European Commission

EUROPEAN MIGRATION NETWORK

2016 Annual Report on Migration and Asylum

25th April 2017 – Final Version

Migration & Home Affairs

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

EMN European Migration Network

Contents

disclaimer 1

explanatory note 1

Executive summary 2

1 INTERNATIONAL PROTECTION INCLUDING ASYLUM 12

1.1 The implementation of the Common European Asylum System 12

1.1.1 Developments at the European Union (EU) Level *13*

1.1.2 Changes in legislation, policies and practices at national level *15*

1.1.3 Institutional changes in the national asylum system *24*

1.1.4 Jurisprudence *24*

1.1.5 Efficiency and quality of the national asylum system *25*

1.2 Cooperation with the European Asylum Support Office (EASO) 25

1.2.1 Participation in EASO activities *25*

1.2.2 Provision of support by EASO to the Member States *26*

1.3 Intra-EU solidarity including relocation *26*

1.4 Enhancing the external dimension including resettlement *27*

2 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS 28

2.1 Developments at the European Union (EU) Level 28

2.2 Unaccompanied minors measures at national level 30

2.3 Other vulnerable groups 32

3 LEGAL MIGRATION AND MOBILITY 34

3.1 Developments at the European Union (EU) Level 34

3.2 Economic migration measures at national level 34

3.2.1 Facilitating admission 36

3.2.2 Satisfying labour market needs *41*

3.2.3 Efforts to avoid social dumping and labour exploitation of Third-country nationals *42*

3.2.4 Misuse of legal immigration channels for Third-country national workers *43*

3.3 Other Legal Migration and Mobility measures 43

3.3.1 Students and researchers 43

3.3.2 Family reunification and family formation 45

3.3.3 Information on routes to and conditions of legal migration 47

3.3.4 Guaranteeing certain rights for third-country nationals who are already legally resident on the territory 47

3.3.5 Visa policy and Schengen governance 48

4 INTEGRATION **50**

4.1 Developments at the European Union (EU) Level 50

4.1.1 Promoting integration through socio economic participation at national level 50

4.1.2 Promoting integration through civic participation: Rights and Obligations, achieving equal treatment and belonging 53

4.1.3 Promoting integration of specific groups 54

4.1.4 Non- Discrimination 56

4.1.5 Promoting integration at local level and cooperation, consultation and coordination of local stakeholders 57

4.1.6 Awareness raising on migration in the host society 58

4.1.7 Involvement of countries of origin 58

5 MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY .58

5.1.1 Progress towards mainstreaming of migration in development policies 58

5.1.2 Cooperation with partner / third countries for economic migration 60

5.1.3 Efforts to mitigate 'brain drain' 63

5.1.4 Working with diasporas 63

6 SECURING EUROPE'S EXTERNAL BORDERS 64

6.1 Enhanced border management at the external borders 64

6.1.1 Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks 66

6.1.2 Border control measures: other activities to improve the effectiveness of controls at external borders (e.g. training and policy) 68

6.1.3 Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management 69

6.1.4 Preventing and tackling of misuse of legal migration channels 69

7 IRREGULAR MIGRATION AND RETURN 71

7.1 Developments at the European Union (EU) Level 71

7.2 EMN RETURN EXPERT GROUP (REG) RETURN AND REINTEGRATION ACTIVITIES DEVELOPED DURING 2016 PLUS OTHER COOPERATION MEASURES 74

7.3 Prevention of unsafe migration and the fight against facilitation of irregular migration ('smuggling') at national level 74

7.3.1 Prevention of unsafe migration 75

7.3.2 Combatting facilitation of irregular migration 75

7.3.3 Monitoring of migrant smuggling 76

7.3.4 Monitoring and identifying migration routes 77

7.4 Main developments in the field of return and re-integration 77

7.5 Strengthening cooperation with third countries of origin and transit on return migration management 80

7.5.1 Ensuring implementation of all EU readmission agreements to their full effect 80

7.5.2 Prevention of irregular migration from third countries: (a) the Southern Mediterranean countries; (b) countries within the Eastern Partnership; (c) the Western Balkans; and (d) the Western Mediterranean and the African Atlantic coast 82

7.6 Enhancing return migration management including cooperation among EU Member States on return practices 82

7.6.1 Frontex joint return operations 82

7.6.2 New or planned measures to develop swift, sustainable and effective return using a common EU approach 84

8 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS 84

8.1 Developments at the European Union (EU) Level 84

8.2 Improving the identification of and provision of information to victims at national level 85

8.2.1 Information on assistance and support to victims, including child victims 87

8.2.2 Evident trends at national level 91

8.2.3 Cooperation with third countries..... 92

DISCLAIMER

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

EXPLANATORY NOTE

This Synthesis Report was prepared on the basis of National Contributions from 24 EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Slovak Republic, Slovenia**, **Spain**, **Sweden**, **United Kingdom, Norway**) according to a Common Specifications 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 2016. 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 above-mentioned (Member) States during 2016 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 2016 National Policy Reports and it is strongly recommended that these are consulted as well.

Executive summary

The EMN Annual Report on Migration and Asylum 2016 is based on information collected from all Member States and Norway in late 2016 and early 2017. It provides an overview of the main legal and policy developments taking place at EU level and within participating countries in all aspects of migration and asylum policy. The following key points have been identified:

INTERNATIONAL PROTECTION AND ASYLUM

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

In 2016 the European Commission adopted two packages (one in April and another in July) of legislative proposals to reform the Common European Asylum System (CEAS). The Commission proposed the creation of a common procedure for international protection, uniform standards for the protection and the rights granted to beneficiaries of international protection, as well as the further harmonisation of reception conditions in the EU. The overall aim of the legislative proposals tabled is to simplify the asylum procedure and shorten the time required for decision-making, discourage secondary movements of asylum seekers within the EU and increase the integration prospects of those who are entitled to international protection. The proposed measures are currently being discussed by the European Parliament and the Council of the EU.

How have asylum policies changed at the national level?

The year also witnessed important **legislative developments** in the area of asylum at the national level. In some Member States, changes in national legislation were underpinned by the requirements of the CEAS, in particular the transposition of the recast Asylum Procedures Directive (APD) and the recast Reception Conditions Directive (RCD) (EE, EL, LV). Other Member States passed legislation to align their – previously more generous - national policies to the (minimum) standards established at EU level (AT, SE). **Ireland** commenced legislation providing for a single application procedure for protection applicants from 31st December 2016.

Policy developments at the national level affected all aspects of (Member) States' asylum systems, from access to the asylum procedure to reception conditions and the treatment of vulnerable asylum seekers. Some Member States adopted measures to facilitate **access to the territory for asylum seekers** by authorising the submission of applications in third countries in cases of relocation and resettlement and providing for the granting of short-term travel documents and visas (EE, LV), whereas others restricted such access through exterritorial identity checks (SE) and the creation of transit zones at the border for the processing of asylum claims (HU). In the related area of **access to the asylum procedure**, particularly important developments took place in **Austria**, where a maximum ceiling of 1.5 per cent of the population was established on the number of asylum seekers to be admitted to the procedure[1]. To give effect to the EU-Turkey Statement of 18th March 2016, **Greece** introduced new admissibility procedures whereby an examination is undertaken to determine whether Turkey can be considered a safe country for the asylum seeker. This Member State also conducted an ad-hoc **registration** exercise in June-July 2016 to record the applications for international protection of asylum seekers who had remained stranded in Greece after the closure of the border with the Former Yugoslavian Republic of Macedonia (FYROM). In other Member States, registration-related measures focused on improving the identification and **security screening** of applicants for international protection (BE, NL). For example, in the **Netherlands** the police rechecked all asylum applications received in 2015 for threats to national security.

Measures linked to the **reception of asylum applicants** were many and varied. While some Member States took action to expand their **reception capacity** (AT, DE, EE, EL, FR, IT, LU), the decrease in the number of asylum seekers led others to close some of the reception facilities which had been established in previous years to cope with the high asylum influx (BE, FI, NL, SE). As regards material reception conditions, some (Member) States reduced the **financial support** to asylum seekers by eliminating or restricting cash allowances (EE, HU, LT, NO). In turn, others documented improvements to reception conditions in relation to **access to the labour market** and other forms of **pre-integration support** – such as the provision of training and the opportunity to participate in community activities – during the asylum procedure (AT, DE, EL, HU, NL SE).

[1] This development was a political decision taken in 2016, however it has not yet been legally effected.

Furthermore, the **organisation of national reception systems** underwent significant changes in **Greece** and **Italy**, with the creation of the so-called Reception and Identification Centres or 'Hotspots', i.e. closed-end structures, where the first registration, the division and reference of third-country nationals without documents takes place.

In turn, **Belgium** relaunched the implementation of a new reception model, agreed in the Coalition Agreement of 10 October 2014 giving preference to collective reception centres over individual reception places.

Changes linked to **asylum procedures** were manifold and affected various procedural stages and types of procedures. Several Member States made reference to developments related to **access to information and legal counselling** (AT, HR, EE, FI, EL, SE) as well as **interpretation** (AT, LT). While in general these developments aimed at improving procedural guarantees for asylum seekers, **Finland** reported that the right to legal assistance had been restricted. Concerning **special procedures**, changes primarily related to accelerated procedures (EE, DE, EL) and border procedures (AT). For example, **Germany** introduced an accelerated procedure for certain asylum applicants, who were thereby required to remain in special reception centres while their claims were being processed – within three weeks maximum, including the appeal stage. In addition, in order to speed up decision-making some Member States expanded their national list of **safe countries of origin** (AT, BE, HU, NL). A few Member States also reformed their procedures for the **appeal and/or judicial review** of first instance decisions (AT, CY, EE, EL, FI, NL, SK). In connection with the EU-Turkey Statement, **Greece** reported on the establishment of several Appeal Committees to decide on appeals lodged under the admissibility and eligibility procedures (applied to nationalities with low recognition rates) against the first-instance decisions taken by the Greek Asylum Service.

As regards the **Dublin Regulation**, the most significant development concerned the suspension of transfers to Hungary, which was reported by five Member States (CZ, FI, SE, SK, UK). In **the Netherlands**, there was a change in policy whereby asylum applications from certain safe countries (i.e. Albania, Kosovo, Serbia, FYROM, Bosnia and Montenegro) who were subject to Dublin procedures, are decided according to the national procedure, instead of requesting the responsible Member State to examine the application in accordance to the Dublin Regulation.

Measures were introduced in three Member States to limit the validity of the **residence permits** associated with refugee and/or subsidiary protection status, bringing such validity closer to the minimum periods provided for in the asylum acquis (AT, BE, SE). **Finland** discarded its humanitarian protection status which was a purely national protection category not envisaged in the EU legislation.

Efforts were also made at the national level to attend to the special needs of **vulnerable groups,** including by improving identification and access to support services for victims of trafficking (EE) the establishment of special 'safety houses' for asylum seekers with special needs (DE, SE) and the granting of special consideration to vulnerable asylum seekers in relation to detention (UK).

Which institutional reforms were introduced in national asylum systems?

In addition to the adoption of the legislative and policy changes described above, some (Member) States carried out significant **institutional reforms** in their asylum systems (AT, DE, EL, ES, FI, IE, LU, LV, NO, SE). For example, in **Finland** competences for asylum investigative tasks related to the establishment of the identity and travel routes of applicants for international protection were transferred from the Police and the Finnish Border Guard to the Finnish Immigration Service, whilst in **Spain** an Inter-ministerial Commission was set up to further the implementation of a global, combined approach to issues regarding asylum and immigration. In turn, **Sweden** moved from a voluntary to a compulsory settlement system according to which all Swedish municipalities could be required to receive international protection beneficiaries.

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

All Member States and Norway continued to support the European Asylum Support Office (EASO) activities in 2016, contributing in various ways and to different degrees, including through the secondment of staff for the deployment of Asylum Support Teams (AT, BE, BG, CY, CZ, DE, EE, FI, FR, HU, IE, LV, LU, MT, NL, NO, SE, SI, SK, UK); the deployment of experts for training-related activities, including regional train-the-trainer sessions (AT, BE, EE, ES, DE, EL, FR, HU, IT, LT, MT, NL, SE, SI, SK); and participation in the development of common practical tools, e.g. COI activities/reports, European Asylum Curriculum modules, the EASO Quality Matrixes etc. (AT, BE, DE, EL, ES HU, IT, LT, MT, NL, NO,

SE, SI, SK, UK). EASO continued to provide emergency/special support to **Bulgaria**, **Cyprus**, **Greece** and **Italy** throughout 2016.

How are resettlement and relocation activities being implemented?

(Member) States continued to show their solidarity with other countries within and outside the EU through their participation in resettlement and relocation activities. With regard to **resettlement**, most of the resettled refugees arrived from third countries to the EU under the (Member) States' national general resettlement programmes. However, several Member States (e.g. AT, CZ, DE, IT, SK, UK) also resettled refugees under **various humanitarian admission schemes**, which are similar to general programmes but do not fully match their characteristics.

With respect to **relocation**, Member States continued to relocate applicants from Italy and Greece as agreed by the adoption of the EU emergency relocation mechanism (5,208 relocations from Italy and 11,421 from Greece as of 13 April 2017).[2] Several Member States reported on relocations having taken place by the end of 2016 including (planned) relocations for 2017.[3]

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

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

The European Commission's reform packages on the CEAS (see above) included measures to strengthen the guarantees available for vulnerable persons, including children in general and unaccompanied minors (UAMs) in particular seeking international protection in Europe. Specifically, the proposals aim to provide secure accommodation in suitable reception facilities, prompt and effective guardianship for unaccompanied children, as well as to ensure full compliance with the principles of the best interests of the child and of family unity.

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

Around 30% of asylum applicants in the EU in 2016 were children, many of them unaccompanied. Some Member States (DE, EL, IT) reported an increase in the number of UAMs in 2016, posing challenges with regard to the availability of reception facilities tailored to their special needs, while others (BE, FI, SE) reported a significant decrease in the number of UAMs which led to the closure of several reception facilities.

Half of the (Member) States reported on the adoption of new legislative/ policy measures in 2016 aiming to safeguard the rights and welfare of unaccompanied minors (AT, CZ, HR, EE, EL, FI, FR, IT, LV, MT, NL, NO, SE, SI, SK, UK). For example, measures were introduced to **tailor services to better accommodate the needs of children**. These included national-level agreements stipulating that proceedings involving UAMs were to be carried out in special reception facilities for children (children's houses) using child-friendly methods (EE), and rules ensuring that interviewers of UAMs have the necessary knowledge of their special needs and carry out the interviews in a way which takes account of the child's age and level of maturity, as well as any psychological effects of past trauma (EL).

Some Member States introduced **alternatives to regular accommodation** or placements in childcare institutions or in separate/ safe accommodation specifically for children (BE, SI). The importance of legal guardianship was also emphasised by several Member States (BE, EL, SE, SI). For example, **Slovenia** extended the framework for legal representation for UAMs applying for asylum, whilst **Greece** established an obligation to appoint, at the earliest opportunity, a guardian to separated children asylum seekers. In addition, several Member States adopted measures regarding **foster care** (BE, LV, UK)**.**

In a few countries there were also changes concerning the legal framework for the detention of UAMs (EL, FI, SI). For example, in **Greece** the detention of UAMs was legally recognised as a measure of last resort whilst in **Finland** alternatives to detention of UAMs were introduced.

Going forward, several Member States reported on planned changes to policy/ practice which will increase protection of UAMs in 2017 (IT, LV, NL, SE, SI, SK, UK).

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

[3] For the latest state of play on relocation activities see http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf, last accessed 6th April 2017.

In this regard, **Sweden** plans to introduce a new method (Child Impact Analysis) for establishing the best interests of the child, in cooperation with the Ombudsman for Children, which will aim to improve decision-making regarding both unaccompanied and accompanied children.

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

In addition to the above-mentioned provisions for UAMs, several Member States introduced changes to policies/ practices targeting other vulnerable groups, inter alia, victims of trafficking in human beings, victims of domestic violence, LGBT, pregnant women, people with disabilities etc. (AT, BE, CZ, EE, EL, DE, FI, FR, IT, HU, LT, SE, SI, UK). The measures taken to enhance the protection of such persons can be grouped into the following broad categories: setting up **special facilities providing specific services**, notably healthcare to vulnerable groups (AT, CZ, DE, EL, FI, SI), or putting policies in place **targeting a specific vulnerable group**, in particular victims of trafficking in human beings (THB) (CZ, EE, IT, SK); clarifying the definition of vulnerable persons (EE, EL); and regulating the detention of persons with special needs (EL, SK, SI, UK). Additionally, some Member States reported that competent authorities give priority to vulnerable persons when examining their asylum applications (EL, SI).

