹ instead of one hundred times in case of granting temporary residence, and to twenty times the subsistence minimum instead of sixty times in case of its renewal) and the application is processed faster (30 days instead of 90).
- **Finland** is planning to introduce a new type of residence permit for growth or start-up entrepreneurs, with the aim to make it possible for these groups to get a residence permit quickly. The Government submitted the legislative proposal to Parliament in September 2017.³⁰
- **Spain** launched the second round of the 'Rising Start-up Spain Program' in 2017. This Program combines funding, mentoring and co-working Space for foreign entrepreneurs to establish their start-ups in Spain.

1.2.1.5. Au pairs

Only a few Member States³¹ reported changes regarding their legislation / policy towards au pairs in 2017. Changes were focused mainly on improving the quality of the au pair placement and on facilitating placement through simplification of procedures:

- In **Luxembourg** a bill was introduced into Parliament that aims to modify the Law on the reception of young au pairs. The bill foresees for instance that young au pairs must fulfil an additional condition, namely that the person cannot have a family connection with one of the members of the host family.³² Furthermore, Luxembourg's National Youth Service focused on improving the quality of the au pair placement in 2017. The Service aims to implement an online application

system in 2018 and to set up an agency to better match au pairs and host families;³³

- The **Netherlands** clarified policy rules for third-country nationals who reside in the country based on a cultural exchange in the context of the Working Holiday Scheme (WHS) or the Working Holiday Program (WHP).³⁴ WHS and WHP are agreements with Canada, South Korea, Argentina, Australia and New Zealand respectively, on the basis of which youths in possession of the nationality of one of these countries, subject to certain conditions, may temporarily stay in the Netherlands to get acquainted with Dutch society and culture. The changes include that participants in these schemes may occasionally work as a supportive activity to their holiday. The employer is not required to have a work permit (TWV) in their possession for performing occasional work. Furthermore, the European Voluntary Service has been included as a form of exchange in the policy rules for cultural exchange;
- **Finland** planned introducing a residence permit to au pairs. A legislative proposal was circulated for comments at the end of the year. In the **Czech Republic, Estonia, France** the transposition of the EU Directive 2016/801/EU is planned for 2018.

1.2.1.6. Other remunerated workers

In addition to the categories identified above, measures to facilitate labour migration of third-country nationals mainly in shortage occupations as well as from specific third countries where there is either a an influx of certain nationals (e.g. due to conflict), geographical proximity to a third country or a long standing immigration tradition have been established by several Member States.³⁵

- In **Lithuania**, since 1st January 2017³⁶, simplified procedures have been introduced in respect of third-country nationals posted temporarily (for a period of up to 1 year) to Lithuanian enterprises (the requirement to obtain a work permit does not apply). Temporarily posted third-country nationals are issued a national visa, rather than a temporary residence permit;
- In **Luxembourg**, an agreement with Cape Verde regulates the exchange of young professionals to gain work experience in the health, social, agricultural, artisanal, industrial, commercial sector or in a liberal profession. The exchange is limited to ten people from each country per year and can last between three and eighteen months.³⁷

Additionally, the Law of 8th March 2017 modifying the Immigration Law introduced a mechanism for continuation of activity, which allows registered entities situated in a

27 Cabinet Regulation No. 300 "Amendments to the Regulation No. 564 "Regulation Regarding Residence Permits", adopted on 21 June 2010", adopted on 6 June 2017. - Latvijas Vēstnesis No. 114, 08.06.2017 - (came into force on 09.06.2017)

28 Project plan of an innovative character around 5 – 10 pages long should include these requisites: professional qualification of the applicant or the project team, description of the innovative product/process/services, aims and timeline of the project, description and analysis of the market situation, determination of the targeted customers and consumers, financing and budgeting, strengths and weaknesses of the innovative project plan, as well as other information. Available at: <http://www.economy.gov.sk/inovacie/podnikatelsky-zamer-na-realizaciu-inovativneho-projektu>, (consulted on 13.2.2018)

29 Starting in July 2017, the subsistence minimum for a mature individual is €199.48 per month.

30 Government Proposal HE 129/2017 vp. The legislation was confirmed in January 2018 and will be looked at in more detail in the Annual Report of 2018.

31 Including CZ, EE, FI, LU, NL,

32 Bill n°7188 modifying 1) the amended Law of 29 August 2008 on the free movement of people and immigration, 2) the Law of 18 February 2013 on the reception of young au pairs, introduced on 29 December 2017 Art.3, pp. 100-101. Bill hereafter Bill n°7188 modifying the Immigration Law

33 Information provided by the National Youth Service on 19 December 2017

34 Decree of the Minister of Migration of 28 November 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/12, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 69763.

35 Including CZ, EL, FI, IE, LT, LU, LV, NL, PT, SI, SK

36 Law No XII-2609 of 14 September 2016 amending Republic of Lithuania Law No IX-2206 on the Legal Status of Aliens

37 Law of 20 July 2017 approving the agreement between the State of the Grand Duchy of Luxembourg and the Republic of Cape Verde on the concerted management of migratory flows and solidary development, made in Luxembourg on 13 October 2015, Articles 5.1 and 5.4. Hereafter Agreement with Cape Verde.

third country to continue their activities on Luxembourgish territory if a major incident (geopolitical incident, data processing incident or natural disaster) occurred in the country of origin;

Throughout 2017, bilateral agreements were established between **Portugal** and other States, namely India, Moldova, Cape Verde and Ukraine, on the exercise of remunerated professional activities in Portugal by dependents and/or family members of diplomatic, administrative and technical staff of diplomatic and consular missions;

The **Slovak Republic** created a specific group of third-country national employees, who provide vocational trainings, for so called 'Strategic Service Centres'³⁸. These can carry out their activity for 90 days without a work permit and their applications for temporary residence for the purposes of employment are processed in the shorter 30-day deadline.³⁹



1.2.2. Satisfying labour market needs

Measures corresponding to needs in the labour market have been adopted in several Member States⁴⁰ where mainly quotas for certain professions to correspond to the gaps in labour markets have been implemented. Additionally, Member States signed bi-lateral agreements with third countries to attract necessary labour, and in some cases the access for certain citizens was restricted. The points below exemplify these developments:

- In the **Czech Republic**, a new migration project on 'Special Procedures for Ukrainian Workers in Agriculture and Food Industry', in which also unskilled workers can participate was launched on 1st January 2018. Moreover, the quota for the project created for medium and low skilled workers from Ukraine was increased from 3 800 to 9 600 migrants and will probably be further enhanced in 2018;
- In **Lithuania**, amendments to the Law on the Legal Status of Aliens which entered into force on 1st January 2017 have introduced facilitated entry procedures for third-country nationals who are included on the shortage occupations list by economic activity⁴¹ (for example, drivers of international freight vehicles, welders, metal hull assemblers, etc.).
- In **Croatia**, the total quota for employment of third-country nationals in 2017 was set at 7 026 permits, including the permits for new employment (5 211) and for the extension of already issued work permits (1 800). An additional 15 work permits for seasonal work was also set, having in mind the situation on labour market.
- In **Italy**, the total quota for third-country nationals was set at 30 850 – divided between 13 850 permits for subordinate or self-employment (for those already residing on the national territory with residence permits for other purposes, i.e. seasonal work, study, vocational training, long-term residence in another Member State) and 17 000 for seasonal workers.
- In **Ireland**, new Employment Permits Regulations which commenced on 3rd April 2017,⁴² provided for changes to the Highly Skilled Eligible Occupations List (HSEOL) (which includes occupations which are eligible for critical skills employment permits) and the Ineligible Categories of Employment List (ICEL) (which lists occupations deemed ineligible for employment permits).⁴³ Additionally, a review was planned of policies underpinning the employment permits regime to ensure it remains supportive of Ireland's current labour market needs, in the light of strong economic and employment growth. This review will take place in 2018.
- In **Malta**, the public employment services Jobsplus started accepting applications for part-time employment for third-country nationals who are already in possession of a Single Residence/Work Permit or an Employment Licence. Third-country nationals who are in primary employment may now also take up part-time work, subject to the issuing of a secondary Employment Licence. These applications may be exempt from aspects of the labour market test.
- The **Netherlands** have restricted access to the labour market for Japanese citizens, who as of 1st January 2017 may require a work permit. Those Japanese citizens who are already in possession of a residence permit with an employment status "no employment restrictions, work permit not required", keep this residence permit as long as it is valid. Applications received on or after 1 January 2017 for a (new) residence permit will be assessed according to the generally applicable policy on grounds of the Foreign Nationals Employment Act (Wav).⁴⁴
- In **Portugal**, throughout 2017, several changes were introduced to the Law on Foreigners impacting the admission of citizens from third countries. In July changes were introduced to the concession requirements of a residence permit for the exercise of professional activities. These refer to the inclusion of the promissory work contract in the conditions for exemption of a valid residence visa. Furthermore, a distinction between the exercise of teaching, highly qualified or cultural activities and the exercise of research activity was introduced.
- In **Slovenia** employment for third-country nationals in shortage occupations including welder, driver, CNC

38 The Act on Investment Aid defines a Strategic Service Centre as a place in which the investment assistance beneficiary provides high-added value services which promote the employability of qualified specialists in the centres developing computer programmes, specialist implementation centres, centres preparing modified state-of-the-art technology and customer support centres. The centres work mostly in finance, purchase, IT, human resources and customer care. The list is managed by the Ministry of Economy which will regularly send it to the Ministry of Interior.

39 Source: <https://www.minv.sk/?tlaocove-spravy&sprava=poslanci-schvalili-zmeny-v-cudzineckom-zakone> (consulted on 17/1/2018).

40 AT, HR, EL, EE, ES, FR, IE, LT, LU, LV, MT, NL, SE, SK, UK

41 Order No V-945 of the Director of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of 15th December 2016 on Determination of Criteria for Inclusion on the Shortage Occupations List of the Republic of Lithuania

42 Employment Permits Regulations 2017, S.I. No. 95 of 2017

43 The Regulations introduced temporary exemptions from the ICEL list in respect of HGV drivers with a category CE or C1E driving licence (maximum quota of 120 general employment permits) and in respect of meat de-boners (quota of 160 general employment permits). In respect of HGV drivers, it was announced in November 2017 that permits could be granted to holders of mutually recognised licences for a period of up to two years. Mutual recognition agreements for licences were in place with South Africa, Australia, Japan and South Korea.

44 Treaty Series 2016, 81.

machinist, electrician and wood maker is easier as these are not subject to the labour market test;

- In **Sweden**, in December 2017 it was decided that the Swedish Migration Agency may not revoke a residence permit for work in cases where an employer has corrected previous deviations from the requirements (e.g. salary on par with relevant collective agreement, correct insurance coverage etc.). The decision was made in wake of a political debate regarding third country nationals – many of them working within the growing IT-sector – who had their residence permits revoked due to minor deviations by their employers from the requirements for work permits.
- In the **United Kingdom**, changes to Tier 2, the route for skilled non-EEA workers, include: increasing the salary requirement for the majority of workers with specific skills, training or knowledge i.e. scientists, engineers, IT professionals to £30,000 (from £20,800), with exemptions for some health and education professionals; and applying an ‘immigration skills charge of £1,000 per Tier 2 worker per year to fund training for UK residents. The charge is levied on employers that employ migrants.



1.2.3. Efforts to avoid ‘social dumping’ and erosion of labour standards

In 2017, measures to tackle social dumping were adopted in several Member States⁴⁵ and Norway. The measures mainly include examples of either legislative or policy changes that provide more support against social dumping (e.g. provisions in laws or practical guidelines as part of policy documents). The following examples show the main measures mentioned:

- **Austria** extended the validity of the Red-White-Red Card from 12 – 24 months in the course of amendments to the Act Governing the Employment of Foreigners and the Settlement and Residence Act in order to counteract wage and social dumping.⁴⁶ The extended validity provides a longer period for assessing whether admitted workers are in fact employed in accordance with admission requirements;⁴⁷
- In **Belgium**, measures were adopted at federal and regional level. At federal level, a manual was developed with practical guidelines to fight social dumping in the framework of public contracts and concessions.⁴⁸ Additionally, a charter with commitment proposals for the contracting authorities was developed, which is mandatory to use for the federal authorities.⁴⁹ At the regional level, for example in the Walloon Region, a series of tools to address the phenomenon of social dumping on public construction sites was developed;⁵⁰

- The amendments to the Foreigners Act in **Croatia** in 2017 included provisions regarding posted workers in order to be better aligned with Directive 2014/67/EU, such as an explanation of the rights of posted workers in relation to protection of their rights. Additionally, the Ministry of Labour aims to implement the project: “Strengthening Policies and Capacities for Reducing Undeclared Work (Black Work)” in 2108, which will entail a campaign aimed at strengthening public awareness of the negative effects of undeclared work. Further, the Ministry of Labour and Pension System plans to start a campaign in 2018 aimed at strengthening public awareness of the negative effects of undeclared work;

- In the **Czech Republic**, changes for agency employment in the Employment Act in 2017 foresee more strict criteria for granting such permits, to protect temporary workers, as well as establishing clearer rules in relation to the employees under such permits. Furthermore, the concept of an “unreliable employer” was introduced (in the amendment of the Alien Act), preventing employers who systematically fail to comply with their obligations from employing third-country nationals;

- In **France** the national plan to combat illegal work 2016-2018 was implemented, with the aim to reinforce the fight against illegal work and fraud in the posting of workers to France in the framework of international services. Furthermore, the legal framework to combat illegal work and unfair social competition was updated in 2017, including Decree No. 2017-825 of 5th May 2017 on strengthening the rules to combat the provision of illegal international services. **France** also created the construction industry card. This tool enables professionals of this sector and inspection officers to more effectively combat illegal employment and unfair social dumping in the construction sector ;

- In **Ireland**, 131 applications were approved for non-EEA workers in the Irish fishing fleet under the Atypical Worker scheme in 2017.⁵¹ At the same time 19 potential victims of human trafficking were identified in the fishing industry in 2017. All have been offered services under the National Referral Mechanism and are assisting An Garda Síochána with investigations.⁵²

Also, in May 2017, the Workplace Relations Commission (WRC) submitted to the International Labour Organisation (ILO) a *Report on WRC Enforcement of the Atypical Worker Permission Scheme in the Irish Sea Fishing Fleet*, which detailed the WRC’s enforcement of the sector since February 2016. A targeted WRC operation, *Operation Trident*, took place from 29th to 31st March 2017 involving unannounced inspections at several fishing ports. WRC inspectors carry out inspections for the purposes of monitoring and enforcing

45 Including AT, BE, ES, FR, HR, CZ, IE, LT, LU, MT, NL, NO, SK

46 Federal Ministry of Labour, Social Affairs and Consumer Protection, Stöger: Weitere Verbesserungen bei Rot-Weiß-Rot-Karte. Press Release, Vienna, 28 February 2017, available at www.sozialministerium.at/site/Service_Medien/Presse/Presseausendungen/Stoeger>Weitere_Verbesserungen_bei_Rot_Weiss_Rot_Karte (accessed on 13 December 2017).

47 Act Governing the Employment of Foreigners, General Social Insurance Act, Amendment, Government Proposal - Explanatory Notes, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/II_01516/fname_618784.pdf (accessed on 4 January 2017).

48 See: <http://www.publicprocurement.be/fr/documents/guide-de-lutte-contre-le-dumping-social-dans-les-marches-publics-et-les-concessions-0>

49 Circular on the fight against social dumping in public contracts and concessions, BG, 17 July 2017, http://www.etaamb.be/fr/circulaire-du-10-juillet-2017_n2017040340.html

50 See: http://developpementdurable.wallonie.be/sites/default/files/2018-01/Lutte%20contre%20le%20dumping_Guide3_2017_10_19.pdf

51 Department of Justice and Equality: Irish Naturalisation and Immigration Service, Immigration and Citizenship Policy Division, January 2018.

52 Department of Justice and Equality: Anti-Human Trafficking Unit, February 2018.

compliance with employment rights and employment permits legislation;⁵³

- In **Lithuania**, in 2017 the State Labour Inspectorate under the Ministry of Social Security and Labour (SLI) identified 90 illegally employed third-country nationals, of whom 63 were citizens of Ukraine and mainly employed in the construction industry. In 2017 EUROPOL organised a campaign targeting trafficking in human beings for forced labour, which also involved the SLI and the police. In 2017, joint inspections were organised in the construction sector;
- **Malta** signed a national agreement on the minimum wage in 2017, to preserve wage relativities and industrial relations, while addressing social inequalities;
- In **Norway** the government presented a revised strategy for combating work-related crime. The strategy includes 25 measures within 7 main areas: Cooperation with the social partners, Control and follow-up, Procurements, Knowledge, Information, International cooperation and more secure identity and identity management. The purpose of the revised strategy is a broad effort to prevent and combat work-related crime in different areas of working life, with measures also targeted at foreign workers;
- In **Portugal**, The ACT – Autoridade para as Condições de Trabalho (Portuguese Authority for Working Conditions) included in their Activity Plan for 2017 projects aimed at fighting undeclared labour, intervening within private agencies dedicated to worker placement and deployment, promoting the rights of vulnerable worker groups (where migrant workers are included), equality and non-discrimination when accessing employment, and preventing particularly serious conditions and detecting signs of human trafficking for labour exploitation, namely by developing inspection measures. Furthermore, in 2017, the French Ministry of Labour and the Portuguese Ministry of Labour, Solidarity and Social Security signed an administrative cooperation agreement concerning the deployment of workers and the prevention of undeclared labour. The ACT is one of the competent authorities in charge of enforcing the agreement.
- The **Slovak Republic** signed the *Protocol on Mutual Cooperation* in work and employment⁵⁴ in November 2017 with Serbia, as an increased number of Serbian nationals is working in the country, especially in unqualified or low-qualified jobs in manufacturing. Cooperation includes information exchange and shall prevent social dumping and concerns work and employment, social security, checks of temporary employment and posting, intermediary agencies as well as the work of inspectorates in checking the working conditions of workers.⁵⁵

- In **Spain**, the labour inspectorate intensified its efforts against social dumping, mainly in the catering, trade, construction, agriculture and professional services sectors which have been found to include greater numbers of foreigners in an irregular situation.

1.2.4. Other developments in economic migration

Several other developments were reported by Member States, mainly related to bi-lateral agreements and changes in application processes for residence permits, for example:⁵⁶

- In **Belgium**, in the framework of the transposition of the Single Permit Directive, the different competent Belgian entities (i.e. Federal State, Regions and German-speaking Community) agreed upon a cooperation agreement on the coordination of the policies on work permits and residence permits and the norms regarding the employment and residence of foreign workers. This cooperation agreement should be adopted by the different Parliaments in 2018.
- **Ireland** replaced the Garda National Immigration Bureau (GNIB) card with the Irish Residence Permit (IRP) as a registration card for third country nationals, from December 2017. The introduction of the card was accompanied by some changes to the administrative arrangements regarding registration.⁵⁷
- In the **Netherlands** changes to the renewal process of the *GVVA*, a combined residence and work permit were introduced. Employees who submitted their renewal application on or after 5th April 2017 can continue working for their employer under certain conditions, pending a decision on their application⁵⁸. Additionally, international trade regulations entered into force in 2017. These regulations make it possible for companies to bring foreign workers to the Netherlands on a temporary basis via a flexible procedure, for employment activities that are not in competition with the Dutch and EU workforce.⁵⁹ The Dutch government further aims to facilitate labour migration as labour migrants provide a viable contribution to the Dutch economy and society. This way the Netherlands aims to strengthen its competitive position and economy;
- **Slovenia** implemented the Act on Amendments to the Agreement on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia. The main changes include: elimination of the previous 30-day application at Employment Service of Bosnia and Herzegovina; easier change of employer when termination of employment in the first year of employment; establishment of a special procedure for the recruitment of already known candidates; clear establishment of mandatory 6-month suspension after expiry of the license;

53 Workplace Relations Commission (2017) Report on WRC Enforcement of the Atypical Worker Permission Scheme in the Irish Sea Fishing Fleet, available at: www.workplacerelations.ie

54 Protocol on Mutual Cooperation between the Ministry of Labour, Social Affairs and Family of the Slovak Republic and Ministry of Labour, Employment, Veterans Affairs and Social Affairs of the Republic of Serbia.

55 Information provided by MoLSAF SR.

56 BE, BG, EE, IE, LT, LU, LV, MT, NL, SI, SK, UK

57 Department of Justice and Equality: Irish Naturalisation and Immigration Service (11 December 2017) "Irish Residence Permit (IRP)." Registration updates and announcements. Available at: www.inis.gov.ie

58 For more information reference is made to: <https://ind.nl/nieuws/Paginas/Arbeidsmarktaantekening-bij-verlenging-GVVA.aspx>. Consulted on 8 January 2018.

59 Decree of the Minister of Migration of 21 June 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/5, comprising changes to the Aliens Act Implementation Guidelines 2000, Government Gazette 2017, 36329.

- In the **United Kingdom**, the Government commissioned the independent Migration Advisory Committee (MAC) to advise on the economic and social impacts of the UK's exit from the European Union and also on how the UK's immigration system should be aligned with a modern industrial strategy. The government has asked the MAC to report by September 2018. The UK Government has also announced that it is doubling the number of available Exceptional Talent visas to 2 000 per year, from January 2018, and will allow internationally recognised global leaders in the route to settle permanently after three years (down from five years).

1.3. STUDENTS AND RESEARCHERS

Member States reported that Directive 2016/801 of 11th May 2016 on students and researchers was transposed or is due to be transposed in their national legislation. The transposition of the Directive is expected to facilitate intra-EU mobility of students and researchers and to simplify and streamline admission requirements.

In addition to the transposition efforts reported by Member States, in 2017, less than half of the Member States adopted additional measures related to the admission of students and researchers. The main measures planned or introduced in (Member) States and Norway to further facilitate the reception of third-country students and researchers aimed at:

- Enhancing labour market access during studies and after graduation;⁶⁰
- Facilitating and simplifying entry and stay conditions;⁶¹ and
- Measures to attract third-country national students, in some cases for specific third countries.⁶²
- The examples across Member States below show these measures in more detail.

Several (Member) States⁶³ planned or adopted legislative changes or rules to **facilitate access to the labour market for researchers and students during and after their period of study**.

With regard to the **right to work during studies**, Member States increased the working hours limit previously set:

- In **Austria**, the maximum number of working hours for school pupils and students was increased to 20 hours per week and a labour market test is no longer required for pupils and students;
- In **Lithuania**, students are now able to take up employment (up to 20 hours per week) in the first year of studies and the requirement to obtain a work permit no longer applies (including labour market test);
- In **Luxembourg**, the bill n°7188 modifying the Immigration aims to extend the number of hours a third-country national student is permitted to work from 10 hours to 15 hours;

- **Latvia** plans to allow students to work up to 40 hours per week during the summer season, whilst researchers will have unlimited access to the labour market. Access to the labour market (20 hours per week) is also planned for students and researchers within the framework of mobility programmes – a temporary residence permit or long-term visa issued by another EU Member State.

Some Member States also further facilitated the **right to stay after study to seek employment**:

- In **Austria** and **Portugal**, students have the right to stay after the completion of study for the purpose of finding employment for one year;
- In **Latvia**, the right to stay after the completion of study for the purpose of work is planned to increase from six to nine months;
- In **Luxembourg**, bill n°7188 modifying the Immigration Law intends to authorise students and researchers to stay in Luxembourg after their studies or research for a duration of nine months to find employment or create a business. The employment that the person wishes to take up must be linked to his or her academic training;
- In **Ireland**, the 'Third Level Graduate Programme' revised the rules allowing graduates to work while remaining in Ireland to seek employment and to apply for an employment permit. The revised scheme extends the duration of the residence permission available to postgraduate students and applies to the graduating classes of 2017 onwards. The new rules apply to graduates with a qualification at Level 8 or above of the National Framework of Qualifications (honours level bachelors' degree or above, awarded by a recognised Irish awarding body). Graduates at Level 8 can avail of a residence permission of up to twelve-months under the Scheme (subject to their overall time in the State as both a student and under this Programme not exceeding seven years), while graduates at Level 9 (postgraduate qualifications) may avail of a residence permission of up to 24 months (subject to their overall time in the State as both a student and on this Programme not exceeding 8 years). Qualifying persons under this Programme may work full time for the duration of their residence permission under the Programme.

With regard to **facilitating entry and stay conditions**, the following developments are set out below:

- In **Austria**, the National Qualifications Framework was introduced to enhance the transparency and comparability of Austrian qualification levels and allow greater mobility among trainees, students and teaching staff. Further, the Temporary Residence Permit for scientists, researchers and artists was replaced by the Settlement Permit – Researcher and the Settlement Permit – Artist. When meeting certain conditions, holders of such permits can apply to Permanent Residence – EU after five years. Family members of holders of the Settlement Permit – Researcher can apply for a Red-White-Red Card Plus, giving them unrestricted access to the labour market;

60 AT, BE, FI, IE, LT, LV, LU, PT

61 AT, CZ, EE, ES, FI, FR, IE, NL, UK

62 ES, FI, LU, LT, MT, NL, SK

63 AT, BE, ES, FI, IE, LT, LV, LU, PT

- The **Czech Republic** introduced a new project called 'Student Mode' whereby students get an appointment at the embassy at the earliest possible time.
- In **Estonia**, residence permit requirements and family reunification was facilitated for foreign students enrolled in degree programmes in Estonian academic and vocational universities. Amendments that entered into force in January 2017 also allowed third-country nationals with a doctoral degree to apply for a temporary residence permit for permanent settlement under simplified terms;
- In **France**, since 1st January 2017, foreign students no longer need to sit a medical exam at the French Office for Immigration and Integration and no longer need to present a medical certificate in support of their application for a residence permit. However, they are covered by preventive health monitoring in the higher education establishment within one year of their date of entry into France;
- In **Ireland**, a draft outline of legislation (Bill) including provision for the introduction of an International Education Mark (IEM) was approved by Government⁶⁴. The proposed introduction of the Mark follows from a commitment in the *International Education Strategy 2016 – 2020*. Under the proposed legislation, only educational providers who meet robust quality assurance procedures will be allowed to carry the Mark. In the interim, before the implementation of the IEM, the Interim List of Eligible Programmes (ILEP) continued to be administered in 2017 with the addition of a total of 929 programmes including both Higher Education and English Language (ELT) programmes⁶⁵;
- In 2017, **Italy** facilitated the application process for entry visas and residence permits for investors and persons establishing tax residence in the country to set up innovative start-ups, investment initiatives, or start advanced training, research activities in partnership with companies, universities, research centres and other Italian public or private entities. Similarly, **Spain** approved an agreement to facilitate entry and access procedures;
- In **Lithuania**, since 1st January 2017, a temporary residence permit for studies is issued for a period of two years instead of previously for one year. Similarly, in **Finland**, a draft proposal suggested to extend the period for both students and researchers to two years. In early 2017, **Sweden** began issuing residence permits valid for two years for PhD students from third countries;
- In the **Netherlands**, due to high rental prices and shortage of rooms for international students, a Housing Hotline was launched. International students can contact the Housing Hotline with queries and complaints about housing during their stay in the Netherlands;
- In the **UK**, several changes have been made to the Short-Term Study (STS) route to further regulate this admission route which will affect anyone wishing to come to the UK to study a short course of up to six

months, or an English language course of up to 11 months. The changes include introducing a definition of 'a course' to add more clarity; allowing students to remain in the UK for up to 30 days at the end of their study and reducing age eligibility from 18 to 16.

In addition to the measures to facilitate entry, specific measures to **attract international students** include:

- In the **Netherlands**, the pilot 'Incoming mobility of MBO-4' was launched in 2017 and will last until 2021. The pilot aims to assess whether this is an effective way to stimulate both funded and non-funded internationalisation within senior secondary vocational education. Within the three-year term of this pilot, up to 300 non-EU/EEA students can be offered the opportunity to undertake a full-time training programme in the Netherlands at a senior secondary vocational education level 4 (MBO-4) for a maximum period of one year instead of up to three months on a tourist visa. After three years a wider evaluation will be carried out. It will then be examined whether there is also a need for a long-term solution to stimulate internationalisation within MBO education.

With regard to **engagement with third countries**, the following measures were undertaken:

- In 2017, the work of *Study in Finland* (an international brand of Finnish higher education) concentrated on improving the influence of social media, increasing international visibility of Finnish higher education and supporting the personnel of Finnish higher education in international student recruitment. Study in Finland also supported the participation of Finnish embassies and Finnish Cultural Institutes in international student fairs in Japan, Indonesia, Thailand;
- **Lithuania** placed a strategic focus on students from the Eastern Partnership countries (Belarus, Ukraine, Moldova, Georgia, Azerbaijan, Armenia) and also countries in Asia or the Middle East (Asian countries cooperating within the ASEM framework). In 2017, Lithuanian higher education was promoted at the fairs organised abroad in Ukraine, Georgia, India, Japan, Azerbaijan and China;
- **Luxembourg** concluded an agreement with Cape Verde which foresees that Cape Verdean students can stay in Luxembourg to gain a first professional experience and under certain conditions can be issued a temporary "salaried worker" residence permit that is valid for two years;
- The **Slovak Republic** continued granting government scholarships for university education to Syrian refugees and students from countries affected by conflict (see also 8.1.1).

Other **new measures related to third-country students and researchers** included:

- In the **Czech Republic**, in 2017 a comprehensive internal and external evaluation of the Development Scholarship Programme started, with a view to the preparation of a new Strategy;

64 Department of Education and Skills (15 May 2017) "Bruton announces new powers for the higher and further education regulator" Press Release Available at: www.education.ie

65 Department of Justice and Equality: Irish Naturalisation and Immigration Service, February 2018.

- In **Luxembourg**, the Law of 8th March 2017 modifying the Immigration Law enables students to change their status to “salaried worker” or “independent worker” under certain conditions, in view of integrating into the labour market. The employment that the student wishes to take up must be linked to the obtained diploma;
- In the **Netherlands**, a ‘Market Information Tool’ was launched which enables comparison between various target countries for student recruitment. Marketing professionals can compare enrolments at their own institution with that in the Netherlands as a whole, and also with worldwide diploma mobility. The tool can support Dutch institutions in the recruitment of international students.
- In **Italy**, a new procedure for filing applications for family reunification and related residence permits was established in 2017 and will be completely digitalised in 2018. This innovation should allow each immigration desk to check accommodation and income requirements more quickly and issue the permit within 90 days;
- In **Latvia** the amendments to the Immigration Law plan to equate the time period for review of applications for residence permits of family members of EU Blue Card with the time period of review of applications of requesters of the EU Blue Card.

Some changes regarding the **maintenance requirements** as a condition for family reunification were also reported. In particular:

1.4. FAMILY REUNIFICATION AND FAMILY FORMATION

During 2017 the main measures introduced on family reunification and/or family formation by Member States and Norway included the following:

A **simplification of family reunification conditions and/or strengthening the rights of family reunification** was introduced in several Member States (AT, EE, HR, LT, LU, LV, NL), including removing of previous requirements.

- Legislative provisions in this regard were adopted or amended to facilitate the right of family reunification for certain groups of third-country nationals, for instance minor-aged children staying with grandparents in the **Netherlands**. In **Luxembourg**, the right to immediate family reunification, which was previously limited to certain categories, was extended to all sponsors who have a residence permit with a validity of at least one year, who have a perspective to obtain permanent residence and who fulfil the necessary conditions. Bill n°7188 modifying the Immigration Law foresees provisions to regulate family reunification of researchers in short- and long-term mobility;
- In the **Netherlands**, a new flex test on income requirements on admitting family members was introduced as of February 2017 in order to guarantee the integration of the arriving family member by testing whether the sponsor can bear financial responsibility for the family. The new rules also include a retrospective timeline of one year instead of three years as before. The sponsor’s income at the time of the application must be available for at least the next six months (instead of at least one year);
- In **Estonia**, amendments were made to the family reunification regulation, removing the requirement for the sponsor to have resided in Estonia for two years prior the application. Similarly, in **Lithuania**, an exemption from the requirement of two year residence in the country was extended to start up entrepreneurs and foreigners engaging in legal activities (business);
- In **Croatia**, third-country nationals’ family members of Croatian nationals, do not have to provide proof of means to support themselves;
- **Norway** reduced the income requirement in family immigration cases. From August 2017, the deadline for submitting an application for family reunification for refugees to be exempted from the subsistence requirement, was reduced to six months. Also, as of January 2017, both parties must be at least 24 years old in family formation cases, unless it is clear that the marriage or cohabitation relationship is voluntarily. Finally, as of July 2017, applications for family reunification of beneficiaries of international protection can be refused if the family is able to live safely in a third country with which the family’s overall connection is stronger than its connection with Norway, and when the sponsor has not yet been granted permanent residence in Norway;
- **Slovenia** reduced the level of required financial means for children third country nationals (76% of minimal national income for the first child) for the issuance of residence permits.

Member States introduced **legislative measures that restricted the provision of family reunification rights to beneficiaries of subsidiary protection**.

- **Germany** extended the transitional period for family reunification for beneficiaries of subsidiary protection, and thus family reunification will be suspended beyond 16th March 2018 for all those who were granted a residence permit for subsidiary protection purposes after 17th March 2016.
- Additionally, **Ireland** announced the Family Reunification Humanitarian Admission Programme in November 2017. The Programme proposes up to 530 places for immediate family members of persons from UNHCR-recognised conflict zones. The family members are to be immediate family members who fall outside the scope of the International Protection Act 2015 (whose definition of family member includes spouses, civil partners, children (under 18) of the sponsor and parents/siblings of the sponsor (if sponsor and siblings are under age 18)).



1.5. INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION

EMN NCPs continued during the reference period to provide national updates to the EU Immigration Portal section *What do I need before leaving?*, to ensure that information provision for legal migration remains accurate and up to date. Several Member States reported on their national policies and practices to improve the provision of information on the routes to and conditions of legal migration, mainly in the form of websites, targeting third-country nationals.⁶⁶ For example:

- In **Estonia**, the Estonian Police and Border Guard Board launched a Migration Advice Service,⁶⁷ which offers information and guidance about application processes and requirements;
- **France** has set up a multilingual portal, France-Visas, which will allow the applicant to consult information useful to the applicant's travel plan and to apply for an online visa;
- In **Latvia**, the Ministry of Economics, in cooperation with the Investment and Development Agency of Latvia and the Office of Citizenship and Migration Affairs in August 2017 have prepared an informative road map in English about the application procedure for residence permit with the rights to employment for third-country nationals.⁶⁸ Furthermore, In September 2017 the State Employment Agency together with EURES⁶⁹ organised a campaign "On the way to employer through Baltic states", during which the representatives of the State Employment Agency together with representatives of the Office of Citizenship and Migration Affairs visited employers at their site to discuss with companies the issues related to employment of third-country nationals;⁷⁰
- In the **Slovak Republic**, the IOM Migration Information Centre launched the *VisaCheck*⁷¹ web application for foreigners who want to find out what kind of visa and residence they need to enter the Slovak Republic as well as which entry conditions apply to them.⁷²
- The Education in **Ireland**⁷³ website promotes third level education opportunities for international students, including third country national students. Education in Ireland and participating colleges continued to

participate in international education fairs throughout 2017, including in China⁷⁴, Malaysia⁷⁵, Nigeria⁷⁶, India⁷⁷ and Thailand;⁷⁸

- In **Spain**, the Strategy for the Internationalization of the Spanish Economy 2017-2027 was approved by the Council of Ministers. It includes among its measures the promotion of the international mobility to Spain, which are carried out through the Residency Program for Investors and Entrepreneurs (PRIE) offering information to investors, entrepreneurs, highly qualified professionals, researchers and intra-corporate transferees in several languages: Spanish, English, Portuguese, Russian and Chinese. Additionally, the General Secretariat of Immigration and Emigration, of the Ministry of Employment and Social Security, provides information on their website about the procedures for investors, entrepreneurs, highly qualified professionals, researchers, intra-corporate transferees and family members of the above categories.