LEGAL MIGRATION AND MOBILITY

What developments have taken place in relation to legal migration at EU level?

The year 2016 witnessed important legal developments in relation to legal migration at EU level. In June 2016, the Commission put forward a proposal for a new EU Blue Card Directive that offers a more harmonised, simplified and streamlined approach to attract highly skilled workers. In May 2016 the recast Students and Researchers EU Directive entered into force. The Directive provides for common admission and residency rules for third-country national students, researchers and trainees and for volunteers who come to the EU under the European Voluntary Service (EVS) scheme, and requires Member States to adapt their national legislations by 23rd May 2018 at the latest. Importantly, the transposition periods of the Seasonal Workers Directive and the Intra-Corporate Transfers Directive ended on 30th September and 29th November 2016 respectively. Finally, in September 2016, the Commission launched its REFIT - Legal Migration Fitness Check with a view to identify gaps and inconsistencies and consider possible ways of simplifying and streamlining the current EU framework on legal migration.

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

Measures to **facilitate the admission of specific groups of legal migrants** were many and varied in the Member States. Several reported on efforts to attract **highly qualified workers** as part of the global competition for talent (AT, EE, FI, FR, IT, LV, LT, LU, MT, NL, UK). For example, **Austria** passed legislation to improve the conditions for the admission and labour market integration of qualified third-country workers under the Red-White-Red Card, the **Netherlands** created a 'hybrid entrepreneurship' scheme to enable highly skilled migrants and scientific researchers to start their own business in addition to their main job, and **Estonia** provided for an exemption in the regular immigration quota for IT professionals, start-ups and investors. **Italy** promoted and signed a number of agreements with private firms, associations and multinational companies to facilitate the entry of highly qualified workers, by reducing the time for authorisation procedures and promoting expertise and knowledge exchange at the international level.

A number of Member States reported on actual and planned measures regarding **migrant entrepreneurs** (AT, EE, ES, EL, FI, FR, HU, IE, LV, LT, NL, SK) and **investors** (CZ, EE, FI, IE, LV, LU, NL). In this respect, **Luxembourg** introduced an authorisation to stay for investors which aims to attract qualifying third-country national investors to the country.

Initiatives to make entry conditions more favourable for **particular shortage occupations** were adopted in several Member States (BG, EE, EL, IE, LV, LT, LU, NL). Such measures included exempting third-country nationals in professions specified in the shortage occupation list from a labour market test in **Bulgaria** and **Lithuania** and allowing irregular migrants to gain a work permit if they work in the rural economy in **Greece.** In **Germany** access to residence permits was facilitated for persons from the Western Balkan States holding an employment offer in Germany. In turn, protection against **social dumping**[4] was strengthened through measures targeted to promote equal pay conditions, address social dumping in particular professions/occupations, and reduce illegal employment (AT, BE, CY, EE, FI, FR, EL, IE, LT, LU, MT, NL).

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

A significant number of Member States reported on their actions to transpose and implement the Intra-corporate Transferees Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (AT, BE, BG, HR, CY, EE, FI, FR, IT, HU, LV, LT, LU, NL, SE, SK, CZ) and the Seasonal Workers Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (AT, BE, BG, EE, FI, FR, IT HU, LV, LT, LU, NL, SE, SK, CZ, CY).

How have Member States fought misuse of legal migration channels by third-country national workers?

A few countries reported activities to prevent and manage **misuse of the legal immigration channels by third-country national workers** (BG, ES, LT, LV, LU, NL). In the case of **Lithuania**, for instance, such measures involved the signature of a cooperation protocol with the State Labour Service of Ukraine, providing for the exchange of information on the contractual workers employed in the territories of both states, their activities, as well as information on the infringements of labour legislation detected by state authorities.

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

The main measures planned or introduced in Member States and Norway to further facilitate the **admission and stay of third-country students and researchers** aimed at: providing access to the national labour market during studies and after graduation (AT, BG, FR, IE, LT, LU, LV, NL, NO); facilitating and simplifying entry and stay conditions (CZ, EE, IE, LT, NL, UK); addressing misuse of the student route to migration (IE, MT, NL, SK) and transposing the Students and Researchers Directive (BG, CZ, FI, HU).

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

During 2016 the main initiatives introduced on family reunification and/or family formation by the (Member) States included measures to simplify family reunification requirements (CY, EE, EL, FR, HU, IT, LU, LT, LV, NL, SI); restrict family reunification and/or tighten requirements (AT, BE, DE, FI, NO, SE, UK); and prevent and tackle cases of misuse of the family reunification migratory route (AT, HU, LU). Two Member States also extended the right of family members to employment (CY, LV). In **Cyprus** this was done by providing spouses of sponsors (e.g. of long-term residents) with free access to the labour market an immediate right to free access employment.

Some (Member) States planned or introduced legislative measures that **restricted the family reunification rights of certain groups**, such as refugees and beneficiaries of subsidiary protection, while providing for exceptions if the sponsor was an (unaccompanied) minor (AT, DE, FI, NO, SE) or to provide for new procedural requirements for applicants in this category (IE). For instance, **Sweden** limited the right to family reunification to the following categories: refugees who had well-grounded prospects of obtaining a permanent residence permit; child refugees to be reunited with their parents; and beneficiaries of subsidiary protection who had submitted their application for asylum before the 24th November 2015. **Ireland's** new legislation on international protection introduced time limits for making an application for family reunification for beneficiaries of international protection. Measures were also adopted at the national level to tighten **maintenance requirements** as a condition for family reunification (AT, FI, SE).

Which were the main initiatives concerning the rights of migrants already residing in the Member States?

Several (Member) States have reported on new or planned laws and policies aiming to regulate and harmonise access to **long-term residence** (CY, DE, EE, FR, HU, IT, LV, NO, SE, SK) **and intra-EU mobility** (DE, HU, EE, LU, SK). In this respect, legislative amendments were passed in some countries to facilitate access to long-term residence (CY, EE, FR, IT, LV) or to clarify the requirement that long-term resident applicants needed to fulfil (NO, SE, SK). For instance, **Germany** amended the legal framework of its permanent settlement permit so that refugees could be granted a permanent settlement permit after five instead of three years as a rule, with the possibility of obtaining it after three years provided that they mastered the German language and were largely able to support themselves.

INTEGRATION

What developments have taken place on integration at EU level?

In June 2016, the Commission adopted an Action Plan on the integration of third-country nationals.[5] The Action Plan devised a comprehensive framework to support Member States' efforts in developing and strengthening their integration policies, with a focus also on refugee integration, and described the concrete measures the Commission would implement in this domain. One of the key measures of the Integration Action Plan was the transformation of the National Contact Points on Integration into a European Integration Network (EIN) with stronger coordination role and mutual learning mandate.

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

Initiatives to foster the integration of specific groups were reported by a significant number of Member States (AT, BE, BG, CY, CZ, DE, EE, EL, FI, HR, HU, IT, LT, LU, LV, NL, UK), with **asylum seekers and beneficiaries of international protection** continuing to be the focus of integration policies during 2016.

Member States have continued to implement measures to promote integration through participation, including by enhancing access to rights and clarifying obligations, in order to achieve equal treatment and foster a sense of belonging among migrants. For instance, measures were adopted to **improve attainment in the education system** (AT, CY, EE, EL, FI, IT, LU, NL, NO, SE, SI) and to **enhance migrants' language skills**, especially through the introduction or continuation of language courses for adults (AT, CZ, DE, EE, ES, FR, LV, NL, UK) and children (CZ). Two Member States introduced measures to provide for compulsory language learning (EE, UK).

With regard to the crucial area of **integration into the labour market**, several (Member) States reported on specific actions targeting beneficiaries of international protection and asylum-seekers (BE, DE, EL, FI, FR, IT, LT, NL, NO, SE). In **Germany** this included plans to expand the offer of 450 youth migration service centres to young refugees aged between 12 and 27 to further their educational, professional, social and linguistic integration, focusing on the transition from school to work. In turn, **Norway** established a recognition procedure of higher education qualifications for persons without verifiable documentation.

Several Member States adopted **new integration plans and strategies** in view of supporting the civic participation of third-country nationals (BE, DE, FI, FR, IE[6], LU, LV, SE). For example, **Finland** approved its national Action Plan on Integration, which aims to speed up the settlement process of beneficiaries of international protection in municipalities, helping them to access training paths and find employment, while measures in **Germany** focused on increasing the civic participation of migrant women. Following some legislative changes, **Italy** now grants third-country nationals regularly residing in Italy and aged between 18 and 28 the possibility to access the national civil service programme. As for **political rights**, in view of the municipal elections that will take place in 2017, **Luxembourg** and **Finland** reported on their plans to launch awareness-raising national campaigns to inform foreign residents of their rights.

Efforts to ensure **non-discrimination** of migrants were widespread and reported in more than half of the (Member) States (AT, BG, CY, DE, EE, ES, FI, FR, IE, LU, LT, MT, NL, NO, SE, SK, UK). Several Member States reported on new or enhanced activities to support the integration of migrants involving the **active participation of local authorities and/or civil society** (AT, BE, CY, CZ, DE, EE, EL, DE, FI, FR, IT, LU, LV, SE, SI, SK, UK). These activities included, for example, fostering networks and best practice sharing (CY, CZ, EE, FI, LV, SE, SK).

MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

Efforts to maximise the development impact of migration and mobility have been highlighted with an emphasis on Member States' financial commitments in 2016 (AT, BE, DE, ES, FR, HU, IT, LV, LU, MT, NL, SI, HR, SE, SK). In **Italy**, for instance, the 'Migration Compact 2.0' issued in June 2016, devoted 500 million euro to initiatives directed at the following 16 'strategic partners': Algeria, Eritrea, Ethiopia, Ivory Coast, Gambia, Ghana, Guinea, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan and Tunisia. At the strategic level, **Latvia**'s Development Cooperation Policy Guidelines for 2016-2020 gave an overview of how the country would foster instruments for strengthening development cooperation to find solutions for the root causes of migration.

[5] COM (2016)377 of 7.6.2016
[6] Published in February 2017

Mitigating **'brain drain'** represents a key area in the global efforts to manage migration and mobility. Six Member States undertook initiatives in this area (BE, DE, FR, HR, IT, LU), including the adoption of measures to support circular migration with specific third countries (BE), the introduction of scholarship programmes to support the return of foreign students to their countries of origin (HR) and cooperation agreements with third countries to promote education and vocational training (LU). Member States actions to work with **diasporas** were characterised by substantial financial efforts (AT, BE, DE, ES, HR, FI, FR, HU, IT, LU, NL, UK).

SECURING EUROPE'S EXTERNAL BORDERS

In 2016, the external borders of the EU continued to be under great pressure in the context of the migratory and refugee crisis. Despite the number of **arrivals** reported by Member States **being significantly lower** than the previous year (more than one million migrants in 2015), over 511,000 illegal border crossings were reported at EU external borders, of which 75% are related to new arrivals from Africa, the Middle East and Asia.[7]

What measures were adopted at the national level to improve border checks and border surveillance?

In 2016, a substantial number of Member States introduced or planned new border control measures, including in relation to the development of advanced passenger databases/ IT systems (BE, CY, CZ, DE, EE, FI, FR, HU, IE, IT, LV, LT, LU, MT, SE, SI, SK), and the deployment of equipment for border checks (e.g. Automated Border Control solutions) and border surveillance (AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IT, LV, LT, LU, MT, NL, NO, SI).

With regards to **measures applied prior to checks at the external borders**, one Member State (SE) reported progress on the installation of an Advance Passenger Information systems(API), whilst others updated or modernised their existing API in view of the introduction of Passenger Name Records (PNR) (BE, CY, LU, MT, NL, SE, SI). For instance, **Belgium** adopted a comprehensive legislative package to implement the PNR Directive, the API Directive as well as part of Directive on reporting formalities for ships. A Passenger Information Unit consisting of analysts and seconded experts from the police, intelligence services and customs, will be established within the Home Affairs Federal Public Service. As noted above, Member States also upgraded the infrastructure at their border crossing points through the use of **ABC-related technology**. In **Spain**, for instance, such measures involved the creation of a pre-registration system for Moroccan nationals residing in Melilla and Ceuta accompanied by a biometric facial recognition system. Upgrades in **national surveillance capabilities** were also carried out by several Member States (CY, ES, FI, HU, LV, LU, MT, SI), resulting among others in the integration of both the Integrated External Surveillance System (SIVE) of **Spain** with its Portuguese equivalent system (SIVIC).

How did Member States cooperate with third countries in the field of border control?

Cooperation with third countries was another area of action highlighted by the Member States, with thirteen of them reporting the establishment or continuation of cooperation agreements with third countries in the area of border management (AT, BE, BG, DE, EL, EL, FI, FR, HU, IT, LT, LV, MT, SK). Whilst most of the agreements were concluded with EU neighbouring countries (e.g. Serbia, Ukraine, Russian Federation, the Former Yugoslav Republic of Macedonia), some Member States implemented cooperation activities with extra-European countries (e.g. with the Republic of Congo, Morocco and Tunisia in the case of **Belgium**; Sudan in the case of **Italy**, etc.).

How did Member States tackle abuse of visa liberalisation and document fraud?

National authorities took action to tackle irregular migration connected to visa liberalisation, fraudulent documents and the abuse of free movement rights. As regards **visa liberalisation,** for example, **Germany** established an improved monitoring mechanism, whilst the **United Kingdom** extended its 'deport first appeal later power' for it to be applied to all cases where removal pending appeal would not cause serious irreversible harm, or otherwise breach human rights. To combat **document fraud,** the **Czech Republic** established a "National Centre for Checking Documents" in order to centrally collect irregular, fake, forged, found and sent documents of all types, analyse the database, disseminate information, follow and discuss trends, cooperate with other police units (also at international level) and offer recommendations for legal amendments concerning travel documents.

[7] Frontex, Annual Risk Analysis 2017, available at : http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf

IRREGULAR MIGRATION AND RETURN

What developments have taken place on irregular migration, return and readmission at EU level?

Important developments took place at the EU level in 2016 in relation to the **fight against irregular immigration** in 2016. In February that year, the European Commission supported the establishment, of a European Migrant Smuggling Centre (EMSC) within Europol, to assist Member States on investigations linked to migrant smuggling. In March 2016, the Justice and Home Affairs Council adopted Council Conclusions on migrant smuggling (6995/16) which called for a comprehensive, multidisciplinary and cross-border approach. In addition, the European Commission has been working together with third countries under the auspices of the new Migration Partnership Framework adopted in June 2016.

In addition, some (Member) States reported actions related to the introduction of temporary border controls (AT, BE, DE, NO, SE) in line with the Schengen Borders Code, until mid-May 2017 (AT) and beyond (NO, DE, SE).

In the field of **return**, the emphasis remained on the swift implementation of the EU Action Plan on return adopted and endorsed in 2015. The Commission also put forward a number of legislative proposals (most notably a proposal to establish a European Border and Coast Guard, adopted in December 2016) to support Member States with a view to increase in the number of effective returns. Finally, the EU-Turkey Statement concluded on 18th March 2016 had among its aims the facilitation of swift returns to Turkey from the Greek islands.

In 2016 the European Commission also prioritised cooperation on **readmission**, as an essential part of the EU policy to combat irregular migration. Efforts to enhance implementation of the existing 17 Readmission Agreements were undertaken. In order to reduce obstacles to readmission while improving practices as well as communication between relevant authorities, Joint Readmission Committees were held in 2016 with Cape Verde, Serbia, FYROM, Moldova, Russia, Turkey, Ukraine and Pakistan. The Commission also launched negotiations for new readmission agreements with Nigeria, Tunisia and Jordan and also worked to advance the dialogue with China with prospects of opening negotiations in 2017. During the reporting period, negotiations were virtually finalised with Belarus. In addition, further improvements to the practical cooperation on readmission and engagement with third-countries were undertaken through the Partnership Framework approach. This provided for country-specific approaches with a mix of positive and negative incentives, the use of which would be guided by the country's ability and willingness to cooperate on migration management, and in particular on readmission.

Which measures were introduced by the Member States to combat migrant smuggling?