Additionally, some Member States have reported on cooperation with third countries:

- The Ministry of the Interior of the **Czech Republic** financially supported the translation, production, distribution and promotion of a film and of an information brochure called "How do I do this?" This material contains basic information about legal migration conditions to the Czech Republic.
- In **Latvia**, officials of the Office of Citizenship and Migration Affairs participated in the International Education Exhibition within the framework of the EU project "Support to the Implementation of the Mobility Partnership with Azerbaijan".⁷⁹ They consulted the persons willing to study about the requirements for entry and stay in Latvia.⁸⁰



1.6. LONG-TERM RESIDENCE AND INTRA-EU MOBILITY OF LEGALLY RESIDENT THIRD-COUNTRY NATIONALS

Several (Member) States and Norway have reported on new or planned laws and policies aiming to regulate and harmonise access to **long-term residence**⁸¹ and **intra-EU mobility**⁸².

66 BE, CZ, EE, ES, FR, IE, IT, LT, LU, LV, PT, SI, SK

67 www.migrationadvice.ee

68 <http://workinlatvia.liaa.gov.lv/>

69 European Employment Services Network.

70 Source: The Office of Citizenship and Migration Affairs.

71 Available at: <http://mic.iom.sk/visacheck/en/home/> (consulted on 17/1/2018).

72 Source: <http://www.iom.sk/pre-media/tlacove-spravy-a-clanky/903-ts-uzitocna-aplikacia-o-vizach-a-pobyte-na-slovensku> (consulted on 17/1/2018).

73 Enterprise Ireland manages the Education in Ireland national brand under the authority of the Minister for Education and Skills. Enterprise Ireland is responsible for the promotion of Irish higher education institutions overseas. See www.educationinireland.com

74 The China Education Expo, October 2017. See www.educationinireland.com

75 The Star Education Fair, Malaysia, 2017. See www.educationinireland.com

76 Education in Ireland Fairs, Nigeria, September 2017. See www.educationinireland.com

77 Education in Ireland Fairs, India, February and November 2017. See www.educationinireland.com

78 The OCSC International Education Expo 2017, Thailand. See www.educationinireland.com

79 One of the purposes of the MOBILAZE project in the area of legal immigration is to improve awareness of the society of Azerbaijan about the mobility possibilities between the EU and Azerbaijan.

80 Source: The Office of Citizenship and Migration Affairs.

81 AT, HR, SE and SK

82 BE, CZ, HR, LU, SK

Four Member States⁸³ introduced amendments to their legislation concerning application procedures or renewal of a permit **to facilitate access to long-term residence**. The changes include facilitating access to LTR for certain categories,⁸⁴ streamlining calculating of the five years period,⁸⁵ easing admission conditions⁸⁶ and facilitated access to equal treatment⁸⁷.

- In **Austria**, legislative amendments entered into force whereby researchers, artists and certain groups falling under “special cases of dependent gainful employment” are granted a residence title to settle in Austria and can later receive a permanent residence title (Permanent Residence – EU);
- In **Croatia**, the type of temporary residence permits and residence and work permits that will not be taken into account for the purposes of calculating the period of five years of legal and continuous residence were broadened. Similarly, in **Luxembourg**, a bill planning to amend the Immigration Law intends to stipulate that the duration of stay as a seasonal, detached or transferred worker will not be taken into account for the long-term residence status;
- In **Croatia**, third-country nationals who apply for EU long-term residence are no longer required to prove knowledge of the Croatian culture and the social system of the Republic of Croatia by filing a questionnaire in the permanent residence application procedure. However, they still have to prove that they have knowledge of the Croatian language and Latin script;
- In **Sweden**, it is no longer required that a third-country national has a permanent residence permit in order to be granted the status of a long-term resident;
- In the **Slovak Republic**, access to employment services for long-term residents from third countries was equalised to Slovak and EU citizens allowing them to be registered as job seekers at the relevant labour office which will provide them with information and counselling services.

With regard to intra-EU mobility, measures to facilitate intra-EU mobility have been implemented:

- In **Belgium**, family members of third-country nationals who hold a long-term resident status in another Member State and currently reside in Belgium are exempted from the requirement to obtain a work permit when the long-term resident is himself/herself exempted from this requirement;
- In **Croatia**, in order to clarify the situation of labour access in the Republic of Croatia of EU long-term resident granted such residence by other Member States, the provision now clearly states that such third-country national shall be issued with the residence and work permit outside annual quota;
- **Luxembourg** started work on provisions to simplify the intra-EU mobility of students who follow an EU programme, a multilateral programme, or who are associated to a convention between two establishments

of higher education. The Law of 8th March 2017 furthermore introduced the concept of short- and long-term mobility for intra-corporate transferees.



1.7. OTHER MEASURES ON LEGAL MIGRATION SCHEMES

Other measures reported by (Member) States include allowing legal stay in exceptional circumstances/valid reasons⁸⁸; regulation for certain specific categories of third-country nationals e.g. ministers of religion (IE) military persons (LV) and interns (LU) and regulating so-called holiday programmes with third countries⁸⁹:

- In **Belgium**, a law composed of two parts introduced new residence conditions in the Immigration Act: 1) certain third-country nationals will need to provide evidence of their willingness and efforts to integrate into society (where “reasonable efforts” are not made, the Immigration Office may take this into account when making a decision on ending the third-country national’s residence permit (this part entered into force in 2017); 2) certain third-country nationals applying for a residence permit will need to sign a declaration indicating that they understand the fundamental values and norms of society and will act accordingly (this part has not yet entered into force).
- In **Austria**, third-country nationals can apply for a visa on account of “exceptional circumstances” before the legal stay has expired. Such exceptional circumstances include humanitarian grounds, grounds of national interest and international obligations. Similarly, in **the Netherlands**, a regular residence permit can still be granted after the expiry of a temporary permit if the person has had valid reasons;
- In **Ireland**, the Irish Naturalisation and Immigration Service announced that the Immigration Scheme for admission of Ministers of Religion and Lay Volunteers would be closed for the first three months of 2018, pending preparation of a new scheme with revised conditions of entry. The new procedure will include a pre-clearance applicable to all applicants;
- **Italy** has introduced an exemption from the obligation to present a passport or other equivalent document, if not available, for issuing a residence permit for minors;
- In **Latvia**, changes in legislation introduced a certification for stay for military persons, being in the employment of the North Atlantic Treaty Organisation (NATO) and the EU Member States as well as civilians employed by armed forces and their dependants in Latvia;
- In **Luxembourg**, provisions regulating the authorisation of stay of interns were amended. It is foreseen that an “intern” authorisation of stay will be valid for six months at most provided that a set of conditions

83 AT, HR, SE and SK

84 AT

85 HR, LU

86 HR, SE

87 SK

88 AT, NL

89 LU, SE, SK

are fulfilled. Two agreements on work and travel also entered into force,⁹⁰ – on 1st January, between Luxembourg and Australia, and on 9th May, between Luxembourg and New Zealand.⁹¹ These agreements allow 100 people (for the agreement with Australia) and 50 people (for the agreement with New Zealand) respectively, between the age of 18 and 30, to work, study and travel in the other country for a duration of 12 months. In addition, an agreement between Luxembourg and Cape Verde foresees that individuals from both states can undertake non-remunerated professional internships in a company or a recognised professional organism in both countries;

- **Sweden** signed Working Holiday Agreements with Argentina and Hong Kong. Citizens of these countries, aged between 18 and 30, can apply for a permit that allows them to live and work in Sweden for up to one year without a job offer;
- The **Slovak Republic** was preparing a working holiday programme with Argentina and the quota within the existing working holiday programme with Canada was increased on both sides to accommodate the higher number of persons interested in the programme.

1.8. SCHENGEN GOVERNANCE

(Member) States reported on new measures to support Schengen governance during the reporting period. These involved:

- Actions related to the introduction of temporary border controls;⁹²
- Actions related to the Schengen Evaluation and Monitoring Mechanism;⁹³ and
- Changes in national legislation and its implementation.⁹⁴

Austria, Germany, Norway and Sweden reported on **prolonging temporary border controls** in line with the Schengen Borders Code beyond mid-November 2017⁹⁵ and until mid-May 2018⁹⁶. These controls were carried out in Austria at the border with Hungary and Slovenia, in Sweden at the border with Denmark, in Germany at the border with Austria as well as on flights from Greece to Germany, and at Norwegian ports with ferry connections to Denmark, Sweden and Germany.

Three Member States reported on the effects of Schengen Evaluation and Monitoring carried out in 2017.

- Following the recommendations from the Schengen evaluation, **Belgium** drew up relevant action plans and progress reports;

- **Czech Republic** reported that the border with Germany was evaluated in March 2017: the evaluation report did not identify any deficiencies and no recommendations were given to the country;
- In **Spain**, several periodic Schengen evaluations were conducted in 2017, including on external borders, data protection, return, police cooperation, SIS-SIRENE and visas.
- During 2017, **Sweden** reported that it was subject to Schengen evaluations covering all aspects of the Schengen acquis. Recommendations based on the findings of these evaluations are expected at the beginning of 2018, while measures to comply with the recommendations will be taken in the course of 2018.

The following Member States reported new legal changes:

- **Croatia** reported that, in 2017, actions in this area were focused on its future entrance to the Schengen area. In January 2017, the use of funds from the Schengen Financial Instrument was completed and in June Croatia joined the Schengen Information System. An evaluation of the application of the Schengen acquis was undertaken in 2017 on national developments;
- **Latvia** and the **Netherlands** reported developments with regard to the implementation of the Schengen Borders Code, meaning that systematic checks are now carried out both on entry and exit for both citizens of third countries and persons exercising their right of free movement;
- **Sweden** reported that designated authorities are preparing the implementation of Regulation 2017/2226 establishing an Entry/Exit System (EES).

1.9. VISA POLICY

Several (Member) States⁹⁷ reported on developments in their visa policy. The VIS went fully operational in some Member States.⁹⁸ In addition:

- In **Croatia**, as of 11th June 2017, citizens of Ukraine, holders of biometric passports, do not need a visa to enter Croatia;
- **France** has developed as from 10th October 2017 a multilingual portal, France-Visa, which proposed a teleservice for submitting visa applications online and making appointments. Moreover France has continued the extension of the “visa in 48 hours” in new countries, to improve the conditions of visa applications;
- In June 2017, **Ireland** added Georgia and Ukraine to the list of countries whose nationals are required to hold a transit visa.⁹⁹

90 Press release on [gouvernement.lu](https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2017/01-janvier/09-work-travel.html), 100 jeunes luxembourgeois et 100 jeunes australiens peuvent profiter de l'arrangement «work and holiday visa» entre les gouvernements australien et luxembourgeois à partir du 1er janvier 2017, 9th January 2017 [accessed 6th April 2018 https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2017/01-janvier/09-work-travel.html]

91 Press release on [gouvernement.lu](http://www.gouvernement.lu/6839518/28-working-holiday-visa), 50 jeunes néo-zélandais peuvent profiter à partir du 9 mai 2017 de l'arrangement «working holiday visa» conclu entre les deux gouvernements, 28 mars 2017 [accessed on 11th December <http://www.gouvernement.lu/6839518/28-working-holiday-visa>]

92 AT, DE, NO, SE

93 BE, CZ, ES, SE

94 HR, LV, NL, SE, SK

95 DE, NO, SE

96 AT

97 Including BE, CZ, EL, FI, FR, HR, IE, IT, LT, LU, LV, PT, SI, SK, NO

98 ES, LV, FR

99 Immigration Act 2004 (Visas) (Amendment) Order 2017 (S.I. No. 264 of 2017).

- As of 2017, **Italy** has introduced a visa waiver agreement for short-term stays for Georgian citizens with biometric passports. A new tourist (including visits to family and/or friends) visa sub-category was included to improve the assessment of the reasons for entry and to ensure an effective control on third-country national tourists' flows;

Two Member States¹⁰⁰ reported cooperation with third countries, including China, India, Iran, Lebanon and the Philippines. Certain Member States¹⁰¹ and Norway continued to outsource the reception of visa applications to external service providers.

100 CZ, FR

101 BE, LU, FI, FR

2. INTERNATIONAL PROTECTION INCLUDING ASYLUM

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, on international protection including asylum. The first section elaborates on the implementation of the common European Asylum System (CEAS) and related policy developments (section 2.1) while the following sections outline the main developments in Member States and Norway. Notably, this section analyses changes in legislation, policy and practices introduced by (Member) States (section 1.2); then it looks at institutional changes (section 2.3); measures introduced to improve efficiency and quality of the national asylum systems (section 2.4); the challenges encountered during the reporting period (section 2.5) and finally, it describes the Relocation and Resettlement programmes implemented by (Member) States (section 2.6).

2.1. IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS) AND RELATED POLICY DEVELOPMENTS

In 2017, the total number of asylum applications in the Member States and Norway was 709 200¹⁰², showing a decrease of 43% compared to 2016. Nevertheless, the numbers were still higher than those reported in 2014, demonstrating that the asylum-related inflow in the EU (Member) States remained considerable. The monthly evolution in 2017 was much more stable compared the strong fluctuations witnessed in 2015 and 2016, which at the time put tremendous pressure on Member State asylum systems.

The number of registered asylum applications significantly decreased in 2017 most importantly in Germany, while

they slightly increased in Italy, France and Greece, as shown in Figure 2.2 below.

A total of 980 030 first instance decisions were issued (see Figure 2.3) in 2017, of which 447 650 were positive decisions, representing 45% of all decisions. The total numbers of first instance decisions and positive decisions both slightly decreased compared to 2016, when they amounted to respectively 1 106 480 and 673 060. The continued high numbers of decisions reflects, in most (Member) States, the processing of the large backlogs built up during 2015 and 2016.

Most first instance decisions were issued by Germany (524 185) followed by France (just above 100 000), Italy, Sweden and Austria which were all just below 100 000 (see Figure 2.4). In the case of Germany, 50% of all first instance decisions were positive (at 261 620). A similar percentage is found in Italy (40%) and Sweden (43%), while it is slightly higher in Austria (53%) and lower in France (29%).

In terms of EU policy and legislative developments, the co-legislators started their negotiations on the proposal for a recast Qualification Regulation.¹⁰³ Moreover, the European Parliament and the Council began discussions on the Commission proposal for the recast of the EURODAC Regulation¹⁰⁴ and for the recast Reception Conditions Directive.¹⁰⁵ Regarding the Asylum Procedures Regulation, negotiations are expected to start by mid-2018.¹⁰⁶

In addition, on 12th April 2017, the European Commission adopted a Communication on the Protection of Children in Migration, setting out recommendations of actions to be urgently undertaken by the Member States in order to strengthen the protection of migrant children.¹⁰⁷ To follow up the implementation of the recommendations, meetings were set up with experts on child justice and children in migration from the Member States, the European Commission and the EU agencies.¹⁰⁸

¹⁰² Eurostat data on asylum and first time asylum applicants [migr_asyappctza], last extracted on 5 April 2018.

¹⁰³ Proposal for a Regulation of the European Parliament and Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, 13 July 2016.

¹⁰⁴ Proposal for a Regulation of the European Parliament and of the Council 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], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast), 4 May 2016.

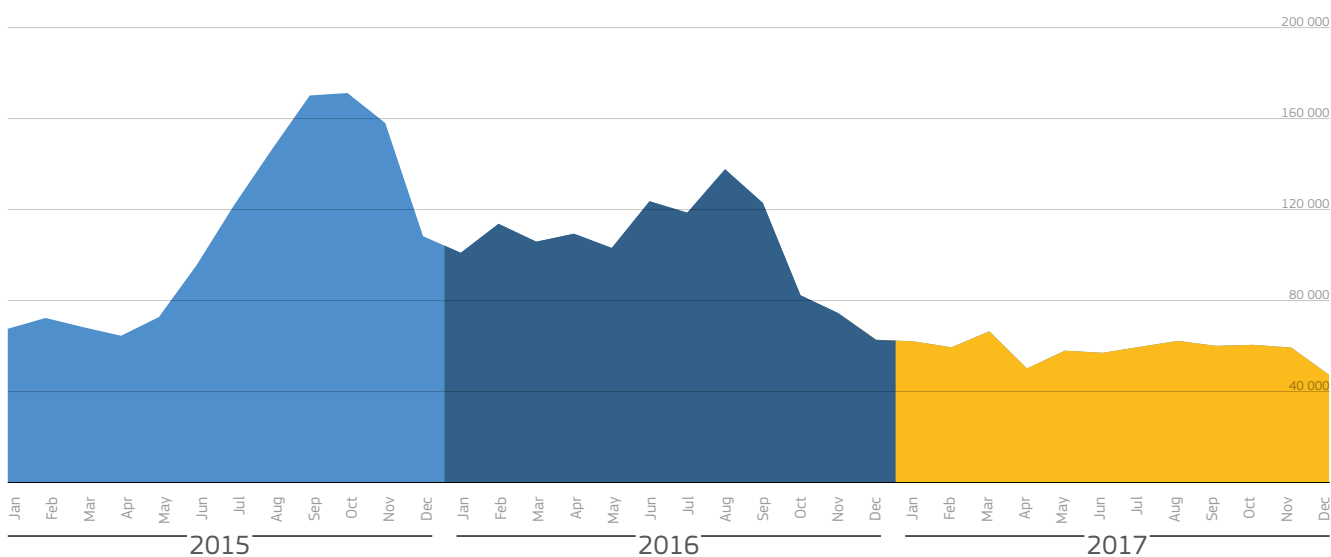
¹⁰⁵ Proposal for a Directive of the European Parliament And Of The Council laying down standards for the reception of applicants for international protection (recast), COM(2016) 465 final.

¹⁰⁶ Proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.

¹⁰⁷ Communication from the Commission to the European Parliament and the Council: The protection of children in migration, COM(2017) 211 final

¹⁰⁸ For more information, see: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/children-migration_en#documents.

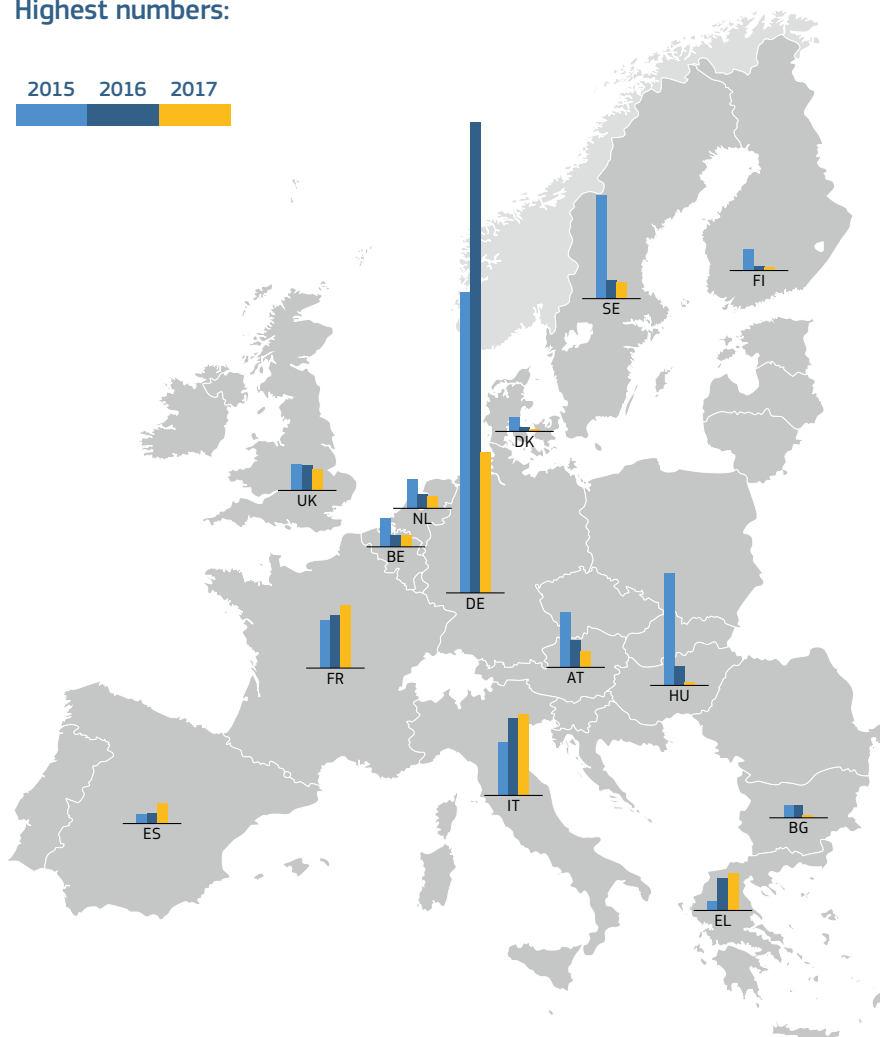
Figure 2.1 - Asylum applications in the EU 28: January 2015 – December 2017



Source: Eurostat (migr_asyappctzm), extracted: 05th April 2018

Figure 2.2 - Overview of Asylum Applications in EU Member State and Norway

Highest numbers:

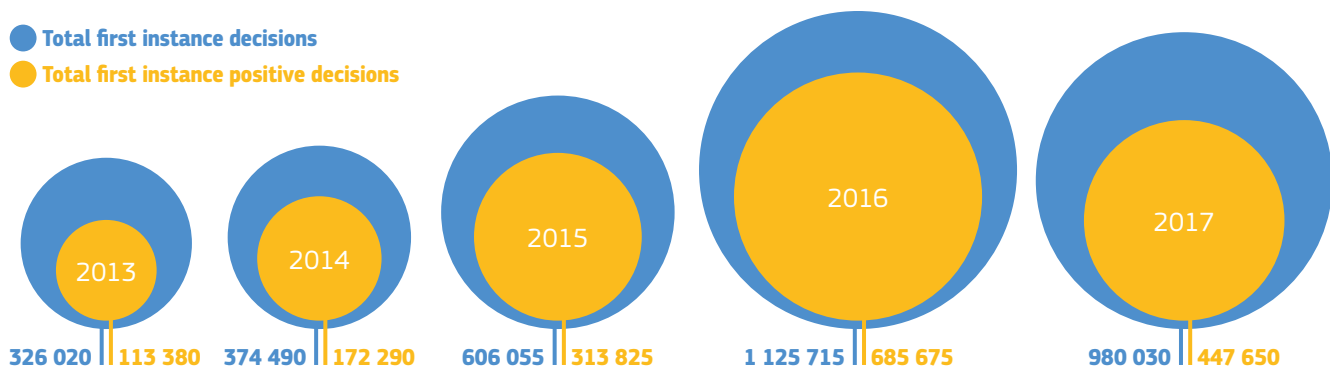


Entire list:

	2015	2016	2017
DE	476 510	745 155	222 560
IT	83 540	122 960	128 850
FR	76 165	84 270	99 330
EL	13 205	51 110	58 650
UK	40 160	39 735	33 780
ES	14 780	15 755	31 120
SE	162 450	28 790	26 325
AT	88 160	42 255	24 715
BE	44 660	18 280	18 340
NL	44 970	20 945	18 210
PL	12 190	12 305	5 045
FI	32 345	5 605	4 990
RO	1 260	1 880	4 815
CY	2 265	2 940	4 600
BG	20 365	19 420	3 695
NO	31 110	3 485	3 520
HU	177 135	29 430	3 390
DK	20 935	6 180	3 220
IE	3 275	2 245	2 930
LU	2 505	2 160	2 430
MT	1 845	1 930	1 840
PT	895	1 460	1 750
SI	275	1 310	1 475
CZ	1 515	1 475	1 445
HR	210	2 225	975
LT	315	430	495
LV	330	350	355
EE	230	175	190
SK	330	145	160

Source: Eurostat (migr_asyappctzm), extracted: 05th April 2018

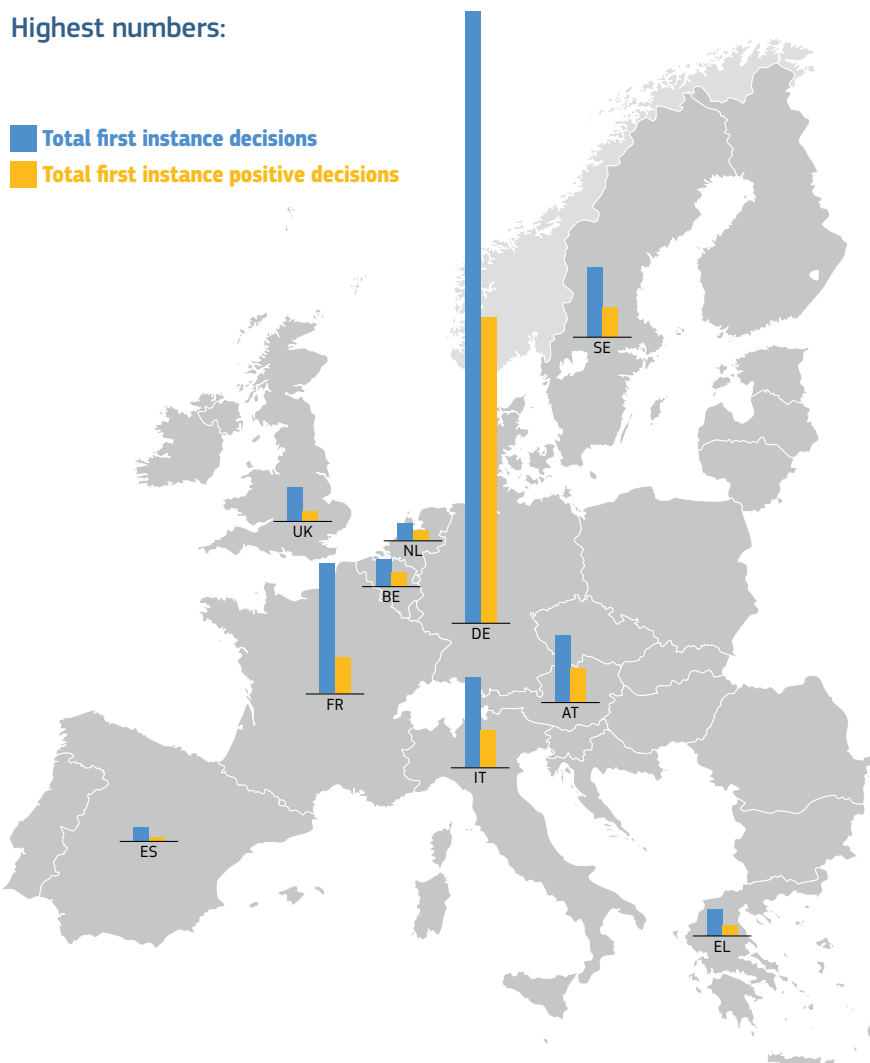
Figure 2.3 – Total first instance decisions on asylum applications and total positive decisions in first instance in EU + NO, 2013-2017



Source: Eurostat (migr_asydcfsta), extracted: 5th April 2018

Figure 2.4 – Total first instance positive decisions on asylum applications and total positive decisions in first instance in 2017

Highest numbers:



Entire list:

DE	524 185	261 620
FR	110 945	32 565
IT	78 235	31 795
SE	61 065	26 775
AT	56 285	30 000
UK	27 770	8 560
EL	24 510	10 455
BE	24 045	12 585
NL	15 945	7 810
ES	13 345	4 670
FI	7 180	3 430
DK	6 875	2 365
NO	6 700	4 770
HU	5 105	1 290
BG	4 740	1 695
CY	2 450	1 245
RO	2 065	1 245
PL	2 060	510
LU	1 715	1 125
CZ	1 190	145
MT	1 110	760
PT	955	500
IE	805	715
HR	475	150
LT	370	285
LV	360	265
SI	240	150
EE	155	95
SK	90	60

Source: Eurostat (migr_asydcfsta), extracted: 5th April 2018

Important case law was also developed. In relation to detention, two judgments of the European Court of Justice (CJEU) established precise conditions for detention in the context of the Dublin III Regulation, such as the obligation in national law to establish objective criteria to assess the risk of absconding during transfer procedures (C-528/15 Al Chodor)¹⁰⁹ and the grounds of detention of unidentifiable asylum applicants (C-18/16 K.).¹¹⁰ Furthermore the CJEU confirmed the responsibility of the first Member State of irregular entry to process the asylum application, even in the situation of crises.

Following the European Commission's recommendation of September 2017,¹¹¹ a new EU resettlement scheme targeting at least 50 000 persons by 31st October 2019 was launched and received a positive response from the Member States, with almost 40 000 pledges received so far from 19 Member States. This makes it the largest collective engagement on resettlement to date. Particular focus was placed on resettlement from priority regions such as Turkey, Jordan, Lebanon, and the African countries along the Central Mediterranean route.

Finally, the European Union Asylum Support Office (EASO) further developed and consolidated its operational support to frontline Member States Greece and Italy, notably by targeted trainings to ensure that high quality standards were met. However, no progress has been made regarding the EC proposal for a regulation on the European Union Agency for Asylum, which could enhance EASO's mandate.¹¹²

2.2. CHANGES IN LEGISLATION, POLICIES AND PRACTICES

Some (Member) States changed their legislation, often to comply with the (recast) Directives of the CEAS, thus introducing changes to the asylum procedure, reception conditions and the qualification of persons seeking international protection.

In **Belgium**, the Federal Parliament adopted on 9th November 2017 the Draft Law finalising the transposition of the Asylum Procedures Directive 2013/32/EU¹¹³ and the Reception Conditions Directive 2013/33/EU.¹¹⁴ The Law came into force on 22nd March 2018. Similarly, in **Bulgaria**, an ordinance on the conditions and procedures for concluding, implementing and terminating an agreement on the integration of foreigners with granted international protection was adopted by the Council of Ministers.¹¹⁵ The **Slovak Republic** amended the Act on Asylum¹¹⁶ also in order to transpose the recast Asylum Procedures Directive,

which should come into effect on 20th July 2018. Various changes affecting the procedure for granting international protection were introduced by the 2017 Act Amending the Aliens Law in **Austria**.¹¹⁷

In **Finland**, the legislative amendment 49/2017 on the residence obligation introduced a possibility of ordering an asylum applicant to live in and report to a certain reception centre. This can also be used as an alternative to the detention of an unaccompanied minor above the age of 15 who has received an enforceable return decision.¹¹⁸ In **Ireland**, new rules relating to certain types of applications for subsidiary protection came into operation from 2nd October 2017,¹¹⁹ taking into account a recent judgment of the CJEU.¹²⁰ In **Italy**, as of 2017 there have been changes to the international protection procedures (e.g. elimination of the second level of judicial review – before the Court of Appeal – in case of negative asylum decision at first instance – before the Territorial Commissions; creation of specialised immigration sections in tribunals and to their material competence assessment of the status of statelessness and of State of citizenship).



2.2.1. Access to the asylum procedure

Eight (Member) States introduced changes regarding access to the asylum procedure.¹²¹ In **Belgium**, for example, the new draft law implemented the concepts of making, registering and lodging an asylum application as described under Article 6 of the Asylum Procedures Directive into national legislation. It also emphasises the obligation for asylum applicants to present all necessary documents with regard to their identity, background, place(s) of residence and travel route. Similarly, in **Austria** the law was amended that relates to the applicants' duty to cooperate during the procedure. In **Czech Republic**, an amendment to the Act No. 325/1999 Coll. on Asylum includes the obligation to provide information on the sex of the asylum seeker, his/her family background including spouse and children at the time of lodging an application.

In **Greece**, the Reception and Identification Service was made responsible *inter alia*, for the screening, identification, and provision of accommodation and material reception conditions for third-country nationals entering the country without legal formalities, in accordance with Article 25 of the Presidential Decree 122/2017 of the Ministry of Immigration Policy.¹²² In **Germany** the collection of applicant data was optimised as part of the system of integrated identity management. Where applicants are unable to present original documents, the following IT systems among others were tested at BAMF branch offices for collecting applicant data, some of which are

¹⁰⁹ Available at: <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-528/15>

¹¹⁰ Available at: <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C.T.F&num=C-18/16>

¹¹¹ Commission Recommendation of 27.9.2017 on enhancing legal pathways for persons in need of international protection

¹¹² Proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, COM(2016) 0271 final.

¹¹³ 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 (recast)

¹¹⁴ Draft Law modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals and modifying the Law of 12 January 2007 regarding the reception of asylum seekers and other categories of foreign nationals, adopted in the Parliament on 9 November 2017, [DOC 54 2548/012](#)

¹¹⁵ Decree No. 144 of 9 July 2017.

¹¹⁶ Act on changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended

¹¹⁷ FLG I No. 145/2017.

¹¹⁸ Legislative amendment 49/2017 on the residence obligation, into force since 1 February 2017.

¹¹⁹ European Union (Subsidiary Protection) Regulations 2017 (S.I. No. 409 of 2017).

¹²⁰ Case C-429/15 E.D. v Minister for Justice and Equality and of the Irish Court of Appeal in the same case E.D. v Minister for Justice and Equality (No. 2) [2017] IECA 20

¹²¹ AT, BE, CZ, DE, EL, HU, LT, NL

¹²² The RIS is available at: <https://www.synigoros.gr/resources/docs/20171016-organismos-yp-met-pol.pdf> and <http://www.firstreception.gov.gr/content.php?id=4>

already in use: retrieval from mobile or smart-phone data storage media indicating identity and country of origin; a language analysis programme used to identify various regions of origin for speakers of Arabic; a name transcription programme which can identify the applicant's region of origin; and collection of biometric photos to allow IT assisted comparisons with existing photos.

Lithuania introduced a new practice which involves the preparation of a list of the countries whose citizens lodge the majority of applications for asylum in the EU. Once established that a third-country national in Lithuania comes from such a state, it is assumed that he/she may wish to enquire about / apply for asylum, and information about asylum procedures and rights is provided in a language they understand.

Two Member States improved the registration of applications, for example by increasing their capacity and use of fingerprinting,¹²³ or restricting the locations where applications could be lodged, such as in **Hungary**, where since March 2017 applications can only be made and lodged in person in dedicated transit zones in the Member State, such as Tompa and Röszke.