The majority of Member States introduced new policies or practices to **prevent unsafe migration** (for example through unsafe routes, making use of unsafe migration channels, such as smuggling, etc.) from third countries of origin and transit (AT, BE, BG, DE, EE, FI, FR, HR, IE, IT, LU, LV, MT, NL, SE, UK). In several countries, these took the form of **information and awareness raising campaigns** in their territory and in third countries, including through social media (AT, BE, DE, FI, IE, IT). In this regard, **Finland** targeted potential victims of organised smuggling in Iraq, Somalia, Afghanistan and Northern African countries, with the aim to inform them of the risks posed by traffickers and smugglers, while **Italy** focused on prevention (through real stories told by migrants, continuous news and information sharing) and sustainable alternatives (promoting legal channels in countries of destination, reinforcing local development and economic cooperation in countries of origin). **France** set up two entities within the Central Directorate of the French Border Police (*Direction Centrale de la Police aux Frontières*) dedicated to the collection of information and statistics related to irregular migration.

Legal and policy measures to fight irregular migration also involved the **amendment to national criminal codes** (e.g. in HU, LV, NL) or penal provisions in the Immigration Act (BE), as well and the adoption of national **action plans** (BG). Activities to **monitor and identify migration routes** were enhanced in 2016 – or planned for 2017- through an increase in the number of National and International Liaison Officers (NLOs/ ILOs) with six countries reporting changes in this field (CZ, DE, FR, NO, SI and SK).

What measures were adopted at the national level to increase the effectiveness of returns?

In 2016, efforts were also made at national level to improve the efficiency and effectiveness of return policies. These often consisted of amendments to existing legislation in the fields of return and reception of returnees.

Several Member States amended their legislation to upgrade the legal **terminology** in the field of return and modify their return **procedure,** including to introduce a **stricter return policy** (BE, BG, EE, DE, FR, HU, IE[8], LV, NL and SE). For example, **the Netherlands** reduced return support for third-country nationals from Ukraine because the majority of the asylum applications by Ukrainians were either rejected or withdrawn, with applicants opting for voluntary return shortly after the start of the application procedure. In **Sweden** a person who has applied for asylum and received a refusal of entry or an expulsion order is no longer entitled to accommodation and/or daily allowance after the deadline for voluntary return has expired. In **Spain**, the Ministry of Interior has continued collaborating with the International Organization for Migration (IOM) to finance voluntary return programmes with Morocco and Mauritania, as transit countries, to foster triangular cooperation.

In addition, several Member States reported on their (planned) negotiation and/or signature of protocols to implement EU **readmission** agreements with third countries (AT, BE, CY, CZ, DE, FR, HU, LT, LU, LV, NL, NO, SK), while five Member States also mentioned other types of agreements on return and readmission with third countries(AT, BE, FI, FR, and SE). For example, **Belgium** concluded a Memorandum of Understanding with Morocco (on security cooperation and the fight against irregular migration), while **Finland** and **Sweden** did the same with Afghanistan.

ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

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

On 19th May 2016 the European Commission published the Report on the progress made in the fight against trafficking in human beings (THB), as required under Article 20 of the THB Directive. The report presents trends and challenges in addressing THB, examines progress made and highlights key challenges that the EU and its Member States need to address as a priority. In addition, on 2nd December 2016 the European Commission published a 'transposition' report assessing the extent to which Member States had taken the necessary measures in order to comply with the aforementioned Directive 2011/36/EU; as well as a 'users' report assessing the impact of existing national law establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings on the prevention of trafficking in human beings. Both reports indicated that, despite substantial efforts undertaken in this field, there was significant room for improvement in terms of enhancing the Member States' national legal frameworks in this area.

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

Indeed, at the national level further efforts towards **improving the identification and provision of information** to victims of THB were undertaken in 2016. During the reference period, several (Member) States either expanded or launched new national action plans, strategies or legal instruments in this area (BE, CZ, DE, EE, FI, FR, IE, IT, LT, LU, NO, SE). For instance, **Sweden** adopted a 2016-2018 Action Plan to protect children from human trafficking, exploitation and sexual abuse, while in June 2016 **Luxembourg** presented a National Strategy against prostitution with the aim to reinforce the psycho-social and medical support to victims of sexual exploitation and enhance the existing legal framework to fight against THB by criminalising clients of minors, vulnerable persons or victims of sexual exploitation. **Germany** amended its criminal code in order to reform the provisions on human trafficking and also introduced psycho-social assistance to victims during criminal proceedings in line with the victim protection Directive (2012/29/EU).

In addition, Member States introduced new strategies or measures to improve the **assistance and support to victims** of THB, including children (BE, CY, CZ, LV, EE). In this respect, Estonia amended its Victim Support Act to ensure that proceedings concerning UAMs, including in THB cases, were carried out in the Children's House and using child friendly methods to safeguard children's rights and avoid re-victimization.

Training in this area largely aimed to improve skills of staff responsible for the identification of victims of human trafficking. Training activities targeted frontline actors as those are most likely to come into contact with (potential) victims, such as the asylum and migration authorities (AT, BE, FI), judicial authorities (AT,BE), consular staff (AT, SK, HU), legal counsellors (AT, HU, LU) social workers and health care personnel (AT, BE, LU, FI). Member States also developed dissemination and awareness raising measures for professionals and potential victims such as booklets or brochures (AT, BE, MT), guidelines (FI, UK) and training manuals (SE, SK).

[8] New legislation applies to rejected protection applicants only.

Finally, cooperation measures were also undertaken in various fronts. Five Member States (BE, DE, EL, FR, ES) described important examples of **cooperation between national actors**, which resulted e.g. in the development of a National Cooperation Strategy to improve the identification and protection of victims of trafficking and exploitation of minors in **Germany** and led to the establishment of a the National Identification and Referral of Victims of Trafficking System in **Greece**. Measures on **cooperation between Member States** included the signature of a declaration of intent in view of a multidisciplinary cooperation in the fight against THB by **Belgium**, **Luxembourg** and **the Netherlands,** and collaboration between **Ireland, the United Kingdom, Spain and Portugal** to tackle human trafficking and modern slavery in the fisheries industry.

1 INTERNATIONAL PROTECTION INCLUDING ASYLUM

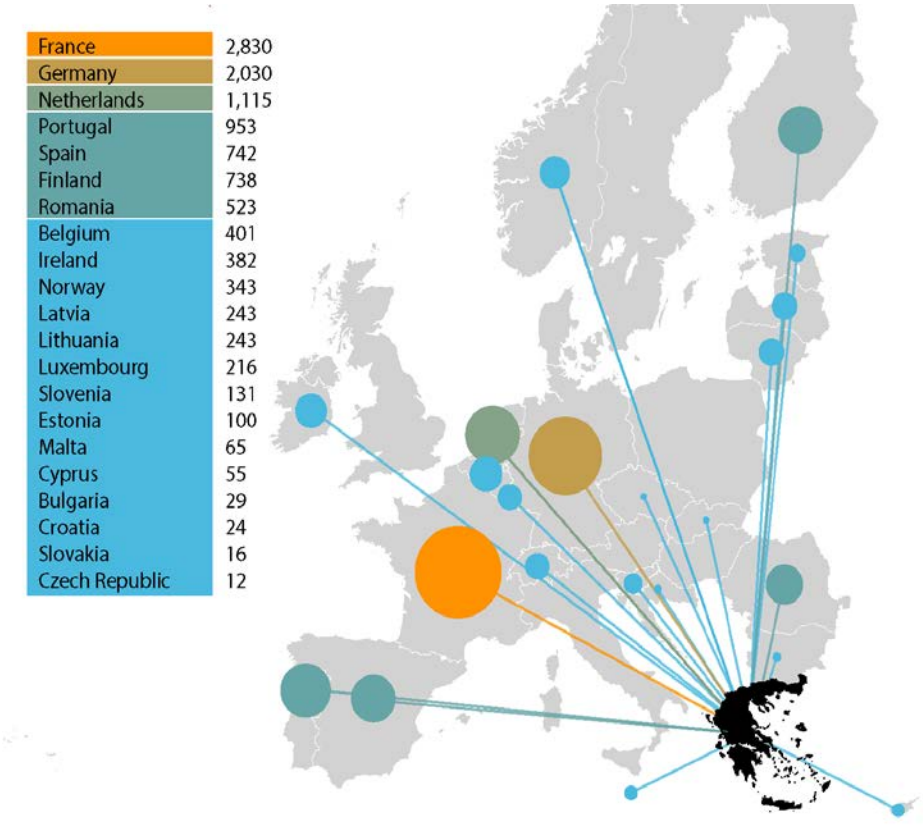
1.1 THE IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

The European Commission adopted two packages (one in April and another in July 2016) of proposals to reform the Common European Asylum System (CEAS) in order to move towards a fully efficient, fair and humane asylum policy – one which can function effectively both in normal and high migratory pressure times. To this end, and learning from experience, a more efficient and coherent asylum system requires: a fair and sustainable system for allocating asylum applicants among Member States; a further harmonisation of asylum procedures and standards to create a level playing field across Europe and thereby reduce pull factors inducing measures to reduce irregular secondary movements; and a strengthening of the mandate of the European Asylum Support Office (EASO). The Commission is therefore proposing the creation of a common procedure for international protection, uniform standards for protection and rights granted to beneficiaries of international protection and the further harmonisation of reception conditions in the EU. Overall, these proposals aim to simplify and shorten the asylum procedure and the decision-making, discourage secondary movements of asylum seekers and increase integration prospects of those that are entitled to international protection.

Relocation schemes

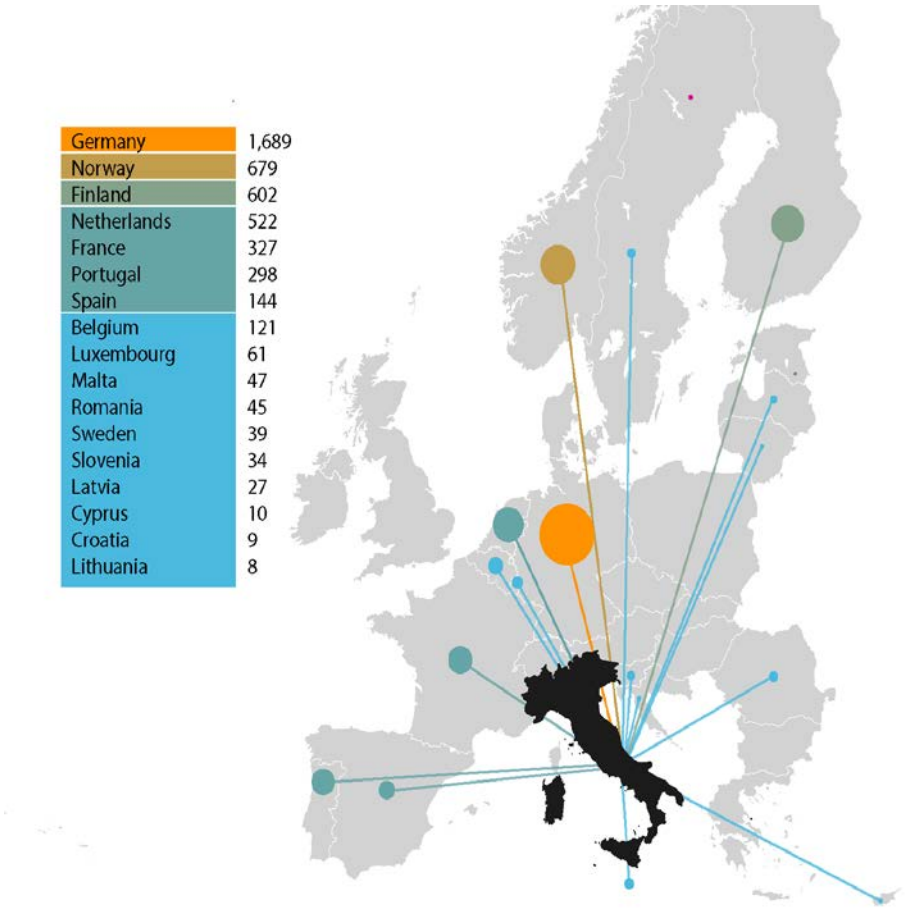
One year after the entry into force of the relocation schemes, the groundwork needed for making relocation work has been laid and significant progress achieved. The Commission has intensely worked very closely with the Italian and Greek authorities as well as Member States, EU agencies, and other partners on the ground to find solutions to obstacles encountered mostly at operational level. The main activities carried out by the Commission included discussions in Greece and Italy at the regular Liaison Officers' meetings organised by the Commission, continuous support to Italy and Greece on the ground on a day to day basis, helping with the coordination among various stakeholders and assisting the Greek and Italian authorities to identify bottlenecks, find solutions to challenges in close cooperation with all stakeholders and develop specific procedures. As part of this support, the Commission helped in the development of protocols for relocation for Italy and Greece and facilitated the conclusion of the arrangements between Italy and Europol for additional, exceptional, security checks, one of the main bottlenecks slowing down relocations from Italy.

Figure 1.1 Overview of Member States' Support to Emergency Relocation Mechanism- Relocations from Greece – State of Play as of April 2017



Source: DG Migration and Home affairs

Figure 1.2 Overview of Member States' Support to Emergency Relocation Mechanism- Relocations from Italy - State of Play as of April 2017



Source: DG Migration and Home affairs

All these efforts have led to more regularity and higher pace of relocation transfers. By the end of 2016, relocations from Greece stabilised at 1,000 per month while relocations from Italy at 700 per month. A total of 9,934 people (2,654 from Italy and 7,280 from Greece) had been relocated by the end of 2016 (9,662 relocations in 2016). The efforts by Italy and Greece, the Member States of relocation, EU agencies and international organisations have also resulted in close to 100% fingerprinting, strengthened security, and a significant increase in the number of relocation applicants.

Resettlement

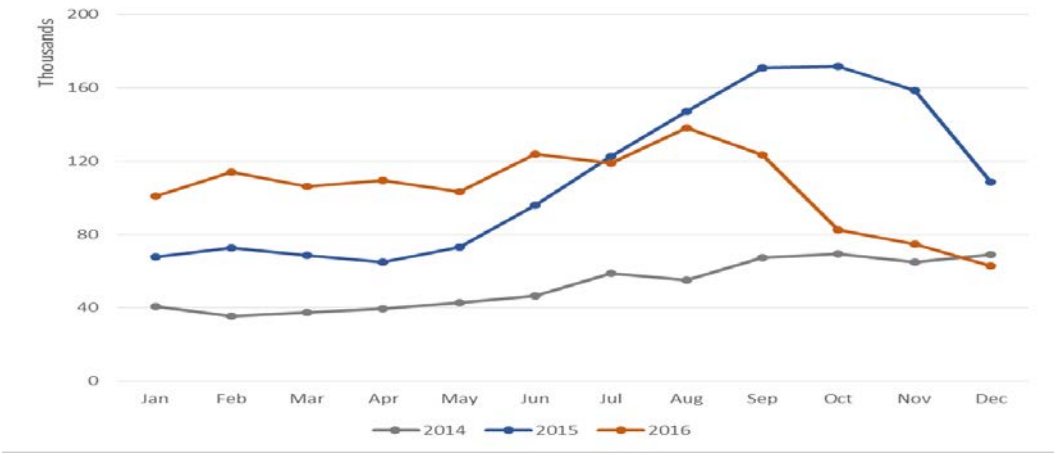
Member States have continued to increase their efforts on resettlement – offering legal and safe pathways to 10,695 people by December 2016 of the agreed 22,504 under the July 2015 scheme. Member States also resettled refugees under national schemes and several Member States (e.g. AT, CZ, DE, IT, SK, UK) also resettled refugees under various humanitarian admission schemes, which are similar to general programmes but do not fully match their characteristics (see section 1.4 for more information).

1.1.1 DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

The political instability in Europe's neighbourhood regions such as Syria, Iraq and Afghanistan continued in 2016 and as a result the total number of submitted asylum applications has remained high recording 1,258,850 applications (see Figure 1.3). This is 4.8% lower than 2015, yet still more than double compared to 2014 (626,960 asylum applications). The evolution in 2016 saw a gradual increase towards the summer months, whereby in August a peak of 138,110 asylum applications was registered which is lower than the one registered in October 2015 at 171,895. In both cases the number of asylum applications suffered a sharp decrease after reaching their peak.

The **main countries of citizenship of the applicants** in 2016 were **Syria** (334,820), **Afghanistan** (182,985) and **Iraq** (126,955). In the case of Syria the number of applications decreased by 9% compared to 2015, while for Afghanistan and Iraq the numbers remained almost the same between the two years. Together the three countries represent more than half (644,760) of all asylum applications submitted in the EU in 2016.

Figure 1.3: Asylum applications in the EU 28: January 2014 – December 2016

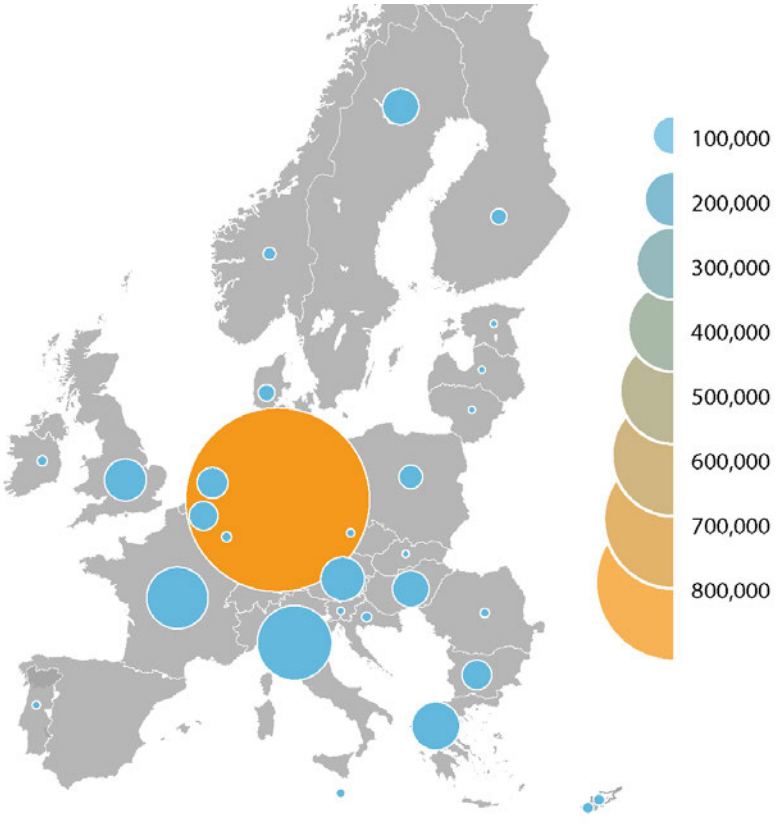


Source: Eurostat (migr_asyappctzm), extracted: 21 March 2017

The number of registered asylum applications continued to increase in 2016 most importantly in **Germany, Italy, France** and **Greece** while in **Hungary**, **Sweden** and **Austria** the numbers registered a sharp decrease (see Figure 1.4). Overall **Germany** (745,155) registered 59% of all asylum applications in the EU[9], followed by **Italy** at 9.7% and **France** at 6.6%. In 2016 **Germany** registered more asylum applications than 2014 and 2015 combined while **Hungary** and **Sweden** saw a decrease of 83% and 82% respectively compared to 2015.

Figure 1.4: Overview of Asylum Applications per EU Member State and Norway - 2016

Germany	745,155
Italy	122,960
France	83,485
Greece	51,110
Austria	41,950
United Kingdom	38,785
Hungary	29,430
Sweden	28,790
Netherlands	20,945
Bulgaria	19,420
Belgium	18,280
Spain	15,755
Poland	12,305
Denmark	6,180
Finland	5,605
Norway	3,485
Cyprus	2,940
Ireland	2,245
Croatia	2,225
Luxembourg	2,160
Malta	1,930
Romania	1,880
Czech Republic	1,475
Portugal	1,460
Slovenia	1,310
Lithuania	425
Latvia	350
Estonia	175
Slovakia	145



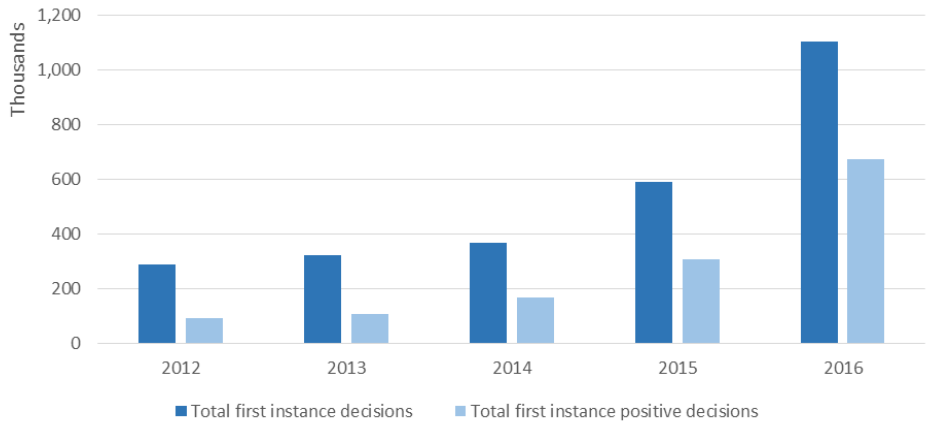
Source: Eurostat (migr_asyappctza), extracted: 23 March 2017

[9] In 2016, about 280,000 new asylum applicants arrived in Germany. However, since many asylum applicants who arrived in 2015 were not able to lodge their application in 2015 (due to a backlog) these applications were only processed in 2016- thus 745,155 first and subsequent asylum applications were lodged in 2016 (EMN/BAMF forthcoming). For more information please consult the DE EMN Annual Policy Report- and http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2017/01/asylantraege-2016.html

In 2016, a total of 1,106,480 first instance decisions were issued (see Figure 1.5) and of these 673,060 were positive decisions representing 61% while the rest were negative decisions at 39%. The total number of first instance decisions is almost double compared to 2015 (592,845) while the number of positive decisions increased more than twice compared to the same year (285,220).

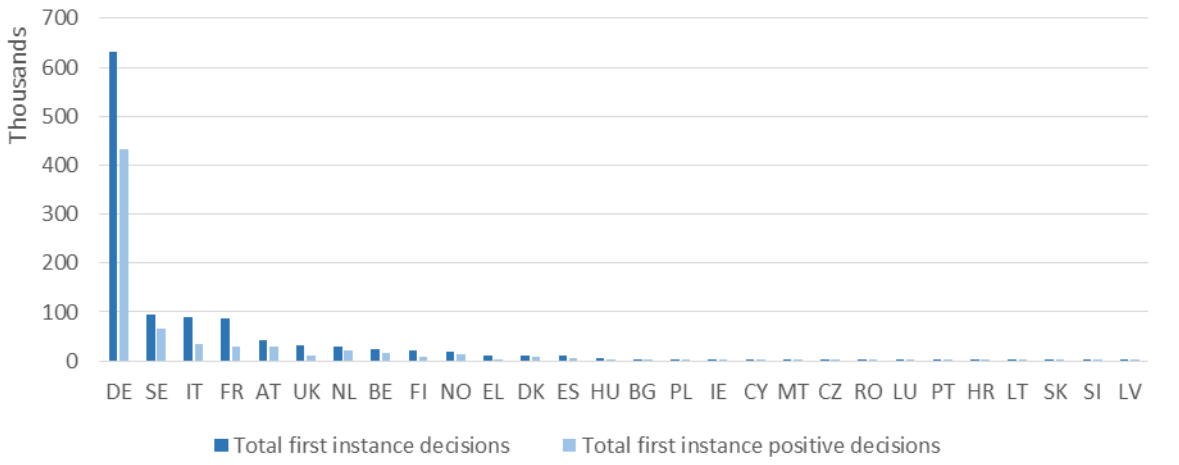
By far, most first instance decisions were issued by **Germany** (631,085) followed by **Sweden**, **Italy** and **France** which are all just below 100,000 (see Figure 1.6). In the case of **Germany**, 69% of all first instance decisions were positive (at 433,905). A similar percentage is found in **Sweden** (69%) while in **Italy** (39%) and **France** (33%) the percentage of positive decisions is lower.

Figure 1.5: Total first instance decisions on asylum applications and total positive decisions in first instance in **EU**, 2012-2016



Source: Eurostat (migr_asydcfsta), extracted: 21 March 2017

Figure 1.6: Total first instance decisions on asylum applications and total positive decisions in first instance in **EU + NO**, 2016



Source: Eurostat (migr_asydcfsta), extracted: 21 March 2017

1.1.2 CHANGES IN LEGISLATION, POLICIES AND PRACTICES AT NATIONAL LEVEL

The year 2016 witnessed important **legislative developments** in the area of asylum in the Member States. Changes in national legislation were underpinned in some Member States by the requirements of the CEAS, in particular the transposition of the recast Asylum Procedures Directive (APD) and the recast Reception Conditions Directive (RCD), and the adaptations introduced in this respect at the national level in terms of changes in legislation, policies and practices. For instance, in **Estonia** the amendment Act on Granting International Protection to Aliens that implemented both Directives entered into force on 1st May 2016. Likewise **Greece** adopted a new Law on Asylum (4375/16) which introduced far-reaching changes in the Greek asylum system in line with the requirements of the recast APD. In **Lithuania** a ministerial order (Order No 1V-131) on the 'Description of the Procedure for Granting and Withdrawing Asylum' substantially reformed the asylum procedure and the reception system.

Whilst **Ireland** did not opt in to the recast APD and RCD, the International Protection Act 2015 – in force since 31st December 2016- replaced the former sequential asylum application process with a single application procedure, bringing Ireland in line with other EU Member States.

Other Member States introduced significant changes to their national asylum laws and policies which were not motivated by the need to implement the EU asylum *acquis*. These Member States previously had in place more favourable provisions than those established under the recast Qualification Directive and carried out legal reforms to align these to the (minimum) standards established at EU level. This was the case in **Sweden**, where a temporary law limiting the duration of residence permits granted to refugees and their family members entered into force on 20th July 2016. The law also restricted the right to family reunification of subsidiary protection beneficiaries. Sweden also established a distribution mechanism for the settlement of beneficiaries of international protection amongst the country's municipalities and reformed the Reception of Asylum Seekers Act.[10] **Austria** passed an amendment to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act (FLG I No. 24/2016) which also limited the duration of the residence permits afforded to those granted asylum. In **Germany** the 'Law for the introduction of accelerated asylum procedures' came into force on 17th March 2016. A legislative amendment in **Finland** discarded the humanitarian protection status which was a purely national protection category not envisaged in the EU legislation and which had become irrelevant in light of the increasing take up of subsidiary protection.[11]

It must be noted that no legislative developments were registered in **Spain** given the ten month political deadlock it faced in 2016. Nevertheless, relevant measures implemented by the Member State, together with other legal, policy and practice-related changes in the Member States in the area of asylum are explored in further detail below.

What changes have taken place in relation to access to the asylum procedure?

Developments regarding **access to the territory for asylum seekers** in the Member States were few but significant in scope. In **Estonia,** the amended Act on Granting International Protection provided that an application for international protection of a third-country national to be resettled or relocated to Estonia could be accepted by the authorities in the territory of another country, where previously only applications lodged in Estonian territory were admissible.[12] In practice, within the framework of relocation, Estonia now processes applications for international protection that have been submitted to the Greek and Italian authorities on their respective territories; for those to be resettled from Turkey applications are received in Turkey by the Estonian authorities themselves. In **Latvia** draft amendments to the Asylum Law, currently under consideration, provide that if a person in need of international protection staying in a third country has no valid travel document and is in no position to acquire it, a temporary travel document shall be issued to facilitate entry into Latvia.[13]

In **Belgium** a court decision requiring the state to deliver a humanitarian visa to a Syrian family stirred great controversy. The ruling has been appealed by the Belgian Secretary of State. A similar case, also in Belgium, resulted in a question for preliminary ruling being submitted to the Court of Justice of the European Union (CJEU), which established that Member States were not required, under EU law, to grant a humanitarian visa to persons who wish to enter their territory with a view to applying for asylum, but they remained free to do so on the basis of their national law.[14]

Sweden passed a temporary ordinance – effective since 4th January 2016 - introducing extraterritorial identity checks on persons travelling to Sweden on public transportation (busses, trains and boats) from Denmark. The Swedish government also prolonged the temporary controls at Sweden's Schengen borders which had originally been introduced in November 2015 in response to extraordinary asylum flows. **Hungary** has established a number of transit zones in the border with Serbia to which migrants apprehended within 8 km of the border are taken for the processing of their asylum claims.

In the related area of **access to the asylum procedure**, particularly important developments took place in **Austria**, where a maximum ceiling of 1.5 per cent of the population was established on the number of asylum seekers to be admitted to the asylum procedure (establishing a threshold of maximum 37,500 asylum seekers in 2016).[15]

[10] These developments will be further explored in the relevant sections below.
[11] Amendment to the Aliens Act 332/2016.
[12] Act on Granting International Protection (AGIPA), Article 14 (1[1]9, RT I 2006, 2, 3…. RT I, 6.4.2016.
[13] Draft law "Amendments to the Asylum Law" was adopted by the *Saeima* in the 1st reading on 1 December 2016.
[14] X and X v. État belge, C-638/16 PPU, European Union: Court of Justice of the European Union, 7 March 2017
[15] This development was a political decision taken in 2016, however it has not yet been legally effected. A review of the plan in terms of conformity with constitutional and EU law has been initiated. Republic of Austria, *Asylgipfel am 20. Jänner 2016 – Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden,* p. 2–3, available at www.bka.gv.at/DocView.axd?CobId=61858, last

In **Greece**, the EU-Turkish Statement of 18th March 2016 has resulted in changes in admissibility procedures. In particular, Syrian asylum seekers who have entered the country from Turkey after the statement are required to remain in the Greek islands while an examination is undertaken to determine whether Turkey can be considered a safe country. If an asylum claim is considered inadmissible, then the applicant must be returned to Turkey.[16]

Registration of applications for international protection

As regards **registration of applications for international protection, Greece** reported on an extraordinary registration exercise implemented in cooperation with United Nations High Commissioner for Refugees (UNHCR) and the European Asylum Support Office (EASO) over a two-month period starting in June 2016. The programme concerned migrants who remained stranded in Greece after the closure of the border with the Former Yugoslavian Republic of Macedonia (FYROM) in February 2016 and wished to submit an application for international protection in Greece, join the relocation programme or reunite with family members legally resident in other Member States. The pre-registration was completed on 31st July and a total of 27,592 people were pre-registered. Asylum seekers who were unable to pre-register could still present an application before the asylum authorities, but were required to first make an appointment via Skype which in practice created problems due to the limited operational hours per language.[17]

In Belgium and the Netherlands measures in this area focused on improving the identification and security screening of asylum applicants. **Belgium** established a pre-registration system in March 2016. Before the asylum application is formally lodged, the Immigration Office requests the applicants' identity documents and captures their fingerprints. Asylum applicants are then security-screened against the databases of the police and the security services. The **Netherlands** conducted research and performed a number of investigations to examine the registration and screening process of asylum seekers. The Dutch government then took measures to address the shortcomings identified, including a rechecking of all asylum applications made in 2015 for threats to national security by the police.

In **Spain**, the General Secretariat of Immigration and Emigration (SGIE) approved Management Guidelines for the system of reception and integration for applicants and beneficiaries of international protection. The guidelines were developed for the national reception centres (including the Refugees Reception Centres (CAR) and the Temporary Immigrant Shelter Centres (CETI) of Ceuta and Melilla) and aim to provide clear procedures on the different actions to be carried out by all participating centres in the reception system, on issues such as: first reception activities within the national territory or at border posts, provision of information and guidance, personalised social intervention, temporary reception, financial aid, legal assistance, translation and interpretation, labour opportunities, as well as resettlement.

What changes took place in the organisation of the reception of asylum seekers?

Measures linked to the reception of asylum applicants were many and varied. In a significant number of Member States reforms were connected with changes in the numbers of asylum requests. With a view to expanding their **reception capacities**, several Member States (e.g. **Austria**, **Estonia**, **France**, **Germany**, **Greece, Luxembourg and Spain**) created new reception facilities, including for persons with special needs and unaccompanied minors. **France** for example increased its accommodation places and has improved the fluidity of allocation places due to the high migration pressure. In contrast, other Member States reduced their reception capacity. As the influx of asylum seekers decreased, **Belgium**, the **Netherlands** and **Sweden** closed many of the temporary 'crisis' reception facilities and reception places which had been created in previous years to cope with the high asylum influx. The **Netherlands** also stopped its 'self-care scheme' which allowed asylum permit holders staying in reception centres – until they could be housed in a municipality- to organise their accommodation outside these reception centres, for example with family and friends; and also allowed municipalities to offer housing to these group.[18]

accessed on 29th December 2016; Funk/Obwexer, *Gutachten – Völker-, unions- und verfassungs-rechtliche Rahmenbedingungen für den beim Asylgipfel am 20. Jänner 2016 in Aussicht genommenen Richtwert für Flüchtlinge*. Innsbruck/Vienna, 29 March 2016, available at www.bundeskanzleramt.at/DocView.axd?CobId=62571, last accessed on 19th January 2017.