Belgium is setting up a separate registration centre which will be the unique registration point for applying for international protection, and is planned to open in 2019. In **Austria**, a residence restriction was introduced with the aim of accelerating asylum procedures.¹²⁴ Finally, in the **Netherlands**, the identification and registration procedure of asylum seekers has been modified so that the first identification process is executed by local branches of the national police, followed by monitored transportation to

the application centre. The renewed procedure will become operational in 2018.

In May 2017, **Sweden** decided to phase out its extra-territorial identity checks on persons travelling to Sweden on public transportation from Denmark. These ID-checks, which were carried out by public transportation operators in the border region between Denmark and Sweden, had originally been introduced in January 2016 to manage the flow of asylum seekers.



2.2.2. Reception of asylum applicants

Eight (Member) States reported changes to their capacity to accommodate asylum applicants.¹²⁵ As the number of new asylum seekers in 2017 decreased in most (Member) States, changes mainly concerned downscaling and adjusting reception capacities.¹²⁶ For instance in **Finland**, the number of reception centres for adults and families decreased drastically from 77 to 48 and units for unaccompanied minors from 49 to 8.

Other Member States, such as **France** and **Latvia**, were still in the process of expanding or improving their reception capacity. **France** envisaged the creation of more than 10,000 places by 2019, with a new draft law also envisaging a distribution mechanism by region. Other Member States planned the creation of specific reception facilities, such as the **Netherlands**, which set up two counselling and monitoring facilities at the end of the year to isolate asylum seekers causing a nuisance in reception centres.

Lithuania has approved the regulation allowing to accommodate asylum applicants at accommodation facilities or temporary housing thus enabling more flexibility in housing asylum seekers.

Sweden moved from granting permanent residence permits to issuing temporary permits to beneficiaries of international protection, which meant that several provisions concerning the reception and welfare of asylum seekers, included in the Swedish Reception of Asylum Seekers Act, had to be adapted in 2017. Other Member States also introduced changes to reception conditions. **Finland** started using payment cards to transfer financial benefits and (possible) earned income to asylum seekers, to be fully rolled out across the entire reception system in 2018. Other practices were introduced in reception centres, such as self-catering and communal cooking facilities in **Ireland**.

Two Member States made changes in the rules regarding labour market access to those seeking asylum. In **Austria**, asylum seekers admitted to the asylum procedure for a minimum of three months can now access the labour market without a work permit to perform "typical household duties in private households".¹²⁷

In **Sweden**, legal amendments were made to grant residence permits to young asylum seekers to continue their education at upper secondary schools even in the event of their asylum request being rejected. The Swedish Government also distributed extra funds to the municipalities to facilitate the stay of unaccompanied migrants who

In Ireland, a very significant judgment (NVH v Minister for Justice and Equality [2017] IESC 35) was made by the Supreme Court in relation to access to the labour market for asylum seekers. The case concerned a challenge against the ban in Irish law on access to the labour market for asylum seekers in the Refugee Act 1996 and re-enacted in the International Protection Act 2015. The judgment found that an absolute prohibition on the right to work – in circumstances where there is no temporal limit to the asylum process – was contrary to the constitutional right to seek employment. Following consideration of the implications of the judgment by an Inter-Departmental Taskforce, the Irish Government decided, on 22 November 2017, for Ireland to exercise its discretion to opt-in to Directive 2013/33/EU (recast Reception Conditions Directive) under Protocol 21 of the Treaty of Lisbon.



¹²³ BE, HU

¹²⁴ Written input by the Federal Ministry of the Interior, Department III/1/c (Alien-related legislation), 26 January 2018; Act Amending the Aliens Law 2017, Motion, Explanatory Notes, p. 82, www.parlament.gv.at/PAKT/VHG/XXV/A/A_02285/fname_670108.pdf (accessed 1 February 2018).

¹²⁵ BG, DE, EL, HR, MT, NO, PT, SE

¹²⁶ HU, FI, LT, NL, SE

¹²⁷ Austrian regulation governing the employment of foreigners, FLG No. 609/1990, in the version of FLG II No. 89/2017.

reached the age of 18 and whose application was still pending in the local communities, instead of transferring them to the state-operated reception system for adults.

Concerning social benefits, in **Belgium**, a new law provided for the possibility to deny or limit further material support, provided that, in line with Article 20 of the Reception Conditions Directive, decent living standards were still guaranteed¹²⁸ and urgent medical support was still provided.

Several Member States increased their detention capacities¹²⁹ or planned to expand their facilities.¹³⁰ In addition, some Member States modified their legislation with regard to detention, often to comply with EU law. In **Austria**, the period of detention increased in compliance with the Return Directive. A law adopted in November by the **Belgian** Parliament included an exhaustive list of grounds for detention mentioned in the Reception Conditions Directive and stipulated that alternatives to detention must always be considered. In **Sweden**, due to a lack of detention capacity in 2017, the maximum time limit for the temporary placement of asylum applicants in alternative facilities such as prisons was codified and extended to three days. In March 2017, the government of the **United Kingdom** laid down regulations in order to set out objective criteria to determine a “significant risk of absconding” in respect of cases subject to transfer from the United Kingdom under the Dublin III Regulation in national law.¹³¹



2.2.3. Asylum procedures

Different aspects of the asylum procedure were modified in several (Member) States.¹³² First, several Member States introduced changes to the appeal process. The **Czech Republic** amended the Act on Asylum to introduce the possibility to use ‘videoconferencing’ in hearings before the courts and also in cases of detention. The Czech Republic also amended its Act on attorney’s services (which will come into force on 1st July 2018), providing for the possibility to ask the Chamber of Attorneys for free legal assistance paid by the Ministry of Justice in administrative proceedings. In **Finland**, the appeal process was decentralised from the Administrative Court of Helsinki to four administrative courts throughout the country, following a legislative amendment. With a view to improve the **Swedish** migration courts’ capacity to deal with a rising case-load, new legislative amendments allowed for the handing over of open appeal cases to other administrative courts.

Second, (Member) States either introduced the concept of safe countries in their national legislation, or added new safe countries or new safe third countries to their existing lists. **Belgium** introduced the concept of a safe

third-country into its national legislation. **Luxembourg** included Georgia and the **Netherlands** added Brazil¹³³, Trinidad and Tobago¹³⁴.

In **Greece**, the highest administrative Court (Council of the State) found in two judgments that Turkey qualified as a safe third country for asylum seekers from Syria. **Norway** also amended its list of countries considered as safe for certain groups. Such lists help to detect where asylum claims are likely to be manifestly unfounded and can be handled in an accelerated procedure. **Luxembourg**, for example, put in place an ‘ultra-accelerated procedure’ for applicants for international protection from the Western Balkans, a move that relied on a practical acceleration of the existing procedure, rather than any legislative amendments.

In relation to accelerated asylum procedures, the Federal Ministry of Interior in **Austria** presented its “Security Doctrine for Austria in 2017–2020”, during which it highlighted that “professional migration management” was a key strategic priority, including the introduction of accelerated asylum procedures.¹³⁵

Third, several Member States modified their way of organising asylum seekers’ interviews. **Germany** introduced video interpreting hubs in order to overcome shortages of interpreters in certain regions and for certain languages. Interviews can now be connected to interpreter workstations (hubs) in selected locations via video-conferencing. In the **Netherlands**, under the provisions of the coalition agreement, interviews may be omitted altogether if an application has no chance of success on the basis of the documentation provided.¹³⁶ Meanwhile in **Belgium**, legislative changes introduced additional procedural guarantees for applicants of international protection, such as the opportunity to comment on the report of their personal interview.¹³⁷ **Ireland** introduced a prioritisation procedure for the scheduling of interviews, establishing two processing streams; the first comprising the majority of applications and a second stream including certain categories of applications – based on the age of applicants; the likelihood that applications are well-founded (on the basis of a medico-legal report or the country of origin/habitual residence of the applicant); and on health grounds. All applications whether prioritised or not receive the same full and individual assessment under the procedure.¹³⁸

Finally, a few Member States introduced other types of changes. In **Hungary**, a legislative amendment reduced the time allowed for a judicial review to be requested against a decision of inadmissibility from seven to three days. **Ireland** introduced new regulations relating to the making of certain subsidiary protection applications, taking into account a recent judgment of the CJEU.¹³⁹ **Italy** set up

128 For an overview of existing sanctions in the reception network and the implementation of these sanctions see Rekenhof, *Opvang van asielzoekers*, 2017, pp.52-53.

129 FI, LV

130 BE

131 The [Transfer for Determination of an Application for International Protection \(Detention\) \(Significant Risk of Absconding Criteria\) Regulations 2017](#)

132 AT, BE, BG, CZ, DE, EE, EL, FI, HU, IE, I, LU, NL, NO, SE

133 However, special attention is given to LGBTI cases

134 With the exception of LGBTI cases.

135 Federal Ministry of the Interior, *Mehr Freiheit. Mehr Sicherheit. – Die Sicherheitsdoktrin des BMI für Österreich 2017 – 2020*, available at www.bmi.gv.at/bmi_documents/1977.pdf (accessed on 23 January 2017).

136 Coalition Agreement “Vertrouwen in de toekomst” [Confidence in the future] (2017). VVD, CDA, D66 and ChristenUnie. p.52. <https://www.kabinetsformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>

137 Law adopted on November 9, 2017.

138 International Protection Office and UNHCR (27 February 2017) “Prioritisation of applications for international protection under the International Protection Act 2015” Available at: www.ipg.gov.ie

139 The Regulations applied to persons who had been refused refugee status in Ireland since the introduction of the European Communities (Eligibility for Protection) Regulations 2006 and who had been invited to make applications for subsidiary protection under those Regulations or the subsequent European Union (Subsidiary Protection)

additional tribunal sections – specialised on international protection – to fasten the appeal procedures against decisions of the local territorial committees on international protection cases.

Six Member States suspended Dublin transfers to Hungary¹⁴⁰. Some (Member) States have suspended transfers to Bulgaria¹⁴¹ and Italy¹⁴². Conversely, following the Commission Recommendation of 8 December 2016 setting out a gradual and controlled resumption of transfers to Greece, seven Member States sent take-back or take-charge requests under Dublin Regulation to Greece¹⁴³. However, no transfers were yet carried out in 2017¹⁴⁴. **Luxembourg** put in place a semi-open return structure, intended for people to be transferred to states applying the Dublin regulation.



2.2.4. Residence/entry documents and rights/obligations of beneficiaries of international protection

Legislative changes in several Member States aimed at facilitating the issuing of resident permits to beneficiaries of international protection. **Luxembourg**, for example, allowed such beneficiaries to provide a reference address if legal or regulatory provisions prevented their registration in the main registry;¹⁴⁵ beneficiaries can for example provide the address of Luxembourg's Reception and Integration Agency. The Council of Government also approved the introduction of a 'Guided Integration Trail' for applicants of international protection and beneficiaries of international protection in March 2017. **Slovenia's** Aliens Act authorised two additional categories of beneficiaries to apply for a residence permit: beneficiaries of international protection according to the International Protection Law (Article 67) and beneficiaries of subsidiaries protection, who did not apply for extension of their status.

With regard to citizenship, the **Netherlands**, in a new coalition agreement of October 2017, put in place a number of additional conditions for beneficiaries of international protection to obtain Dutch Citizenship, for example, abstinence from criminal activity for five years (extended from four years); however the basic requirements remain.

Finally, a few Member States introduced changes to family reunification rules and procedures. **Austrian** rules governing family reunification were simplified as a result of the 2017 Act Amending the Aliens Law. **France**, through its new law which should be adopted in 2018, aims to facilitate family reunification of minor beneficiaries of international protection and to add brothers and sisters as an eligible group to reunite with minor beneficiaries (instead of ascendants only).



2.2.5. Provision of information on residence/entry documents and rights/obligations of beneficiaries of international protection

The provision of information to beneficiaries of international protection on their rights and obligations remained an important element of asylum policies in several (Member) States¹⁴⁶.

In order to provide information in languages understood by the beneficiaries, seven (Member) States produced new or updated information documents in several languages.¹⁴⁷ In **Norway**, all applicants who have been granted a three-year protection period are provided with an overview of their "duties and rights", either in their own language or at least in English. **Estonia** established a telephone help-line to provide information in English, Russian and Arabic. The **Slovak Republic** released a new handbook for asylum applicants and beneficiaries of international protection entitled *A New Start in the Slovak Republic*¹⁴⁸ which is available in Slovak, English, Persian (Farsi), Pashto, French and Russian.



2.2.6. Withdrawal of international protection

A few Member States reported on procedures for withdrawing international protection from status holders. This included the elaboration of the specific circumstances under which a withdrawal may take place, for example, having committed an offence or constituting a threat to society, and the procedures in place to enable a withdrawal (or non-renewal) of a status. In **Austria**, the 2017 Act Amending the Aliens Law introduced, under certain circumstances, an accelerated procedure of up to one month for withdrawing the asylum status.¹⁴⁹ The accelerated procedure is not only applicable in case of a conviction, but already when a public prosecutor brings charges on account of an intentional criminal act, where an individual is remanded in custody or where caught in the act of committing a crime. In **Belgium** a policy note of the Belgian Secretary of migration emphasised that the protection status of beneficiaries of international protection should be withdrawn for those who pose a threat to national security or who return to their country of origin, and that international cooperation in this respect is important. In **Estonia**, the Police and Border Guard Board refused for the first time to renew the residence permits of third-country nationals who had provided false information on their nationality during the asylum procedure. In **Finland**, the authority to renew residence permits has been transferred from the Police to the Finnish Immigration Service, which

Regulations 2013, but had not made the application within the 15 working day time limit or had not had their application considered on the basis that the 15 working day time limit to make an application had expired. Case C-429/15 E.D. v Minister for Justice and Equality and of the Irish Court of Appeal in the same case E.D. v Minister for Justice and Equality (No. 2) [2017] IECA 20

140 CZ, FI, LU, NL, SE, UK

141 DE and in some cases BE and PL.

142 BE, DE and FI in specific cases.

143 Most requests were from Germany (more than 2000). A few requests were sent by BE, CZ, EE, FI, NL, and NO.

144 First transfers were carried at the beginning of 2018.

145 According to the law of 8 June 2017, modifying the amended law of 19 June 2013 on the identification of natural persons.

146 DE, EE, FR, SK, NO

147 EE, FR, HR, LV, NO, SK

148 Available at: www.minv.sk/?tlacove-spravy-6&sprava=migracny-urad-vydal-prirucku-novy-start-v-sr-pre-ziadatelov-o-azyl-vo-viacerych-jazykoch (consulted on 10/1/2018).

149 Art.7 para 2 2005 Asylum Act

also saw an increase in staff, including specialised interviewers to assess withdrawal cases.



2.2.7. Cooperation with third countries

(Member) States continued to support third countries to improve their asylum, migration and border management systems, through the provision of funding and participation in projects and partnerships (including Mobility Partnerships).¹⁵⁰ In March 2017, for example, the Central Mediterranean Contact Group was established to strengthen cooperation among European and North African countries in the areas of regular migration, irregular migration, reception conditions and the return of migrants.

The founding resolution was formally adopted in Rome, a ceremony which was attended by the interior ministers of six Member States¹⁵¹, Libya, Switzerland and Tunisia, as well as representatives of the European Commission. The group has since met on two occasions, in Tunis and Bern, with another meeting planned in Niger early 2018.

France appointed an ambassador in charge of migration in September 2017. The main task of the role is to inform countries of origin on the global opportunities of partnership in migration management. The Heads of State and Government of Germany, Spain, France and Italy, as well as Niger, Chad and Libya met, on France's initiative, in Paris for a summit on migration on 28th August 2017.

Italy introduced a fund with a budget of 200 million euros for the year 2017 to finance programmes aimed at re-launching dialogue and cooperation with third-countries, in particular African countries involved in the main migratory routes.

In the framework of the MEDEVAC Programme, a government-run medical humanitarian programme, the **Czech Republic** sent 19 medical teams to inter alia Jordan, Senegal and the Iraqi Kurdistan region to provide medical treatment to civilians with serious health conditions. The total budget of this programme amounted to 69 million CZK in 2017.



2.2.8. Other developments in asylum legislation, policy and practices

Member States reported on several other relevant development, including:

- The **Czech Republic** deployed 25 national experts to EASO teams working in hotspot areas and other regions of Italy and Greece;
- In **Germany**, three so called 'Dublin Centre' were introduced in Berlin, Dortmund and Bayreuth in February 2017. Most Dublin-cases are processed in these Dublin Centres since then;
- **Italy** established new measures related to hotspots, such as digital fingerprinting, identification operations.

In addition, improved information on the international protection procedure, programmes for relocation and assisted voluntary return options was provided;

- The **Portuguese** Parliament recommended the publication by the Government of an evaluation report on its policy on the reception of refugees;¹⁵²
- In **Sweden**, an enquiry about the preconditions for creating legal pathways to the EU to seek asylum, presented in December 2017, found that there were few legal routes to Europe for asylum seekers, and that the number of asylum seekers was very unevenly distributed across the EU. The enquiry argued that the EU treaties provided a legal basis for a new EU instrument which would create a system for entry permits, which could be issued to those seeking asylum before they entered the EU.

2.3. INSTITUTIONAL CHANGES IN THE NATIONAL ASYLUM SYSTEM

More than half of the (Member) States¹⁵³ introduced institutional and organisational changes to their respective asylum systems. These changes related to the creation of new entities or the restructuring of existing ones, the transfer of competences, the introduction of new competencies, as well adjustments made to the number of staff. In general, they were introduced in response to legislative changes or the shift of policy priorities.

- Creation/restructuring of entities¹⁵⁴

Seven Member States created new entities or restructured existing ones. **Austria, France, Luxembourg** and **Slovenia** established new units or departments within their asylum authorities. In **Austria**, for example, a new unit was created within the Federal Ministry of Interior responsible for handling issues related to international asylum and alien law. This was done to supplement the increase in staff at the Federal Administrative Court. Within the Asylum Direction of the Ministry of Interior, **France** created two new departments: one on asylum seekers' and refugees' reception and the other one on managing and financing asylum policy finances. Furthermore, an inter-ministerial delegate for the reception and integration of refugees was appointed. Similarly, **Luxembourg** created a European Affairs Unit within the Directorate of Immigration of the Ministry of Foreign and European Affairs, with specific responsibilities related to migration, borders, asylum, and in charge of negotiating and implementing relocation and resettlement. A new Office for Support and Integration of Migrants (UOIM) was established in **Slovenia**.¹⁵⁵

The UOIM started to operate on 1st June 2017 and its main task was, to accommodate among others, applicants for international protection and beneficiaries of international

¹⁵⁰ AT, BE, CZ, EE, EL, FR, NL, NO, SE, UK

¹⁵¹ AT, DE, FR, IT, MT, SI

¹⁵² no. 167/2017

¹⁵³ AT, CZ, DE, EL, ES, FI, FR, HR, HU, IE, LU, LV, NL, SI, SK, UK

¹⁵⁴ AT, EL, FR, LU, SI, SK, UK

¹⁵⁵ Government decree dated 2 March 2017 (Official Gazette RS, no. 11/17)

protection, temporary protection or subsidiary protection, as well as organising reception facilities;

With a view to increasing efficiency, the **Slovak Republic** and the **United Kingdom** restructured existing units. The former incorporated the Department of Asylum Policies of the Ministry of Interior's Migration Office into the Department of Document and Foreign Cooperation, achieving better coordination of related activities abroad. The United Kingdom's implementation of the Dublin Regulation was split between two units in 2017: the already existing Third Country Unit now implements the regulation towards cases where the UK is making a request to another State to examine the application (outgoing requests), while the new European Intake Unit handles incoming requests from other States.

■ Transfer of competences¹⁵⁶

Four Member States transferred competences related to international protection from one unit, department or authority to another. In the **Czech Republic**, for example, the responsibilities for providing the services within the state integration programme for beneficiaries of international protection were transferred from Caritas Czech republic to the Refugee Facility Administration. The programme is managed by the Ministry of Interior. In **Latvia**, the authority responsible for paying financial support to beneficiaries of international protection changed. In **Finland**, the initial tasks in the asylum procedure (e.g. establishing an asylum seeker's identity and travel route) were transferred from the Police and the Border Guard to the Finnish Immigration Service.¹⁵⁷

■ Creation/restructuring of entities¹⁵⁸

In **Spain** the Asylum and Refugee Office has developed a new application for comprehensive follow-up of Asylum, Stateless and Displaced Persons Applications to cover the current regulation following the administrative procedure in all its phase defined in Law 39/2015, of 1st October, of the Common Administrative Procedure of Public Administrations, on the management of asylum application files, both in national territory and in borders and embassies. It also manages the applications of stateless persons presented in national territory and the monitoring of the contingents of displaced persons of which the Spanish State takes charge.

■ Adjusting the number of staff¹⁵⁹

Adjustments to the number of staff were made in correspondence with recent trends in the number of asylum applications. While, on the one hand, **Austria**, **Croatia**, **Germany**, **Italy** and **Luxembourg** increased the number of staff of their entities responsible for asylum-related matters, the **Netherlands** on the other hand decreased the workforce of the Immigration and Naturalisation Service as a result of the decreased influx of asylum seekers.

2.4. EFFICIENCY AND QUALITY OF THE NATIONAL ASYLUM SYSTEM

In order to ensure the proper application of the asylum procedure, several Member States provided training to relevant staff.¹⁶⁰ In **Croatia**, **Hungary** and **Latvia**, training focussed on the identification of victims of human trafficking in the asylum procedure, while in **Estonia** it focussed on improving the decision-making process on relocation and resettlement applications.

Throughout 2017, Member States also sought to further improve the quality of their national asylum procedures. This was inter alia done through the development of new tools and guidelines to improve the processing of applications.¹⁶¹ **France** developed an automated platform for data exchanges on asylum and a web portal for the registration process of asylum application. Henceforth, the principle of the unique personal file is guaranteed for the applicants.

Five Member States introduced measures to ensure the quality of interviews and/or decisions made by its staff.¹⁶² These entailed the review of interviews and decisions of case workers¹⁶³ as well as the development of manuals and internal guidelines.¹⁶⁴

Belgium developed tools to ensure in a more systematic way the quality, of the processing of applications for international protection lodged by unaccompanied minors and gender specific applications. **Sweden** introduced a new support function for the handling of LGBTI cases in the form of an operational coordinator.

With a view to increasing the efficiency of the processing of (first) applications and appeals, Member States also introduced new technologies. **Belgium**, **Germany** and **Hungary** started using video conferencing and/or interpreting for interviews, which helped to save time and travel expenses of the interpreters and case officers, in turn reducing the waiting time for applicants. The **Netherlands** and **Sweden** digitalised parts of their processes, including all files of legal proceedings in case of the former and implementing a new system for digitalised processing of all asylum cases in the latter.

The **Netherlands** also reinstated a standardised term of six months for handling asylum cases; this had been increased by nine months to a maximum of fifteen months after the increased 2015 influx.

¹⁵⁶ CZ, FI, HU, LV

¹⁵⁷ The legislative amendment entered into force on 1 January 2017. However, in practice the transfer of authority had taken place already in 2016, pursuant to a section in the Aliens Act that allows the Finnish Immigration Service to take over tasks assigned to the Police.

¹⁵⁸ ES

¹⁵⁹ DE, FI, HR, IE, LU, NL

¹⁶⁰ AT, BG, HR, DE, EE, FI, HU, LU, LV, MT, SI, SK

¹⁶¹ BE, DE, FI, FR, HU, IE, LT, LU, MT, SE

¹⁶² FI, HU, IE, LT, LU

¹⁶³ FI, HU

¹⁶⁴ FI, HU, LT, LU

2.5. CHALLENGES IN THE NATIONAL ASYLUM SYSTEM

Almost two thirds of the (Member) States reported to have faced challenges within their national asylum systems in 2017.¹⁶⁵ These challenges related to the overburdened and lengthy asylum procedure, housing as well as the Dublin procedure, secondary movements and the lack of smooth information exchanges between Member States. In many cases these challenges were 'carried over' from previous years.

■ Challenges related to the asylum procedure¹⁶⁶

In **Lithuania**, as asylum applications in 2017 reached the highest number since 2012, authorities were unable to process the applications within the comparatively short timeframe (three months) as required by national law. **Spain** also noted challenges due to increased asylum requests and related dysfunctionalities in the national asylum system.¹⁶⁷ **Austria** pointed to a challenge faced by the passport centre in Vienna, which was required to handle a large number of travel documents for persons granted asylum and beneficiaries of international protection.

Greece, Finland and Sweden noted the challenge of having to process the large backlog of asylum applications and/or appeals from previous years. **Croatia** struggled with the lack of interpreters for the Pashto language, as well as lengthy procedures for the appointment of legal guardians for unaccompanied minors. **Sweden** reported that regarding the assessment of the age of young unaccompanied asylum seekers, controversies have arisen within the scientific community as well as in the media, about the age assessment methods used by the National Board of Forensic Medicine.

■ Challenges related to accommodation¹⁶⁸

Estonia, Ireland, Latvia and Luxembourg reported that providing adequate accommodation for asylum applicants as well as beneficiaries of international protection remained a challenge. **Estonia** encountered difficulties in finding accommodation for resettled persons and relocated asylum seekers. Challenges related to, for example, landlords' (un)willingness to rent out apartments, rental prices, availability of rental apartments of an appropriate size). **Luxembourg** noted that the living conditions in reception facilities were a subject of discussion in media and among civil society in 2017. Similarly, reception conditions remained a source of consistent public debate in **Ireland**.

■ Challenges related to the Dublin procedure¹⁶⁹

According to **France and Malta**, the effective implementation of the Dublin Regulation proved particularly challenging due to the high increase in the number of applications that turned out to be Dublin cases. In order

to face this challenge, **France** introduced major changes in the administrative organization by creating regional poles exclusively dedicated to the Dublin Regulation application. The first poles were experimented in two regions and they should be operational on the whole territory in 2018.

Indirectly linked to the Dublin Regulation, the government of the **United Kingdom** was challenged in the courts over the so-called 'Dubs amendment' – a scheme whereby unaccompanied minors are transferred from other EU Member States to the United Kingdom. The challenge focussed on government communication with local authorities as well as the speed at which the minors arrived in the country. However, the Government's position was judged to be lawful.

2.6. RELOCATION AND RESETTLEMENT PROGRAMMES



2.6.1. Relocation

Member States continued to relocate applicants for international protection from Italy and Greece as agreed by the adoption of the 2015 Emergency relocation mechanism to relocate 40 000 asylum seekers from Italy and Greece and the subsequent agreement on an Emergency relocation mechanism to relocate 120 000 asylum seekers from Italy and Greece.¹⁷⁰ Several Member States reported on these relocations which mostly took place towards the end of 2017. A detailed overview of the relocations¹⁷¹ as implemented by the Member States is provided by the European Commission on a regular basis. As of March 2018, over 96% of all eligible applicants registered for relocation by Italy and Greece were relocated.¹⁷²

Four Member States reported on changes in their national practices with regard to the intra-EU relocation mechanism.¹⁷³ In general, these changes were implemented to improve relocation activities at the national level and in response to heightened security standards. For example:

- **Germany** demanded additional fingerprints and biometric photos for security reasons at the end of 2017;
- **Lithuania** signed an agreement with Italy in July 2017, allowing for the earlier involvement of Lithuanian officers in security checks of the relocated persons;
- **Portugal** adopted a decentralised reception and integration model, involving municipalities, entities representing civil society and public services, with the aim of creating a support network for the reception and integration of relocated persons;

165 AT, BE, DE, EE, EL, ES, FI, FR, HR, IE, LV, LT, LU, MT, SE, SI, UK

166 AT, EL, ES, FI, FR, HR, IE, LT, LU, SE, SI

167 To overcome these shortcomings, the Spanish Asylum office has recently launched an integral plan to provide an adequate response to the increasing number of asylum requests, registered in 2017 and expected in similar numbers in 2018.

168 DE, EE, IE, LV, LU

169 DE, MT

170 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

171 For more information, please visit https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf

172 European Commission, Progress report on the Implementation of the European Agenda on Migration, 14th March 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_progress-report-progress-report-european-agenda-migration_en.pdf, (accessed on 16th March 2018).

173 DE, LT, PT, SE

Figure 2.5 – Overview of Member States' Support to Emergency Relocation Mechanism – Relocations from Greece – State of Play as of April 2018

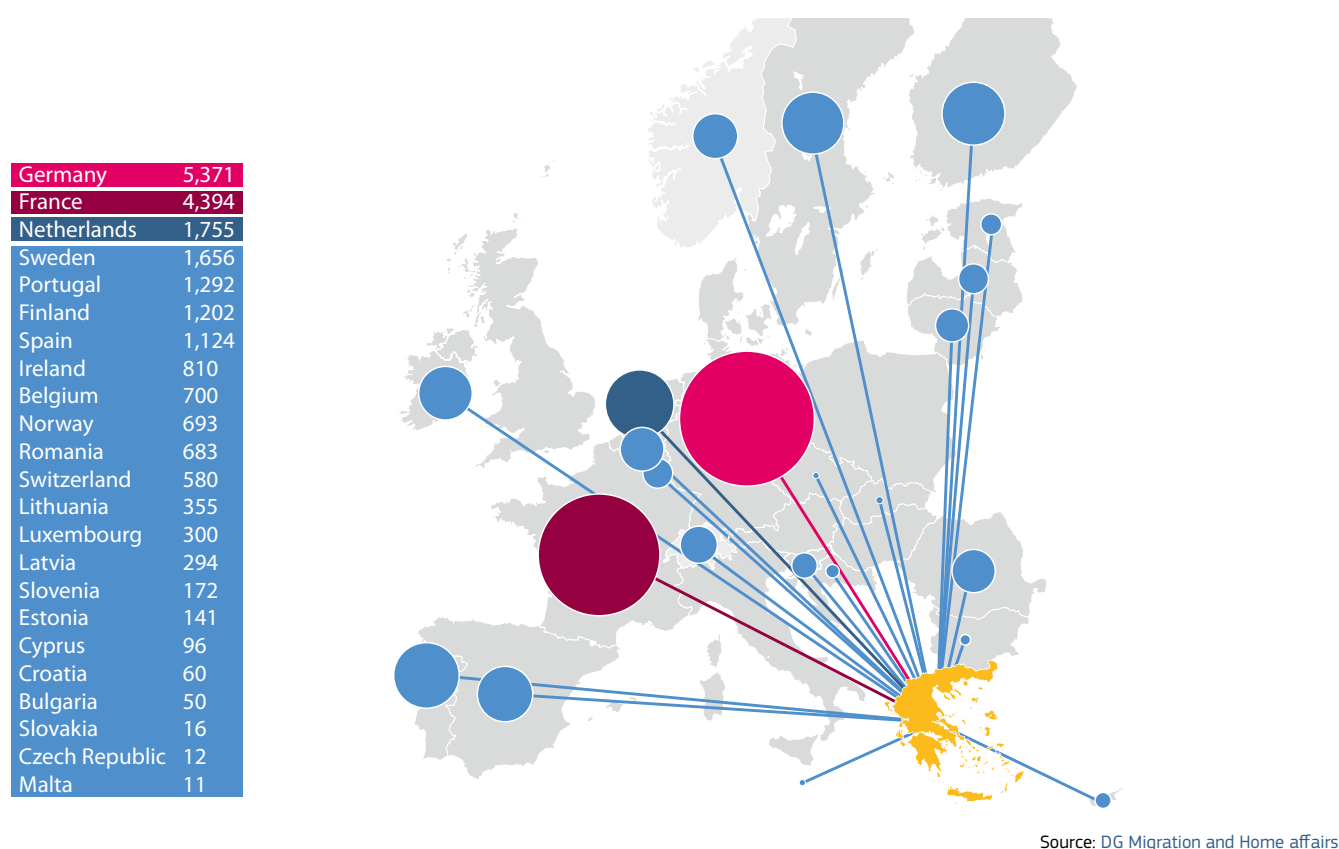
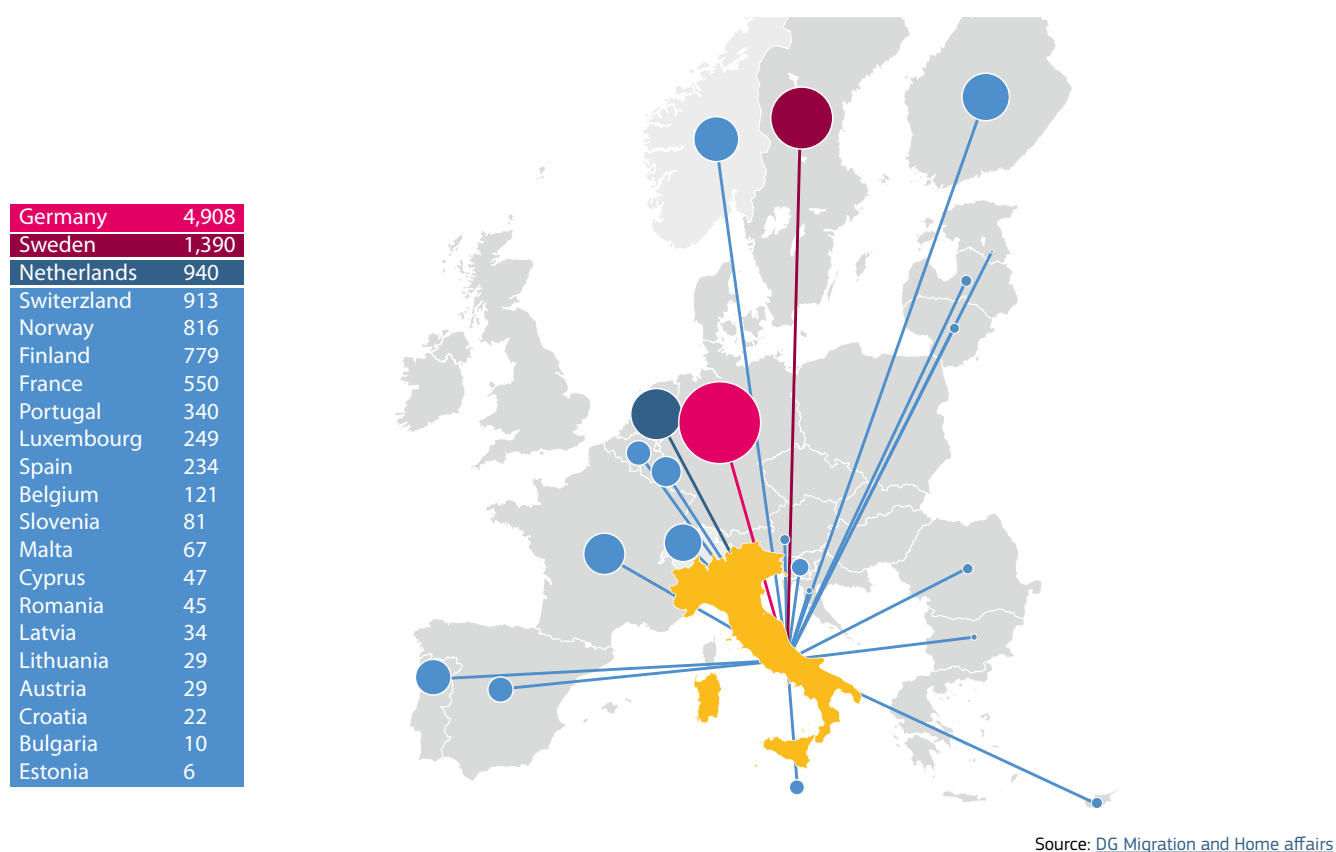


Figure 2.6 – Overview of Member States' Support to Emergency Relocation Mechanism – Relocations from Italy – State of Play as of April 2018



- **Sweden** adopted new standards for handling the applications of relocated asylum seekers and for their placement within the Swedish reception system upon arrival.