[16] Applicants can challenge such decision on appeal; however, very few do so. For additional details, see the Greek national report.

[17] The Aire Centre and ECRE, With Greece: Recommendations for refugee protection, June 2016, available at: http://www.ecre.org/wp-content/uploads/2016/07/With-Greece.pdf, last accessed on 23rd March 2017.

[18] COA (2016) *GZZA-regeling van kracht* [Municipal self-care scheme (GZZA) enters into force], available at https://www.coa.nl/nl/actueel/nieuws/gzza-regeling-van-kracht, last accessed on 4th January 2017.

In turn, although expanding their general reception capacities, **Luxembourg** reduced the maximum number of persons who could be admitted to first arrival reception centres from 600 to 300, while allowing for the possibility of increasing reception capacity in case of emergency.[19]

Finland observed that the marked fluctuations in the number of asylum applications posed important challenges for the reception system. Reception capacity was significantly increased due to the high asylum influx at the end of 2015 and reached a peak in February–March 2016, when there were 227 reception centres in use with the capacity to accommodate approximately 32,000 asylum seekers. From then on, the system had to be drastically scaled down due to the sharp decrease in the number of new arrivals; by the end of the year capacity was around 54 per cent of the maximum capacity and further reductions were anticipated. In turn, the decrease in the number of asylum applications allowed **Belgium** to relaunch the implementation of a new reception model agreed in the Coalition Agreement of 10 October 2014[20], whose application had been halted in September 2015 due to the high volume of asylum applications received. The model gives preference to collective reception centres, while allowing certain groups such as vulnerable persons and asylum seekers with a high probability of obtaining international protection, to be assigned an individual reception place.

Spain on the other hand, reported it had increased both its human resources and financial support to its asylum system due to an increase in the number of applications for international protection, and the need to meet its commitments to resettlement and relocation. In 2016, the budgetary allocations dedicated to the reception and integration of refugees were significantly increased. These amounted to 253,075,000 euros, which represented a 2,522 per cent increase in relation to the 2015 initial budget[21]. The number of staff, both at the Asylum and Refugee Office (OAR) responsible for the processing of international protection procedures and the Ministry of Employment and Social Security, responsible for the management and coordination of the National Reception and Integration, was also increased in 2016.

In **Greece** Law 4375/2016 provided for the foundation of the so-called Reception and Identification Centres or 'Hotspots', i.e. closed-end structures, where the first registration, the division and reference of third country nationals without legal documents occurs. In the Greek islands the capacity of such centres was exceeded, while the government's efforts to create new 'Hotspots' were met with resistance by the local population.[22] In addition, extreme weather conditions during the winter created increased hardship for the third-country nationals residing in the centres and required their transfer to other premises. In **Italy**, a Decree of the Ministry of Interior aimed to expand the network of local reception facilities by streamlining the access procedures to the National Funds, in order to provide reception policies addressed to applicants and beneficiaries of international/humanitarian protection.

In the area of material reception conditions, some (Member) States reduced the **financial support** to asylum seekers. **Estonia** and **Hungary** ceased to grant asylum seekers a cash allowance for small expenses. **Norway** reduced allowances for most groups of asylum seekers by 10-20 per cent and, as of January 2017, introduced a cap on the total amount of financial assistance asylum seeking families can receive per month.

Four Member States introduced **measures to tackle antisocial behavior** among asylum seekers in 2016 (BE, DE, FI, NL). **Belgium** established that asylum seekers who seriously breached the internal rules of reception centers could be definitely excluded from the reception network, provided that a dignified standard of living could still be ensured.[23] The **Netherlands** adopted a package of measures to address the issue of disorderly and criminal conduct amongst certain groups of asylum seekers, including faster asylum procedures, termination of return-related support and intensive cooperation between the relevant authorities to ensure that the cases concerned are acted upon at the criminal, immigration and administrative levels.[24] **Finland** prepared for potential disturbances in reception centres by adopting a legislative amendment which allowed for the posting of security guards in reception and registration premises. **Germany** strengthened the possibilities to order the expulsion of foreign criminal offenders and exclude them from international protection.

[19] Answer of the Minister of Sustainable Development and Infrastructure to parliamentary question n°1840 on the capacity of first arrival reception centres, Luxembourg, 24 March 2016.
[20] The Agreement is available on : http://fedweb.belgium.be/nl/over_de_organisatie/over_de_federale_overheid/Beleid/regeerakkoord
[21] However, given the political deadlock faced by the Member State, the 2016 budget was extended to 2017, as it was not possible to adopt a budget bill during 2016.
[22] https://www.unhcr.gr/nea/artikel/18671efd9b8dbb70e4f1a4fd61be731a/i-ya-kai-oi-etairoi-3.html
[23] Law of 6 July 2016 amending the law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners.
[24] *Parliamentary Papers II*, 2016-2017, 19637, no. 2268.

In turn, several Member States made reference to improvements to reception conditions in other areas, in particular **access to the labour market** and other forms of **pre-integration support**. **Germany** introduced an Integration Law, containing changes to its integration courses and facilitated access to employment and vocational training for asylum seekers and refugees while introducing sanctions for non-participation. Similarly, the **Netherlands** expanded its pre-civic integration programme in reception centres, which resulted in an intensification of language teaching and enhanced orientation for participation in the Dutch labour market. Voluntary work by asylum seekers and beneficiaries of international protection in the reception centres was encouraged by improving the provision of information and streamlining procedures relating to voluntary work, coordinating the supply and demand, and furthering the provision of voluntary work by organisations and associations. In addition, a scheme was developed to screen applicants in relation to their competences, diplomas and experience at an early stage (while still in the reception centre) with a view to better channel them into education and employment and match them to specific municipalities in accordance with their employment potential once a residence permit had been granted. In **Greece** legal changes allowed applicants for international protection to access employment and self-employment without the requirement to obtain a work permit, while **Hungary** removed the time limit of 80 hours of work per month which previously applied to asylum seekers hosted at open reception facilities. The **Czech Republic** implemented an amendment to its asylum law allowing for earlier access to the labour market (i.e. within six months of presenting an application for international protection).[25] **Luxembourg** reported on plans to develop an evaluation system to test the theoretical and technical competencies of asylum seekers, with a view to enable the Agency for Development of Employment to better adjust the professional orientation offered to beneficiaries of international protection.[26] **Austria** and **Sweden** both made efforts to offer a wide range of activities (e.g. language courses, leisure activities, community information sessions, community service jobs, etc.) during the asylum procedure.

At a more general level, measures to ensure the quality and efficiency of the reception systems where taken in **Finland**, through the establishment of a comprehensive reception centre monitoring programme, in **Belgium**, by progressively computerising the management of the reception facilities[27] and in **Spain**, where a mapping of all reception facilities on the territory was undertaken, to be able to better match reception facilities with the specific needs and integration requirements of asylum seekers or beneficiaries of international protection.

Other changes reported related specifically to the identification of vulnerable groups and attending to their special needs. These included the establishment of new mechanisms and procedures for vulnerability assessment in **Cyprus** and **Lithuania** and an increase of the weekly allowance for children residing in accommodation centres ('Direct Provision') in **Ireland**.[28] Following a number of incidents in which lesbian, gay, bisexual, and transgender (LGBT) asylum seekers were verbally abused, harassed and threatened at crisis reception locations,[29] the **Netherlands** adopted measures to guarantee the safety of this vulnerable group. These included the imposition of severe sanctions on abusers and the possibility to transfer victims to safer locations or even outside reception centres for asylum seekers.[30] **Belgium** plans to establish minimum quality standards for the reception of unaccompanied minors (UAMs) and other asylum seekers with special needs in 2017. In the **Czech Republic**, a new work methodology focused on vulnerable groups was developed to be adopted in all the different types of facilities of the Refugee Facilities Administration (it is planned to be implemented during 2017).

How have Member States' practices concerning detention during the asylum procedure changed?

Few changes were reported in the area of detention. In **Cyprus** the new Refugee Law set out provisions on alternatives to detention -namely a regular reporting requirement, the deposit of a financial guarantee, an obligation to stay at an assigned place and the possibility of being subject to supervision.

[25] Amendment to the Act No. 325/1999 Coll., on Asylum and the Act No. 326/1999 Coll., on Residence of Foreign Nationals in the Territory of the Czech Republic which came into force on 18 December 2015.
[26] Joint answer of the Minister for Family and Integration and the Minister for Work, Employment and Social and Solidary Economy to parliamentary question n° 2327, Luxembourg, 20 September 2016.
[27] It is planned that mid-2017 the whole reception network will use the Match-It application for the management of reception places.
[28] Department of Social Protection (5 January 2016) "Government announces increase to the direct provision allowance for children." *Press Release* Available at: www.welfare.ie
[29] COC. (2016). Geen aparte opvang LHBT-asielzoekers: Zeer teleurstellend [No separate accommodation for LHBT asylum seekers: Very disappointing]. Consulted on 29 December 2016, available at: https://www.coc.nl/politiek-2/geen-aparte-opvang-lhbt-asielzoekers-zeer-teleurstellend
[30] Parliamentary Papers II, 2015-2016, 19637, no. 2179.

Finland introduced a residence obligation for asylum seekers, who would thus be required to live in and report to a certain reception centre.[31] **Estonia** adopted new legal provisions on the definition of the risk of absconding and increased the period for which the courts could extend the detention term from two to four months at a time. Two Member States (EE, HU) modified the legal framework for detention on the grounds of a Dublin transfer – **Estonia** to make such detention possible only if there was a risk of absconding and **Hungary** to establish such transfers as a ground for detention.

Other measures in the Member States related to the facilities where detention takes place. In **Bulgaria**, an amendment to the Law on Asylum and Refugees, which became effective on 1st January 2016, established a category a 'closed-type centres' where the free movement of asylum seekers was restricted until a decision on their status was reached. In the **Czech Republic**, the conditions in the detention facility for families with minors were further improved, beyond the necessary standards requested by law (e.g. window bars and inner fences were removed). In **Hungary** following regulations established in 2016, the refugee authority can - in order to conduct the asylum procedure and to secure the Dublin transfer – take an asylum seeker into a detention centre if his/her right to stay is exclusively based on the submission of an application for international protection. Such procedure is applied when it is necessary to carry out a Dublin transfer and when there is a serious risk of absconding. In the **Slovak Republic**, finally, a suggested amendment to the Act on Residence of Aliens sets out specific conditions regarding the detention of minors who are detained with their parents (e.g. number of meals, daily leaves within the facility, access to education etc.).

The asylum authorities of **Malta** opened an Initial Reception Centre which is used to fast-track medical clearances and where asylum seekers can be held for a maximum period of seven days (compared to earlier detention periods of 12-18 months).

What changes have taken place in Member States' asylum procedures?

Changes linked to the processing of applications for international protection were manifold and affected various procedural stages and types of procedures.

Several Member States made reference to developments related to **access to information and legal counselling** (AT, HR, EE, FI, EL, SE) as well as **interpretation** (AT, LT). While in general these developments aimed at improving procedural guarantees for asylum seekers, Finland reported that the right to legal assistance had been restricted. For example, legal changes in **Finland** limited the provision of State-funded legal counselling in the asylum interview exclusively to those cases where this was necessary for exceptionally weighty reasons.[32] **Greece** introduced changes to provide for the granting of free legal assistance to applicants for international protection whose application was pending at the appeal stage;[33] in practice, however, the availability of legal assistance (mostly through NGOs and lawyers from local bar associations) was deemed insufficient to meet asylum seekers' needs.

Concerning **special procedures**, changes primarily related to accelerated procedures (EE, DE, EL, NO). For example, **Germany** introduced an accelerated procedure for certain asylum applicants, who were thereby required to remain in special reception centres for the duration of the procedure. The accelerated procedure should be completed within three weeks maximum, also including the appeal stage. **Greece** set out legal provisions for situations of mass arrivals of asylum seekers; in such cases, procedural deadlines would generally be shorter than in regular procedures and asylum applications could be processed by staff of the Greek Police or the Armed Forces. In addition, in order to speed up decision-making some Member States (e.g. AT, HU, NL) expanded their national list of **safe countries of origin** whose applications were subsequently processed in accelerated procedures:

- In **Austria**, the revised Regulation on Countries of Origin[34] added the following as 'safe countries of origin': Algeria, Georgia, Ghana, Morocco, Mongolia and Tunisia;
- **Belgium** updated its list of safe countries of origin to include Georgia in August 2016;
- **Estonia** launched the process to develop a list of safe countries of origin in 2016.
- In **Hungary,** Turkey is considered as a safe country of origin and safe third country since April 2016;

[31] Government Proposal HE 133/2016 vp.
[32] Amendment to the Aliens Act 646/2016
[33] Law 4375/2016 (art. 44 par. 3)
[34] FLG II No. 177/2009, in the version of FLG II No. 47/2016.

- The **Netherlands** expanded its list of safe countries of origin in three occasions during 2016 to include Ghana, India, Jamaica, Morocco, Mongolia and Senegal (February 2016); Algeria, Georgia, the Ukraine, Tunisia (October 2016); and Togo (December 2016). For some countries regarded as safe exceptions apply for certain groups of people, for example (e.g. LGBTs) or certain regions.
- While **Norway** does not have a list of safe countries of origin, it however has an accelerated procedure, the so called "48 hour list", to deal with an application within 48 hours for citizens of certain countries for which the Norwegian Directorate of Immigration (UDI) has sufficient and relevant information. In 2016 Armenia, Botswana, Ghana, India, Namibia and Tanzania were added to the list.
- **Italy** does not have a list of safe third countries or origin as asylum is considered as an individual right, with anyone having the right to apply for international protection regardless of his/her country of origin.

Some Member States made changes to their **first instance procedure** more generally (e.g. AT, FI, EL, NL, UK)**.** In **Malta** the Office of the Refugee Commissioner has embarked on a process to update existing Standard Operating Procedures and Guidelines and draft new ones in order to improve the overall asylum procedure. In turn, the Immigration and Naturalisation Service of the **Netherlands** issued an instruction to its staff describing when and in what manner a forensic medical examination must be carried out and how the outcome of the examination should be taken into consideration in the credibility assessment of the asylum claim.[35] The **United Kingdom** reported on the introduction of a number of practical tools to support decision-making at first instance. A web-based application to complete decision letters was used on a pilot basis with a view to enable time savings and improve the quality and consistency of decision-making, whilst digital equipment to record interviews was in the process of being introduced.

A few Member States reformed their procedures for the **appeal and/or judicial review** of first instance decisions. In connection with a decision of the Constitutional Court which ruled previous procedural rules as unconstitutional, **Austria** extended the time limit to lodge an appeal from two to four weeks in most cases. In contrast, **Finland** shortened the appeal period for decisions on international protection from 30 to 21 days for administrative courts and to 14 days for the Supreme Administrative Court. It was also provided that appeals related to international protection were to be processed with urgency.[36] **Estonia** introduced legal changes in connection with the issuance of decisions on asylum / return which resulted in the possibility of the applicant presenting two separate appeals. Legal revisions in the **Slovak Republic** allowed applicants to request a suspensive effect in the case of appeals which did not automatically include this. Other developments reported referred to jurisdictional changes such as the creation of a new court to deal with asylum appeals in **Cyprus**, the decentralisation of the examination of appeals in **Finland** and due to jurisprudence from the European Court of Human Rights (ECtHR) the Council of State in **the Netherlands** will grant suspensive effects more often during an appeal.

During 2016, **Italy** envisaged to introduce measures to speed up administrative and judicial procedures for the recognition of international protection and to accelerate the operations to identify third-country nationals in the context of irregular migration. As a result, **Italy** adopted a Decree in February 2017, which amended and streamlined procedures for Territorial Commissions - namely those related to notifications and auditions - and introduced new rules concerning appeal possibilities. The Decree reduced waiting times for the recognition of international protection by eliminating second instance appeals, thus only providing the possibility to appeal in the High Court of Appeal.