At the same time, Member States also faced challenges with regard to relocation, mainly as a result of missing information and difficulties in cooperation with Italy and/or Greece.¹⁷⁴ These challenges generally resulted in a delay of the relocation process. As noted by **Sweden**, the information about the relocated person provided prior to the transfers was initially often insufficient, hindering nationality assessments and exclusion assessments. For **Estonia** and **Finland**, the lack of translators for certain languages led to difficulties in the relocation process. **Germany**, which focussed on relocating unaccompanied and separated minors in 2017, faced challenges related to determining the best interest of the child and finding a legal guardian. **Latvia** and the **Slovak Republic** experienced delays due to problems with medical statements (LV) and the fact that the persons to be relocated from Greece did not match the requirements of the government (SK).

Finally, **France** decided to follow up the relocation mechanism in solidarity with Italy beyond the expected European deadline.



2.6.2. Resettlement

Many Member States reported on activities related to the EU resettlement scheme adopted in June 2015 and the 'one-for-one' resettlement scheme, as foreseen by the EU-Turkey Statement of 18th March 2016.¹⁷⁵ As of 7th March 2018, more than 19,000 refugees had been resettled under the EU resettlement scheme (from July 2015) and over 12,000 Syrians had been resettled from Turkey under the EU-Turkey Statement (since April 2016).

In the context of resettlement activities as part of national schemes, most refugees were resettled from third countries to the EU as part of general resettlement schemes, where the transfer of a third-country national from a third country is made at the request of UNHCR, based on the need for international protection. In parallel, some Member States¹⁷⁶ also resettled refugees in the framework of various humanitarian resettlement/private sponsorship schemes or other programmes, which are operated under slightly different conditions than general resettlement programmes.¹⁷⁷ For example:

- As of 2017, **Austria** admitted a total of 1,902 especially vulnerable Syrian refugees in the framework of its Humanitarian Admission Programme (HAP I-III). **Italy** admitted a total of 1,618 refugees, mostly of Syrian nationality, from Lebanon, Turkey, Jordan, Sudan and Syria under the national Resettlement Programme;

- On 22nd November 2017, **Belgium** signed for the first time an agreement with a religious community to allow 150 Syrian refugees from Turkey and Lebanon to be granted humanitarian visas to come to Belgium in the framework of an ad-hoc special programme.

- From December 2017, **France** has announced new Presidential commitments by establishing protection operations in Niger and Chad, to open a legal route to access the EU for persons in need of protection; in addition, a new innovative protocol of private sponsorship was signed with several associations (The *Communauté Sant'Egidio* in particular) through the "solidary operation to welcome refugees from Lebanon" asylum visas;

- In November 2017, **Ireland** announced a Family Reunification Humanitarian Admission Programme as part of its existing commitment to accept up to 4,000 persons into Ireland, through a combination of relocation and resettlement, under the Irish Refugee Protection Programme. This scheme foresees up to 530 places for immediate family members of persons from UNCHR-recognised conflict zones.

- In 2017, the Council of Ministers of **Spain** approved an agreement on the resettlement programme of refugees in Spain for 2018. Following the 2015 crisis, and under the EU resettlement scheme Spain has resettled to date 1 360 people from Lebanon, Jordan and Turkey. The 2017 program (to be executed during the 2018 calendar year) encompasses a resettlement target of 1 000 persons, in line with the increased efforts requested by the European Commission in its Recommendation of September 2017.

- In 2017, **Sweden** increased its resettlement quota by 79 percent, from 1 900 persons in 2016 to 3 400 in 2017. In 2018, 5 000 refugees are expected to be resettled to Sweden.

Two Member States pointed out developments with regard to their respective national policy on resettlement. Similar to the reported changes with regard to relocation, these developments took place with a view to improving the coordination of resettlement activities at national level or in response to security issues. For example:

- In August 2017, **Bulgaria** adopted amendments to the National Resettlement Mechanism to regulate the allocation of financial resources required for operational and integration activities;
- In May 2017, the Ministry of Interior in **Slovenia** appointed a project group to coordinate the resettlement procedure during all stages.

¹⁷⁴ AT, CZ, DE, EE, FI, LV, LT, MT, SE

¹⁷⁵ EU-Turkey statement, 18 March 2016, available at: <http://www.consilium.europa.eu/en/press/pressreleases/2016/03/18-eu-turkey-statement/>, last accessed on 16th March 2018.

¹⁷⁶ AT, BE, DE, FR, IE, NL, SK (a special humanitarian transfer of refugees through Slovak territory, carried out in cooperation with UNHCR and IOM since 2009).

¹⁷⁷ For further information on the differences between resettlement and humanitarian admission programmes, see EMN, 'Resettlement and Humanitarian Admission Programmes in Europe – what works?', November 2016.

3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, targeting unaccompanied minors (UAMs) and other vulnerable groups. The first section elaborates on the developments at EU level (section 3.1) while the following sections outline the main developments in Member States and Norway. Notably, this section looks at measures introduced at national level targeting UAMs applying for asylum (section 3.2); measures targeting other vulnerable groups applying for asylum (section 3.3) and finally, it describes measures targeting UAMs not applying for asylum (section 3.4) and other vulnerable groups not applying for asylum (section 3.5).

3.1. DEVELOPMENTS AT THE EU LEVEL

The number of asylum applications submitted by unaccompanied minors (UAMs) in the EU significantly decreased in 2017 to 31 765, compared to 63 245 in 2016, reaching the lowest level since 2014. Member States with the highest number of asylum applications from UAMs were Italy (9 945), Germany (9 085) and Greece (2 455). The main third-countries of origin in 2017 were Afghanistan (5 460), Eritrea (3 115), Gambia (2 555), Guinea (2 155) and Syria (1 910). As was the case in previous years, the gender distribution shows that most of the UAMs applying for asylum were boys (28 055), with girls representing only around 10% of all applications. Most of the UAMs that applied for asylum in 2016 were aged between 16 and 17 years (24 375), followed by UAMs between 14 and 15 years (5 040) and lastly UAMs under 14 years (2 100) as shown in Figure 3.1 and Figure 3.2 below.

On 3rd April 2017, the Council adopted **conclusions¹⁷⁸ on the promotion and protection of the rights of the child**, including unaccompanied minors, as a follow-up to the 'Guidelines for the Promotion and Protection of the Rights of the Child (2017) – Leave No Child Behind' adopted by the Council on 6th March 2017.¹⁷⁹ With these guidelines, the EU reaffirmed its commitment to comprehensively protect and promote the rights of the child in its external human rights policy. In line with the guidelines, the conclusions focus on promoting gender equality, ensuring the empowerment of girls, mainstreaming the rights of

the child in all sectors and programmes, and encouraging partner countries to adopt a national strategy on the rights of the child.

Furthermore, on 12th April 2017, the European Commission put forward a **Communication on the protection of children in migration¹⁸⁰**, setting out actions to reinforce the protection of all migrant children at all stages of the process, with specific measures targeted at unaccompanied minors.

Overall, in 2017, all Member States – except for the **Czech Republic, Estonia, Lithuania and Norway** – introduced changes in legislation, policy or practice concerning UAMs or other vulnerable groups. Most of these changes aimed to further improve the overall reception and care of these groups – both those applying and not applying for asylum. In fact, it is difficult to distinguish between provisions for asylum- and non-asylum seeking unaccompanied minors and other vulnerable persons, which may on the whole suggest that these groups benefit from similar levels of protection in the EU.

Interestingly, the profiles of unaccompanied minors arriving in the EU during the reference period varied from those noted in previous years, such as the arrival of very young unaccompanied minors (between the ages of 12 and 14 years) in **Luxembourg** and the presence of unaccompanied minors not applying for asylum in **Sweden**.

3.2. UNACCOMPANIED MINORS APPLYING FOR ASYLUM



3.2.1. Changes in human resources and/or training of staff

Overall, there were no significant changes in the levels of human resources and training of staff working with unaccompanied minors in the (Member) States, given the reduced numbers of UAMs who entered the EU in 2017. Five Member States¹⁸¹ reported a slight increase of staff dealing with the reception of unaccompanied minors applying for international protection or providing counselling.

¹⁷⁸ Council Conclusions on the Promotion and Protection of the Rights of the Child – Council conclusions (3 April 2017)

¹⁷⁹ Guidelines available at <http://data.consilium.europa.eu/doc/document/ST-6846-2017-INIT/en/pdf>

¹⁸⁰ Communication on the Protection of children in migration, COM(2017) 211 final, at <http://eur-lex.europa.eu/legal-content/DE/ALL/?uri=COM:2017:211:FIN>

¹⁸¹ BE, HR, HU, IE, SK

Figure 3.1 – Number of UAMs seeking asylum in EU Member States and Norway by gender, 2013-2017

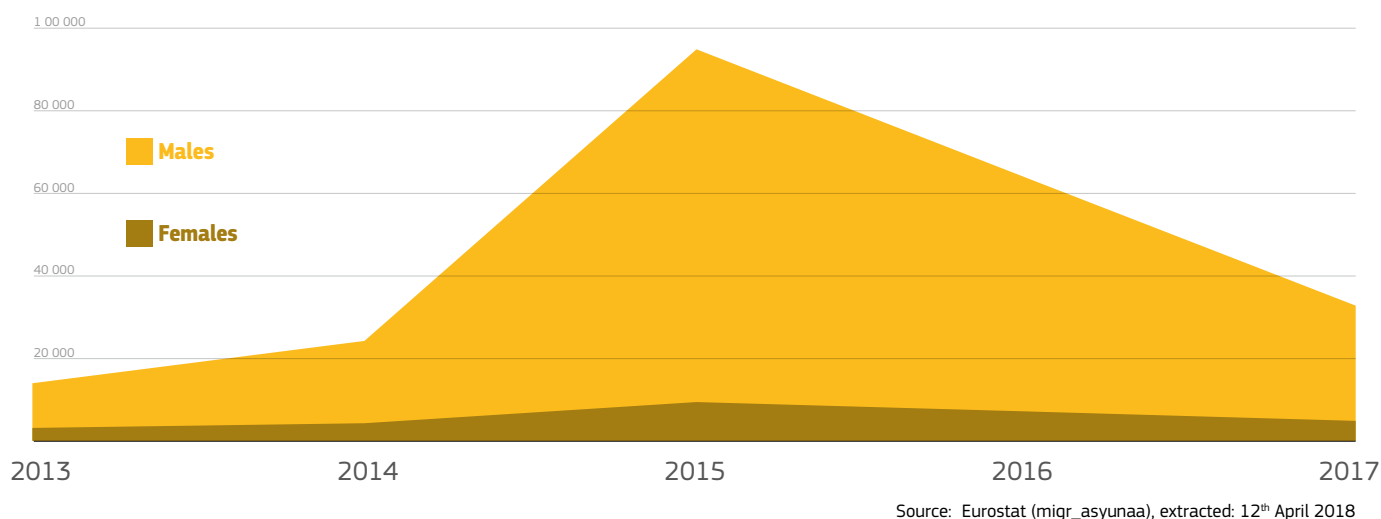
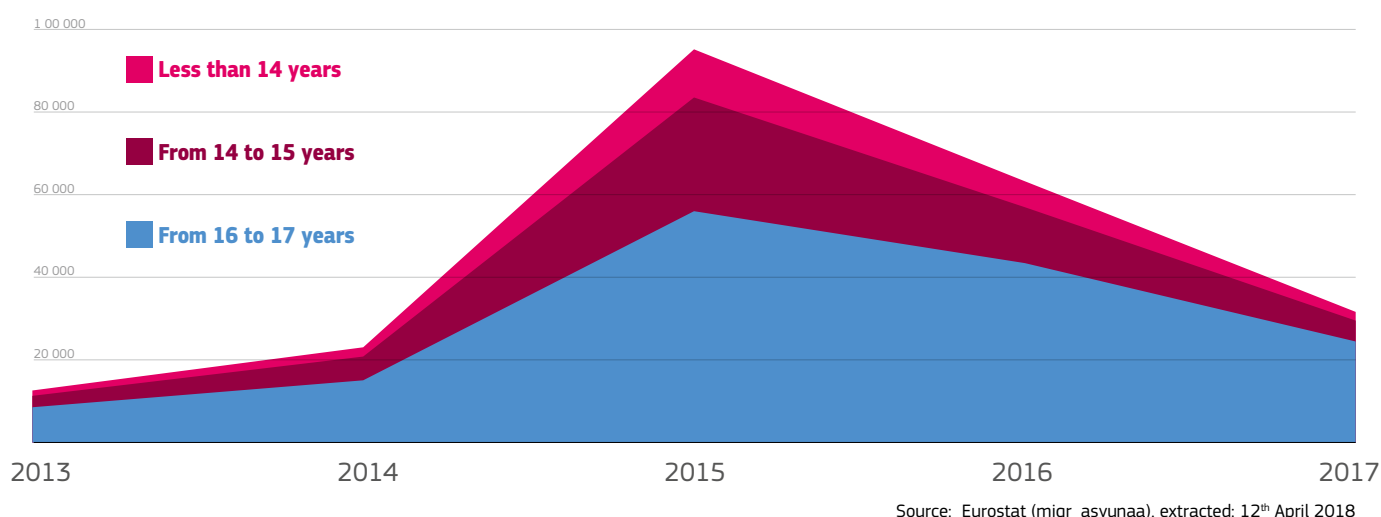


Figure 3.2 – Number of UAMs seeking asylum in EU Member States and Norway by age, 2013-2017



In **Finland**, regional liaison officers for unaccompanied minors were appointed for all offices of the Finnish Immigration Service in order to improve the effectiveness of guidance and communication in all matters related to minors.

Fewer than half of the Member States¹⁸² reported staff training and in most cases, this addressed staff working with migrant children in general rather than unaccompanied minors specifically (e.g. training on interviewing children in **Austria**, training on detection of child marriages in **Sweden**).

Training addressing unaccompanied minors specifically was provided by **Belgium** and the **United Kingdom** which announced new training for foster carers on 1st November 2017 as part of a new strategy to improve the care of unaccompanied children. This will include specialist

training for 1,000 foster carers and support workers in order to improve their skills and confidence in caring for these children. In Belgium, the EU funded project Alternative Family Care (ALFACA), started in 2017, has improved knowledge and awareness about the specific situation of UAMs among the staff of the Flanders region's foster care service.



3.2.2. Improvement of protection and care of unaccompanied minors, including reception facilities

Almost half of the Member States¹⁸³ implemented specific measures striving to improve the reception, protection or care of unaccompanied minors applying for asylum

182 AT, BE, CZ, FI, HU, LU, LV, MT, SE, SI, SK, UK

183 BE, BG, FI, HR, HU, IT, LU, NL, SE, SI, SK, UK

in 2017. Most of the measures undertaken by Member States aimed to improve reception for these minors both in terms of capacity¹⁸⁴ and quality¹⁸⁵.

Overall reception capacity for asylum-seekers, including unaccompanied minors, fluctuated across the (Member) States, according to demand. In some cases it decreased¹⁸⁶. In some cases, additional reception places were (temporarily) created for unaccompanied minors with specific needs, including minors with behavioural and mental health issues¹⁸⁷ and other vulnerable minors in need of adapted care. To make the best use of existing capacity, the **United Kingdom's** Home Office announced on 7th December that its National Transfer Scheme – a voluntary scheme whereby unaccompanied children are able to transfer from local authorities caring for a disproportionately high number of unaccompanied children to another local authority with available capacity – is to be rolled out to Wales, Scotland and Northern Ireland.

In addition to improving reception capacities for asylum-seeking unaccompanied minors, a number of Member States took measures to enhance the quality of reception for this group of minors.¹⁸⁸ For example, psychosocial support was introduced for asylum-seeking families with children and unaccompanied minors in a number of reception centres for adults and families, and in units for minors in **Finland**, while a host of measures were taken to improve the overall quality of protected reception for child victims of trafficking in the **Netherlands**, such as freedom-restricting measures to prevent disappearances of minors and the carrying out of a multi-disciplinary vulnerability assessment of the minors, to determine the kind of care and follow-up care needed by them and whether additional counselling and protection should be provided.

Sweden established a knowledge centre on unaccompanied minors to assist with overall policy and practice. An expert enquiry proposed stricter rules for the recognition of foreign marriages concluded by children without a previous connection to the country.

In **France**, the rise in the number of unaccompanied minors registered in 2017 and the specific nature of certain profiles led to a number of debates on the increased costs, the saturation of reception facilities and the need to establish appropriate procedures to meet the specific needs of this group.

In September 2017, the Minister of Justice and that of Solidarity and Health started a consultation phase with the relevant departments involved in UAMs policies – the results of this consultation will be included in an action plan to be developed in 2018.¹⁸⁹

Few other specific new measures to strengthen the protection of these minors were reported by other Member States in 2017.



3.2.3. Legal guardianship and foster care

Seven Member States¹⁹⁰ planned or introduced changes to the guardianship or foster care arrangements for asylum-seeking unaccompanied minors in 2017. Such changes mostly included the development of guidelines or training for legal representatives¹⁹¹ and foster carers¹⁹².

Although foster care of unaccompanied minors is not typical across Member States, some child protection authorities¹⁹³ aim to create opportunities for placement of unaccompanied minors in foster homes in the future. In the Slovak Republic, legislative amendments related to the efforts to deinstitutionalise the foster care for children in general (including UAMs) are planned in 2018.



3.2.4. Age assessment

In 2017, most (Member) States¹⁹⁴ did not plan or undertake new measures in the field of age assessment of unaccompanied minors who apply for asylum. In a few cases¹⁹⁵, age assessment of unaccompanied minors was not carried out at all.

Four Member States¹⁹⁶ introduced changes to their age assessment procedures: for example, in **Finland**, interview practices in relation to age assessment were revised so that the applicant and his/ her representative are now heard before changing the applicant's status from minor to adult; in **Sweden**, a temporary age assessment is now carried out immediately during the asylum process, followed by a final decision regarding age in the context of the overall decision on asylum.



3.2.5. Procedural safeguards

Seven Member States¹⁹⁷ took new measures in 2017 to strengthen the procedural safeguards for unaccompanied minors who apply for asylum. Notably, this included: new procedures or bodies in charge of determining the best interests of the child (BG, LU); change in the way positive decisions issued to unaccompanied minors are communicated (e.g. both to the applicant and his/ her representative and through an interpreter in FI); more favourable interviewing practices involving unaccompanied minors (e.g. an entire day is reserved for the interview of unaccompanied minors in FI to establish all facts); the drafting of guidelines or reports regarding the conditions for adequate reception of unaccompanied minors in the country of return (FI, LU); and improving access to specific services such as healthcare (e.g. to prevent mental health issues and attempted suicide among minors in SE).

184 LU, HU, IT, UK

185 BE, FI, NL, SE

186 e.g. BE, FI

187 BE

188 BE, FI, NL, SE

189 As part of the Monitoring Committee of the National Procedure for Protecting, Assessing and Guiding Unaccompanied Minors, held on 15 September 2017, the Minister of Justice and that of Solidarity and Health also confirmed the government funding for the relevant Departmental authorities for the period needed to assess these minors.

190 HR, HU, LU, LV, SE, SK, UK

191 LV

192 BE, HU, LU, UK

193 e.g. HU

194 AT, BE, BG, CZ, DE, EE, EL, ES, HR, HU, IE, LT, LU, LV, NL, SI, UK

195 e.g. HR

196 FI, IT, SE, SK

197 BE, BG, FI, HR, LU, SE, UK



3.2.6. Provision of information

Nine Member States¹⁹⁸ reported taking measures to improve information-sharing for unaccompanied minors applying for asylum in 2017. This was most commonly in the form of information brochures explaining the procedure for unaccompanied minors applying for asylum¹⁹⁹, clarifying other relevant procedures (e.g. enrolment and education of children seeking protection in **Bulgaria**, the possibility to appoint a lawyer or to benefit from free legal aid in **Italy**), or targeting specific groups of unaccompanied minors (e.g. married children in **Sweden**). This was followed by website resources (e.g. information websites on social services for children in need of protection in **Sweden**) and audio-video material, such as the 'First Steps for Young Refugees in Germany' film in **Germany**, and a short film about life in the Children's Home in **Hungary**).

In many cases information materials were translated into asylum-seekers' most common languages (e.g. a new brochure on the asylum procedure for unaccompanied minors in **Belgium** was published in 2017 in the following languages: Dutch, French, English, Arab, Tigrinya, Dari, Pashto, Pular, Somali and Albanian).

3.3. OTHER VULNERABLE GROUPS APPLYING FOR ASYLUM

About a third of the (Member) States²⁰⁰ did not report any legislative, nor policy changes regarding other vulnerable groups applying for asylum in 2017. Overall, the most significant new measures taken by Member States aimed to **enhance reception capacities** for vulnerable groups applying for asylum²⁰¹ and improve their **identification**²⁰².



3.3.1. Measures clarifying the definition of vulnerable groups

A few (Member) States introduced measures clarifying the definition of other vulnerable groups in 2017. **Spain** proposed to include as vulnerable groups those defined in Art. 21 of the EU Directive 2013/33 as a reference for the calls for integration of migrants and voluntary return.²⁰³ **Sweden** introduced a new support function and guidelines for staff working at the Swedish Migration Agency with the aim to improve case-handling and decision-making on asylum for LGBTI people and women who are persecuted because of their gender. In the context of the project 'FGM Global Approach', a shared approach was developed by **Belgium** for the identification, guidance and referral of victims of female genital mutilation in the reception network, including the appointment and training of reference persons. Looking ahead, **Luxembourg** is planning national trainings for case handlers and decision-makers

on international protection for LGBTI people and social workers and educators accompanying victims of female genital mutilation in 2018.



3.3.2. Special reception facilities and support measures for vulnerable groups

A small number of Member States²⁰⁴ created or planned to establish new special facilities or sections within existing facilities for the reception of vulnerable groups in 2017. For example, a new reception centre for vulnerable persons (with capacity of 100 beds) was opened in the town of *Kutina* in **Croatia**. In 2018, **Finland** plans to establish another unit for asylum-seekers in need of special, typically mental health support, to expand the existing capacity of 20 places currently. In 2017, **Italy** adopted additional mental health support measures for beneficiaries of international protection who experienced torture, rape or other serious forms of psychological, physical and sexual violence. **Lithuania** introduced a change in legal regulations allowing vulnerable persons to be accommodated in other facilities than Foreigners' registration centres (for example, in Refugee integration centres).

One other interesting development in 2017 is a specially developed app in the **Netherlands** (called *Rainbow Refugees NL*) which provides relevant information on the rights of LGBTI refugees, as well as on matters related to health and safety. The app, which was launched in January 2017, presents this information in Arabic, English, Farsi and French.

In **Germany** the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and UNICEF together with several civil society organisations, migrant and welfare organisations updated the "Minimum Standards for the Protection of Refugees and Migrants in Refugee Accommodation Centres" which were published in 2016 for the first time. The update includes two new sections on minimum standards for refugees and migrants with disabilities and for LGBTI* refugees and migrants.



3.3.3. Identification mechanisms/ referrals

Six Member States²⁰⁵ appear to have introduced mechanisms that enable the identification of asylum applicants who may be vulnerable. For example, in 2017, **Malta** introduced a preliminary vulnerability assessment for all new applicants for international protection which is carried out by non-medical practitioners for the purpose of identifying vulnerable persons.

In **Ireland**, in February 2017, the Chief International Protection Officer accorded priority to certain classes of application for international protection solely related to the scheduling of interviews. UNHCR offered advice and supported prioritisation of applications "as a means to enable

198 BE, BG, DE, EL, HR, HU, IE, IT, SE, UK

199 e.g. BE, IE, IT

200 AT, CZ, DE, EE, HU, LT, NL, SK, UK

201 FI, HR, LT, LV

202 FI, IE, LU, MT, NL, SE

203 These definitions will be used without excluding other vulnerable group or vulnerability criteria that may be specific to each call. The identification of membership of one of the vulnerable groups is carried out by the professionals of the different organizations and centres responsible for the reception and integration of third-country nationals

204 FI, HR, IT, LT, LV

205 BE, FI, LU, MT, NL, SE

the early identification of, for example, likely well-founded cases and cases involving children or the elderly.”²⁰⁶ One category is based on the age of the applicant under which cases involving for example, unaccompanied minors who have aged out or applicants over the age of 70 who are not part of a family group, will be prioritised.

3.4. UNACCOMPANIED MINORS NOT APPLYING FOR ASYLUM

In most (Member) States²⁰⁷ there were no new or planned legislative or policy changes in relation to unaccompanied minors *not* applying for asylum in 2017. There were generally, no differences between the provisions available for unaccompanied minors applying for asylum and those who do not.²⁰⁸



3.4.1. Increase / decrease of human resources and / or training of staff

Only two Member States²⁰⁹ reported a slight increase of human resources or training of staff working with unaccompanied minors *not* applying for asylum in 2017. This included a couple of additional members of staff in the immigration unit dealing with unaccompanied minors who do not apply for asylum in **Belgium**, and a new psychologist and educator employed by a foster home in the **Slovak Republic** who however catered to the needs of both unaccompanied minors seeking and not seeking asylum.



3.4.2. Improvement of protection and care of unaccompanied minors

Although four Member States²¹⁰ reported taking new measures to improve the protection and care of unaccompanied minors not applying for asylum, these changes were seemingly part of general measures which apply to all children and/ or all unaccompanied minors (e.g. improving the quality of Protected Reception in the **Netherlands** mentioned above).



3.4.3. Provision of information

Although on the whole there were no new developments in the area of provision of information to unaccompanied minors not seeking asylum, it is worth noting perhaps that in June 2017 immigration officers in **Belgium** started distributing flyers twice a week at public places with high concentration of unaccompanied minors who are in transit on their way to the United Kingdom, as part of a campaign to inform them of the possibility to apply for asylum in Belgium.

3.5. OTHER VULNERABLE GROUPS NOT APPLYING FOR ASYLUM

Although five Member States²¹¹ reported new or planned legislative or policy measures in relation to other vulnerable groups *not* applying for asylum, in general it does not appear to be the case that these changes specifically addressed those who did not seek asylum. They were rather part of more general measures, for example, the planned criminalisation of female genital mutilation such as in **Luxembourg**, or regulating compensation of victims of violent criminal acts such as in the **Slovak Republic**.

Perhaps the most significant development – in relation to procedural safeguards for this group – was in the **Netherlands**, where there was a change in the conditions for granting postponement of departure for rejected asylum-seekers who claim that they are not able to return to their country of origin for medical reasons. This possibility, and accordingly, the granting of a residence permit on medical grounds was implemented on 1st September 2017 in the Netherlands.

In **France**, the reform of the procedure for issuing residence permits for health reasons entered in force on 1st January 2017, with the aims to harmonise applications' procedures across the country to strengthen the guarantees granted to applicants and to improve the fight against fraudulent applications.

²⁰⁶ International Protection Office and UNHCR (27 February 2017) "Prioritisation of applications for international protection under the International Protection Act 2015", paragraph 4. Available at: www.ipso.gov.ie

²⁰⁷ AT, BG, CZ, DE, EE, FI, HU, LT, LU, LV, MT, SI, UK

²⁰⁸ e.g. CZ, DE

²⁰⁹ BE, SK

²¹⁰ LT, NL, SE, SK

²¹¹ HR, EL, LU, NL, SK

4. INTEGRATION

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, on integration of third-country nationals. The first section elaborates on the developments at EU level (section 4.1) while the following section outline the main developments in Member States and Norway (section 4.2), including non-discrimination measures and awareness raising measures on migration in the hosting (Member) State.

4.1. DEVELOPMENTS AT THE EU LEVEL

In 2017, the Commission continued the implementation of the Action Plan on the integration of third-country nationals²¹² including pre-departure actions and measures in the areas of education, labour market and vocational training, access to basic services and active participation and social inclusion, as well as enhanced coordination and funding.²¹³ Among the actions on the labour market²¹⁴ the initiative 'Employers together for Integration' was launched in May 2017 during the second European Dialogue on Skills and Migration²¹⁵ to give visibility to employers' actions to support the integration of refugees and other migrants into the labour market. Moreover in December 2017, the Commission and the EU Social and Economic partners signed the 'European Partnership for Integration'²¹⁶, laying down key principles and commitments to support and strengthen opportunities for refugees and migrants legally residing in the EU to integrate into the labour market. The 'EU Skills Profile Tool for Third Country Nationals'²¹⁷ was released to support national authorities, such as public employment services or integration centres, to map the skills and work experience of third country nationals and thereby facilitate a faster access to employment or training.

Furthermore, the European Integration Network (EIN) developed its coordination and mutual learning mandate. In addition to regular meetings, two study-visits took place on the topics of a multi stakeholder approach for the integration of refugees (in Sweden) and labour market integration (in Germany). Specific meetings on the cooperation with

local and regional authorities and integration contracts also took place in 2017.

Moreover, the EU financial support for integration was increased through top-ups of the national programmes under the Asylum, Migration and Integration Fund under the 2017 budget. Projects under the EU Programme for Employment and Social Innovation were launched to promote labour market integration of refugees, 'fast track' insertion into labour market and vocational training and labour market integration of women.

Finally, the European Commission and the City of Amsterdam coordinated the Partnership on the inclusion of migrants and refugees, under the Urban Agenda for the EU. The partnership between the Commission, Member States, cities and civil society representatives aimed at developing ways for better managing the integration of migrants and refugees by considering, in particular, cities' challenges and needs. .

4.2. INTEGRATION OF THIRD-COUNTRY NATIONALS

This section reviews developments occurred in 2017 in Member States and Norway to facilitate integration of third-country nationals. It outlines first generic policies and measures regarding both socio-economic and civic participation, followed by targeted policies and measures to specific categories of third-country nationals and vulnerable groups. Finally, it covers non-discrimination, coordination and cooperation at local level, awareness raising policies and actions, as well as diaspora engagement.

Compared to 2016, few more (Member) States introduced **legislative measures/amendments** to facilitate the integration of third-country nationals and of beneficiaries of international protection²¹⁸. (Member) States also elaborated/adopted **action plans or strategies** including different types of measures,²¹⁹ whether targeting all migrants, like, for example, in **Ireland**, the 'Migrant Integration Strategy' which provided the framework for Government action on

212 COM (2016) 377 final

213 For more details on the implementation of the action plan, please see here: <https://ec.europa.eu/migrant-integration/news/europe-brand-new-tool-to-monitor-eu-actions-for-integration>

214 https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/integration/integration-labour-market_en

215 https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/european-dialogue-skills-and-migration_en

216 http://europa.eu/rapid/press-release_IP-17-5352_en.htm

217 <https://ec.europa.eu/migrantskills/#/>

218 AT (2016 Integration act entered into force in 2017), CZ, DE, FI, LT, SK.

219 HR, IE, LU (action plan under elaboration, not adopted yet), LT, LV, MT, SK.

migrant integration from 2017 to 2020, or focusing on the integration of persons who had been granted international protection, like the **Croatian** action plan 2017-2019.

Six Member States increased or planned to allocate **additional funding** to integration²²⁰ and a number of **EU co-funded projects** to facilitate integration were reported by Member States.²²¹

Some Member States introduced or reinforced their **mandatory integration programmes**, often combining languages courses, together with civic education or professional orientation.²²²

In **Luxembourg**, a bill was discussed in the Parliament with the aim to modify the criminal code, introducing a fine where partial or complete coverage of the face by a person in a number of public spaces (e.g. schools, medical care facilities, public administration buildings), might impede identification.

Information and awareness raising campaigns were organised on integration issues in different (Member) States.²²³

Measures targeting beneficiaries of international protection were fostered or focused on different purposes, depending on the increase or decrease of influx of refugees in a country. In the **Netherlands**, for example, in response to a decreased number of asylum seekers entering the country, the focus shifted to the quality of education and support provided.

To supplement integration policies, (Member) States continued adopting measures/policies to tackle discrimination, promote integration at local level and raise awareness on migration issues. Measures to improve attainment in the education system

Six (Member) States²²⁴ adopted **legal or policy measures** to improve attainment in the education system:

- In **Austria**, the Compulsory Education and Training Act entered into force in July 2017 establishing that, to prevent premature discontinuation of education, school or vocational training was compulsory for all persons below 18 years old, with the exception of those temporarily residing in Austria;
- **Belgium** and **Finland** introduced or reinforced/amended existing legislative measures or policy plans to improve the integration into schools of newly arrived immigrant pupils.
- In **Czech Republic**, according to a 2017 policy document, integration measures focused on disseminating information about the national education system and supporting collaboration between families and schools;
- **Luxembourg** reformed the system of post-primary education, including the future institution of a Mediation Service for National Education in charge of issues related to the integration of migrant children. Taking the heterogeneity of the pupils into account, the

reform aimed to lead to further diversification of the educational offer. Furthermore, legislative measures were adopted to introduce plurilingual education in pre-school. At the same time, awareness was raised about the availability of training programmes as well as about the dissemination of a pedagogical guide;

- In **Norway**, an amendment to the education act established that children shall have access to primary and lower secondary education within a month.
- **Germany** reported an increase of national or EU funding. Resources provided to a federal programme focusing on supporting daily language education in day-care centres were doubled and another federal programme was started in 2017 (until 2020) to facilitate access to the German system of early childhood education and care for children who do not yet benefit from institutional child care to get access.
- **Portugal** established an intercultural education school network to improve attainment in the education system.



4.2.1. Integration through socio-economic participation

4.2.1.1. Measures to enhance migrants' language skills

Over the years, most (Member) States have introduced regular language courses for third-country nationals, with few exceptions.²²⁵ With regards to **the measures adopted to enhance migrants' language skills**, compared to 2016, further Member States have introduced or amended **compulsory** language learning, often accompanied by compulsory civic education.²²⁶ For example, in **Austria**, the 2017 Integration Act²²⁷ introduced the obligation for third-country nationals to acquire, together with German language skills, knowledge of the democratic system and principles, linking the course completion to the issue of a permanent residence permit. Other (Member) States, such as **Germany**, included courses for individual professional groups in parallel with a procedure for recognising professional qualifications or admission to certain occupations and professions. Furthermore, a number of lessons were tailored to the specific needs of certain industries.

The **Netherlands** has **increased the level of language** required to pass the test for obtaining a permanent residence permit; **Czech Republic** is planning to do the same in the near future.

Other measures reported included:

- **Portugal** established an intercultural education school network to improve attainment in the education system, providing inter alia language learning materials.
- In **Estonia**, an online platform to learn the language was further developed in 2017. Moreover, in the context of a European Social Fund project, language

220 BE, DE (federal programmes focusing on education, languages, access to labour market), FI, IE (focusing on languages), SE (focusing on health), LU (focusing on empowerment through civic education and language learning).

221 BE, CZ, EE, FI, IE, LT, UK.

222 AT, BE, DE, LU, NL, SE.

223 AT, BE, CZ, EE, HR, LT, LU, LV, NL, SI, SK, NO.

224 AT, BE, CZ, FI, LU, MT.

225 E.g. the Slovak Republic.

226 AT, BE, DE, HR, NL, PT, SE.

227 The act covered both persons granted asylum and beneficiaries of subsidiary protection aged 15 and over, as well as legally residing third-country nationals.

cafés and language and culture clubs were organised all over the country in 2017.

- **France** introduced the possibility to increase the number of training hours by 20% according to individual needs. Furthermore, to help the various stakeholders with supporting newly arrived migrants, a collection of online language courses and a mapping of language training available on the territory was completed.
- **Luxembourg** adopted a strategy to promote the Luxembourgish language, including specific measures targeting third-country nationals and beneficiaries of international protection. Furthermore, a 2017 law on nationality foresaw that, once the language certificate necessary to acquire the Luxembourgish nationality was obtained, the costs of the language course would be refunded.
- In the **Netherlands**, providers of language and civic courses recognised by the government will be visited by supervisory bodies before the end of 2018 to ensure the quality of the service provided.
- In **Norway**, provision of languages courses became mandatory for upper secondary schools.
- In **Finland**, reforms in basic and vocational education aimed to enhance the development of migrants' linguistic capabilities in these areas of education respectively²²⁸. In addition, a legislative amendment was adopted to provide literacy studies for migrants in adult education provision²²⁹.

4.2.1.2. Access to social security, healthcare and housing

With regard to migrant access to social security, **awareness raising activities** were implemented or planned via different information channels in the **Czech Republic** and **Latvia**.

In **Finland**, different projects funded by the government or under EU funds were conducted on access to social security and healthcare.

Finally, **Norway** introduced a requirement of five year residence for families with small children (who did not use subsidies childcare facilities) to receive a financial benefit.

4.2.1.3. Integration into the labour market

A number of Member States introduced **legal or policy measures** to improve socio-professional integration of newcomers:

- In **Belgium**, different measures were implemented or planned by the Regional Public Employment Services to facilitate the integration of migrants into the labour market. For example, the Flemish Public Employment Service (VDAB) implemented its Action Plan for 2017 entitled 'Integration through work'.
- In **Germany**, the Federal Employment Agency supported labour market integration of people with a migrant background, giving access to third-country nationals to the same benefits and tools as German nationals or EU citizens. Furthermore, measures were implemented to help third-country nationals to integrate into the

labour market via recognition of their occupational and educational qualifications, as well as their non-formal skills. An example of this is the development of the online-tool 'My Skills' that assessed skills for 30 occupations to improve labour market integration of persons without formal qualifications;

- **Malta** opened the Job Brokerage Office to facilitate third-country nationals' access to the labour market and tackle the problem of irregular work and exploitation of migrant workers.
- **Sweden** adopted new measures to facilitate the integration of newly arrived migrants, in particular to the labour market via, inter alia, the provision of targeted education and training.
- In **Estonia**, an information campaign was launched to encourage second and third generation migrants' access to employment in the public sector. Furthermore, a pilot mentoring programme was launched under INTERREG in collaboration with human resources staff from a number of large companies to facilitate third-country nationals' access to the labour market.
- In **Finland** a reform on Vocational Education was adopted, aiming to increase the on-the-job training and lower the employment threshold of immigrants.

National or EU projects were implemented in various countries.

- In **Belgium**, the project '@level2work' was implemented in Brussels and Flanders: it targeted unemployed third-country nationals with higher education qualifications and aimed at facilitating their access to employment.
- The Integration Foundation in **Estonia** piloted a mentoring programme for unemployed third-country nationals, who were put in contact with the personnel managers from a number of large companies to shared useful job-seeking tips. The aim was to support individuals for whom limited skills in the national language, a restricted network of contacts and other factors represented obstacles to access the labour market.
- In **Germany**, additional funding was allocated for 2017 and 2018 to the funding programme 'Integration through Qualification', which started in 2005. The programme aimed to improve the labour market prospects for persons with a migrant background through funding various projects.
- In **Ireland** and **Lithuania**, AMIF co-founded projects to increase integration and employability of migrants into the labour market;
- In the **Netherlands**, a new programme tackling beneficiaries of international protection and nationals with a migrant background was launched to improve their access to employment.



4.2.2. Integration through civic participation

As part of their mandatory integration programmes, some (Member) States, like **Belgium**, introduced or increased

²²⁸ The basic education reform was adopted in 2016 (legislative amendment 1507/2016) and the vocational education reform in 2017 (legislative amendment 965/2017). Both entered into force on 1 January 2018.

²²⁹ Legislative amendment 965/2017 was passed in 2017 and entered into force on 1 January 2018.

measures to facilitate the integration of migrants through civic participation.

Other Member States funded **targeted projects**, for example in the **Czech Republic** different projects were financed by the Government offering third-country nationals the opportunity to organise small-scale events or participating in public life at local level. Due to their success, some of these projects will continue in 2018.

Similarly, **Italy** implemented projects at local level, for example a Memorandum of Understanding was adopted between the national and local authorities to ensure paths of social inclusion of third-country nationals and in particular of beneficiaries of international protection by promoting civic engagement activities.

National information and **awareness raising campaigns** were launched in **Norway** to prevent hate speech and in **Luxembourg**, to increase foreigners' participation in the local elections. The Luxembourgish campaign was supported by funding a number of complementary projects and other measures (e.g. training). Furthermore, an amendment of the electoral law was discussed at the Parliament to simplify electoral procedures, also for third-country nationals. In addition, a new law on the Luxembourgish nationality entered into force in April 2017. It decreased the required length of residence to apply for naturalisation, introduced a simplified way of acquiring the nationality by 'option' and introduced the right of birthplace of the first generation.



4.2.3. Promoting integration of specific categories of third-country nationals

Most of the measures reported covering third-country nationals described under section 4.2 also covered **asylum applicants and/or beneficiaries of international protection**.

(Member) States often **adopted legislative or policy measures or funded projects** (governmental or under EU funds) that combined different measures on access to education, social security, labour market and on languages.²³⁰ For example:

In **Austria**, the 2017 Integration Act required persons granted asylum and beneficiaries of subsidiary protection to sign an integration declaration, committing to comply with the national values and to attend and complete courses provided on language and values. This act was supplemented by the 2017 Integration Year Act on programmes to facilitate labour market entry to these groups

In **Luxembourg**, in the context of school integration measures targeting all migrant children, specific measures were implemented to support the integration of children from different language communities.

Other (Member) States, like **Ireland**, targeted specific categories such as female refugees.

4.2.3.1. Measures to enhance migrants'²³¹ language skills

The **Czech Republic** published a new tender for providers of language courses targeting beneficiaries of international protection during the period 2018-2020 to ensure higher standard of the service. Similarly, free **Estonian** language training (up to A2 level in language proficiency) for beneficiaries of international protection was co-funded by AMIF and the Ministry of Interior in 2017.²³²

Croatia ensured recognition of qualifications for beneficiaries of international protection and allowed them to finish education started in the country of origin free of charge.

4.2.3.2. Access to social security, healthcare and housing

In **Latvia**, amendments to the Asylum Law changed the procedure regarding financial support to beneficiaries of international protection, to improve the timeliness of financial support following the granting of a status. To ease the financial burden for beneficiaries of international protection during the integration period, **Lithuania** introduced the possibility the partial reimbursement of rental fees. As of 2017, **Italy** has provided 800 euros allowance for every new born or for the adoption of a minor to all families, including third-country nationals legally residing in the territory and beneficiaries of international protection.

In the **Netherlands**, different measures were adopted to facilitate social security, healthcare and housing of asylum seekers and beneficiaries of international protection. For example, according to amendments to existing laws, social counselling will be provided by municipalities to asylum seekers, while beneficiaries of international protection will be entitled to a telephonic interpreter for six months during medical consultations and treatments.

Additional funding was allocated in **Sweden** to healthcare for asylum seekers and beneficiaries of international protection.

Finally, 14 additional flats were provided to the UOIM by the **Slovenian** government to provide housing to beneficiaries of international protection.

4.2.3.3. Integration into the labour market

Six Member States adopted measures to facilitate integration into the labour market.²³³ In particular:

- In **Belgium**, a declaration of intent was signed in order to establish a structural cooperation between the Federal Agency for the reception of asylum seekers (Fedasil) and the Walloon Public Employment Agency (Forem) mainly to facilitate access to employment for applicants for international protection.
- The **Estonian** Unemployment Insurance Agency started a project 'My First Job in Estonia' for beneficiaries of international protection, co-financed by the European Social Fund.
- **Lithuania** adopted policy measures to facilitate the integration of beneficiaries of international protection

230 BE, BG, CZ, DE, HR, IT, LT, MT.

231 The term 'migrants' in the following sub-sections refers to specific categories of third-country nationals, such as BIP.

232 In 2018 this language training will increase from 100 hours (in 2017) to 300 hours, through the co-funding by AMIF and Ministry of the Interior.

233 BE, IE, LT, LU, LV, NL

and asylum seekers into the labour market, including support for learning and recruitment subsidies.

- In **Luxembourg**, the national Employment Agency set up a service targeting beneficiaries of international protection's integration into the labour market.
- In **Latvia**, an electronic booklet for the integration to employment of beneficiaries of international protection was created and will be available in 2018.
- In the **Netherlands**, a new programme tackling beneficiaries of international protection and nationals with a migrant background was launched to improve their access to employment.
- **France** launched an experiment on the integrated pathway for beneficiaries of international protection with the "pathway for 1,000 refugees" initiative which offers 1,000 beneficiaries of international protection (BIPs) with an eight-month integration pathway including accommodation, language learning and certified vocational training focused on sectors experience recruitment difficulties, in partnership with the vocational training association for adults.

Planned measures and funding included:

- In **Ireland**, seven projects were selected to receive funding over the course of 2018 to support the labour market integration of female refugees.

4.2.3.4. Integration through civic participation

Initiatives to foster the integration of specific groups were reported by several Member States.

Integration comprehensive programmes were launched/implemented in two Member States.²³⁴ For example, in **Germany**, different programmes were in place since 2015 to facilitate integration through civic participation with a special focus on refugees and asylum seekers. In particular there were programmes developing mentoring relationships and access to voluntary services within the framework of the Federal Volunteer Service pertaining to Refugees and open for beneficiaries of protection.

Projects were funded or planned in a number of Member States:

- In **Germany**, specific projects have been funded by the Government or under the European Social Fund focusing on access to employment of refugees and of mothers, whether third-country nationals or beneficiaries of international protection.
- The **Czech Republic** was developing pilot projects on cultural and integration course for beneficiaries of international protection to be launched in 2018. The course will provide, inter alia, information on civic participation.
- In **Estonia**, different tenders were published under AMIF to facilitate the integration of beneficiaries of international protection through civic participation.

Information and awareness raising campaigns were launched in two Member States.²³⁵ For example, in the **Netherlands**, measures to support integration of Eritrean and Somalian (particularly women) beneficiaries of international protection was developed, following the difficult integration of this category of third-country nationals.

In **Austria**, the second edition of the Vienna Future Talks was held with the participation of representatives from 12 Member States. The discussion focused on teaching values in the context of refugee integration and on its role to combat radicalisation.



4.2.4. Promoting integration of vulnerable groups, of third-country nationals (UAMS, LGBT, elderly, pregnant women, disabled migrants etc.)

Action plans/strategies containing measures to facilitate integration of **vulnerable groups in general** were adopted in two Member States.²³⁶ Other Member States adopted measures tackling **specific categories of vulnerable groups**. For example:

- In **Ireland**, a strategy focusing on the inclusion of Travellers and Roma was launched.
- In **Belgium**, measures related to the integration, protection and care of unaccompanied minors were adopted or planned in the Communities.
- In **Finland**, two handbooks on the integration of unaccompanied minors were published;
- In **Germany**, adjustments to the 2016 initiatives targeting the protection of women and children in refugee centres were adopted. The number of accommodation centres supported by the coordinating offices for the protection against violence rise from 25 to nearly 100. Also, the "minimum standards" on the protection of women and children in refugee centres were revised, introducing an annex on persons with disabilities and one on LGBTIQ persons.
- **Sweden** identified parental leave entitlements as an obstacle for newly arrived women to enter the labour market and has introduced a limit to the number of days of parental benefit.



4.2.5. Non-discrimination

Efforts to ensure non-discrimination of migrants were reported. Those included **measures to tackle discrimination in general**,²³⁷ or **specific forms of discrimination**, like anti-Semitism,²³⁸ hate speech (and crime) and bullying prevention,²³⁹ and discrimination against Muslims.²⁴⁰

New or amended pieces of legislation were introduced in four Member States²⁴¹ and in Norway.

²³⁴ DE, EL.

²³⁵ LV, NL.

²³⁶ LT, MT.

²³⁷ BE, MT, NL.

²³⁸ AT.

²³⁹ EE.

²⁴⁰ NL.

²⁴¹ BE, LU, PT, SE.

Five Member States²⁴² adopted a **national action plan and/or strategy** and three carried out **campaigns and trainings** to tackle discrimination.²⁴³

Other measures adopted or planned were the following:

- The third report of the bi-annual 'Socio-economic Monitoring Report' was published in 2017: it mapped the position of employees on the **Belgian** labour market in relation to their origin.
- In **Germany**, the Centre for Intercultural Skills Development and Anti-Discrimination (part of the funding programme "Integration through qualification (IQ)") provided assistance for projects under the programme and to members of the IQ network, employment agencies, job centres and small and medium-sized businesses by providing expertise and practical information.
- Italy allocated additional funds for new projects aimed at raising awareness of ethnic and racial discrimination.
- **Sweden** will set up a new authority in 2018: the Delegation against segregation (Delmos). Responsibilities will include; increasing cooperation between relevant actors; contributing to the exchange of knowledge and best practices; assisting the government with investigations; and distributing grants.
- The **Slovak Republic** amended the criminal code to improve investigations of racial crimes.



4.2.6. Promoting integration at local level and cooperation, consultation and coordination of local stakeholders

Integration at local level was implemented in several Member States via **integration centres**:

- Two additional integration centres were opened in **Austria** with the result that now there are centres offering counselling, language and civic courses in all nine Austrian provinces;
- In 2018, the **Czech Republic** intends to open another Integration Centre. As a result all regions will be covered.

Other activities included:

- **Fostering collaboration between central and local authorities.**²⁴⁴
- **Data collection for policy development at the local level.** In **Belgium**, the 2016 edition of the Flemish Local Civic Integration and Integration Monitor (LIIM)

was published. The LIIM gave municipalities a clear view of the position of foreign nationals and persons of foreign origin in the areas of employment, housing, education, welfare, poverty and participation in their community. The aim was to provide municipalities with local figures for policy action.

- **National funding or EU co-funding** to support integration strategy at local level.²⁴⁵
- **Fostering networks and best practice sharing.**²⁴⁶
- **Policy or legislative measures:** in **Croatia**, the 2017-2019 action plan for integration of beneficiaries of international protection included recommendations for the implementation at local level. In **Finland**, a reform of the regional system is under preparation entering into force in 2020. The regions will be responsible, inter alia, for promoting integration.



4.2.7. Awareness raising on migration in the hosting (Member) State

Several Member States²⁴⁷ and Norway developed information activities or strategies, sometimes via EU-funded projects.²⁴⁸ For example, in the **Czech Republic**, brochures and website were created by the Refugee Facilities Administration, responsible for ensuring access to integration services for all beneficiaries of international protection, and at local level by different actors. In its role of 2017 chair of the Nordic Council, **Norway** adopted information and awareness raising campaigns to prevent hate speech.

4.2.8. Integration measures involving countries of origin and/or diaspora communities

Several new measures were reported. These included:

- In **Germany**, the Federal Office for Migration and Refugees (BAMF) provided structural funding for migrant organisations. During the current funding period (2017-2020), these organisations provided significant help to newly arrived refugees as well as the integration of third-country nationals who entered the country legally.
- In **Ireland**, celebrations to mark Africa Day were held in 2017. This included an exhibition of African art held at Google Head Quarters in Dublin.
- **Luxembourg** published a study on the Cape Verdean community in Luxembourg co-financed by AMIF.

²⁴² FI, HR, IE, LT, NL.

²⁴³ EE, FI, LT, LV.

²⁴⁴ BE, CZ, DE, LU.

²⁴⁵ CZ, EE, IE, LT, LU, SE, SI, SK.

²⁴⁶ CZ, LU, LV, NO, SE.

²⁴⁷ AT, BE, CZ, EE, HR, LT, LV, NL, SI, SK.

²⁴⁸ EE.

5. IRREGULAR MIGRATION INCLUDING BORDER CONTROL

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, tackling irregular migration. The first section elaborates on the developments at EU level (section 5.1) while the following sections outline the main developments in Member States and Norway. Notably, this section analyses how (Member) States pursued a more effective control and management of EU external borders (section 5.2); then it looks at measures to prevent and tackle irregular migration resulting from legal migration channels (section 5.3); and finally, it describes measures to prevent and fight irregular migration and irregular stay, including smuggling (section 5.4).

5.1. DEVELOPMENTS AT EUROPEAN UNION LEVEL

In 2017 the number of illegal crossings at EU external border, while remaining higher than any year before 2014, dropped from 511 047 in 2016 (and from 1.8 million in 2015) to 204 719 detections. While the reduction in numbers largely followed the overall decreasing trend in the number of third-country nationals seeking asylum in the EU, it is also due to stricter controls which in particular led to a significant drop of detections along the eastern Mediterranean route and, secondary to it, on the Western Balkans route. Conversely, arrivals along the Western Mediterranean reached a new peak increasing from 9 990 in 2016 to 23 143 in 2017. On the Central Mediterranean route the aggregate numbers of detections remained at the same level as in 2016. Syria, Nigeria and Ivory Coast were the three top nationalities detected.²⁴⁹

Following a similar, yet less marked trend as the number of illegal entries, the detection of illegally staying third country nationals also decreased from 491 918 in 2016 to 435 784 in 2017. A total of 183 584 refusals of entry were reported at the external borders, about 15% less than in 2016. Member States reported a total of 6 700

persons detected to be fraudulently using documents at external border, which is the lowest since 2013.²⁵⁰

Substantial human and financial resources were mobilised in 2017 to implement the **new mandate of the European Border and Coast Guard**, which now encompasses coast guard functions carried out in close cooperation with the European Maritime Safety Agency and the European Fisheries Control Agency. Notably, in 2017 the Agency finalised the set-up of the rapid reaction pools and can today count on 1,100 border guards and other relevant staff ready for deployment at different sections of the EU external borders.²⁵¹ The Agency also developed methodologies and increased capacities to perform risks assessments.²⁵²

In terms of policy developments, the EU continued to invest in **reinforcing border controls**. In March 2017, the Council adopted a new Regulation amending the **Schengen borders code** concerning the reinforcement of checks against relevant databases at external borders (hereinafter EU regulation on Border controls).²⁵³ The new provisions oblige Member States to conduct systematic checks on nationals and third-country nationals crossing the external borders.²⁵⁴ Stricter border controls were also pursued by the decision of the Council, in May 2017, to prolong the temporary internal border controls in exceptional circumstances if considered necessary and proportionate at the internal border in five Schengen States namely Austria, Denmark, Germany, Sweden and Norway.

Policy measures were also taken to **improve border management**, following on the proposal presented in 2016 by the European Commission to improve the security of external borders using new technologies. Notably, in November 2017 the regulation establishing the **EU entry-exit system** was adopted, applying to all non-EU citizens who are admitted for a short stay in the Schengen area.²⁵⁵ The Regulation seeks to increase automation at border-controls and improving detection of document and identity fraud. Furthermore, based on the Commission, the European Council reached in June 2017 an agreement on a common approach on the creation of a **European travel**

²⁴⁹ Frontex, Risks Analysis for 2018, February 2018, available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf, last accessed 30 April 2018

²⁵⁰ Ibid

²⁵¹ Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_progress_report_on_the_europe-an_agenda_on_migration_en.pdf, last accessed on 30 April 2018.

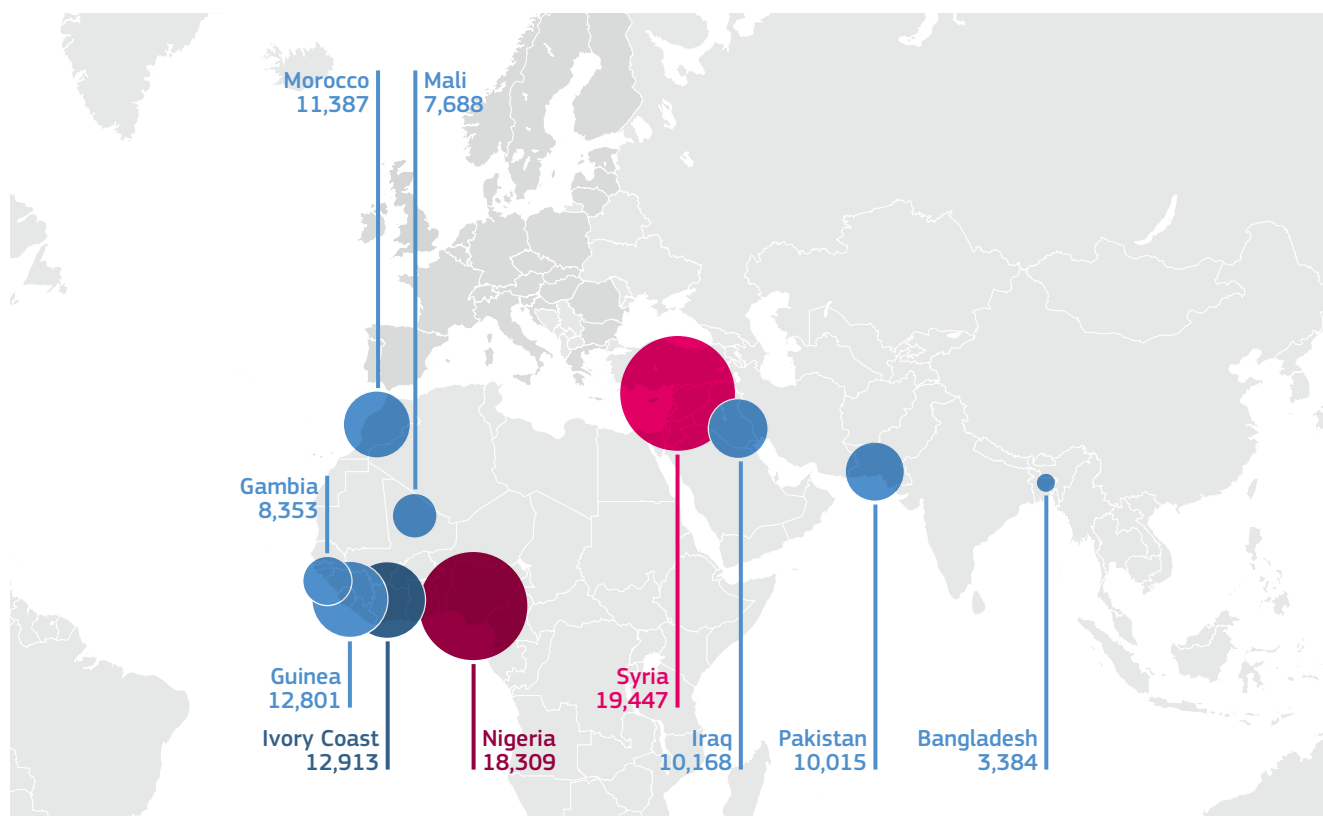
²⁵² Ibidem

²⁵³ Regulation (EU) 2017/458 of the European Parliament and of the Council of 15th March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders, available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32017R0458>, last accessed on 20 March 2018

²⁵⁴ See EMN press release <https://emnbelgium.be/news/new-regulation-reinforces-checks-external-borders>

²⁵⁵ Regulation establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 Available at <http://data.consilium.europa.eu/doc/document/PE-47-2017-INIT/en/pdf>, last accessed on 20 April 2018

Figure 5.1 – Detections of irregular border-crossing between border crossing points – Top nine nationalities at the external borders



Source: Frontex Risk Analysis 2018

information and authorisation system (ETIAS), to conduct preventive security checks on visa exempt travellers.

In the Framework of the EU Action Plan against smuggling²⁵⁶ and of the Migration Partnership Framework²⁵⁷ approach, the EU continued its efforts to **fight against human smuggling**, maximising the role of Common Security and Defence Policy (CSDP). Missions and existing cooperation platforms. Pilot initiatives, such as the joint investigation team model of cooperation and capacity building activities in Niger are now running at full speed, combining support to border control authorities with community stabilisation programmes, and plans are ongoing to replicate them in other third countries.²⁵⁸

5.2. ENHANCED BORDER MANAGEMENT AT THE EXTERNAL BORDERS

In 2017, in line with the priorities established in the EU Agenda for migration to prevent irregular migration and

enforce border control, several Member States introduced or planned new border control measures, including:

- Policy and legal responses to improve effectiveness of the border services;
- Measures to improve the effectiveness of controls at external border (strengthening border equipment, resources and staff);
- Reinforcing cooperation with third countries.

5.2.1. Policies and legal responses to improve effectiveness of border management

The implementation of Regulation 2017/458, which requires Member States to check the documents of nationals and third-country nationals²⁵⁹ crossing the external borders (hereinafter EU Regulation on documents control) against relevant databases, remained a key task in Member States²⁶⁰ which took the necessary national practical and legal actions to apply the regulation.

²⁵⁶ EU Action Plan against smuggling, at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf

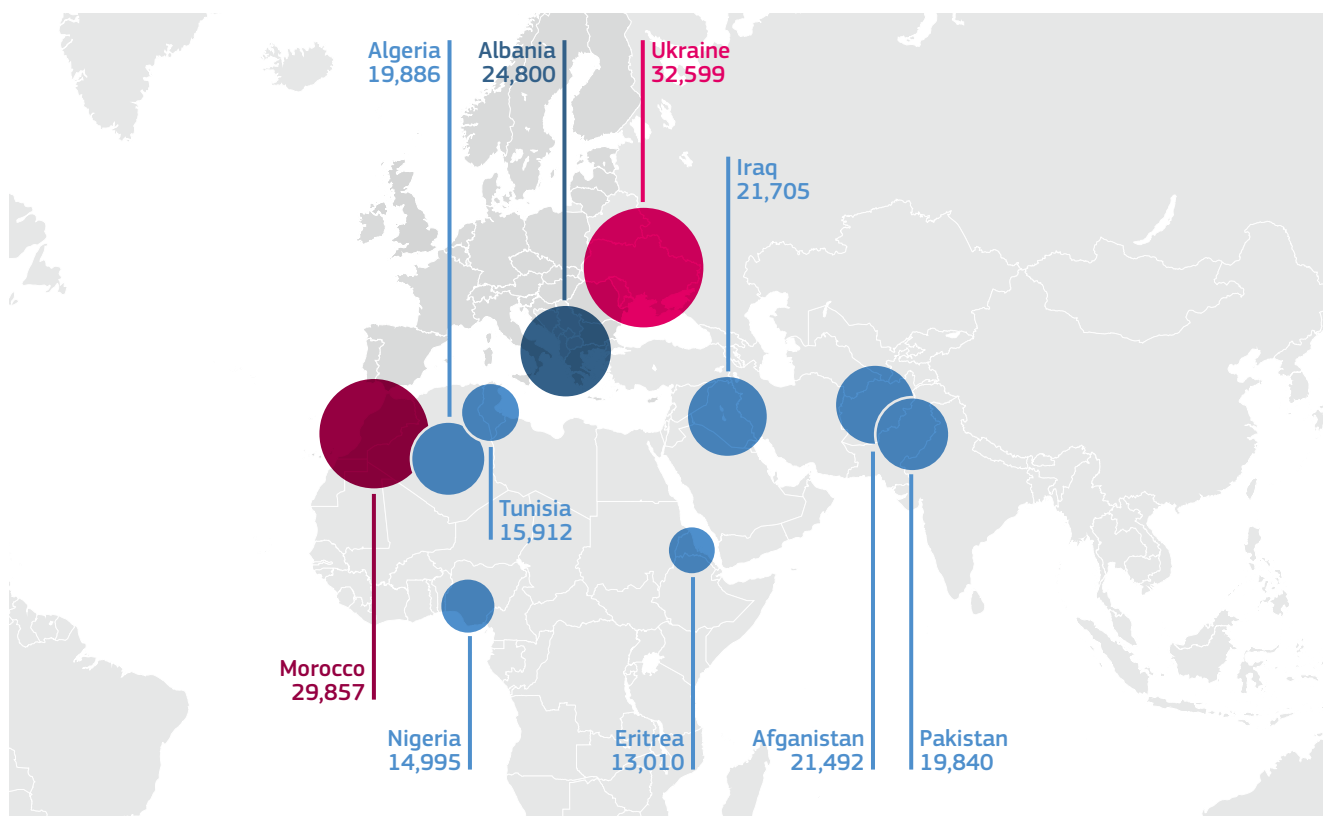
²⁵⁷ COM(2016) 385 final, Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank, on establishing a new Partnership Framework with third countries under the European Agenda on Migration, of 7 June 2016, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_impact_en.pdf

²⁵⁸ See COM(2017) 558 final, Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions on the Progress report on the European agenda on migration, 27 September 2017, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_progress_report_on_the_european_agenda_on_migration_en.pdf

²⁵⁹ Regulation (EU) 2017/458 of the European Parliament and of the Council of 15th March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders, available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32017R0458>, last accessed on 20 March 2018

²⁶⁰ BG, DE, FR, SK

Figure 5.2 – Detections of illegal stay – Top nine nationalities at the external borders



Source: [Frontex Risk Analysis 2018](#)

Some Member States worked towards the establishment and implementation of the Integrated Border Management (IBM)²⁶¹ as set out in Regulation (EU) 2016/1624²⁶².

This was done either by adopting the necessary legal and policy measures to set up the IBM²⁶³, or by taking the required technical steps to implement it. Notably, **Portugal** adopted a National Strategy²⁶⁴ on Integrated Border Management in July 2017, while **Belgium**²⁶⁵, **Italy**²⁶⁶ and **Lithuania**²⁶⁷ prepared national strategies with a view to improving or implementing and developing an integrated model for the management of external borders. **Greece** extended the automated surveillance system to the border crossing of the Greek-Turkish border in the Evros area and established an interconnection of the Regional Centres for Integrated Border Management and Immigration (PEKIDIS).

In response to the need for stronger border controls, a few Member States²⁶⁸ adopted new approaches to **organising the management and/or rules for border crossing**. These approaches generally go towards the application of stricter controls and stricter rules for border crossings. For example, **Lithuania** approved a procedure for reducing the use of existing procedures to ease controls at the border, while **Hungary**²⁶⁹ passed a Bill which obliges asylum seekers to submit their application in dedicated transit zones and to remain in the transit zones until they are authorised to leave. Failure to do so is considered a criminal offence punishable with detention. **Portugal** concluded several inter-agency agreements seeking to expand the effectiveness of controls over its sea borders.²⁷⁰ In **Spain** Communication channels have been established with public entities and maritime companies. Furthermore, an Agreement between the Guardia Civil and National Tax Agency is being drafted in order to exchange information

261 BE, DE, EL, HU, PT, LT

262 Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14th September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, available at <https://publications.europa.eu/it/publication-detail/-/publication/65db3442-7bcf-11e6-b076-01aa75ed71a1/language-en>, last accessed on 20 March 2018.

263 BE, IT, PT, LT

264 The National Integrated Border Management Strategy was approved in July 2017 by the Council of Ministers Resolution no. 104/2017. The National Integrated Border Management Strategy aims at:

Protecting internal security in support of the EU's area of freedom, security and justice;

Consolidating the management of the external borders of Portugal and the EU by facilitating and controlling border flows according to EU/Schengen standards and procedures;

Strengthening coordination and cooperation between all entities involved in border control and surveillance;

Strengthening the authorities' capacity to respond to the existing challenges

265 Belgium started in July 2017 the drafting of the National Strategy on integrated border management.

266 In May 2017 Italy adopted the document defining the National strategy on integrated border management for the period 2018-2020.

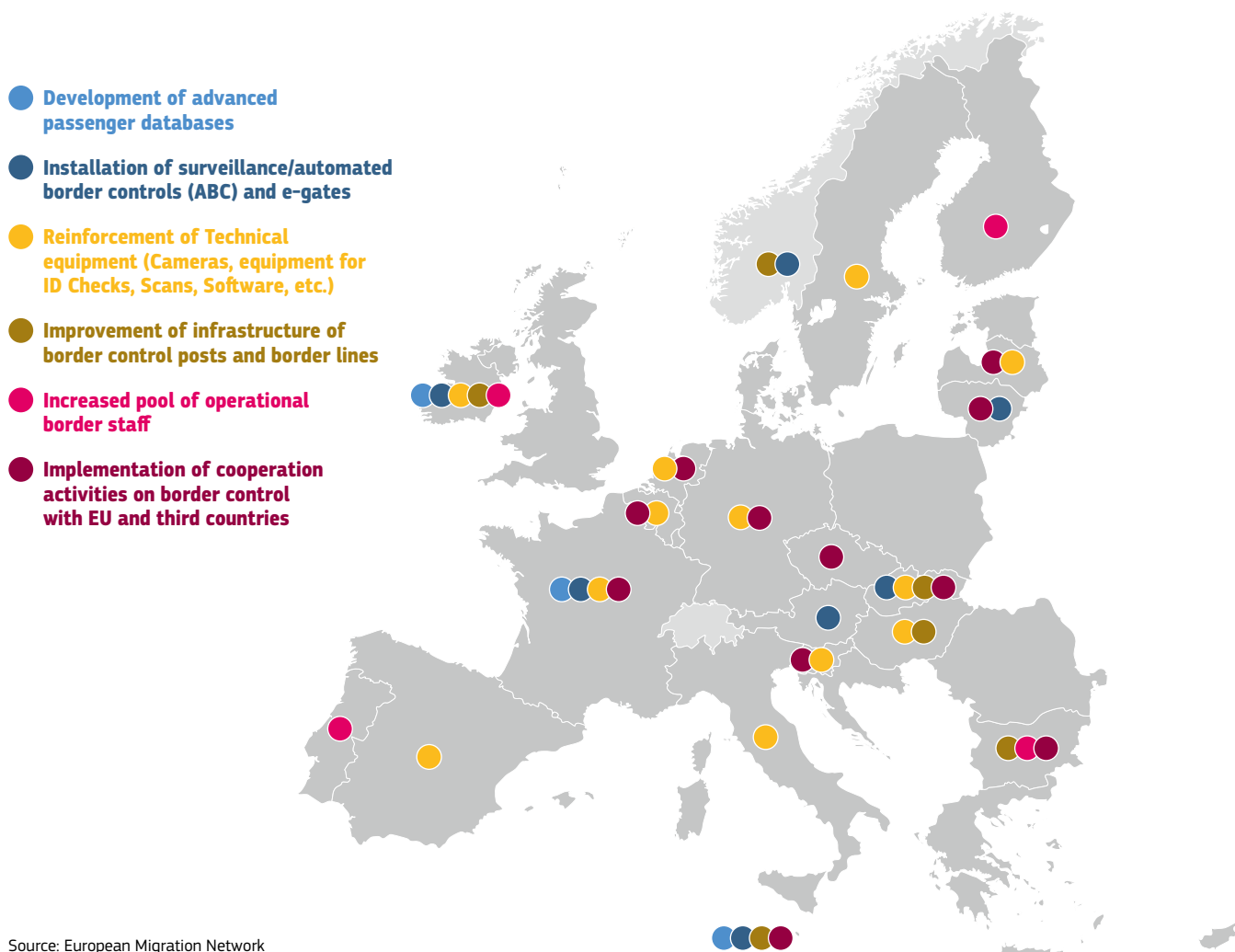
267 Lithuania prepared the Programme for the Development of the State Border Guard System 2017-2025

268 BE, ES, LT, HU, NL, PT

269 Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas

270 Several Service Level Agreements-SLAs were signed with various ports/marinas at the national level, namely Sines, Ponta Delgada (Port and Marina), Horta, Portimão, Lagos, Peniche, Póvoa do Varzim, Angra/Praia da Vitória, as part of the objectives established by the SEF;

Figure 5.3 – Measures to improve the effectiveness of controls at external borders



Source: European Migration Network

and provide data obtained by means of the automated number plate recognition systems installed in border crossing points. A Risk Analysis Tool for local level (Risky Tool v.2) was created by the National Police and implemented in different Border Crossing Points.