Greece highlighted the specific case of appeals in relation to the implementation of the EU-Turkey Statement. An Appeal Authority consisting in several Appeal Committees has been established to decide on appeals lodged under the admissibility and eligibility procedures (applied to nationalities with low recognition rates, see above) against the first-instance decisions of the Greek Asylum Service. The Committees members are selected by the Ministry of Justice and UNHCR. As of December 2016, in a total of 407 decisions on the admissibility, the Committees decided that Turkey did not qualify as a safe third country (or first country of asylum) for the appellants in 390 cases, while 17 decisions confirmed the first instance decisions on inadmissibility.[37]

[35] IND (2016). *Forensisch Medisch Onderzoek naar steunbewijs (FMO)* [Forensic Medical Examination (*FMO*) into substantiating evidence], available at: https://ind.nl/Documents/WI_2016-4.pdf, last accessed on 2nd January 2017.
[36] Amendment to the Aliens Act 646/2016.
[37] European Commission, Fourth Report on the Progress made in the implementation of the EU-Turkey Statement, COM (2016) 792 final, 8.12.2016

Finally, measures were also taken to address backlogs of pending asylum cases in the Member States. **Belgium**, **Finland** and **Germany** strengthened the capacity of the asylum authorities by hiring new staff.

Greece achieved a significant decrease in the backlog of pending appeal cases by granting residence status on humanitarian grounds to third-country nationals with a pending appeal who had submitted their asylum requests within a period of five years until April 2016.

Which developments took place under the Dublin Regulation?

In connection with the **Dublin Regulation**, the most significant development concerned the suspension of transfers to Hungary, which was reported by five Member States (CZ, FI, SE, SK, UK). In the **Netherlands**, there was a change in policy whereby applications from certain safe countries (i.e. Albania, Kosovo, Serbia, FYROM, Bosnia and Montenegro) who were subject to Dublin procedures are decided according to the national procedure, instead of requesting the responsible Member State to examine the application in accordance with the Dublin Regulation. As a result, return can be achieved faster.[38]

Which measures were introduced as regards Country of Origin Information?

Several Member States reported on developments with regard to **Country of Origin Information (COI).** For example, **Finland** reported on efficiency gains achieved through the recording of country information queries and responses in an electronic database ('Tellus'), which was all the more important against the backdrop of the high number of asylum claims and increasing COI queries. Additional measures in this area included the creation of specific teams to deal with the most significant countries/regions of origin, the increased use of social media to collect COI, and the launch of biannual security surveys for important countries of origin. Sweden referred to the sheer increase in demand for COI related to exclusion issues (mainly concerning Syria, Eritrea and Iraq), which called for a new approach to questions from end users. **Austria** made reference to a wide array of measures in the area of COI, including changes in methodology, the establishment of a new IT system, enhanced international cooperation and the development of new COI products. Three Member States (EE, LU, SE) mentioned staff and organisational changes.

Which changes were introduced concerning the residence/entry documents granted to beneficiaries of international protection?

Three Member States reduced the **duration of the residence permits** associated with the refugee status and/or subsidiary protection, bringing it closer or matching the minimum periods provided for in the asylum acquis (AT, BE, SE). **Austria** limited the duration of the initial residence permit afforded to refugees to three years and added a new responsibility for the COI Unit: to provide a yearly analysis on substantial and permanent changes in the top countries of origin which allows the Federal Office for Immigration and Asylum to examine whether or not to initiate procedures for the withdrawal of asylum status. Similarly, in **Belgium** refugees now initially receive a five-year residence permit whereas previously their authorisation to reside had an unlimited duration. Since July 2016,[39] **Sweden** applies a temporary asylum law under which refugees are granted permits for three years and beneficiaries of subsidiary ("alternative") protection for 13 months. The temporary law also restricted or suspended possibilities to receive a residence permit on humanitarian and other grounds than those foreseen by international or EU law. In addition, family reunification opportunities were restricted for beneficiaries of subsidiary protection (see section 3.3.2). **Finland** discarded its humanitarian protection status through a legislative amendment which applies since 16th May 2016.[40] As a result, Finland has now two residence permit categories for international protection: asylum and subsidiary protection, both of which are envisaged in the EU legislation.

The **Netherlands** also reported on measures to tighten the residence rights of beneficiaries of international protection, with stricter conditions being established for refusing and revoking a residence permit to beneficiaries of international protection who had committed a crime.[41]

[38] Decree by the Minister for Migration of 23 August 2016, number WBV 2016/10, comprising changes to the Aliens Act Implementation Guidelines 2000
[39] The law will apply until 19th July 2019
[40] Amendment to the Aliens Act 646/2016.
[41] Since February 2016, an asylum residence permit may be refused or revoked if someone has been sentenced without appeal, to a term of imprisonment of at least six months (for beneficiaries of subsidiary protection) or ten months (for persons who have been acknowledged as refugees).

In addition, on 3rd December 2016 the Dutch State Secretary for Security and Justice and the Belgian State Secretary for Migration and Asylum signed a letter of intent to enhance control of beneficiaries of international protection traveling to their respective countries of origin (providing grounds for revoking their protection status) and to strengthen information sharing between both countries in this area. **Belgium** is currently exploring the possibility of setting up similar cooperation agreements with other (neighbouring) Member States.

How have Member States improved the identification and treatment of vulnerable asylum seekers?

Changes related to the identification of **vulnerable groups** and attending to **their special needs** included:

- **Belgium** improved the guidelines for the treatment of asylum applications based on the risk of female genital mutilation where special consideration was devoted to the vulnerability of minor girls in this regard;
- **Estonia** regulated by law the evaluation and consideration of the special needs of applicants for international protection (although their needs were previously considered in practice) and amended its Victim Support Act to improve the detection of victims of trafficking in human beings and enhance their access to the victim support services;
- In **Lithuania** the procedure for determining the vulnerability of asylum applicants has been laid down. Vulnerable asylum applicant may be granted special procedural guarantees.
- In **Luxembourg,** two new projects aiming to improve psychological and social care of vulnerable applicants of international protection have been financially supported by the Luxembourgish Reception and Integration Office (OLAI) in the frame of the AMIF fund.[42]
- **Sweden** established special safety houses dedicated to asylum applicants with special needs that cannot be satisfied within ordinary reception facilities;
- In the **United Kingdom**, all detainees and prospective detainees (including any who may have claimed asylum) who are regarded as vulnerable are now safeguarded under the Adults at Risk policy introduced in September 2016. The aim is to ensure that fewer people with a confirmed vulnerability are detained or, when detention is necessary, it is for the shortest period necessary.

Finally, **Italy** discussed the possibility to modify its asylum law to provide for a right to asylum to victims of physical, psychological and sexual violence because of their female gender. In terms of scope, the legislative proposal would also include women who are at risk of being subjected to such violence. Moreover, with the Decree of the Presidency of the Council of Ministries n. 234, Italy established a mechanism to determine the age of trafficked unaccompanied minors. The decree entered into force 6th January 2017.

Which measures have been adopted concerning the return of rejected asylum seekers?

A few Member States reported also on legal and policy changes with regard to the **return of rejected asylum applicants** (AT, DE, EE, IE, SE). In **Estonia**, the definition by law of the notion of final decision brought about important changes in practice. Specifically, an applicant for international protection cannot be issued a return decision before the end of the 10-day appealing period or before the first instance court decision.[43] At the policy level, in order to tackle the challenges posed by increasing numbers of asylum applications, the Federal Ministry of the Interior of **Austria** developed a comprehensive package of measures in the area of return and readmission, including the launch of an information campaign.[44] In **Sweden**, an amendment to the Reception of Asylum Seekers Act meant that rejected asylum seekers were no longer entitled to accommodation and daily allowances provided by the Swedish Migration Agency once they received a final negative decision or the deadline for voluntary return expired. This exclusion did not apply to adults living with their minor children, who still had a right to assistance until they left the country.[45] In **Germany**, the conditions for invoking health reasons against forced removal were tightened.

[42] Project "*DPI-Santé mentale*" of Caritas Luxembourg Foundation and "*Les mots pour guérir*" of the Luxembourgish Red Cross. For more information please see: Office Luxembourgeois de l'Accueil et de l'Intégration (OLAI), « Projets cofinancés au titre de l'AMIF »,
[43] Response of the PBGB to the EMN's inquiry of 05.12.2016.
[44] Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.
[45] More information on this law is available here.

1.1.3 INSTITUTIONAL CHANGES IN THE NATIONAL ASYLUM SYSTEM

Several (Member) States and Norway introduced institutional and organisational changes in the field of asylum, motivated by different reasons. Some of these changes are reviewed below as follows:

- In **Austria** the Asylum Care Department within the Federal Ministry of the Interior was restructured and expanded in 2016. In addition, regional management bodies were set up in the provinces to act as liaisons with the department units in Vienna and ensure quality standards. New staff were recruited in considerable numbers following a substantial increase in accommodation capacities.

  The Federal Office for Immigration and Asylum hired 389 new employees in 2016 and seven additional branch offices were set up in the provinces of Austria to handle asylum procedures.

- In **Finland** competence for asylum investigative tasks related to the establishment of the identity and travel routes of applicants for international protection were transferred from the Police and the Finnish Border Guard to the Finnish Immigration Service. However, the Police and the Finnish Border Guard continue being responsible for receiving asylum applications, serving asylum decisions and removing rejected asylum seekers.

- In **Greece** a government reorganisation in November 2016 resulted in the establishment of the Ministry for Migration Policy, including: a) the General Secretariat for Migration Policy of the former Ministry of Interior (Article 25 of Law. 4375/2016), with the exception of the Department of Citizenship (remaining in the Ministry of Interior), b) the General Secretariat for Reception of the former Ministry of Interior (Article 26 of Law. 4375/2016) and c) the Asylum Service of the former Ministry of Interior. In order to improve the coordination of the Ministry with non-governmental organisations (NGOs) a special website was set up in December 2016.

- In **Ireland** the International Protection Office replaced the Office of the Refugee Applications Commissioner. Within the framework of the Irish Naturalisation and Immigration Service, the Office is responsible for processing applications for international protection under the International Protection Act 2015. The IPO staffing includes a chief international protection officer and international protection officers who are independent in the performance of their international protection functions. In addition, as of 31st December 2016, the first-instance appeals body, formerly the Refugee Appeals Tribunal, was replaced by the statutorily independent International Protection Appeals Tribunal.[46]

- **Luxembourg** restructured the Asylum Unit of the Directorate of Immigration of the Ministry of Foreign and European Affairs through the creation of five sections for interviewers and decision-makers focusing on five different geographical regions, namely Africa, North Africa, Western Balkan, Asia, and Middle East.

- In **Norway** a committee was set up to study the possibility of transferring the competences of the Appeals Board to an administrative court and, if so, to assess how the latter should be organised.

- In **Spain** an Inter-ministerial Commission was set up to provide a global, combined approach in issues regarding asylum and immigration. The latter met in to discuss Member State relocations from Italy and Greece, amongst other issues.

- **Sweden** moved to a new system according to which all Swedish municipalities can be required to receive international protection beneficiaries. The related distribution key is based on each municipality's local labour market, population size and the overall number of newly arrived migrants already residing in the area. The system is compulsory for the municipalities but not for the individual beneficiaries of protection, who may also find their own accommodation in a municipality of their choice. The task of allocating beneficiaries to the municipalities was transferred from the Swedish Employment Service to the Migration Agency as of 1st January 2017.

1.1.4 JURISPRUDENCE

Several Member States reported on important new national jurisprudence relating to asylum. Judgements concerned, amongst others: the grounds for asylum (ES, IE, NL, SE), Dublin transfer decisions (BE, CZ, FI, IE, UK) the categorisation of specific third countries as safe third countries or safe countries of origin (BE, FI, EL, NL), qualification for subsidiary protection status (DE, IT), the internal protection alternative (FI, HU, NL) and appeal procedures (BE, IE). Some Member States also referred to rulings of the CJEU which had impacted on their national jurisprudence and policy during the reporting period (BE, SE, UK).

[46] International Protection Act 2015 (Establishment Day) Order 2016 (S.I. No. 661 of 2016)

Greece referred to a number of pending cases before the Council of State which would impact on the examination of the applications of asylum seekers who enter Greece via Turkey and on the composition of the Appeal Committees. For further details on national jurisprudence, see the National Reports.

1.1.5 EFFICIENCY AND QUALITY OF THE NATIONAL ASYLUM SYSTEM

With regard to the quality of national asylum procedures, Member States' initiatives included:

- The provision of training courses to staff (AT, BE, EE, ES, FI, MT);
- The development of quality assessment tools such as guides and handbooks (BE, HU, MT);
- The introduction of a formal age assessment procedure (EL) and the allocation of competences for age assessment to specific medical/ forensic institutes (NO, SE);
- Measures to improve the identification of asylum seekers (BE, NL);
- The use of innovative IT and communications systems and tools (BE, CZ, DE, EL, IT);
- Measures to combat manifestly unfounded and fraudulent applications (BE);

A number of Member States also adopted ambitious measures to improve their efficiency in processing applications for international protection and appeals. Faced with high volumes of asylum applications, **Germany** conducted an in-depth audit of the asylum procedures to identify areas where these could be optimised and, among other measures, established a centralised data system for the registration of asylum applicants and a new workflow for the asylum procedure. **Italy** adopted a Code of Conduct for the Presidents and members of the Territorial Commissions, for interpreters, support staff and other relevant people involved in the asylum procedure and provided updated guidelines to the Territorial Commissions, based on case law regarding the recognition of international protection in case of serious harm.

The **Netherlands** introduced a 'multi-track asylum policy' whereby a decision is taken at the registration stage about the procedure ('track') according to which an asylum application should be handled. There are five possible tracks: 1) Dublin Procedure; 2) Safe country of origin or legal stay in another EU Member State; 3) Well-documented applications with a high chance of success; 4) General Asylum Procedure;[47] 5) Applications with a high chance of success that require a brief investigation. Similarly, **Finland** directly assigns asylum applications into various 'job queues' (e.g. fast track, Dublin and unaccompanied minors) according to the characteristics of the asylum claim.

Other efficiency-related measures included the introduction of fast-track procedures to deal with applicants who are considered likely to receive a negative decision (NL, SE); the shortening of time limits for the processing of asylum applications (LU) or for lodging appeals when the applicant clearly does not need protection (NO); as well as administrative reorganisations to centralise the processing of asylum applications (FI).

1.2 COOPERATION WITH THE EUROPEAN ASYLUM SUPPORT OFFICE (EASO)

1.2.1 PARTICIPATION IN EASO ACTIVITIES

All (Member) States and Norway continued to contribute to EASO activities in 2016 in various ways and different areas. States were involved in, including:

- The secondment of staff for the deployment of Asylum Support Teams (AT, BE, BG, CY, CZ, EE, FI, FR, DE, HU, IE, IT, LV, LU, MT, NL, NO, SE, SI, SK, UK);
- The deployment of experts for training related activities, including regional train-the-trainer sessions (AT, BE, EE, ES, DE, EL, FR, HU, IT, LT, MT, NL, SE, SI, SK);
- The participation in the development of common practical tools, e.g. COI activities/reports, European Asylum Curriculum (EAC) modules and the EASO Quality Matrixes (AT, BE, DE, EL, ES HU, LT, MT, NL, NO, SE, SI, SK, UK);
- The participation in EASO's training activities (AT, BE, CY, CZ, EE, ES, FI, FR, DE, EL, IT, LV, LT, LU, MT, NL, SE, SI, SK).

[47] For applications which do not fall under any of the other tracks.

1.2.2 PROVISION OF SUPPORT BY EASO TO THE MEMBER STATES

Following the unprecedented influx of migrants and the high number of asylum applications, EASO provided emergency/special support to **Bulgaria, Cyprus, Greece** and **Italy** throughout 2016.

EASO's Special Support Plans for Bulgaria, Cyprus and Greece were extended until June 2017, February 2017 and December 2016 respectively. Within the framework of the Support Plans, these Member States received tailor-made support from EASO and were able to send their officials to specific trainings and study visits.

EASO also provided operational support to **Greece** and **Italy** in the establishment and implementation of the 'Hotspot' approach and the relocation of persons in clear need of international protection within the EU:

- In **Italy** EASO deployed 114 officers to four Hotspots (located in Lampedusa, Trapani, Pozzallo and Taranto) and performed, among others, tasks related to the deployment of Special Support Teams and Asylum Support Teams, the registration of asylum applicants and the monitoring of the overall relocation process.
- As regards **Greece**, following the entry into force of the EU-Turkey Statement EASO deployed staff and services in the Hotspots located at the Greek islands to speed up the process of examining the asylum requests in the first instance.[48] At the operational level EASO also offered financial support for infrastructure development.