5.2.2. Measures to improve the effectiveness of controls at external borders

Efforts to improve the effectiveness of border control were especially channelled towards increasing the **overall resources of the border crossing points**. This was notably done through:

■ **Installation of surveillance and document control equipment for border and pre-border checks.**

With regard to the latter, progress was made on the implementation of the Passenger Name Records (PNR) Directive²⁷¹ and its alignment with the respective national Advance Passenger Information (API) system²⁷²; **Norway** installed the GTK-system (Border and checks on the territory- system). Measures on Border controls systems included the upgrade of border crossing points through the use of Automatic Border Control (ABC) in several airports²⁷³ and the increase of available e-gates²⁷⁴. Measures also included the reinforcement of controls at challenging border crossings, as for instance the installation of stationary border surveillance systems at the **Lithuanian** border with the Republic of Belarus;

■ **Reinforcement of Technical equipment (Cameras, equipment for ID Checks, Scans, Software, etc.):** Several Member States invested in the modernisation

271 Directive (EU) 2016/681 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

272 BE, FR, MT, IE

273 FR, MT, SK. In Slovak Republic the construction of ABC gates at the M. R. Štefánik is planned to take place in 2018 – 2019.

274 AT, DE, NO, IE. In Ireland, automatic border control e-gates were introduced at both Terminals 1 and 2 Dublin Airport, available to national and EU/EEA e-passport holders, over 18 years. It is envisaged that they will be extended to other categories of passengers as the programme develops. In Norway, as of today Oslo Airport is the only airport in Norway that has an ABC-system which currently consists of four e-Gates situated at the Non-Schengen arrival area. The e-Gates are open for all citizens of EU/EEA/CH with biometric passports except persons under 18 years old which are not allowed to use the system. The planned investment project foresees the construction on additional 21 e-gates and it is expected will result in a much higher volume of passengers passing through an automated border control, significantly speeding up the crossing time.

and/ or replacement of border control equipment (completed or currently ongoing), which helped to improve quality and effectiveness of border controls. For instance, some Member States²⁷⁵, purchased tools for biometric ID checks, EasyPass posts, kiosks, other purchased technical devices to perform, for instance, checks on cargo trains²⁷⁶ or other IT/technical equipment²⁷⁷;

- **Infrastructures and vehicles:** Some Member States²⁷⁸ invested in the improvement of infrastructure of border control posts and border lines. Some Member States chose to construct fences²⁷⁹, notably along the Bulgarian-Turkish border and along the Hungarian border. Other infrastructure works included the refurbishment of border posts facilities²⁸⁰, the improvement of roads and manoeuvring areas along the border fence²⁸¹ and enlarging their road, air and navy fleet²⁸². **Malta**, for example, undertook a re-engineering project of an off-shore patrol vessel, the OPV P61, which significantly enhanced the efficiency of operations at sea.

Member States also continued investing in the **reinforcement of border staff**, through:

- **Recruitment** of new operational staff and filling key leadership positions. Notably, **Portugal** hired an additional 45 inspectors; **Bulgaria** made an inter-institutional agreement with their Ministry of Defence to enlarge the staffing resources to be deployed in border control duties; whilst **Ireland**, in compliance with the EU PNR Directive (2016/801/EC), appointed a Director to head up the Passenger Information Unit (PIU); in **Finland** human resources were relocated to the Eastern external border and additional recruitment of some 200 border guards was ongoing as at the end of the year;
- **Training** of border staff, through traineeships, e-learning platforms and face to face training²⁸³;
- Planning and development of a reinforcement of border control staff based on needs identified through national audits (**Spain**).

5.2.3. Preventing and combatting irregular immigration by ensuring reinforced cooperation with third countries in the area of border management

As in 2016, almost half of all Member States reported the continuation of cooperation agreements and activities with third countries on border management²⁸⁴. These initiatives can be broken down as follows, as shown in Table A2.1 in Annex 2:

- Inter-institutional Conferences and official visits
- Political commitment/ Plan for cooperation on border management cooperation (e.g. joint investigations, data sharing, joint patrols etc.)
- Support to strengthen border management through secondment of border staff to assist border control operations and provision of equipment, technical skills, training
- Support to strengthen migration management (national policy development and implementation, case management etc.).



5.3. PREVENTING AND TACKLING OF MISUSE OF LEGAL MIGRATION CHANNELS

5.3.1. Irregular migration as a result of visa liberalisation

In response to Regulation (EC) No 539/2001 and related amending Regulations²⁸⁵ on the liberalisation of visa requirement of nationals from certain third countries, most Member States established a monitoring system to assess the effects of the visa free regimes and the Czech Republic prepares its introduction²⁸⁶. The monitoring results showed that in some Member States, abuses of visa liberalisation rights were taking place, notably:

- Regarding nationals from the **Western Balkans** countries, some Member States²⁸⁷ reported on increased numbers entering without meeting visa

²⁷⁵ DE, FR, IE

²⁷⁶ HU

²⁷⁷ BE, ES, IT, LV, FR, NL, SE, SI, SK, NL. In LT, acquisition of the following border control technical devices was performed in 2017 in order to strengthen the border control process:

- 15 video spectral comparators (infrared radiation equipment);
- 11 portable ionising radiation check devices;
- 20 vehicle in-depth examination devices (endoscopes);
- 6 vehicle in-depth examination devices (for determination of metal heterogeneity).

²⁷⁸ BG, HU, IE, MT, NO, SK.

²⁷⁹ BG, HU

²⁸⁰ EE, IE, NO

²⁸¹ HU

²⁸² MT

²⁸³ BE, ES, HU, MT, PT

²⁸⁴ AT, BE, BG, CZ, DE, FR, LT, LV, MT, NL, SI, SK

²⁸⁵ Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

²⁸⁶ DE, FI, FR, LV, LT, PT, SE

²⁸⁷ AT,

requirements or and an increase on the number of asylum requests, in particular from Albanian nationals;

- Regarding the Eastern **Partnership** countries, **Belgium** noted a 93% increase of asylum requests from Georgian citizens as compared to 2016, indicating a potential abuse of visa free rights and with a potential impact on increase in irregular stay on the territory. A similar trend was recorded in **Finland** and **Sweden**, where asylum applications from Georgian nationals increased significantly. **Latvia** also registered a sharp increase in the incidence of access denied to nationals of Ukraine, Moldova and Georgia due to violation of entry conditions.

Beside the establishment of the monitoring systems and assessment of the effects of the visa liberalisation and visa free regimes mentioned above, Member States did not report on the implementation of any new policies or measures specifically to address concerns and abuses related to visa liberalisation.

5.3.2. Irregular migration resulting from the misuse of legal migration channels

In 2017 some measures were adopted to prevent the misuse of legal migration channels by third-country national researchers and students. The **Czech Republic** introduced a pilot project, the 'Student Mode', which facilitates long-term visa/residence procedure for third-country nationals with a genuine interest in higher education, as a mean to promote legal migration versus irregular entry and stay of third-country national students. **Finland** sought to build stronger cooperation with educational institutions from countries of origin considered at higher risk of irregular migration to ensure that students' residence permits are not used as a means of illegal entry in Finland. Other Member States²⁸⁸ initiated policy or legal initiatives to apply stricter rules and more efficient controls on residence permits for students.

To prevent the fraudulent use of entry channels for third-country national workers, and notably misuses of the Directive 96/71/EC²⁸⁹ on posting of workers, some Member States reinforced checks on the stay of short term migrant workers²⁹⁰ or on recruiting agencies²⁹¹. The **Czech Republic** focused its efforts on raising awareness of both employers and third-country nationals about movement rights of non - EU workers within the Schengen area.

In response to increased misuse of family reunification rights and in particular of fraud related to marriages and partnerships of convenience, reportedly two Member States undertook policy reforms in the year in review. Notably, **Belgium** adopted a new law on the fight against false declarations of parenthood, introducing – also for marriages and partnerships of convenience – penalties for falsely declaring parenthood. **France**, published a manual for prefects, with instructions on how to prevent and fight fraudulent marriage and partnerships of convenience.

Latvia: capacity building of liaison officers to detect the use of false documents:



The liaison officer of the State Border Guard in Latvia, in cooperation with the liaison officer of the Netherlands (document expert) in Moscow and the liaison officer of Germany (document expert), organised two training workshops in the airport in Minsk on the topics of border crossing, Schengen visas and types thereof, trends in illegal immigration and the use of falsified documents, as well as primary methods for detection of falsified documents. Representatives of the airline company Belavia and bus-company Ecolines as well as employees of the airport services at Minsk who perform document checks before check-in of passengers for flights, as well as officials of the State Borders Committee of Belarus participated in the training workshop.

Ad hoc measures have been adopted in some Member States to more easily detect abuses of free movement rights. Namely, **Belgium** operationalised certificates which allow other EU Member States to access the chip of Belgian residence cards for foreigners or passports to read biometric data, including fingerprints. During the year, France, Germany, the Czech Republic and Luxemburg were already able to read these fingerprints. In **Finland**, a joint operations team was established in the Immigration Unit of the Finnish Immigration Service, with the task of monitoring after the granting of a residence permit. **France** reported that the reestablishment of internal borders effectively worked to fight against irregular migration and detect any threats to domestic security. Additionally, **Ireland** reported on irregular migration by third country nationals within the Common Travel Area between Ireland and the United Kingdom. Both targeted operations and routine checks were carried out along the land border with Northern Ireland to detect and prevent illegal entry into Ireland via the Common Travel Area.

5.3.3. Fraudulent acquisition and use of false travel document

Initiatives were taken to more effectively prevent, detect and/ or investigate the fraudulent acquisition and use of false travel documents. The entry into effect of the Schengen Borders Code of entry/ exit as well as the modernization of border and documents verification equipment, was reported to be an effective tool in that regard²⁹². Several Member States provided (or plan to provide in

²⁸⁸ BE, LV, SI

²⁸⁹ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, available at <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31996L0071>, last accessed on 20 March 2018.

²⁹⁰ EE, FI, FR, SK

²⁹¹ LT, NL

²⁹² AT, BE, BG, CZ, DE, FI, PT

the course of 2018-2019) trainings for border control officers²⁹³. **Hungary** deployed document expert liaison officers in China and Nigeria in order to disclose false and forged documents. In **Slovenia**, a network of contact persons (police officers) with technical expertise on document verification, was created at individual Directorates of the Border and Aliens Police. As well as performing verification checks of the authenticity of identification documents, the members of the network also serve as a pool of exporter trainers for other police officers.



5.4. THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION AND IRREGULAR STAY

During 2017 eight Member States²⁹⁴ reported they had monitored irregular migration in order to identify migration routes and plan policies accordingly, using new methods or by implementing tailored projects to collect and analyse data. Measures included making use of the deployed National Liaison Officers²⁹⁵ in strategic countries of origin or transit as a source of information to develop national measures. Some countries reported that in 2017 the focus of their monitoring operations was increasingly on the analysis of irregular entries²⁹⁶. The examples below discuss the policy measures or other initiatives that Member States implemented in 2017 to prevent and respond to irregular migration.

5.4.1. Combatting facilitation of Irregular Migration (smuggling)

To detect and prevent smuggling several Member States engaged in **reinforced verification and research activities** including the establishment of specialised units, new information collection/sharing systems and participation in cross-border joint operation activities²⁹⁷, many of which took place in the frame of EMPACT Illegal Immigration²⁹⁸, supported by Europol. For instance, **Austria** established a Joint Operational Office (JOO), an international bureau for investigating smuggling, which became fully operational in 2016, acting as a link at operational level with Europol's European Migration Smuggling Centre (EMSC) and participated in several international Joint Action Days in 2017. As an example, in a joint action with Bulgaria, Germany, Hungary and Romania in February 2017, several people smugglers were arrested and 58 persons were apprehended. Generally, Joint Investigation Teams (JIT) and international parallel investigations resulting in coordinated Common Action Days have proven to be the most effective means in dismantling organised criminal networks.

Belgium: Awareness raising campaign towards “transit migrants”.



Belgium is a transit country for many third-country nationals who aim at reaching the United Kingdom. The Immigration Office conducted raising awareness campaigns. One of these was implemented in collaboration with Fedasil and UNHCR with the aim to inform irregularly staying transit migrants in Brussels. Flyers entitled “You want to go to another country, but you are stuck in Belgium?” were distributed to inform migrants in transit that there are ways to get out of the difficult situation in which they find themselves, and that certain organizations are ready to help. The emphasis was put on the possibility of voluntarily returning to the country of origin, but the possibility of applying for international protection was also mentioned in the flyers paying extra attention to vulnerable irregularly staying migrants like UAMs. The flyers displayed contacts of relevant services.

New **legal** and **national Strategies** have been adopted in several Member States²⁹⁹ to reinforce the protection of the State borders, with a view to increase sanctions for smugglers. Three Member State, **Belgium**, **Germany**³⁰⁰ and **Italy**, tackled smuggling through wide-reaching **awareness campaigns**. The Belgian campaign targeted irregular staying third-country nationals (see box below), while the Italian one³⁰¹ was carried out in several third-countries, including Algeria, Cameroon, Egypt, Ethiopia, Gambia, Ghana, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sudan, and Tunisia.

5.4.2. Prevention of irregular migration and irregular stay

In 2017, measures to prevent **irregular migration** largely consisted of awareness raising³⁰² conducted in the countries of origin and transit and training for border staff on identifying and handling irregular migrants³⁰³.

New measures were undertaken by Member States to discourage the **irregular stay** of third-country nationals.

293 BG, CZ, FI, LV, NO, PT, SI

294 AT, BG, CZ, DE, FI, FR, LT, NL

295 CZ, DE, SI, SK

296 FI

297 AT, BE, BG, CZ, DE, ES, FR, NO, PO, SK

298 More information on this project is available on the website of Europol at: <https://www.europol.europa.eu/crime-areas-and-trends/eu-policy-cycle-empact> last accessed on 19th March 2018.

299 BE, ES, FI, HU, LU. In Luxembourg, the Council of Government adopted a draft bill which is yet to be approved by the Parliament.

300 The campaign website is available at <https://rumoursaboutgermany.info/>

301 The Italian awareness campaign was called “Aware Migrants” and aimed to prevent further irregular migrants’ flows through curbing migrants’ unrealistic expectations towards their life conditions in the EU.

302 BE, CZ, NL

303 CZ, LV, NL, NO

Netherlands: designing an effective awareness campaign to prevent irregular migration



The Minister of Foreign Trade and Development Cooperation and the Minister of Migration committed to develop effective awareness campaigns, with an EU dimension, designed to better inform potential migrants and prevent irregular migration. This commitment resulted in the design and launch in 2017 of four programmes on raising awareness of the risks of irregular migration and realistic prospects of gaining a residence permit in the Netherlands. Each campaign packaged a specific message tailored to the realities of the national group(s) targeted and made use of the most suitable channels to convey this message:

- One programme addressed the increased number of asylum seekers from Albania. The message of the campaign was on the criteria for asylum application, and highlighted that Albania is considered a safe country of origin as opposite to the information disseminated by the traffickers. The campaign made use of workshops at secondary schools as well as local social media.
- Two other programmes targeted nationals of Gambia, Guinea, Iraq, Nigeria and Senegal. One programme consisted of one-to-one and group sessions in confidence with counsellors supported by outreach to communities through other channels, the other engaged returnees from Libya to their home countries, to share their migration experience through social networks, community events and media.
- A fourth programme started in February 2018 consisted of an awareness campaign in Sierra Leone portraying the consequences of illegal travels, but also informing about the legal opportunities to enter into the EU. To convey these messages, channels included social media but also theatre, television, municipal and church gatherings, distribution of pamphlets, etc.

Those consisted of the adoption³⁰⁴ or drafting³⁰⁵ of legal or policy measures scaling-up penalties and strengthening investigation methods and the use of coercive measures to detect irregular stay. In the **United Kingdom** a new provision under the Immigration Act established a link between granting business licences for night markets and alcohol shops and migration controls. Under this measure and as of April 2017, a premise or personal licence will only be granted to those who prove their compliance with the UK's immigration laws. Immigration offences and civil penalties, are considered as a ground for making a formal request to a licensing authority for a licence to be reviewed. As part of this measure, immigration officers were granted the same powers as licensing enforcement officers and the police to enter a premise being used to sell alcohol or late night refreshments, in order to investigate immigration offences.

5.4.3. Cooperation with third countries to prevent irregular migration

Cooperation with third countries continued in 2017 as a means to prevent irregular migration including facilitating

the return of irregular staying third-country nationals. Table A2.2 in Annex 2 summarises the main **new initiatives** implemented or started in 2017 or planned to be commenced in 2018, which can be broken down into the following types:

- Inter-institutional Conferences and official visits
- Political commitment/ Plan for cooperation on border management cooperation (e.g. joint investigations, data sharing, joint patrols etc.)
- Support to strengthen border management through Secondment of border staff to assist border control operations, equipment, technical skills, training
- Support to strengthen migration management (national policy development and implementation, case management etc.)
- Development assistance (health, social inclusion and public participation)
- Information campaign.

304 AT, HU, UK
305 BE, LT, FI

6. RETURN

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, on return. The first section elaborates on the developments at EU level (section 6.1) while the following section outline the main developments in Member States and Norway (section 6.2). Finally, it describes measures introduced by (Member) States to strengthen cooperation with third countries of origin and transit on return and reintegration management (section 6.3).



6.1. ENHANCING RETURN MIGRATION MANAGEMENT INCLUDING COOPERATION AMONG EU MEMBER STATES ON RETURN PRACTICES

6.1.1. Summary of the EMN REG return and reintegration activities developed during 2017

The **EMN Return Expert Group (REG)**, established as part of the EMN in 2013, continued to strengthen its role as Platform for discussion and cooperation among Member States and other stakeholders operating in the return domain. The REG is divided in two constituencies, a practitioner and a wider group.

Chaired by the EU Commission, the **REG practitioners group** met five times in the reporting period, bringing together return experts representing national institutions as well as external partners namely Frontex, EASO, Eurostat, the JRC, ERIN, EURINT and EURLO to discuss sensitive developments on implementation of voluntary and forced return. Furthermore, the group cooperated throughout the year on collecting and sharing information mainly on two issues. These exercises resulted in:

- The elaboration of an **EMN inform on 'Legal means to incentivise (voluntary) returns of irregularly staying third-country nationals'** that confirmed that the majority of Member States had in place means to incentivise voluntary return, and revealed that awareness-raising and communication campaigns were the most common practices to disseminate information.³⁰⁶
- The elaboration of an **EMN inform on 'Correlation between forced and voluntary return'** which showed that, besides few anecdotal evidence, there was not a direct correlation between the number of forced returns enforced and the number of assisted voluntary returns. It also highlighted that this issue was generally overlooked and there is consequently a lack of evaluation and studies on this matter.³⁰⁷

Seeking to boost its role as a Platform for follow-up, planning and monitoring of return-related initiatives, the **wider constituency of the Expert Group was consolidated as of June 2017 to also include international organisations and NGOs**,³⁰⁸ while previously it included only practitioners from Member States. This REG wider group met three times in 2017, in the framework of the REG practitioner group, where the REG members had the opportunity to share and validate information collected with international and non-governmental organisations active in the field of return. Furthermore, the wider REG group aimed at providing an opportunity to identify new cooperation modalities between Member States, the EU, international organization and NGOs. In this view, the wider group discussed practical aspects of current practices and potential improvements of the return process. Those issues included: the feasibility of alternatives to detention based on case management and case resolution together with civil society; the development of a return curriculum; the collaboration with countries of origin on family tracing, supporting child protection systems, dealing with unaccompanied minors, adapting reception centres and ensuring access to educational systems.

6.1.2. Summary of the Frontex Joint Return Operations (JTOs)

EU Member States and Schengen Associated Countries received assistance with their return activities from the

³⁰⁶ http://www.emn.lv/wp-content/uploads/EMN-INFORM-Means-to-Incentivise-return_final.pdf, last accessed on 23 April 2018

³⁰⁷ http://www.emn.lv/wp-content/uploads/EMN-INFORM-correlation-forced-and-voluntary-return_final.pdf, last accessed on 23 April 2018

³⁰⁸ These organisations included: Amnesty International EU Office, Caritas, Churches Commission for Migrants in Europe (CCME), Detention Action, the European Council on Refugees and Exiles (ECRE), Human Rights Watch, ICMPD, International Catholic Migration Commission (ICMC), International Detention Coalition, the International Organisation on Migration (IOM), Jesuit Refugee Service, the Office of the High Commissioner for Human Rights (OHCHR), PICUM, Protestant Church of Germany – Brussels Office (EKD), Red Cross, Save the Children, SOS Children's Villages, UNHCR and UNICEF.

Table 6.1 – Number of JROs and third-country nationals returned in JROs

Year	Number of JROs	Number of returnees	Operations physically monitored
2013	39	2152	58%
2014	45	2279	60%
2015	66	3565	76%
2016	232	10698	36%
2017	341	14189	55%

Source: Frontex

European Border and Coast Guard Agency (Frontex) throughout 2017. The new mandate of the Agency in the field of return has expanded the range of possibilities for technical and operational support that Frontex can provide to Member States, which helps enhancing effective returns.

The pre-return sector of the Agency provided support and coordinated various activities to implement effective returns, including the streamlining of national case management and other procedures, mapping and exchanges of good practices between Member States and Schengen Associated Countries, identification and documentation processes, and overall cooperation with third countries in return. For example, the pre-return sector managed the deployment of return specialists in Member States to facilitate their cooperation with consular authorities, to identify possible gaps in the return system and to provide tailored advice. In 2017, such deployment was requested only by Greece. Further activities conducted in the field of pre-return included preparatory work for the development and inclusion of new tools and activities, such as the handover of Integrated Return Management Application (IRMA) to the Agency, the phasing-in process of EU-funded projects such as the European Integrated Return Management Initiative (EURINT) and the European Return and Reintegration Network (ERRIN), as well as the pilot project for the deployment of an EURLO (EU Return Liaison Officers) to Ghana.

Furthermore, the Agency assisted Member States with the organisation, coordination and co-financing of return operations by charter flights, including with the following:

- Transforming the Rolling Operational plan into a user-friendly web-based Frontex Application for Return (FAR);
- Creating a mechanism for assisting the Member States in carrying out returns by scheduled flights;
- Increasing the number of return related training offered to Member States;
- Creating and effectively using the Frontex return pools for forced-return monitors, forced-return escorts and return specialists;
- Providing technical support to Member States by putting in place a mechanism to charter aircrafts for return operations.

Throughout the year, Frontex coordinated and co-financed 341 return operations which represented an increase of 47% compared to 2016, as shown in the table below. As

a result, a total of 14 189 third-country nationals were returned that represented an increase of 33% compared to 2016. Among these operations, the Agency organised its first joint return operation to Afghanistan (with 22 third-country nationals on board), with Hungary as a leading Member State, together with Belgium and Slovenia as participating Member States. Frontex also increased the number of 'collecting return operations'³⁰⁹ to 38 operations in 2017 compared to 15 in 2016 thus increasing the number of third countries participating in such operation. For example, in 2017 a first CRO was implemented to Ukraine.

Likewise, an increase in the number of operations with the physical presence of monitors was registered in 2017, from 94 in 2016 to 188 in 2017. Out of 188 monitors on board, 94 were deployed from the Frontex **pool of forced-return monitors**.

Finally, the Agency also contributed to the realisation of the **EU-Turkey Statement** by coordinating 50 readmission operations from Greece to Turkey with a total of 687 readmitted third-country nationals.

6.1.3. Maximising the potential of a common EU approach in the field of return, both voluntary and forced, in compliance with existing EU acquis / EU developments in the field of return

Eurostat statistics on the numbers of third-country nationals ordered to leave show that 516 115 were ordered to leave in 2017 (Figure 6.1) which represents an increase of 4.5% compared to 2016, when 493 785 were ordered to leave. The number of third country nationals returned also showed a stronger decrease of 14% in 2017, from 250 015 in 2016 to 213 525 in 2017 (Figure 6.2). The highest numbers of third-country nationals ordered to leave were reported in Germany (97 165), followed by France (84 675), United Kingdom (54 910), Greece (45 765) and Italy (36 240). With regard to third-country nationals returned to a third country, nearly the same set of Member States reported the highest numbers: Germany ranked first with 44 960 persons returned, followed by the United Kingdom (29 090), Poland (22 165) and France (12 720).

³⁰⁹ A definition of 'collecting return operations' can be found in Article 28(3) of Regulation 26/1624: "The Agency may provide the necessary assistance and, either at the request of the participating Member States or on the basis of its own proposal, ensure the coordination or the organisation of return operations for which the means of transport and forced-return escorts are provided by a third country of return ('collecting return operations')".

Figure 6.1 – Third-country nationals ordered to leave in 2016 and 2017

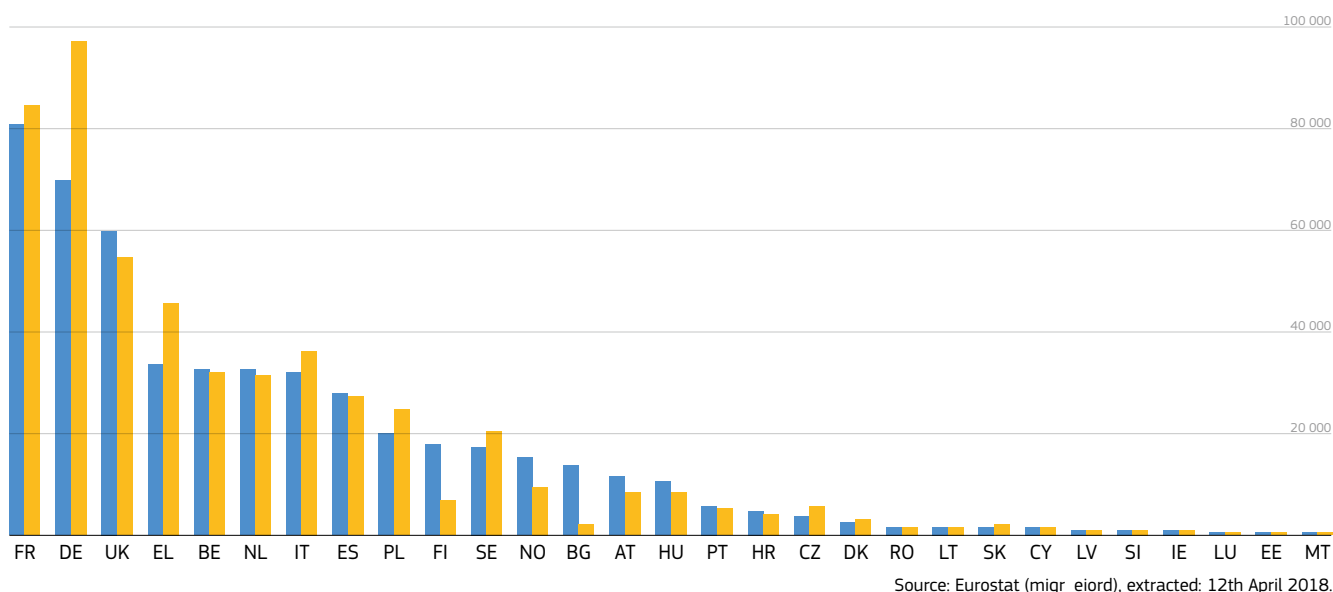
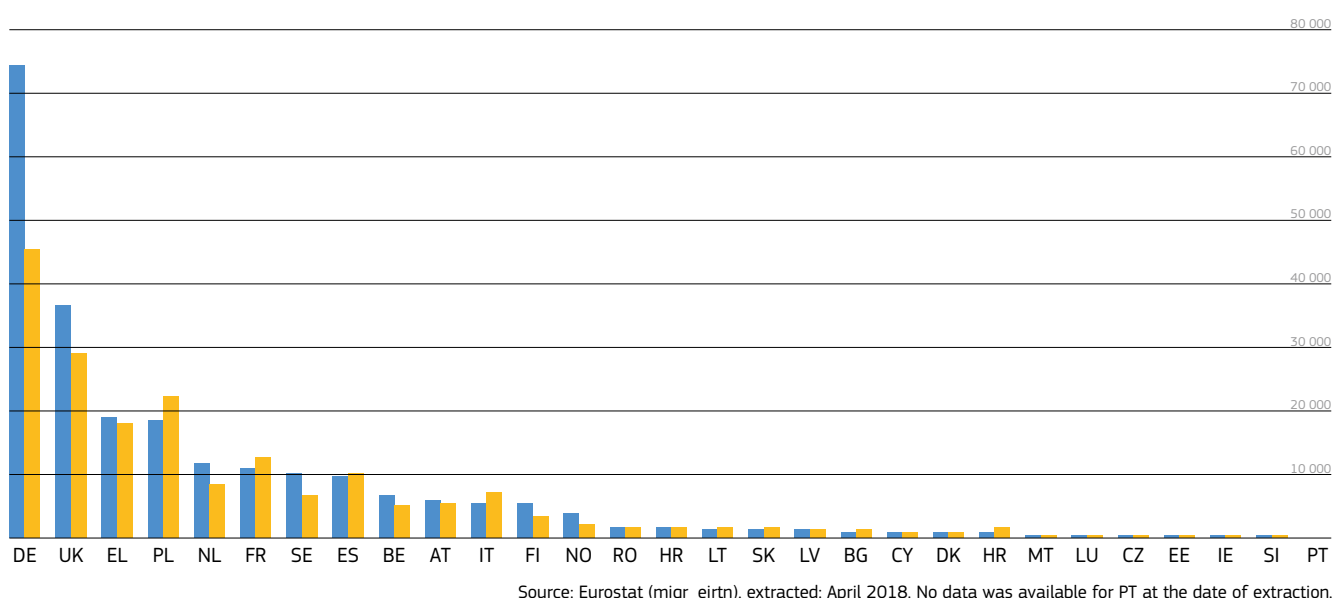


Figure 6.2 – Third-country nationals returned to a third country following an order to leave in 2016 and 2017



At the policy level, after the **Informal meeting of EU heads of state or government** held in Malta on 3rd February 2017 which highlighted the need for a review of the EU's return policy,³¹⁰ the European Commission published a **Renewed EU Action Plan on Return**. The latter included an Annex listing the actions to be implemented by Member States to complete, as well as a **Recommendation on making returns more effective** when implementing the Return Directive, presenting a set of concrete suggestions on how to 'make returns more effective by closing the gaps and

addressing the fragmentation still present across national return practices'.³¹¹ More specifically, the Recommendation called for an improved coordination among all the services and authorities involved in the return process in Member States, a more systematic issuance of return decisions, a stronger focus on abuses of the return system and prevention of absconding and encouraged Member States to set up operational assisted voluntary return programmes and ensure proper dissemination of information on such programmes.³¹²

³¹⁰ European Council, Malta Declaration by the members of the European Council on the external aspects of migration: Addressing the Central Mediterranean route, 3rd February 2017.

³¹¹ European Commission, Communication on a More Effective Return Policy in the European Union – a Renewed Action Plan, op. cit., and Commission Recommendation on making returns more effective when implementing Directive 2008/115/EC, 2nd March 2017, C(2017) 1600.

³¹² In this context in mind, the European Migration Network conducted a study in 2017 to investigate good practices and challenges in Member States' application of EU rules on return and equivalent standards.

In its Communication on the **Delivery of the Agenda on Migration of September 2017**, the European Commission encouraged Member States to continue with the implementation of the Recommendation and the Renewed Action Plan, and to fully apply the flexibility available in the existing legislation on returns.³¹³ It also adopted a Recommendation to update the **“Return Handbook”**.³¹⁴

The Renewed EU Action Plan on Return also highlighted that more efforts of Member States were needed to strengthen **cooperation with countries of origin and transit**, as well as to swiftly conclude the negotiations of readmission agreements, develop tailor-made approaches with targeted third countries to jointly manage migration and further improve cooperation on return and readmission.

Against this background, the EU funded, as part of the EU Emergency Trust Fund for Africa, a series of **assisted voluntary returns from Libya** – via the International Organisation for Migration – and evacuations through an Emergency Transit Mechanism. The **EU-Turkey Statement** also includes a chapter on returns. In its progress report on the European Agenda on Migration of November 2017, the European Commission reported that the pace of returns could be improved as there have been only 1969 returns to Turkey since March 2016.³¹⁵

It also strengthened cooperation with targeted countries and regions along the migration routes, such as North Africa, Sahel and Lake Chad, and Horn of Africa. On **readmission** of third-country nationals, the EU has concluded arrangements for return with Bangladesh in September 2017 to ease identification and return of irregularly-staying third-country nationals.³¹⁶



6.2. MAIN NATIONAL DEVELOPMENTS IN THE FIELD OF RETURN

6.2.1. Swift, sustainable and effective return

A number of Member States introduced legislative changes in 2017 to enforce swifter and more effective returns,³¹⁷ while other Member States tabled proposals to change their legislative and policy frameworks on return in the coming years.³¹⁸ These often consisted of amendments

to existing legislation in the field of return, with changes also being made to related provisions in migration and asylum legislation.

These changes were mostly driven by policy objectives such as streamlining cooperation between competent authorities responsible for voluntary return and forced return, both at national and local levels.³¹⁹

A few other legislative changes in Member States were adopted following the interpretation of legislation and practices by EU and/or national courts.³²⁰ Finally, other changes specifically aimed at facilitating forced returns and implementing more restrictive measures as regards the return of specific groups of persons.³²¹ The subsections below provide an overview of the main issues where changes to national legislation were introduced.

Member States' efforts to ensure more effective returns throughout 2017 were also focussed on improving cooperation with third countries and concluding or implementing readmission agreements,³²² thus streamlining return and migration issues within foreign policy, development cooperation and humanitarian aid.³²³ Considerations on cooperation with third countries on return and readmission are further analysed in section 6.3.

6.2.1.1. Issuing return decisions

The changes in legislation to make return procedures more effective, as well as to take on board the interpretation of national legislation by EU or national courts, often had a direct impact on national practices on the issuance of return decisions. In **Austria**, for example, amendments to the national legislation require national authorities issuing a return decision to simultaneously determine whether removal is permitted or not from the territory. As a result, a return decision can now be issued despite a third-country national's protection against removal while, at the same time, his/her stay in Austria is tolerated until removal can be executed. As of July 2017, Italy no longer allows the refusal of entry or expulsion or extradition of a person to a country where there are reasonable grounds to believe the returnee may be subjected to torture.

Belgium adopted legislative amendments with the aim of rationalising the issuance of return decisions and avoid situations where a third-country national is issued several return decisions.³²⁴ As a result, new legislative provisions provide that the enforcement of a return decision is temporarily suspended during the period covered by a temporary residence permit granted; subsequently if a negative decision is made on the application for residence permit

313 European Commission, Communication on the Delivery of the European Agenda on Migration, COM(2017) 558 final, 27th September 2017.

314 European Commission, Commission Recommendation of 27.9.2017 establishing a common “Return Handbook” to be used by Member States’ competent authorities when carrying out return related tasks, 27th September 2017/C(2017) 6505. The Handbook deals with standards and procedures in Member States for returning irregularly staying third-country nationals and is based on EU legal instruments regulating this issue, in particular the Return Directive. It does not establish, however, any legally binding obligations on the Member States.

315 European Commission, Progress report on the European Agenda on Migration, COM(2017) 669 final, 15th November 2017.

316 European Commission, Decision of 8th September 2017, EU-Bangladesh Standard Operating Procedures for the Identification and Return of Persons without an Authorisation to Stay, C(2017) 6137 final.

317 AT, BE, BG, CZ, DE, LU, SE

318 FI, FR, EL, LU

319 DE, SE

320 BE, LU, NL

321 DE. For example, the Act to Improve the Enforcement of the Obligation to Leave the Country which entered into force on 29 July 2017 included amendments with regard to the detention of persons ordered to leave the territory, the introduction of the possibility to electronic surveillance of the location of a person ordered to leave who, at the same time, can be considered a dangerous individual, further sanctions for persons who are ordered to leave but do not cooperate in their identification, as well as the new entitlement of the asylum authority to facilitate identification by retrieving and searching data stored in electronic devices held by asylum seekers.

322 EL, FI

323 NO

324 Previously, a third-country national who had been issued a return decision and who tried to legalise his/her stay by applying for a residence permit or international protection could eventually receive a temporary residence permit (e.g. till a decision on the application was made or until the appeals against the return decision were exhausted). This temporary residence permit would annul the previous return decisions. Therefore, when ultimately a (negative) decision on an application for a residence permit or international protection was made, the return procedure (and issuance of a return decision) had to start again.

or international protection, the suspension of the return decision is lifted and can thus be enforced.

However, this change to the procedure has raised challenges concerning the right of appeal against return decisions and the situation is currently before the CJEU in a pending case, *Gnandi*³²⁵, where the Belgian Council of State has asked the CJEU whether a return decision can be issued in conjunction with a negative decision on an asylum application *before* all legal remedies against this negative decision have been exhausted. The final judgement of the CJEU on this case may have practical impacts on the issuance of return decisions in other Member States too.

As per the provisions of the Return Directive, Member States have the obligation to provide for a period of voluntary departure when issuing a return decision, thus giving priority to voluntary departure over forced return. This obligation was recalled by national courts in **Lithuania** and by a Schengen evaluation on return in **Malta**.

6.2.1.2. Issuing entry bans and recording them in SIS

In 2017, a few Member States adopted legislative amendments aimed at introducing a more systematic use of entry bans, illustrated by adding new grounds to issue entry bans and extending the validity of the latter. Additional grounds to issue entry bans were adopted in **Austria** which included more explicitly within the scope of entry bans third-country nationals who had committed a crime. In the **Netherlands**, an entry ban could be issued to third-country nationals already at the stage where a period for voluntary departure had been granted. Additionally, Dutch authorities also have the possibility to issue an entry ban to third-country nationals who withdraw an application for asylum before a decision is taken and when there are indications that the application is manifestly unfounded. In the **Czech Republic**, proposed changes to national legislation will make it possible to shorten the period of validity of an entry ban in case a third-country national applied and cooperated for voluntary return. Such a measure is targeting in particular the return of third-country nationals from the former USSR found to be staying irregularly in the Member State.

The validity of an entry ban was extended in **Austria** to up to 10 years, third-country nationals suspected of a close relationship with an extremist or terrorist group can be subject to an entry ban with an indefinite period of validity. Likewise, following a legislative amendment in **Belgium**, the validity of an entry ban can be extended beyond the validity period of five years foreseen in the Return Directive in case of serious threat to public order or national security.

Some Member States also reported on changes in their national practices following the CJEU judgment in *Mossa Ouhrani* case³²⁶ whereby the Court ruled that the starting

point of the duration of an entry ban must be calculated from the date on which the third-country national concerned actually left the territory of the Member States.³²⁷ As a result, practices to record an alert in SIS on an entry ban have changed, with the latter now being recorded on the date where the removal of a third-country national from the territory of Member States is effectively enforced,³²⁸ instead of the date of the issuance of a return decision,³²⁹ or the date of the notification of the entry ban to the third-country national.³³⁰ In practice however, the date of the effective return or removal of a third-country national may not be known by national authorities, and could result in fewer entry bans registered in SIS.³³¹ As discussions on the Commission's proposal to amend the SIS are still ongoing³³² no other new measures were reported by Member States on this issue.

6.2.1.3. (Assisted) voluntary return

Overall, voluntary return of third-country nationals is preferred over forced return, and measures encouraging voluntary return among third-country nationals were implemented by some Member States, often targeting those nationalities or categories of third-country nationals for which the successful implementation of return decisions proved to be challenging. Such nationalities mostly concerned Afghan and Iraqi nationals,³³³ but also Pakistanis and Nigerians.³³⁴

Increased in-kind assistance was made available in **Finland** for all countries of return and, in addition, the amounts of cash assistance were increased for priority countries of return, such as Afghanistan and Iraq. In **France**, higher amounts of cash-based assistance were made available to third-country nationals who opted for voluntary return, as part of operations to dismantle camps, on an ad-hoc basis to encourage voluntary returns in centres of preparation to return or in accommodation facilities for rejected asylum applicants. **Germany** introduced standardised information leaflets on voluntary return, which were handed out to all asylum seekers when launching their application, in addition to a new website informing about possibilities for voluntary return and listing counselling services.

Following a 2017 review of its departure and reintegration support policy, the **Netherlands** excluded third-country nationals from visa-free countries from receiving any return support. To limit and/or prevent any 'pull-effect' of the financial support granted via assisted voluntary return (AVR) programmes, the financial and in kind support have been revised and the amounts have been brought in line with the non-binding EU standards for AVR programmes. Those from the countries in the ring around Europe are excluded from all financial and in kind support via AVR programmes and can only be eligible for a return ticket.

In addition, return counselling activities and projects were further developed in several Member States to encourage

³²⁵ CJEU, request for a preliminary ruling from the Conseil d'État (Belgium) lodged on 31st March 2016, *Sadikou Gnandi v. Belgium*, case C-181/16. See also Opinion of the Advocate General on this case presented on 15th June 2017, ECLI:EU:C:2017:467 and additional Opinion of Advocate General delivered on 22 February 2018, ECLI:EU:C:2018:90.

³²⁶ CJEU, judgment of 26 July 2017C-225/16, *Mossa Ouhrani*, ECLI:EU:C:2017:590.

³²⁷ BE, FI

³²⁸ BE, FI, SE

³²⁹ FI

³³⁰ BE

³³¹ SE

³³² European Commission, proposal for a Regulation on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006, COM(2016)882, 21st December 2016.

³³³ CZ, FI

³³⁴ CZ

voluntary returns and further expand the outreach to relevant categories of third-country nationals. To this end, in **Austria**, more return counselling took place at basic welfare support facilities, and in **Finland** fifteen return advisors were recruited in reception centres to provide rejected asylum seekers with guidance on voluntary return. In **Belgium**, Fedasil extended its network of return desks in smaller cities. By doing so, Fedasil supported municipalities to reach out to undocumented third-country nationals. As a result, around 42% of the total requests for voluntary return were lodged in one of these return desks in 2017. Similarly, the **United Kingdom** established pre-departure teams in some removal centres to increase face-to-face engagement with third-country nationals in detention, to promote voluntary returns and available incentives.

A number of Member States also implemented new information campaigns and awareness raising activities to advertise assisted voluntary return possibilities.³³⁵ These included setting up websites,³³⁶ activities involving leaders of migrant communities,³³⁷ social media outreach activities³³⁸ and updated guidelines on informing third-country nationals on AVR programmes.³³⁹ Some of the information campaigns were coupled with additional initiatives. For example, as part of an information campaign implemented in **Austria** to inform asylum seekers and third-country nationals, a special initiative entitled “1 000 euros for 1 000 people” was introduced to supplement existing return assistance.³⁴⁰

The return of vulnerable groups such as unaccompanied minors and victims of trafficking requires specific tailor-made services and projects. In this context, Fedasil in **Belgium** developed the ‘Adapted Medical Assistance after Arrival’ project. The latter entails three stages: analysis of the medical treatment available in the country of origin, referral to already existing healthcare facilities in the country of origin, and, if necessary, the financing medical costs upon return of specific categories of third-country nationals for a period up to six months and, in exceptional cases, up to 12 months.

6.2.1.4. Use of detention and alternatives to detention in return procedures

Amendments to national legislation on detention of third-country nationals subject to a return decision was a priority in a number of Member States.³⁴¹ **Belgium** introduced several substantial amendments and new legislation in 2017, including the provision of additional grounds for detention by setting out a number of criteria to assess the risk of absconding. This definition of the concept of risk of absconding is however considered by some national stakeholders as being too broad, allowing national authorities to detain irregularly-staying third-country nationals without any distinction.³⁴² Additionally, as the capacity of detention centres represented one of the bottlenecks in

return procedures in **Belgium**, legislative changes were brought to the effect that the return of third-country nationals convicted and given a prison sentence can be enforced directly from prison without the need to bring the person to a detention centre prior to removal. This change in procedure has thus freed up places in detention for irregularly staying third-country nationals whose detention is only necessary to carry out their removal.

Similarly, detention capacity was also a concern in **Bulgaria**. It adopted new measures in 2017 to increase the capacity of closed centres for accommodation of third-country nationals for the purpose of forced return. Following this trend, several Member States are planning to increase detention capacity in 2018 by opening new centres.³⁴³

Detention in the context of a return procedure of third-country nationals pertaining to a vulnerable group requires respecting a number of safeguards. **Belgium** increased the number of places in FITT-units³⁴⁴ to accommodate families with children. Moreover, families that have absconded from these family units or who did not respect other rules during the return procedure will in the future most likely be accommodated in closed living units that are currently being built within existing detention centres. Complex services to meet the specific needs of vulnerable third-country nationals in detention centres were delivered via a dedicated project in the **Slovak Republic** by the Slovak Humanitarian Council.

Following a change introduced in 2017 to national legislation that extended the permitted maximum duration of detention of families with children, **Luxembourg** published in 2017 its first report on the operation of its detention centre. To date, no unaccompanied minors were held in detention. An evaluation on detention centres is also being carried out in **Belgium**.

In the context of a return procedure, Member States can resort to less coercive measures such as alternatives to detention to reduce the overall numbers of third-country nationals held in detention. Several Member States adopted new legislation in 2017 to regulate mainly one type of alternative to detention: the residence requirement.³⁴⁵ In **Austria**, the residence requirement in the form of an obligation to stay in designated quarters was adopted but can only be imposed after the issuance of a final return decision, and factors such as participating in compulsory return counselling or the third-country national's cooperation in obtaining identity or travel documents during his/her period of voluntary return are taken into account when imposing the residence requirement. In **Finland**, alternatives to detention were adopted to address the particular circumstances of rejected asylum seekers and their return. The residence requirement can also concern minors above the age of 15 whose return decisions are

335 AT, DE, FR, MT, PT, SK (implemented by IOM)

336 FR, PT

337 MT

338 SK

339 SK

340 The first 1,000 voluntary returnees each received EUR 1,000 in start-up assistance, with families granted up to EUR 3,000. In response to the great demand, the number eligible for start-up assistance was increased to 1,500 individuals, with grants awarded up to 31 December 2017.

341 BE, DE

342 Paper published by Myria ‘Note à l’attention de la Commission de l’Intérieur, des Affaires générales et de la Fonction publique’, 04.07.2017, p.5-7

343 EE, EL, IT, PT

344 “FITT” stands for Family Identification and Return Team. FITT-units (or open family units) consist of individual houses and apartments. Residents have freedom of movement with certain restrictions and rules, but from a legal point of view the family remains detained. They can leave their accommodation under strict regulations in order, for example, to take their children to school or buy groceries.

345 AT, BE, BG, CZ, FI

enforceable. In **Sweden**, the Migration Agency was tasked to further develop the use of supervision as an alternative to detention and to make it more effective.

The **United Kingdom's** policy focusses on encouraging compliance with return decisions and voluntary return rather than detention and, in this context, national authorities have additional flexibility in applying conditions to an individual's release from detention pending removal. As a result, an additional alternative to detention will be made available, namely the possibility to electronically monitor the movements of certain third-country nationals to make their location for removal easier.

6.2.1.5. Other measures

Effective forced return monitoring requires the appointment of bodies or organisations as well as trained staff for the system to be operational. In the **Slovak Republic**, the Slovak Humanitarian Council monitored its first forced return operations in 2017. In total, 13 monitoring operations were carried out. While in 2017 the Council used its own funds to cover expenses related to monitoring, in 2018, it is foreseen that these will be covered by the Ministry of Interior. In **Sweden**, it was decided that a national forced return monitoring system was to be implemented by the Migration Agency in 2018.

The **Czech Republic** prepared an amendment to national legislation to widen the target group of voluntary return to include legal migrants who are not able to extend their period of legal stay in the territory of the Czech Republic. This should help prevent subsequent irregular stay once a residence permit or another authorisation to stay in the Czech Republic expired.

Additional measures reported by Member States aimed at improving cooperation with other Member States to ensure swift and effective returns. **Austria** has concluded revised police agreements with Hungary, Italy, Liechtenstein and Switzerland to better fight against irregular migration. The agreement with Italy defined police competences to allow joint patrols and cross-border activities in relation to train travel, while the agreement with Liechtenstein and Switzerland stipulated measures enabling the return transport and transit of third-country nationals. Other measures implemented in Member States included capacity building and training of staff³⁴⁶.

6.2.2. Return of (rejected) asylum seekers

Effective returns of rejected asylum seekers often entails a certain degree of practical cooperation between national authorities and services of Member States dealing with applications for international protection on the one hand and with return management on the other.³⁴⁷ For example, in **Finland**, most measures adopted in return policies concerned the return of rejected asylum seekers. Against this background, a multiannual action plan (2017–2020) was adopted to ensure, via increased cooperation amongst relevant national authorities, that third-country nationals who had been issued with a final negative asylum decision would eventually return to their country of origin. Similarly, **Latvia** plans to amend national legislation to streamline procedures to issue a return decision, should an applicant

for international protection submit an application but, shortly after submission, changes his/her mind and revoke it. According to current legislation, a return decision can only be issued if a final decision on the application for international protection was taken. In **Sweden**, policy measures were taken to ensure that the perspective of return is taken into account from the beginning of the assessment of each asylum application. In this perspective, applications for asylum are separated into different tracks, with the purpose to adapt the information given to applicants depending on whether a person is likely to receive international protection or not.

Other measures to encourage voluntary return among rejected asylum seekers implemented by a few Member States in 2017 included offering additional benefits and incentives or reducing them, depending on the situation and behaviour of the asylum seeker. In **Austria**, a two-stage model of return assistance was developed based on the principle that more assistance benefits are provided to asylum seekers who chose voluntary return to their country of origin at an early stage of the examination of their application; however, rejected asylum applicants, who are not entitled to stay in Austria and whose appeal does not have a suspensive effect, are not entitled to basic care support unless they cooperate in voluntary departure. Targeting the voluntary return of asylum seekers, a new assisted voluntary programme was introduced in 2017 in **Germany** that provides additional financial assistance to asylum seekers who choose to return voluntarily; the exact amount of the cash-based support is linked to the moment within the asylum procedure chosen by the asylum seeker to return.

Other efforts to increase the capacity to accommodate rejected asylum seekers, in particular families, were implemented in **France** where five new (reception) centres were opened in 2017. In the **Netherlands**, the coalition agreement of 10 October 2017 specifically intends to accommodate asylum seekers, who exhausted all legal remedies in temporary reception facilities to be provided by municipalities in cooperation with the national government, to find a durable solution for third-country nationals who do not have a right of stay in the Netherlands and to limit the consequences of illegal stay for the local environment.

In **Sweden**, the Migration Agency applied a new approach towards unaccompanied minors whose application for international protection was rejected. It consisted of regular meetings organised with specialised case officers to discuss the return procedures. During these meetings, minors are encouraged to provide details of their parents or other family members so that they can be reunited with their families upon return. Additionally, a project was implemented in cooperation with a local municipality in Sweden to increase coordination among stakeholders to develop a more sustainable return process, making sure that stakeholders close to a minor act on the same information base and know which party is responsible for different stages of the return procedure. Likewise, national authorities in **Norway**, involved in both voluntary and forced returns, started to cooperate more closely, encouraging unaccompanied minors to contact caregivers or relatives in their home countries to facilitate their return and reintegration.

³⁴⁶ BG, MT
³⁴⁷ CZ, FI, MT, SE

6.2.3. Return of irregularly Staying migrants

The return of irregular migrants presents a number of challenges to Member States, one of them being the identification and travel documents of third-country nationals in the return process. In response to this, **Austria** introduced legislative changes imposing a stronger obligation to cooperation on third-country nationals during their return procedure.

Several Member States also carried out projects to increase cooperation among services at national or local level involved in the return process. For example, in **Belgium**, the 'Conex' projects consist of partnerships concluded with local governments in cities and social organisations to reach out to specific target groups such as undocumented migrants with the support of street workers and native speaker counsellors. Likewise, **Germany** established a 'Joint Centre for the support of returns' in Berlin, to provide a cooperation platform for several agencies at federal and *Länder* level dealing with return procedures.

Specific attention was also paid throughout 2017 to return procedures and standards applied to third-country nationals belonging to vulnerable groups in a number of Member States. In the **Netherlands**, policy changes were introduced in September 2017 concerning the return of (seriously) ill third-country nationals following a ruling by the European Court of Human Rights (ECHR) in the *Paposhvili* case.³⁴⁸ When reviewing a request to postpone the removal of third-country nationals in this situation, national authorities will not only have to consider whether the necessary medical care in the country of origin is available but also whether such care is accessible to the third-country national. Additionally, the new government in the Netherlands foresees measures to ensure adequate reception conditions for minors in the country of origin to encourage the return of minors in their home countries.

6.2.4. Evidence of the effectiveness of the measures to ensure return

Measuring the effectiveness of the return measures mentioned in the sections above can be a delicate exercise as several indicators have to be taken into account including the number of returnees, the 'stock' of potential returnees and the administrative capacity involved in implementing return measures.³⁴⁹

As legislation in some Member States was freshly adopted in 2017, it is still early to assess the effectiveness of the new provisions.³⁵⁰ However, the impact of measures encouraging (assisted) voluntary returns was nonetheless observed in a number of Member States.³⁵¹ As an example, the number of voluntary returns implemented by the Czech Ministry of Interior in 2017 has doubled compared with assisted voluntary returns implemented by IOM in the **Czech Republic** in the previous year. In **Sweden**, the share of voluntary returns was higher than both the share of

rejected asylum applicants who absconded and of forced returns.



6.3. STRENGTHENING COOPERATION WITH THIRD COUNTRIES OF ORIGIN AND TRANSIT ON RETURN AND REINTEGRATION MANAGEMENT

6.3.1. Cooperation with third countries On return

A majority of Member States pursued cooperation with third-countries via bilateral cooperation channels,³⁵² and/or within the frame of cooperation established at EU level.³⁵³ This cooperation pursued several objectives, namely: 1) to establish a solid practical cooperation with third countries on matters such as identification and issuing travel documents for third-country nationals who received a negative decision on their application for a residence permit or for international protection; 2) to encourage voluntary returns and to enable forced returns of third-country nationals to the (presumed) country of origin; 3) to fight against smuggling and irregular migration; and 4) to further implement existing or conclude new readmission agreements.

With regard to the first objective, **Austria** for example carried out returns to Afghanistan based on the declaration of intent agreed between Afghanistan and the EU ('the Joint Way Forward on migration issues') signed in 2016. Additionally, Austria proposed to Afghanistan a "bilateral declaration of implementation" in 2017, intended to further facilitate return and reintegration of Afghan nationals.

Belgium signed in February 2017 a Memorandum of Understanding with Cameroon, which effectively enabled the shortening of time period necessary for processing demands for identification of third-country nationals during the return procedure. **Bulgaria** organised several bilateral meetings with diplomatic and consular representatives of certain third countries (e.g. Algeria, Afghanistan, Palestine, Iran, Iraq, Pakistan) with the aim of improving cooperation with them on the process of identification of third-country nationals. **Sweden**'s discussions with Morocco led to an informal agreement which has effectively facilitated and accelerated the identification of Moroccan nationals in Sweden.

Furthermore, via the Swedish Migration Agency EURLO's establishment in Morocco, a new procedure has been put in place to send Moroccan authorities directly a request via EURLO to verify a third-country national's identity. Another role of EURLO, via its establishment in Afghanistan, is to also disseminate information to case officers in Sweden working with returnees to ensure that they are well

³⁴⁸ ECHR, Grand Chamber, judgment of 13 December 2016, *Paposhvili v. Belgium*, Application no. 41738/10.

³⁴⁹ BE

³⁵⁰ DE

³⁵¹ CZ, FI, FR, SE

³⁵² AT, BE, CZ, DE, FR, LU, SE, NO

³⁵³ AT, MT, LT, UK

informed about the in-country support measures available to third-country nationals upon return.

The second objective was pursued by a number of Member States.³⁵⁴ To fulfil this aim, a declaration of intent was signed between **Belgium** and Iraq (Bagdad) in April 2017 to support assisted voluntary return and reintegration, as well as forced return. As a result, *laissez-passer* was granted to Iraqi nationals with a criminal record who were returned by force³⁵⁵.

The third objective, the fight against smuggling and irregular migration, was part of the bilateral cooperation between Belgium and Cameroon with the signature of a Memorandum of Understanding. Bilateral cooperation between **France** and Albania in 2017 led to an accelerated assessment of asylum applications, dismantling of smuggling networks, increased border controls upon exit performed by Albanian authorities and deployment of Albanian liaison officers in France planned in 2018.

Member States³⁵⁶ efforts to achieve the fourth objective led, for example, **Latvia** to attempt discussions with Vietnamese authorities on the conclusion of a readmission agreement and an implementation protocol.

Alongside bilateral cooperation with third countries, cooperation is ongoing among Member States within the frame of the EURINT project which aims to develop common strategies in forced return based on exchange of practices and operational information.³⁵⁷

6.3.2. Implementation of EU readmission agreements

An update of the implementation of EU readmission agreements in 2017 are summarised in Table A1.1 in Annex 1.

6.3.3. Involvement of third countries in reintegration activities

In 2017, several Member States reported on measures to increase funding to enhance voluntary return.³⁵⁸ For example:

- The **Austrian** Development Cooperation approved funding for a total of nine projects and programmes, aimed among other things at assisting in the reintegration of returnees. The funding, totalling about EUR 11 million, primarily went to UN organizations such as the International Organization for Migration, and mainly to support projects and programmes in Afghanistan, Iraq, Kenya, Somalia and Syria.

- The **Czech Republic** provided financial support of up to EUR 1 million to a joint Czech-Italian project on the stabilisation of the inhabitants of the Republic Cote d'Ivoire implemented by UNHCR, focussing on the reintegration of Ivorian returnees and reducing statelessness in Cote d'Ivoire.

- In **Germany**, a new reintegration programme ('*Perspektive Heimat*'), run by the German Federal Ministry for Economic Cooperation and Development (BMZ), offers a range of reintegration measures to nationals from Afghanistan, Albania, Egypt, Ghana, Iraq, Kosovo, Morocco, Nigeria, Senegal, Serbia and Tunisia. The programme includes several support measures such as counselling services, training and qualification measures in Germany and support in job search and with starting a business and micro credits in the country of origin.

- **Spain** has initiated, with support from the EU Emergency Trust Fund for Africa, in the Casamance region in Senegal a project to "Support for the reduction of migration through rural job creation" where 25% of the beneficiaries of the project will be voluntary returnees.

Projects to assess the sustainability of reintegration support and support in third countries have been initiated in some Member States.³⁵⁹ For example, IOM **Portugal** is looking into developing methodological tools (survey) to better assess the sustainability of the reintegration support it is providing. **Sweden** has launched a pilot project with Kosovo on the exchange of information during the return process: all returnees to Kosovo were provided with the opportunity to provide feedback on a reintegration programme implemented by national authorities in Kosovo. This information was shared with the Kosovan authorities, so that they were better able to meet the needs of those returning to Kosovo. France (OFII) and Germany (BAMF) were also jointly implementing a project, "URA2", to facilitate voluntary returns of Kosovo nationals and ensure their sustainability of their return, notably via the provision of a wide spectrum of support (social support, medical and psychological support, family support, etc.).

A number of Member States indicated to have actively participated in the activities of the European Reintegration Network's (ERIN), such as working group to harmonise the procedure of reintegration programmes offered in Europe.³⁶⁰ In the course of 2018 and 2019 ERIN will structurally be embedded within a new instrument, ERRIN, led by the Netherlands.

³⁵⁴ BE, FR, LU

³⁵⁵ Belgian House of Representatives, Committee on the Interior, General Affairs and the Civil Service, 6 June 2017, Verbatim Record CRIV 54 COM 678, pp. 12-14.

³⁵⁶ FI, LV

³⁵⁷ EURINT Network covers 27 EU Member States and Schengen Associated Countries, and Frontex.

³⁵⁸ AT, CZ, DE

³⁵⁹ CZ, ES, FR, PT, SE

³⁶⁰ AT, BE, ES, FI, FE, NL

7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, addressing Trafficking in Human Beings. The first section elaborates on the developments at EU level (section 7.1) while the following sections outline the main developments in Member States and Norway. Notably, this section analyses how (Member) States pursued a more effective victims' identification system and provided information and assistance to the victims (section 7.3); then it looks at measures to strengthen cooperation amongst (Member) States (section 7.4); and finally, it describes measures to improve cooperation with third countries (section 7.5).

7.1. DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

Trafficking in human beings (THB) is a violation of fundamental rights, explicitly prohibited under Article 5 of the EU Charter of Fundamental Rights and a serious form of organised crime, with references in Art. 83 (organised crime) and Art.79 (irregular migration) of the Treaty on the Functioning of the European Union (TFEU). The **EU Directive on combating and preventing trafficking in human beings and protecting its victims**³⁶¹ is the key legislative document to fight THB.

The Council conclusions of 18th May 2017³⁶² which set out the EU priorities for the fight against organised and serious international crime between 2018 and 2021, included a clear commitment to continuing the fight against THB, to be implemented through a single Operational Plan (priority 5). Later in 2017, on the occasion of the 11th EU Anti-Trafficking Day on 18th October 2017, the European Commission called for a renewed commitment to eradicate human trafficking.

Building on the achievements of the implementation of the **EU Strategy towards the eradication of trafficking in human beings 2012-2016**³⁶³, on 4th December 2017 the EU Commission adopted a new communication³⁶⁴ setting the priorities for the EU follow-up action for eradicating trafficking in human beings. The new priority actions identify three main directions:

- Stepping up the fight against organised criminal networks by disrupting the business model and improving effectiveness of investigations and prosecutions of perpetrators and users;
- Providing better access to and fulfil the rights for victims of trafficking;
- Intensifying a coordinated and consolidated response, both at the EU and international level.

Together with the European Agenda on Migration, the **European Agenda on Security**³⁶⁵ and other EU policy instruments³⁶⁶, the above-mentioned documents show the EU's strong commitment to preventing and combating trafficking in human beings as well as to protecting victims' rights. Moreover, given that THB had a strong gender dimension, vulnerabilities of trafficked women and children were especially taken into account.

7.2. NATIONAL STRATEGIC DEVELOPMENTS AND LEGISLATIVE CHANGES

In 2017, some Member States undertook legal and policy initiatives to revise their national strategic framework on trafficking in human beings, in line with EU and international approaches. National strategic documents remained a key tool to guide government action against THB, with

³⁶¹ Directive 2011/36/EU of the European Parliament and of the Council of 5th April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2011:101:TOC>, last accessed on 30th March 2018

³⁶² Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021 - Council conclusions, 18th May 2017, available at <http://data.consilium.europa.eu/doc/document/ST-9450-2017-INIT/en/pdf>, last accessed on 30th of May 2018

³⁶³ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf, last accessed on 20th March 2018

³⁶⁴ Communication from the Commission to the European Parliament and the Council: Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/20171204_communication_reporting_on_follow-up_to_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf, last accessed on 30 March 2018

³⁶⁵ European Agenda on Migration, COM(2015) 240 final; European Agenda on Security (COM(2015) 185 final).

³⁶⁶ Commission Communication on 'An Open and Secure Europe: Making it Happen' (COM(2014)154 final); Commission Communication on protection of children in migration (COM(2017)211); as well as related to EU Drug Strategy (COM(2017) 195 final); Security Union Progress reports (COM(2017) 213 final, SWD(2017) 278 final, COM(2017) 407 final).

a few Member States drafting and adopting new national action plans or replacing expired policy documents in 2017³⁶⁷.

In the **Netherlands**, the coalition agreement³⁶⁸ presented in October 2017 included several measures to further intensify the fight against trafficking in human beings. Amongst others, the agreement envisaged the deployment of a permanent police liaison officer in 'key THB origin countries' and the provision of extra funding for the victims themselves as well as for the organisation of activities against human trafficking. In **Spain**, the National Strategy for Security was launched in December 2017 to stress the importance of the fight against trafficking in human beings, as in recent years organized crime groups have taken advantage of the migration and refugees crisis to open new THB routes to the EU.

Changes in the legal framework were made or discussed³⁶⁹ in several Member States³⁷⁰. These changes largely focused on strengthening the methods for identification of victims of THB, by introducing a child perspective and targeting specifically sexual exploitation.³⁷¹ For instance, in **Ireland** the Criminal Law (Sexual Offences) Act 2017, signed into law in 2017,³⁷² strengthened the existing law to combat child pornography, the sexual grooming of children, incest, exposure and other offensive conduct of a sexual nature. **Estonia** amended its Penal Code to criminalise the act of "buying" sex to discourage the demand leading to THB. In **Sweden**, the government developed proposals to amend the Penal Code to clarify the existing penal provision on THB, to increase the minimum penalty for some minor trafficking offences, and to strengthen child's protection. In addition, a bill to be adopted in 2018 by the national Parliament proposed to introduce human exploitation as a new criminal offence. Legislative measures also consisted of providing additional procedural guarantees and rights of victims of THB³⁷³. In **Belgium**, for example, a Circular was revised which introduced a better distinction between Belgian, EU and non-EU victims of trafficking, with a view to better adjusting the procedures and systems to the situation and needs of the three groups of victims. The Member State also introduced further details on the procedures to be followed in the processing of cases involving minors. Other legal changes introduced in 2017 aimed at providing (potential) victims of trafficking with appropriate (temporary) residence documents³⁷⁴ and at improving the general framework providing access of victims to rights, services and targeted reintegration assistance.³⁷⁵

Estonia and **Malta** ratified international conventions, respectively The Istanbul convention³⁷⁶ and the Council of Europe Convention against Trafficking in Human Organs³⁷⁷,

which gave rise to further legal and policy initiatives at national level.

Finally, **France** implemented several texts following the law of April 2016 related to the implementation of pathways out of prostitution and social and professional reintegration.

7.3. IMPROVING IDENTIFICATION OF AND PROVISION OF INFORMATION AND ASSISTANCE TO THIRD-COUNTRY NATIONAL VICTIMS OF HUMAN TRAFFICKING

Member States remained committed to improving the protection of victims of trafficking in human beings by further building their capacity to identify victims and by strengthening assistance to reintegration and access to services. To this end, several Member States introduced in 2017 new initiatives or measures such as training and awareness raising campaigns, as well as cross-border cooperation initiatives.



7.3.1. Capacity building and awareness raising measures

Capacity building initiatives in 2017 mostly targeted frontline actors likely to come into contact with (potential) victims, such as police and law enforcement authorities,³⁷⁸

Minor victims of human-trafficking: the United Kingdom's Government started the full national roll out of 'Independent Child Trafficking Advocates', whose role is to advocate on behalf of the child to ensure the child's best interests are reflected in the decision making processes undertaken by the public authorities who are involved in the child's care and support.



367 AT, BG, PT

368 "Vertrouwen in de toekomst" ["Confidence in the future"] is a coalition agreement that contains the political assumptions and agenda of the Dutch government for 2017-2021. This document mainly lays out policy plans in general terms. To date, most policy changes included in the document have not yet been implemented. This act is not legally binding.

369 This is the case in Sweden where amendments to the Penal Code were discussed, yet not adopted, and in Spain where a document on "Detection and support for child victims of trafficking in human beings" - prepared by the working group of the Children's Observatory - was presented to the Plenary of the Observatory, in December 2017. This document will be included as an annex to the Common Protocol for Health Action against Gender Violence implemented by the national health system (SNS).

370 CZ, EE, GR, HR, IE

371 EE, IE, SE

372 Criminal Law (Sexual Offences) Act 2017. No. 2 of 2017. Available at: www.irishstatutebook.ie

373 BE, LU

374 This is the case in Belgium where the "order to leave the territory" issued to potential victims of trafficking during the reflection period was replaced by a temporary residence document (annex 15) valid for 45 days.

375 GR, HR

376 Council of Europe Convention on preventing and combating violence against women and domestic violence

377 Council of Europe Convention against Trafficking in Human Organs, Council of Europe Treaty Series - No. 216, Santiago de Compostela, 25 March 2015, available at <https://rm.coe.int/16806dca3a> last accessed 29th March 2018

378 AT, BE, ES, FI, HR, HU, LU, LV

asylum and migration authorities,³⁷⁹ civil servants and consular staff,³⁸⁰ diplomatic personnel³⁸¹, legal counselors,³⁸² social workers and health/youth care personnel,³⁸³ NGOs³⁸⁴ as well as employees of the Ministry of Finance³⁸⁵ and trainers of organisational units within the Ministry of Defence³⁸⁶.