1.3 INTRA-EU SOLIDARITY INCLUDING RELOCATION

Member States showed solidarity with those Member States under pressure by contributing to and participating in several support activities organised by EASO (as described in section 1.2.1). Some Member States also reported on the support provided to their counterparts on the basis of bilateral or multilateral initiatives. For example, the **Slovak Republic** continued to accommodate asylum seekers from Austria in the Gabčíkovo camp on the basis of a 2015 Memorandum of Understanding between both countries whilst **Lithuania** provided humanitarian assistance to Bulgaria on a bilateral basis. The **Czech Republic** provided asylum oriented financial support to Bulgaria and Greece within the 'Programme of the Ministry of the Interior for the Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows'.

With regard to relocation, Member States pledged to relocate applicants from Italy and Greece as agreed by the adoption of the Emergency relocation mechanism to relocate 40,000 asylum seekers from Italy and Greece and the subsequent agreement on an Emergency relocation mechanism to relocate 120,000 asylum seekers from Italy and Greece.[49] Several Member States reported on these relocations, including those that took place by the end of 2016 and (planned) relocations for 2017. An overview of the relocations as implemented by the Member States is updated by the European Commission on a regular basis. Of the planned relocations[50] (around 35,000 applicants from Italy and 63,300 from Greece), some 15% and 18 % had been actually relocated respectively from Italy (5,208 applicants) and Greece (11,421 applicants) by 19th April 2017.[51] Some Member States have however reported that achieving the agreed number of relocations has been challenging due to, among other factors, the fact that there are currently not enough applicants present on the Greek islands and in Italy who are eligible for relocation (i.e. of a nationality that meets the 75% recognition threshold). Following the EU-Turkey Statement, the European Commission tabled a proposal to amend the Council Decision to relocate people in need for international protection from Italy and Greece in order to make 54,000 places which were foreseen for relocations available for the purpose of resettling Syrians from Turkey to the EU.[52]

[48] EASO, Work Programme 2016, Rev.4 – December 2016, available at: https://www.easo.europa.eu/sites/default/files/EASO%20WP%202016%20Amendment%204%20-%20051216.pdf, last accessed on 23rd March 2017.

[49] 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

[50] The Council adopted two Relocation Decisions in September 2015 and an amending Decision in September 2016. First the Decision of 14 September 2015 (Council Decision (EU) 2015/1523) was adopted, establishing provisional measures for the benefit of Italy and Greece (proposing the relocation of 40,000 asylum seekers from those two countries), then the Council Decision (2015/1601) of 22 September 2015, with the same title (proposing the relocation of 120,000 asylum seekers from those countries). Finally, a third Decision (Council Decision (EU) 2016/1754) was adopted on 29 September 2016 amending the second one (to provide for Member States to admit refugees from Turkey to fill their obligations).

[51] European Commission, Member States' Support to Emergency Relocation Mechanism
(As of 19 April 2017), available at: 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, last accessed on 20th April 2017.

[52] See Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

Following the disproportionately high number of asylum seekers received by **Sweden** in autumn 2015, the Council decided in June 2016 to suspend Sweden's obligations to participate in the relocation activity. This suspension ends in June 2017.

Whilst the **United Kingdom** does not participate in the EU relocation programme, a commitment was made under national law in 2016 to relocate a specified number of unaccompanied refugee children to the UK from France, Greece and Italy. Children must have been present in Europe before the EU-Turkey agreement of 20 March 2016 to be eligible for transfer to the UK.

1.4 ENHANCING THE EXTERNAL DIMENSION INCLUDING RESETTLEMENT

At EU level, all (Member) States and Norway as well as associated Dublin countries made pledges to resettle a specific quota of refugees under the EU resettlement scheme adopted in June 2015.

Member States also reported on the resettlement of refugees from Turkey under the 'one-for-one' resettlement scheme, as foreseen by the EU-Turkey Statement of 18 March 2016.[53] As of 8 February 2016, almost 14,000 refugees had been resettled under the EU resettlement scheme (from July 2015) and over 3,000 Syrians had been resettled from Turkey under the EU-Turkey Statement (since April 2016).[54]

With regard to resettlement activities under national schemes, most of the resettled refugees arrived 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 of international protection. However, some Member States (e.g. AT, DE, IT, SK, UK) also increasingly resettled refugees under **various humanitarian resettlement schemes**, which are similar to resettlement but do not fully match the characteristics of general resettlement programmes.[55] For example:

- **Austria** launched the implementation of an additional Humanitarian Admission Programme (HAP III) building on the experience of two previous similar programmes (HAP I and HAP II). The programme aims to resettle 400 especially vulnerable Syrian refugees from Jordan and Turkey.
- **Belgium** issued over 1,000 humanitarian visas mostly to Syrians, some half of which were issued by the embassy in Beirut (Lebanon). Such visas are granted on a case-by-case, discretionary basis and do not constitute a formal humanitarian admission programme.
- Under both its national resettlement and humanitarian programmes, **France** considerably enhanced its activities to identify potential beneficiaries for resettlement by increasing the number of missions to the countries of first asylum and strengthening its cooperation with the Inter-ministerial Delegation of Reception and Access to Accommodation.
- In **Italy**, following the Memorandum of Understanding on a two year private sponsorship programme, called "Humanitarian corridors" - signed in 2015 between the Ministry of Foreign Affairs and International Cooperation, the Ministry of Interior, the Community of Sant'Egidio, the Evangelic Churches Federation and the Waldensian church in Italy- 522 asylum seekers, mainly Syrians from Lebanon, were transferred to Italy in 2016. The programme targets about 1,000 people including mainly vulnerable cases, Syrians and Eritrean nationals, potential asylum seekers, residents in transit countries or bordering conflict countries.
- The **Slovak Republic** continued humanitarian transfers through the Emergency Transit Centre (ETC) in Humenné in cooperation with the UNHCR and IOM. In 2016, 156 refugees were transported into the ETC in Humenné, and 196 refugees who came to ETC in 2015 were resettled to the USA in 2016. Resettled persons were mostly Somali nationals and the rest were Sudanese and Ethiopian nationals. The majority of cases concerned families with children.

Two Member States (BE, SE) made reference to developments concerning the reception and integration of resettled refugees. **Belgium** modified its national reception trajectory for resettled refugees in 2016. After a short initial reception period of six to seven weeks in a federal reception centre, resettled refugees are generally sent to Local Reception Initiatives where they can remain for six months. At the end of this six month period, the Public Social Welfare Centre can decide to provide housing for resettled refugees outside the reception network and social support for a period of twelve months. **Sweden** reported that

[53] EU-Turkey statement, 18 March 2016, available at: http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/, last accessed on 23rd March 2017.
[54] European Commission, Relocation and Resettlement: Member States need to build on encouraging results, 8 February 2017, available at: http://europa.eu/rapid/press-release_IP-17-218_en.htm, last accessed on 23rd March 2017.
[55] 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.

the placement of refugees had been more efficient than in 2015 due to the establishment of a compulsory dispersion mechanism to allocate new arrivals for settlement to the municipalities. The government confirmed that Sweden would increase its annual resettlement quota by 1,500 additional places in 2017.

Few new initiatives were reported by the Member States in relation to **cooperation with third countries of first asylum**. The measures documented included the provision of financial support (e.g. AT, CZ, LT); the participation in twinning programmes (e.g. LV, NL, SE) and cooperation within the framework of Regional Development and Protection Programmes (e.g. CZ, IT, UK).

For example in **Austria** the Federal Ministry for Europe, Integration and Foreign Affairs earmarked in December 2016 additional financial resources from the foreign disaster aid fund to support internally displaced persons and refugees in Syria and Jordan.[56] Further funding from the foreign disaster aid fund was allocated in 2016 for Iraq, to relieve the humanitarian situation, as well as for Syrian refugees in Lebanon. Similarly, in 2016 the **Czech Republic** provided financial assistance to Turkey, Lebanon, Iraqi, Iraqi Kurdistan, Jordan, Ukraine, Serbia and FYROM through its special Programme for Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows and through its special `Permanent Humanitarian Medical Programme MEDEVAC´(both programmes developed under the of the Ministry of Interior).

2 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

2.1 DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

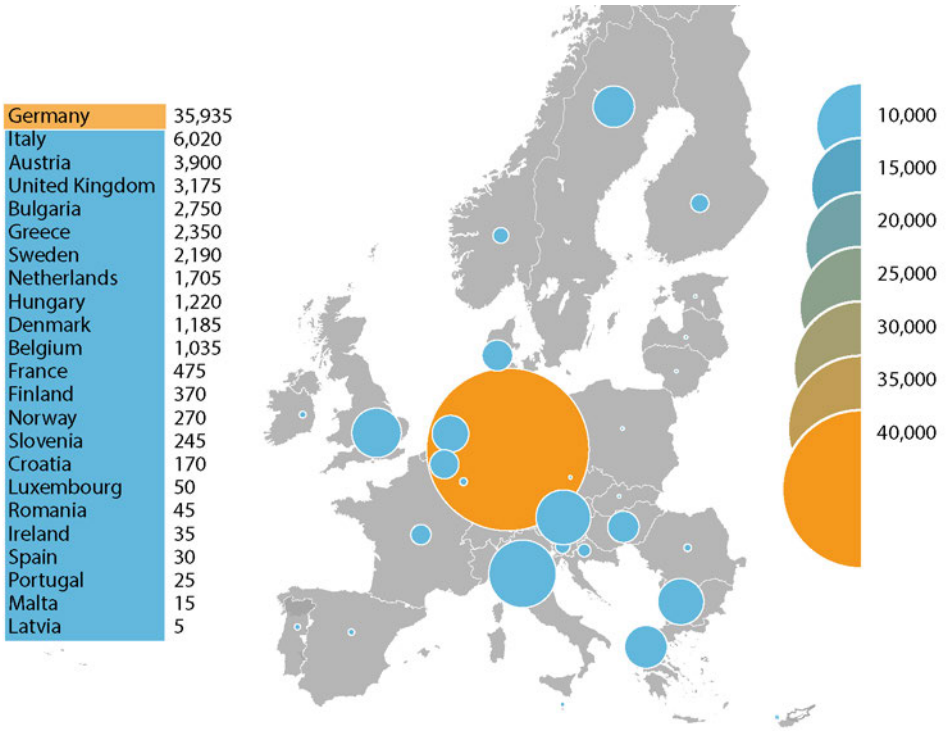
Around 30% of asylum applicants in the European Union in 2016 were minors, many of them unaccompanied. The number of asylum applications submitted by unaccompanied minors (UAMs) in the EU has significantly decreased in 2016 (62,453) compared to 2015 (96,465), but the level still remains high when compared with data from earlier years (see Figure 2.1). Member States with the highest number of asylum applications from UAMs are **Germany** (35,935 or 67%), **Italy** (6,020 or 11%) and **Austria** (3,900 or 7%). Together these three Member States represent 85% of all asylum applications submitted by UAMs. The main third-countries of origin in 2016 were Afghanistan (23,860), Syria (11,905), Iraq (4,145), Eritrea (3,330) and Somalia (2,635).

The gender distribution shows that most of the UAMs applying for asylum are boys, representing almost 90% of all asylum applications (see Figure 2.2), which is a similar trend as in previous years where girls represented around 10% of all applications.

Most of the UAMs that applied for asylum in 2016 were aged between 16 and 17 years (69%), followed by UAMs between 14 and 15 years (21%) and lastly UAMs under 14 years (10%). Figure 2.2 presents this evolution since 2012.

[56] Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Sebastian Kurz bringt Hilfe für Opfer des Syrienkonflikts in Ministerrat ein.* Press Release, Vienna, 6 December 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/12/aussenminister-sebastian-kurz-bringt-hilfe-fuer-opfer-des-syrienkonflikts-in-ministerrat-ein/, last accessed on 3rd January 2017.

Figure 2.1 Overview of asylum applications by unaccompanied minors in the EU Member States and Norway -2016



Source: Eurostat (migr_asyunaa), extracted: 21 March 2017

Figure 2.2: Number of UAMs seeking asylum in EU Member States and Norway by **gender**, 2012-2016

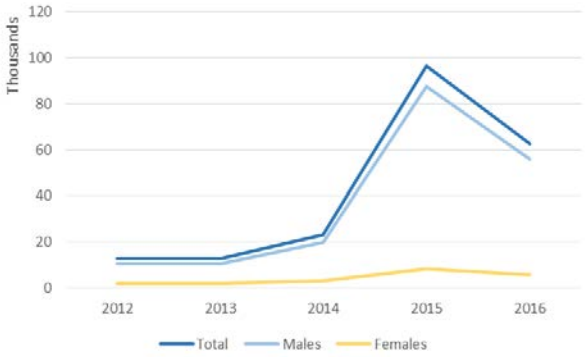
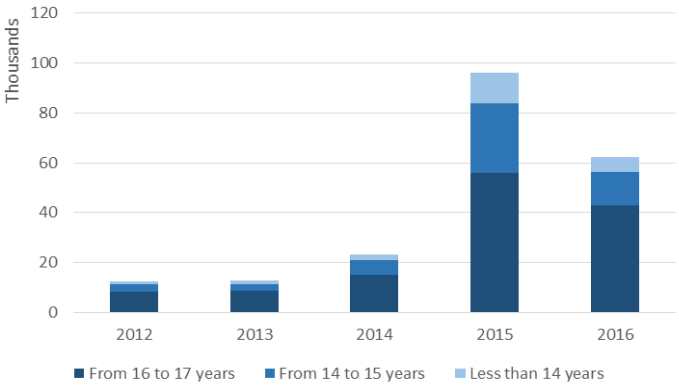


Figure 2.3: Number of UAMs seeking asylum in E Member States and Norway by **age**, 2012-2016



Source: Eurostat (migr_asyunaa), extracted: 21 March 2017

In the 'Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration' of 10th February 2016, the Commission recalled that the European Agenda for Migration has put a particular emphasis on the need to protect minors and to follow up on the Action Plan on Unaccompanied Minors (2010-2014). A specific Annex to the Communication indicated ongoing and planned actions to better protect children, and the implementation of these actions was underway.

In line with the Charter of Fundamental Rights of the European Union, the protection of children has been embedded in all aspects of European migration policy in order to ensure that they receive the necessary protection at legislative, technical and operational levels.

On policy developments, on 7th April 2016, the Commission organised a Joint Contact Committee on the Reception Conditions Directive (Directive 2013/33/EU) and Asylum Procedures Directive (Directive

2013/32/EU) regarding Unaccompanied Minors, which feed into Commission's proposals of May and July 2016 to reform the Common European Asylum System (see section 1.1.1).

The proposals strengthen the guarantees available for vulnerable persons, including minors and in particular unaccompanied ones, who seek international protection in Europe. The proposals aim to secure accommodation in suitable reception facilities, prompt and effective guardianship for unaccompanied children, as well as ensure full compliance with the principles of the best interests of the child and of family unity. In addition, the revised European Border and Coast Guard Agency Regulation addresses a number of strengthened child protection aspects. A legislative proposal on the Schengen Information System (SIS II) adopted in December 2016 also includes a new sub-category of alerts for missing unaccompanied minors, to contribute to follow-up measures.

Technical and operational measures in 2016 included efforts to improve the availability of data on unaccompanied minors via the Integrated Political Crisis Response Network (IPCR Network) and Integrated Situational Awareness and Analysis (ISAA) reports[57] as well as efforts to step up and prioritise the relocation of unaccompanied minors, given their vulnerability and as foreseen in the Relocation Decisions. Finally, the 10th Annual Forum on the rights of the child took place from 28-30th November 2016 and focused solely on the protection of children in migration. The latter was an opportunity to take stock of the ongoing efforts to develop a comprehensive approach.

2.2 UNACCOMPANIED MINORS MEASURES AT NATIONAL LEVEL

Half of the (Member) States reported the adoption of new legislative/ policy measures in 2016 aiming to safeguard the rights and welfare of unaccompanied minors (UAMs) (AT, CZ, HR, EE, EL, FI, FR, IT, LT, LV, MT, NL, NO, SE, SI, SK, UK).

Regarding the number of UAMs, Member States such as **Greece** and **Italy**, reported an increase in the number of UAMs seeking for asylum in 2016, posing challenges with regard to the availability of reception facilities for these children: for example, while the estimated number of UAMs in Greece up to December 2016 was 2,300, the total number of available places for them in hostels was 1,256, with 1,443 UAMs reported to be on the waiting list for housing in Greece. In Italy, 25,846 UAMs arrived in 2016, doubling the numbers when compared with the previous year (2015).

In **Finland**, however, in the second half of 2016, some of the special units for minors were shut down following a decrease in the number of UAMs seeking asylum. **Malta** observed an increase in the number of UAMs of particular nationalities, notably Syria and Libya.