Most measures consisted of training and capacity building on identification techniques and procedures, including information on existing coordination mechanisms and contacts of key institutions responsible for THB. **Bulgaria** for example trained more than 30 interviewers and other specialists on first level identification of THB victims, which included a presentation of the existing coordination mechanism for referral and support of victims. As part of this initiative, a video on THB was also produced and disseminated among officers employed in the Migration Directorate.

Existing **support structures** were also reinforced, for example in **Finland** where human trafficking liaison officers were appointed for the regional offices of the Asylum Unit of the Finnish Immigration Service. The aim was to improve the exchange of information and technical expertise between the regional offices and the anti-trafficking specialist of the Asylum Unit who is based in Helsinki. Moreover, to enhance the identification of victims, the human trafficking liaison officers ensured that the case workers conducting interviews in the regional offices received low-threshold support for their work.

2017 also showed a shift towards the use of IT systems and building capacity and expertise to improve case management.³⁸⁷ **Hungary** for example set up a web-based platform to improve data collection and to better monitor the situation of victims, in terms of identification and support provided. Hungary and **Malta** also created specific support units to provide special assistance to victims of THB. Other Member States focussed on improving the efficiency of their national referral mechanisms³⁸⁸ including for instance helplines.³⁸⁹

To prevent labour exploitation and to raise awareness within the corporate world of the consequences of using forced labour and employing victims of trafficking in human beings, a National Plan to Implement the United Nations Guiding Principles on Business and Human Rights was published on 27 April 2017 in **France**. Several training and awareness raising measures were also launched such as model interview statements, teaching tools for professionals, professional training sessions for investigators / judges, educational leaflets on trafficking in minors, etc.).

Six Member States³⁹⁰ developed awareness raising activities specifically targeting migrants and asylum seekers.

The campaigns focussed on the risks of human trafficking and provided information on helplines and other services available for receiving assistance:

- In **Belgium** a brochure was published by the Federal Institute for Sustainable Development (FISD)³⁹¹ with information on remedy mechanisms available to THB victims, including explicit references to human trafficking and migration issues;
- In the occasion of the EU anti-trafficking day in October, **Ireland** launched an awareness raising campaign broadcasting digital adverts at Dublin Airport;
- In **Lithuania** a major preventive campaign, targeting more than one million people, included the distribution of brochures on trafficking in human beings, available in Russian and English, at border crossing points, as well as the organisation of training sessions for international journalists reporting on THB.



7.3.2. Cooperation measures between national authorities

Acknowledging the importance of coordination and information exchanges in the fight against THB, some Member States³⁹² started initiatives to strengthen inter-institutional cooperation on case management and protection of vulnerable groups. In **Bulgaria**, for example, the National Commission for Combatting THB (NCCTHB) closely cooperated with the Migration Directorate of the Ministry of Interior and the State Agency for Refugees and organised joint capacity building activities. In addition, the Agency for child protection and the State Agency for Refugees set up a specialised coordination mechanism for children and unaccompanied minors.

Other initiatives focused on boosting cooperation between institutions working at different governance levels. Their aim was often to raise institutional awareness about procedures related to the fight against THB, as well as providing opportunities for networking and establishing stronger working relations among colleagues in different institutions. Some examples of such initiatives include:

- **Belgium** further developed cooperation and information exchanges between administrative, judicial and fiscal institutions at provincial and municipality levels to strengthen the “integrated approach”³⁹³. In this framework, a new project – CONFINE³⁹⁴ “Towards operational cooperation on local administrative financial investigations in the fight against trafficking in human beings” – was launched in January 2017 for a two-year period. The Arrondissement Information and Expertise Centre (ARIEC) was also launched on 5

379 AT, BE, BG, FI, HR, HU, LU, LV

380 AT, FI, IE, LU, SK

381 SK

382 AT, HU

383 BE, FI, HU, IE

384 HR, ES

385 AT

386 SK

387 HU, NL

388 FI, HU, UK

389 HU

390 BE, BG, EE, IE, IT, LT

391 The publication is available in French, Dutch and German under the title “The United Nations Guiding Principles on Business and Human Rights in Belgium: State-based judicial and non-judicial mechanisms that provide access to remedy”

392 BG, DE, LT, HU, NL, PT.

393 The integrated approach implies that relevant partners exchange information and act in a complementary way to fight against illegal activities in various sectors. This approach implies structural or ad hoc consultations and flexible control actions.

394 The Confine-project was submitted under the Call for proposals HOME/2015/ISFP/AG/THBX of the European Commission

December 2017 to inter alia raise awareness among local authorities about the integrated approach, provide methodological and legal expertise and monitor supra-local organized crime phenomena.

- **Germany** developed a National Cooperation Strategy, including nationwide recommendations for setting up new cooperation mechanisms or using existing cooperation mechanisms at Länder-level. The Strategy set out measures and recommendations to enable ongoing, person-independent cooperation and collaboration at local level, named cooperation partners and provided information on their responsibilities. The strategy included contact details of service points in the Länder, and provided guidance on the identification of child victims, including child trafficking indicators;
- In **France**, a consultation with relevant Ministries and NGOs was launched in 2017 to prepare the second national action plan for 2017-2019. The new action plan was set to consolidate the measures in the first plan with new priorities, notably taking into account migration phenomena and the emerging phenomenon of urban procurement. In April 2017, an Instruction was published which aimed at raising awareness among actors on the issue of trafficking in human beings and its particularities, and to mobilise the Accommodation and Social Reintegration Centres to comply with the secure reception and accommodation mechanism.
- **Hungary** organised eight local forums³⁹⁵ gathering officers of the local branches of law enforcement agencies, courts, prosecutors, immigration authorities, public education institutions, municipalities, victim counsellors, child welfare and family support staff, civil society organizations and churches. The aim of the project was to boost cooperation and exchange of information at the regional and county level³⁹⁶ as a part of the mechanism supporting the victims of human trafficking;
- **Lithuania** prepared a model for combating trafficking in human beings at municipality level. In cooperation with the Association of Local Authorities, this model was distributed to all municipalities. The model requested them to set-up commissions/working groups for the coordination of activities related to the fight against THB, to make their municipalities more active and to increase the role that officials and professionals working at the municipal level play in the identification and provision of assistance to THB.

7.4. COOPERATION BETWEEN (MEMBER) STATES

(Member) States also cooperated with other Member States to develop stronger practices for identification and investigation of THB cases. Predominantly, police and law enforcement authorities worked together in various

instances and exchanged criminal intelligence³⁹⁷. (Member) States also conducted joint actions³⁹⁸ in the framework of the platforms provided by the European Agencies (i.e. EUROPOL, Eurojust etc.) or worked directly with other Member States (in the framework of Joint Investigation Teams), such as **Lithuania** and the **Slovak Republic** which collaborated with authorities in the United Kingdom on the provision of assistance to identified victims of human trafficking who appeared as injured parties in criminal proceedings. In the **Slovak Republic**, this collaboration concerned investigations of THB organised groups. The provision of assistance to victims was also the focus of cooperation among Belgium, Bulgaria, Romania, Spain and Sweden. In January 2017, they started a new project aimed at exchanging best practices and knowledge on assistance to victims; improving assistance to victims during the rehabilitation process to allow them to exercise their rights; and developing a transnational strategy for legal assistance.

7.5. COOPERATION WITH THIRD COUNTRIES

Cooperation between Member States and third countries most often focussed on tackling THB in the main countries of origin of victims identified in the respective Member States. It involved also sharing relevant know-how, for example by sending Member State experts to third countries³⁹⁹. For instance, **Lithuania** strengthened the anti-trafficking capacity in Moldova, whereas the **Netherlands** provided support to Tunisia, Egypt and Nigeria. Given that **Hungary** was one of the main countries of origin of victims of human trafficking identified in Switzerland, IOM Budapest developed the project “Swiss-Hungarian Transnational Cooperation on the Referral of Victims of Trafficking”, in participation with the most relevant Swiss and Hungarian counter-trafficking actors. The aim of the project was to create a reliable network of stakeholders and to establish the cornerstones of the Swiss-Hungarian transnational referral mechanism. In **France**, the Central Office for the Repression of Human Trafficking (OCRTEH) maintained close bilateral relationships to counteract trafficking with certain Member States as well as with third countries such as Nigeria and China. In December 2017, two representatives of OCRTEH met with the National Agency for the Prohibition of Trafficking in Persons (NAP-TIP) in Abuja (Nigeria) to develop a partnership to fight Nigerian trafficking. **Italy** signed a bilateral agreement with Albania to establish exchange of information and best practice, development of training and a memorandum of understanding with Libya to fight trafficking in human beings and smuggling.

Spain continued taking part in the THB EMPACT Project of Europol. Moreover, the Spanish Intelligence Centre against Terrorism and Organized Crime developed a training course in 2017, in the Spanish Cooperation Training Centre of Cartagena de Indias (Colombia) with the attendance of THB experts from 16 Latin-American countries. The course

³⁹⁵ This initiative is implemented under the project ‘Cooperation with the relevant public, non-governmental actors, international communities, organizations and agencies’ led by the National Police Headquarters.

³⁹⁶ The counties involved were Baranya, Borsod-Abaúj-Zemplén, Győr-Moson-Sopron, Szabolcs-Szatmár-Bereg, where a cooperation model similar to the Ministry of Interior’s National Coordination Mechanism is being developed

³⁹⁷ AT, CZ, EL, IE, NO, SK, UK

³⁹⁸ BE, EL, HU, IE, NO, SK, UK

³⁹⁹ AT, BE, ES, FR, HU, LT, NL, PT

was focused on prevention strategies and policies to tackle trafficking in human being and sexual exploitation.

Also **broader informing initiatives**, such as the **annual OSCE anti-trafficking Conference**, took place in 2017. Under the OSCE Austrian Chairmanship and in the presence of various relevant stakeholders representing OSCE member countries, NGOs and human trafficking experts,

the Conference focused on current challenges and on devising sustainable strategies to combat human trafficking. In addition, **Ireland** reported on funding from its overseas development aid programme or from individual IRISH embassies targeted at local organisations engaged very directly with countering human trafficking.⁴⁰⁰

⁴⁰⁰ Funding of 28,000 euros to Union of Superiors General (UISG) to support a project countering human trafficking in seven African countries – Nigeria, Cameroon, Ghana, Uganda, Kenya, South Africa and Zambia. Department of Foreign Affairs and Trade. More information available at: www.dfa.ie

8. MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

This section looks at the new policies and measures adopted by Member States and Norway during 2017, or those planned to be started in 2018, to maximise the development impact of migration and mobility. The first section elaborates on the progress towards mainstreaming migration in development policies (section 8.1) while the following sections are structured around five main pillars: cooperation with partner/third countries for economic migration (section 8.2); efforts to mitigate 'brain drain' (section 8.3); migrants' remittances (section 8.4); working with diasporas (section 8.5).

8.1. PROGRESS TOWARDS MAINSTREAMING MIGRATION IN DEVELOPMENT POLICIES

The majority of (Member) States reported actions undertaken in 2017 that evidenced their efforts to mainstream migration in development policies.⁴⁰¹ This was sought along three main lines of actions: streamlining migration, development and humanitarian efforts, both at programming and implementation stage; the participation in international forums dealing with migration and development issues; and the provision of financial contributions to international, EU and national programmes in the field.



8.1.1. Streamlining migration, development and humanitarian efforts

At policy level, a number of Member States⁴⁰² took measures to ensure not only the **integration of migration aspects** as one of the priorities of their **development strategies**,⁴⁰³ but also the complementarity of actions seeking to address migration-related issues from a development and humanitarian perspective.⁴⁰⁴

- In **Belgium**, the Development Cooperation Minister included 'migration' as one of the priorities in his General Policy Note for 2018, and the issue of irregular migration was taken into account during

the assessment and the selection of cooperation programmes in 2017.

- **Hungary** established the Hungary Helps programme with a view to promote the visibility of its increasing activity in international development and humanitarian aid.
- In the **Netherlands**, the increasing visibility of migration policies in the context of development cooperation was not only evidenced by the fact that the coalition agreement of the Rutte III cabinet – approved in October 2017 – mentioned development cooperation as an important element of the migration policy, but also by the additional development expenditure directed towards addressing the root causes and consequences of migration, with particular emphasis on youth employment and education.
- In **Norway**, the Ministry of Foreign Affairs published a strategic framework that sought to strengthen complementarity between humanitarian aid and development cooperation. In the area of migration, Norway supported the development of a global compact for safe, legal and orderly migration and would consider to strengthening the capacity of host and transit countries to deal with mass migration.
- Moreover, the step-up of efforts dedicated to migration-related humanitarian aid was highlighted by **Estonia** with the launch of a project to strengthen the capacity of the Estonian Refugee Council to design and implement livelihood projects in the humanitarian aid sector.

Efforts to mainstream migration in development policies were also made on a bilateral basis by a number of Member States.⁴⁰⁵ Most of them were projects to support refugees, either by providing direct support to these communities,⁴⁰⁶ or by improving the capacity of third countries to better deal with migration challenges.⁴⁰⁷

- **Austria**, through its development agency, launched various new projects including one in northern Uganda to provide food to refugees from South Sudan and to their host communities.

401 AT, BE, CZ, DE, EE, FR, HR, HU, IE, LU, LV, NL, NO, SE, SI, SK, UK

402 BE, CZ, EE, FR, HU, NL, NO, SE, SK

403 BE, CZ, FR, NL

404 CZ, ES, HU, NO, SE, SK

405 AT, BE, CZ, DE, IE, ES, FR, LU, SI

406 AT, IE, SK

407 CZ, ES, LU

- **Ireland** also provided humanitarian funding to support UNHCR and WFP to assist South Sudanese refugees in northern Uganda. In June 2017, Ireland also airlifted into that area humanitarian supplies which were donated to UNHCR for distribution to recently arrived South Sudanese refugees.
- The **Czech Republic** provided financial help to the Former Yugoslav Republic of Macedonia (FYROM), Serbia and Jordan, to deal with the high influx of migrants by supporting their asylum system.
- The end of 2017 saw the signature of a Memorandum of Understanding between **Luxembourg** and the EEAS capacity-building mission in Niger (EUCAP SAHEL Niger) for the launch of a new project to support the Nigerien Security and Defence Forces in their mission to reduce the number of human tragedies along migratory routes.
- The **Slovak Republic** offered 30 scholarships for Syrian refugees under the commitment that the country undertook at the 2016 UN Leaders' Summit on Refugees to provide 550 scholarships for refugees between 2016 and 2021. Additional 18 scholarships were offered for students from countries facing conflicts (i.e. Afghanistan and Palestine) which were provided also in the previous years.

Other Member States took a wider approach by taking into account migration issues in their bilateral programmes or projects. For example, **Belgium** and **Luxembourg** made sure to include migration-related aspects in the lines of action in terms of development in a number of African countries (i.e. in Guinea, Mali, Senegal, and Cape Verde). From a project perspective, **Germany** provided political, institutional and organisation advice to selected countries through the organisation of a Circular Migration Workshop in the Balkans and the publication of a labour law analysis in Georgia and a labour policy advice in Kosovo. To conclude, **Spain** launched a project in the Senegalese region of Casamance, seeking to support to reduction of migration through the creation of rural jobs.



8.1.2. Participation in international forums dealing with migration and development issues.

In the international arena, several Member States also highlighted their participation in multilateral groups and conferences dealing with migration and development issues, such as:⁴⁰⁸

- The **UN Global Forum on Migration and Development**, an informal and non-binding process that was conceived with a view to address the migration and development interconnections in practical and action-oriented ways.⁴⁰⁹ In 2017, the Global Forum was co-chaired by **Germany** – together with Morocco.

- The **UN Global Compacts on Safe, Orderly and Regular Migration and on Refugees**, which were formed following the adoption of the 2016 New York Declaration on Refugees.⁴¹⁰ In particular, **Belgium** underlined its systematic support to EU declarations advocating for the development of a global migration management approach in these meetings. **Germany** and the **Slovak Republic** noted their active participation in the process leading up to the implementation of the Global Compact on Migration in 2018, in the case of the **Slovak Republic** in its role as President of the UN General Assembly.
- The **EU-Africa Valetta** process and the **Joint Valetta Action Plan**.⁴¹¹ For example, **Belgium** highlighted its role in the preparation to the Senior Official Meeting held in Malta in February 2017.
- Within the **Rabat Process**, three Member States participated actively in the regional migration dialogues promoting political cooperation between countries along the migration route (i.e. Central, Western and Northern Africa, and Europe), taking an approach that included the links between migration and development.⁴¹² Furthermore, **Belgium** assumed the presidency during 2017.



8.1.3. Providing financial contributions to international, EU and national programmes in the field

Finally, 11 (Member) States reported having made financial contributions to international, EU and national programmes funds and projects in the field,⁴¹³ especially to **EU Trust Emergency Fund**.⁴¹⁴ This EU instrument aimed to address root causes of irregular migration and displaced persons in Africa, consisting of three different regional components (i.e. Sahel and Lake Chad, the Horn of Africa and North Africa).

8.2. COOPERATION WITH PARTNER/THIRD COUNTRIES FOR ECONOMIC MIGRATION

Seven Member States reported having implemented new measures seeking to facilitate labour migration from third countries.⁴¹⁵ Most of the initiatives revolved around the conclusion or revision of agreements on mobility or labour aspects with third countries.⁴¹⁶

- **Lithuania** signed a new agreement on social security with Ukraine and launched the first stage of consultations for a similar agreement with Belarus.

⁴⁰⁸ BE, DE, FI, FR, HR, LU, SI, SK

⁴⁰⁹ BE, DE, FI

⁴¹⁰ BE, DE, FI, SK

⁴¹¹ BE, LU, SI

⁴¹² BE, FR, SI

⁴¹³ AT, BE, CZ, DE, FI, HR, IE, LU, LV, SK, SI, UK

⁴¹⁴ AT, BE, CZ, HR, IE, LU, LV, SI, SK

⁴¹⁵ BE, DE, FR, LT, LU, MT, SI, SK

⁴¹⁶ FR, LT, LU, SI, SK

- The **Slovak Republic** joined the EU Mobility Partnership with Jordan.

Belgium and Germany sought to provide direct support for economic migrants from third countries in the form of training and information activities.

- With the objective of improving their technical and professional skills, **Belgium** set up a bilateral project with Tunisia whereby 30 Tunisian graduates would receive training in Belgian and Tunisian companies. The implementation of the project would start in March 2018 at the hands of the International Organisation for Migration.
- **Germany** expanded its network of 'German Information Points for Migration, Vocational Training and Career' and opened three new centres in Tunisia, Morocco and Ghana in addition to the three centres already running (Kosovo, Serbia, Albania). These Migration Advisory Centres provide guidance to individuals on labour migration to Germany, among other services.

8.3. EFFORTS TO MITIGATE 'BRAIN DRAIN'

Only Germany and Luxembourg reported new measures to mitigate brain drain in third countries. **Germany** implemented five different components under the programme Migration for Development with the aim to support migrants and other diaspora actors in transferring knowledge to their home countries and thereby contributing to brain circulation and development. In addition, the abovementioned Migration Advisory Centres offer information and advice on existing jobs, training measures and other labour possibilities in the respective domestic labour markets. From an implementation perspective, **Luxembourg** signed a convention with a consortium of NGOs to execute a three-year project in Senegal that would seek to facilitate social and economic reintegration of 250 returnees through a system of orientation, training, integration and follow-up.

8.4. MIGRANTS' REMITTANCES

Six Member States undertook measures to facilitate remittance flows or improve access to banking and financial services in developing countries.⁴¹⁷ A special focus was paid in the **United Kingdom** to money service businesses (MSB) – a payment service provider widely used by migrants to send remittances. In particular, the supervision of these businesses was improved through *inter alia* the adoption of the new Money Laundering Regulations, and guidance was provided.

Along with the adoption of national legislation transposing the new EU Payment Services Directive (PSD2)⁴¹⁸ by the **Czech Republic** and the **United Kingdom**, specific measures to deepen financial inclusion of migrants were reported by **Germany** and **Luxembourg**. In particular, in the framework of Germany's presidency of the G20 in 2017, a specialist "Remittance Task Force" was set up by the Financial Stability Board with the mandate to address issues relating to access to banking services for senders of remittances. **Luxembourg** financially supported a project seeking to achieve a deeper financial inclusion of migrant workers through the development of a micro-insurance model linked to remittances.

Belgium and **Germany** reported measures to take stock of the current situation. The first worked with the National Bank to gain a better understanding of data on remittances, while the latter published a report on payments and remittances in Jordan and organised a public-private dialogue on remittances from Germany to Ghana within the framework of its open fund to support the African Union with regard to migration and displacement policies.

8.5. WORKING WITH DIASPORAS

In terms of working with diasporas, (Member) States did not report major changes in 2017, with only two Member States highlighting activities that sought to support diasporas.⁴¹⁹

- In order to inform some diasporas (i.e. Cameroon, Mali, Democratic Republic of Congo, Senegal and Sri Lanka) on return and reintegration programmes, the **French** Immigration and Integration Office participated in three forums in France and two others in Cameroon and Mali. In the framework of the Program Migration for Development,
- **Germany** provided support to members of the diaspora of selected partner countries.⁴²⁰ Activities included supporting experts returning (temporarily) to their country of origin (Returning Experts, Diaspora Experts) and funding development cooperation projects of migrant organisations in their countries of origin. Further, individual diaspora members wishing to establish a business in their country of origin were supported, with a view to promote transnational entrepreneurship (Business Ideas for Development), by offering individual business planning, mentoring and seminars on key aspects of business funding as well as support with administrative procedures, funding opportunities and the establishment of a network in their country of origin.

417 BE, DE, CZ, FR LU, UK

418 Directive 2015/2366/EU of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L 337, 23.12.2015, p. 35–127 (PSD2).

419 DE, FR

420 Partner countries are Albania, Ethiopia, Ecuador, Georgia, Ghana, India, Indonesia, Jordan, Cameroon, Kenya, Colombia, Kosovo, Morocco, Nepal, Nigeria, Palestinian territory, Peru, Senegal, Serbia, Tunisia, Ukraine and Vietnam.

ANNEX 1

RETURN

Table A1.1: State of play on the implementation of EU readmission agreements

EU Readmission Agreement Member State	Armenia	Azerbaijan	Bangladesh	Bosnia & Herz.	Cape Verde	FYROM	Georgia	Guinea	Moldova	Montenegro	Pakistan	Russia	Serbia	Sri Lanka	Turkey	Ukraine	National developments / activities in 2017 to support implementation of EURAs with third countries	Date (if relevant)
Austria		X															Authorization to begin negotiations over a bilateral implementation protocol	
Belgium	X																A Benelux implementing protocol was concluded, the date for signature has still to be set	
		X															Negotiations for a Benelux implementing protocol are ongoing	
					X												Negotiations for a Benelux implementing protocol are ongoing	
															X		Negotiations for a Benelux implementing protocol are ongoing	
															X		Contacts were made with Turkey to negotiate a Benelux implementing protocol	
																X	An agreement has been reached on the text, which is now in the process of translation, after which the agreement will be signed	
Bulgaria		X															Draft implementing protocol sent via diplomatic channels.	
											X						Draft implementing protocol sent via diplomatic channels.	
														X			Draft implementing protocol sent via diplomatic channels.	
Czech Republic	X																Implementing Protocol is in negotiation	
															X		Implementing Protocol: the draft protocol was sent in August 2016, and a reminder sent in January 2017, without any reaction	
Estonia			X														Standard Operating Procedures concluded.	20 th September 2017
								X									Good practices procedure on identification and Return concluded.	

EU Readmission Agreement Member State	Armenia	Azerbaijan	Bangladesh	Bosnia & Herz.	Cape Verde	FYROM	Georgia	Guinea	Moldova	Montenegro	Pakistan	Russia	Serbia	Sri Lanka	Turkey	Ukraine	National developments / activities in 2017 to support implementation of EURAs with third countries	Date (if relevant)
Hungary										X							Implementing protocol signed.	24 th February 2017
																X	Implementing protocol prepared	To be signed early 2018
Latvia												X					Opinion sent to Russia on the understanding of the terms and conditions of the Readmission agreement in relation to practical application of the clause of readmission of third-country nationals. It was also requested to the Russian part to provide an opinion about the problems of readmission of third-country nationals.	
Lithuania	X																Implementing Protocol drafted.	Expected to be signed in 2018
																X	Proposal submitted to Ukrainian counterparts regarding the Draft Implementing Protocol.	Sent in October 2017
Luxembourg		X															Negotiations for a Benelux implementing protocol are ongoing	
					X												Negotiations for a Benelux implementing protocol are ongoing	
														X			A Benelux implementing protocol was concluded, the date for signature has still to be set	
															X		Contacts were made with Turkey to negotiate a Benelux implementing protocol	
The Netherlands	X																The text of the 'Implementing Protocol' (Benelux-Armenia) to the EURA has been agreed upon by the end of September 2016. The signing of the Protocol has not yet taken place. However, readmission requests are already possible.	
		X															Negotiations on the conclusion of an 'Implementing Protocol' (Benelux-Azerbaijan) to the EURA have taken place on the 2nd of May 2016. The greater part of the text has been agreed upon but the complete text of the Protocol has not been finalized yet. However, readmission requests are already possible.	
														X			The Netherlands (on behalf of the Benelux) and Sri Lanka negotiated on 13 and 14 October 2016 an implementing protocol to the EURA. The text has nearly been finalised. Readmission requests are not possible.	
Malta														X				5 th October 2017

ANNEX 2

BORDER AND MIGRATION MANAGEMENT

Table A2.1: New initiatives launched in 2017 on cooperation with third countries in the area of border and migration management

EU country	Third country	Kind of cooperation
AT	Albania, Bosnia and Herzegovina, Kosovo*, former Yugoslav Republic of Macedonia, Serbia	Salzburg Forum ⁴¹⁷ / joint action plan under the initiative Managing Migration Challenges Together (MMCT)
	former Yugoslav Republic of Macedonia	20 seconded police officers supporting border surveillance at the border with Greece
	Serbia	20 seconded police officers supporting border police surveillance at the border with Bulgaria
	Tunisia	Joint statement underscoring the shared goal to disrupt the business model of human traffickers and smugglers
	Central Asia (Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan)	The 13 th Conference of the Central Asia Border Security Initiative was held in Vienna in October 2017
CZ	former Yugoslav Republic of Macedonia	320 seconded police officers and 13 police dogs supporting border surveillance
	Serbia	75 police officers supporting border surveillance
	Iraq	Provided team of Military Police as a part of international team to train Iraqi police officers
DE	Djibouti, Ethiopia, Eritrea, Kenya, Somalia and Sudan, Uganda	Better Migration Management (BMM), part of the Khartoum Process - support to improve migration management in the region, address the trafficking and smuggling of migrants within and from the Horn of Africa.
ES	Mauritania	Training of the Airport Security Units of the capacity building support to the airport border control staff.
	Mauritania, Mali, Senegal, Cape Verde, Gambia, Guinea-Bissau and Guinea Conakry	Creation of cross-border patrols and related capacity building on border surveillance and irregular migration
	Libya	Creation of an information exchange network on irregular migration by sea. Maritime training and training in human rights for the Libyan Coast Guard.
LT	Vietnam	Consultation meetings with representatives of the embassy of the Socialist Republic of Vietnam in Warsaw on the enforcement of expulsion orders
LV	Belarus	Cross-border cooperation programme of Latvia, Lithuania and Belarus within the framework of the European Neighbourhood Instrument for 2014 - 2020.
MT	Spain, Portugal, Cyprus, Greece and Libya	Nine Libyan Navy Coast Guard officers attended an On-scene Coordinator Course
	Nigeria	Study visit to Malta on migration-related matters including border management, irregular migration and returns
	Egypt, Tunisia, Lebanon and Morocco	The Armed Forces of Malta (AFM) coordinated training financially sponsored by the Swiss government, concerning a Border Control related course at the AFM Maritime, Safety and Security Training Centre (MSSTC).
	Libya	Organised 4 courses, of which 2 were Operational Maritime Law On-scene Coordinator courses and the other two were On-scene Coordinator (OSC) courses. ⁴¹⁸
NL	Nigeria	Capacity building of the Nigerian Immigration Service (NIS) to actively and effectively prevent human trafficking.
SK	Ukraine	Signed Plan of Development and Cooperation between the BBAP PFP and the State Border Service of Ukraine for 2017 - 2018.
	Former Yugoslav Republic of Macedonia, Serbia	240 seconded staff of the Foreign Unit of the Police Force to carry out border surveillance tasks.

⁴¹⁷ The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior. Salzburg Forum Member States are Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia. For further information please see Salzburg Forum, Welcome to Salzburg Forum, available at www.salzburgforum.org/ (accessed on 2 January 2018).

⁴¹⁸ The aim of the OML course was to provide junior and Mid-Grade operational maritime officers with a practical understanding of the impact of maritime law, both international and domestic, during the execution of their duties. The OSC course aimed to provide operational maritime officers who have connections with Search and Rescue (SAR) air and sea capabilities knowledge on the conduct of SAR while designated as an OSC. In total, twenty-four students attended this training. These courses were a result of an MOU signed by the AFM, EUNAVFORMED OP Sophia and the Libyan Navy & Coast Guard.

Table A2.2: New initiatives of cooperation with third countries on prevention of irregular migration, started in 2017 or planned to be commenced in 2018

Country - third country	Nature of cooperation
The Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania Palestine*, Syria and Tunisia)	
Austria - Israel	Official visit between Ministry of Interior pledging for strengthened cooperation on migration and border protection
BE - Morocco	'Irevan project' (<i>Information et retour volontaire en Afrique du Nord</i>) – information campaigns and institutional capacity building on supporting voluntary return and reintegration programmes for migrants from sub-Saharan African countries
BE - Tunisia	'Enhancing Tunisian youth's employability through vocational apprenticeships and professional internships in Belgium and Tunisia' to support regular entry of youth Tunisians graduates
CZ - Jordan	Building a training centre specialized on asylum policy and management
CZ - Libya	Contribution to the EU Trust Fund for Africa (North Africa Window)
CZ - Jordan, Morocco, Iraqi Kurdistan	MEDEVAC -medical and health management assistance
DE - Tunisia	Memorandum of Understanding (MoU) with Tunisia on mobility, migration management, return and joint development
DE - Egypt	Agreement on enhanced cooperation in migration policy
FR - Morocco, Tunisia, Mali	Agreement on cooperation on the management of forced return to strengthen contacts with the French authorities, as part of the roadmap for controlled migration, led by a dedicated ambassador
IT - Ivory Coast, Ethiopia, Niger, Nigeria, Senegal, Sudan	Promoting socio-economic development, transfer of skills and knowledge
IT - Libya, Egypt, Algeria, Morocco	Regional Development and Protection Program for North Africa
IT - Libya	Memorandum of Understanding on cooperation to combat irregular immigration, trafficking in human beings, and smuggling and to reinforce the borders
NL -Libya	Supporting Humanitarian Repatriation and Reintegration of Vulnerable Migrants out of Libya
NL - Morocco	Morocco: Reinforcing self-advancement of Moroccan youths to ensure integration of marginalized youths
NL - Algeria	Enhancing Youth Civic Engagement in political processes at local and national level
The Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine)	
ES - Morocco and Mauritania	Police cooperation activities
ES - Libya	Mediterranean Seahorse project: several training activities for the Libyan crew on Offshore Patrol Vessels (OPVs), maritime mechanics and liaison officers in coordination centres
ES - Mauritania	In Mauritania , joint air and sea patrols are carried out in the area of Nouadhibou
AT - Kazakhstan, Mongolia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan	Training on counterfeit and falsified documents and on verifying personal identity for experienced border guards
AT - Georgia, Azerbaijan	TAIEX - Six weeks posting of an expert of the Federal Ministry of the Interior to Tbilisi International Airport. Study visits of officers from Azerbaijan, Georgia and Armenia to Austria.
CZ - Armenia, Azerbaijan, Georgia and Moldova	Signed a Mobility Partnership
CZ - Ukraine	MEDEVAC programme on establishing a functional physiotherapy department in the Kiev Regional Hospital
LV - Belarus and the Russian Federation	Joint border operations with the border guard services of Belarus and the Russian Federation 'KORDON 2017'
LT - Ukraine, Moldova	Land-border sector operation 'Coordination Point. Air-border sector operation "Alexis" in Georgia
The Western Balkans countries (i.e. Albania, Bosnia and Herzegovina, Kosovo, former Yugoslav Republic of Macedonia, Montenegro and Serbia)	
AT - Bosnia and Herzegovina and former Yugoslav Republic of Macedonia	Training on document security and practices exchange
BE - Kosovo	Twinning project on information campaign on prevention of irregular migration
CZ - former Yugoslav Republic of Macedonia	Financial support to strengthen the migration infrastructure and border management
CZ -Serbia	Financial support for strengthening the migration infrastructure and border management. Financial support was also provided to the Serbian Commissariat for Refugees for strengthening the Serbian immigration system via development of local asylum infrastructure
FR - Albania	Cooperation on closer monitoring of departures of Albanian nationals (assessment and exploratory missions)
LV -Kosovo	Twinning project 'Strengthen Kosovo Institutions in Effective Management of Migration' to assess current procedure for border control and migration control of Kosovo and procedure for identification of irregular immigrants at the border
Countries in the African Atlantic coast (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Ivory Coast etc.)	
CZ - Senegal	The MEDEVAC providing surgeries for gynaecology, otorhinolaryngology patients as well as on conducting of training for local medical staff
FI - Nigeria	Deployment of a European Return Liaison Officer (EURLO) to Nigeria
FR - Senegal	Evaluation mission of the DCPAF on fighting irregular migration and traffic of human beings
NL - Nigeria	Institutional capacity building targeting the immigration service and the human trafficking agency
NL - Mali	Information campaign in support of the Malian migration policy



Keeping in touch with the EMN

EMN website www.ec.europa.eu/emn

EMN LinkedIn page <https://www.linkedin.com/company/european-migration-network/>
#EMN10years

EMN national contact points

Austria www.emn.at

Belgium www.emnbelgium.be

Bulgaria www.mvr.bg

Croatia www.emn.hr

Cyprus www.moi.gov.cy

Czech Republic www.emncz.eu

Denmark https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en

Estonia www.emn.ee

Finland www.emn.fi

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM2

Germany www.emn-germany.de

Greece www.ypes.gr

Hungary www.emnhungary.hu

Ireland www.emn.ie

Italy www.emnitalyncp.it

Latvia www.emn.lv

Lithuania www.emn.lt

Luxembourg www.emnluxembourg.lu

Malta <https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx>

Netherlands www.emnnetherlands.nl

Poland www.emn.gov.pl

Portugal https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/portugal_en

Romania www.mai.gov.ro

Slovakia www.emn.sk

Slovenia www.emn.si

Spain <http://extranjeros.empleo.gob.es/en/redeuropeamigracion>

Sweden www.emnsweden.se

United Kingdom https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/united-kingdom_en

Norway www.emnnorway.no