Other Member States, such as **Luxembourg** and the **Slovak Republic** have not recorded a significant increase in the number of UAMs in 2016, and both reported that the absconding of UAMs remains a persistent issue in the provision of care for UAMs. The number of absconding UAMs in Luxembourg until September 2016 was 37 minors (out of 83 UAMs applying for international protection), whilst in Slovakia there were 19 cases of UAMs who left their foster home without permission following a court decision in 2016, compared to 33 cases of UAMs accommodated in the foster home in Medzilaborce.

Conversely **Belgium, Sweden and Norway** reported a significant decrease in the number of UAMs. As a result reception centres were closed in Belgium and Norway.

In **Ireland,** a government decision was taken to relocate up to 200 UAMs living in the unofficial migrant camp at Calais from France to Ireland. A total of 12 UAMs were relocated to Ireland from Greece up to mid-December 2016, as part of the relocation programme with Greece. This number subsequently rose to 14 by the end of 2016.

Some of the most notable developments in 2016 with regard to the situation of UAMs across (Member) States concerned, amongst others, improvement of reception facilities, training for staff, increased human resources and policy measures. These are further shown below:

Measures related to human resources and training of staff

- In **Finland,** during the first half of 2016, emphasis was put on training, guiding and supervising new operators of reception facilities.
- **Norway** increased the number of staff in reception centres for asylum-seeking UAMs, as well as their training, allocating some NOK 50 million (around 5.5 million euro) from the state budget.

[57] ISAA is an analytical report, drafted by the European Commission and the European External Action Service (EEAS), "under an ISAA lead service determined by both the Commission and the EEAS depending on the nature of the crisis. Its aim is to provide decision makers with a clear common picture of the current situation", more info at: http://www.consilium.europa.eu/en/documents-publications/publications/2016/pdf/web_ipcr_pdf/.

Measures related to the improvement of protection & care of UAMs, including reception facilities

Measures were introduced to tailor services to better accommodate the needs of children. These included national-level agreements stipulating that proceedings involving UAMs are to be carried out in children's accommodation using child-friendly methods to safeguard their rights (EE), and rules ensuring that interviewers of UAMs have the necessary knowledge of the special needs of minors and carry out interviews in a way which takes account of the minor's age, level of maturity and any psychological effects of past trauma (EL) and a substantial increase in the number of places available in reception facilities (IT).

Going forward, several Member States (LV, NL, SI, SK, UK) have already planned changes to policy/ practice which will increase protection of UAMs in 2017. In addition to specific measures such as enhancing legal representation for UAMs (SI), providing adequate accommodation, care and treatment for non-asylum seeking UAMs (SI), or an obligation to undertake an age assessment (SK), these measures also aim at enhancing mechanisms for cooperation between the competent authorities dealing with UAMs in a Member State.

Some Member States introduced alternatives to regular accommodation or placements in childcare institutions or in separate/ safe accommodation specifically for minors (BE, SI). Related to the care of UAMs, some Member States introduced improvements to existing reception facilities including schemes for shared allocation of UAMs across local/regional authorities (BE, FR, NL, UK), as well as new measures to ensure the best interests of the child (NL, SE). Relevant measures include the following:

- In **Belgium** a convention between the Federal Agency for the reception of asylum seekers (Fedasil) and the Flemish and French Community was concluded to allow Fedasil to directly assign UAMs under 15 years old to the residential care of Flemish and Walloon Youth Care Services. This will provide a more intense and personalised care for UAMs and their specific needs.
- **Czech Republic** further elaborated and implemented a new care system for UAMs (originally introduced in 2015), with new workplaces dedicated to the long-term care for such minors.
- **France** implemented a new process for the protection of UAMs which included improved assessment procedures, a more transparent system for the distribution of reception responsibilities across the territory and improved care processes adapted to the UAMs' needs.
- **Italy** supported municipalities and other organisations by increasing the number of reception facilities for UAMs through specific funds such as the "Fund for the reception of UAMs" and AMIF (Asylum, Migration and Integration Fund). Moreover, additional 2,039 places were provided for UAMS in the SPRAR (Protection System for Asylum Seekers and Refugees).
- Following a report by the Inspectorates for Child and Youth Services and Security and Justice in the **Netherlands**, which identified inadequacies in the quality of the protected reception facilities available for UAMs - who are at risk of being or possibly become trafficking in human beings victims or pose an increased risk of disappearing- the Central Agency for the Reception of Asylum (COA) responded by implementing a number of measures aiming to improve the protection of UAMs. These included: a **risk assessment instrument** which allows staff at the protected reception facility to assess the safety of a youngster upon entry, as well as periodically; a **safety plan** enabling staff to determine whether the level of supervision of each resident is appropriate and limit any safety/ security risks; a bi-monthly **residents meeting** where various topics are discussed, such as the physical living environment of young people and which ensures that their voices are heard; a **complaints procedure** (to be translated into several languages) and an **external confidential counsellor** who will periodically visit the protected reception.
- **Sweden** further plans to introduce in 2017 a new method (Child Impact Analysis) for establishing the best interests of the child, in cooperation with the Ombudsman for Children, which will affect decision-making regarding both unaccompanied and accompanied minors. In the **Netherlands**, following a Parliamentary initiative, a new legislative proposal to amend the Aliens Act 2000 was submitted in September 2016 with the aim also to give more weight to the consideration of the best interests of the child. The proposal envisages **establishing the consideration of the best interests of the child as a separate ground for granting a residence permit**. By including a specific provision in the law, the submitting parties aim for the judicial authorities to be in a better position to review whether the Immigration and Naturalisation Service (IND) takes sufficient account of the best interests of the child in its decision making.

- The **United Kingdom** launched a voluntary National Transfer Scheme (NTS) for asylum-seeking UAMs, to prevent a situation where a small number of local authorities are looking after a disproportionate number of UAMs.

Measures related to legal guardianship and foster care

- The importance of legal guardianship was emphasised by several Member States (BE, EL, IT, SE, SI), with enhanced provisions introduced in some instances (EL, SI). For example, the new International Protection Act (IPA) adopted in 2016 in **Slovenia** extends the area of legal representation for UAMs applying for asylum among others, whilst a new law 4375/16 in **Greece** specifies that a guardian must be appointed to a UAM applying for asylum when the request is launched and that s/he must be informed about this immediately; in **Belgium** Fedasil has been granted access to the database of the Guardianship Service to be able to access essential data on UAMs in order to improve and strengthen the protection of UAMs. In addition 422 voluntary guardians were selected in 2016.
- **Belgium**, **Latvia** and the **United Kingdom** reported on measures regarding foster care. After the foster project in **Belgium** was launched in 2015, the first UAMs were accommodated by their foster families in 2016. In Flanders 185 children were accommodated by one of the Regional Foster Care Services, while in Wallonia the NGO 'Mentor-Escale' is responsible for the foster care placements. In **Latvia,** the new 2016 Asylum Law determined that an UAM may be also placed in a foster family. Such decision shall be made by the orphan's court, in cooperation with the social service, establishing the opinion of the Office of Citizenship and Migration Affairs. In the **United Kingdom** the Department for Education and the Home Office jointly announced that they would publish a strategy, by 1 May 2017, which will set out further details on safeguarding unaccompanied asylum-seeking and refugee children and which will also set out plans to increase the number of foster carers.
- In **Italy** during 2016, the Parliament discussed a bill to modify some parts of the Legislative Decree n. 286/1998 regarding the protection measures for UAMs. The bill, approved at the end of March 2017, aims at reinforcing the protection of UAMs by specifically introducing: a) the prohibition of rejecting unaccompanied children at the national borders; b) procedures for the acceleration of identification of unaccompanied children; c) the guarantee of medical assistance; d) the establishment of a roster for voluntary guardians for UAMs.

Measures related to alternatives to detention

- In **Greece** the detention of UAMs was legally recognised as a measure of last resort in some instances or limited to a certain number of days in exceptional circumstances (e.g. 20 days in EL if an unexpected number of UAMs arrive in the country). In other cases, such as in **Finland**, alternatives to detention of UAMs were introduced; for example, in December 2016, the Finnish Parliament approved a Government Bill allowing UAMs aged 15-17 years who have been issued with a negative asylum decision (and whose return decision is enforceable) to be ordered to live in and report to a reception centre, instead of facing detention. **Slovenia** specifically addressed the detention of (unaccompanied) minors in 2016, for example, the IPA stipulates that the detention of such minors is limited exclusively to the facilities in Asylum Centre.

2.3 OTHER VULNERABLE GROUPS

In addition to the above-mentioned provisions for UAMs, some Member States (AT, BE, CZ, EE, EL, DE, FI, FR, HU, SE, SI, UK) introduced changes to policies/ practices targeting other groups considered to be vulnerable in 2016. The measures taken to enhance the protection of these groups can be grouped into the following broad categories: setting up special facilities providing specific services, notably healthcare to vulnerable groups (AT, CZ, EL, FI, SI). In this context, the **Czech Republic** for example implemented the Permanent Humanitarian Medical Programme (MEDEVAC) which involved the deployment of medical teams and surgical intervention carried out abroad, medical humanitarian evacuations to the Member State for treatment etc. While in **Greece** law 4368/2016 provided that certain categories of uninsured and vulnerable social groups have the right to free access to public health structures in relation to qualified nursing and health care. Categories include, amongst others, minors, pregnant women, people with disabilities, beneficiaries of international protection etc.

Other measures also included putting policies in place targeting a specific vulnerable group, notably victims of trafficking in human beings (THB) (CZ, EE, SK); clarifying the definition of vulnerable persons (DE, EE, EL); identification of signs of persecution (LU); as well as regulating the detention of such persons (EL, SK, SI, UK).

Additionally, some Member States (EL, SI) reported that competent authorities give priority to vulnerable persons when examining their asylum applications. In **Sweden,** for example, a special task force on the situation of married children introduced in 2016 will be extended to include other relevant agencies. The Swedish Migration Agency will apply a special process to ensure that protection, housing, health, social care and interviews with relevant agencies during the asylum process, but also afterwards, are tailored to the needs of children in this particular situation. Some of the main developments are further elaborated and specific examples are provided below.

Special reception facilities for vulnerable groups

Austria, **Finland**, **Germany** and **Slovenia** reported setting up special reception facilities for vulnerable persons or staffing already existing facilities with medical professionals who can attend the special needs of these groups. In **Austria**, certified healthcare and nursing staff have been deployed in two new medical reception facilities to provide care for 200 patients, whereas in **Finland** a new special reception unit has the capacity to look after 20 patients with mental health issues. **The Netherlands** also adopted measures to guarantee the safety of LGBT (lesbian, gay, bisexual, and transgender) asylum seekers including the possibility to transfer the latter to safer locations or even outside reception centres for asylum seekers (see section 1.1.2). **France** improved the reception and assessment of some vulnerable groups: the law No.2016-274 of 7th March 2016 on the rights of foreign nationals in France facilitates the issuance of residence permits for foreign national victims of domestic or family violence or of those benefiting from a protection order because of a forced marriage and has also modified the issuance of residence permits for ill third-country nationals (who want to stay in France for health reasons). In **Germany**, municipalities have received investment loans of up to 200 million euro for the construction, conversion, acquisition and equipment of refugee accommodation centres in reception facilities for vulnerable groups.

In **Slovenia**, two new developments are noteworthy: firstly, the new IPA (see Section 2.1 above) contains new measures concerning a better care and treatment of vulnerable persons with special needs. For example, if a vulnerable person with special needs receives a restriction of movement order, the Ministry of Interior provides protection of his/ her (mental) health as a matter of priority. Secondly, an agreement was signed in January 2016 with a psychiatrist in order to provide counselling to vulnerable unaccompanied third-country nationals accommodated in the Asylum Centre or its branches. The psychiatrist is available 24 hours a day to provide psychiatric care and treatment and s/he also assesses the need of hospitalisation. Finally, since 2016 safety houses (see section 1.1.2) for vulnerable persons in **Sweden** have been available near the larger cities.

Measures clarifying the definition of vulnerable persons

In **Greece** a new law 4375/16 adopted in 2016 includes a definition of vulnerable groups, encompassing UAMs, disabled persons, the elderly, pregnant women and single parents among others. In **Germany**, following a meeting of the federal government and federal states in March 2016, resources of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) were committed to translate guidelines of the German Lesbian and Gay Association for LGBTI persons seeking asylum in the country into several languages (e.g. Arabic)[58].

Detention of vulnerable persons and applicable safeguards

A number of Member States limited the detention of vulnerable persons in 2016, or introduced specific conditions under which the detention of such persons can take place, as a last resort. For example, the abovementioned law 4375/16 in **Greece** specifies that detention of pregnant and breast-feeding women should be avoided. Similarly, (prospective) detainees in the **United Kingdom** who are regarded as vulnerable are now safeguarded under the Adults at Risk policy introduced in September 2016. The intention of the policy is that fewer persons with a confirmed vulnerability will be, when detention is needed, detained for the shortest period necessary. Going forward, in 2017, **Cyprus** intends to open a centre for vulnerable persons applying for international protection, whilst **Sweden** plans to launch a pilot testing for the EASO tool for identifying persons with special needs (IPSN) to enhance the Swedish Migration Agency's IT-system in order to facilitate the processing of information on IPSN during the asylum process.

[58] The guidelines in Arabic and further information in several other languages for LGBTI refugees can be found on: http://www.queer-refugees.de/?page_id=250

3 LEGAL MIGRATION AND MOBILITY

3.1 DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

Following the 2015 announcement made by the European Commission on a new policy on legal migration to reinforce, in particular, the attractiveness of the EU towards third-country nationals, the following developments marked the year 2016.

The EU Blue Card

In June 2016, the Commission put forward a proposal for a new EU Blue Card Directive that offers a more harmonised, simplified and streamlined approach to attract highly skilled workers through an EU-wide scheme that increases efficiency and clarity, and cuts the red tape. This ambitious proposal intends to introduce more inclusive and flexible admission conditions, faster and more flexible procedures, improved rights and enhanced facilitation of intra-EU mobility. In the second half of 2016, intensive technical consideration of the proposal took off both within Council and European Parliament.

Re-cast Students and Researchers Directive

On 22nd May 2016 the recast Students and Researchers EU Directive 2016/801 entered into force. EU Member States are obliged to transpose this Directive by 23rd May 2018 at the latest. The recast Directive provides for common admission and residency rules for third-country national students, researchers and trainees and for volunteers who come to the EU under the European Voluntary Service (EVS) scheme. Member States are free to apply the rules of the Directive to school pupils, volunteers coming to the EU outside the EVS scheme and, for the first time at EU level, au pairs. The new rules will make it easier to retain talented people and their skills in the EU economy. Students and researchers will be able to stay, for at least nine months after their graduation or research project, to look for a job or set up a business in Europe. The Directive also increases access to the labour market for students during studies (from a minimum of 10 to 15 hours per week), allows researchers' family members to accompany them and to access the labour market, and entitles applicants to submit applications from within the EU. Intra-EU mobility provisions for students and researchers have also been improved.

Seasonal Workers and Intra-Corporate Transferees Directives

2016 also saw the end of the transposition period of the Seasonal Workers Directive (2014/36/EU) - on 30th September 2016- and the Intra-Corporate Transferees Directive (2014/66/EU) - on 29th November 2016. The Commission opened infringement procedures against all Member States which were late in transposing these Directives.

Legal Migration Fitness Check

In September 2016, the Commission launched its REFIT - Legal Migration Fitness Check. The purpose of this Fitness Check is to evaluate and assess the existing EU legislation on legal migration. It will identify gaps and inconsistencies and consider possible ways of simplifying and streamlining the current EU framework in order to contribute to a better management of legal migration flows.

The results of the Fitness Check (due in the beginning of 2018) may be used as a basis to assess what actions (both legislative and non-legislative) might be required to improve the coherence of the legal migration legislation, as well as its effective and efficient application. In addition, the evaluation of the migration legislation will provide a possibility to better attune legal migration policy to the economic and social needs of the EU, also in the light of the need to prevent and combat labour exploitation.

3.2 ECONOMIC MIGRATION MEASURES AT NATIONAL LEVEL

Several Member States reported amendments to existing legislation and (planned) policy changes in the field of economic migration:[59]

- In **Austria**, the Act amending the Act Governing the Employment of Foreigners and the Settlement and Residence Act as well as the 2017 Act Amending the Aliens Law were under review in 2016. The latter will amend a substantial amount of legislation regarding legal migration and asylum, including the Settlement and Residence Act, the Aliens Police Act, the Asylum Act, the Federal Office for Immigration and Asylum Procedures Act, the Federal Basic Welfare Support Act, and the Border Control Act.

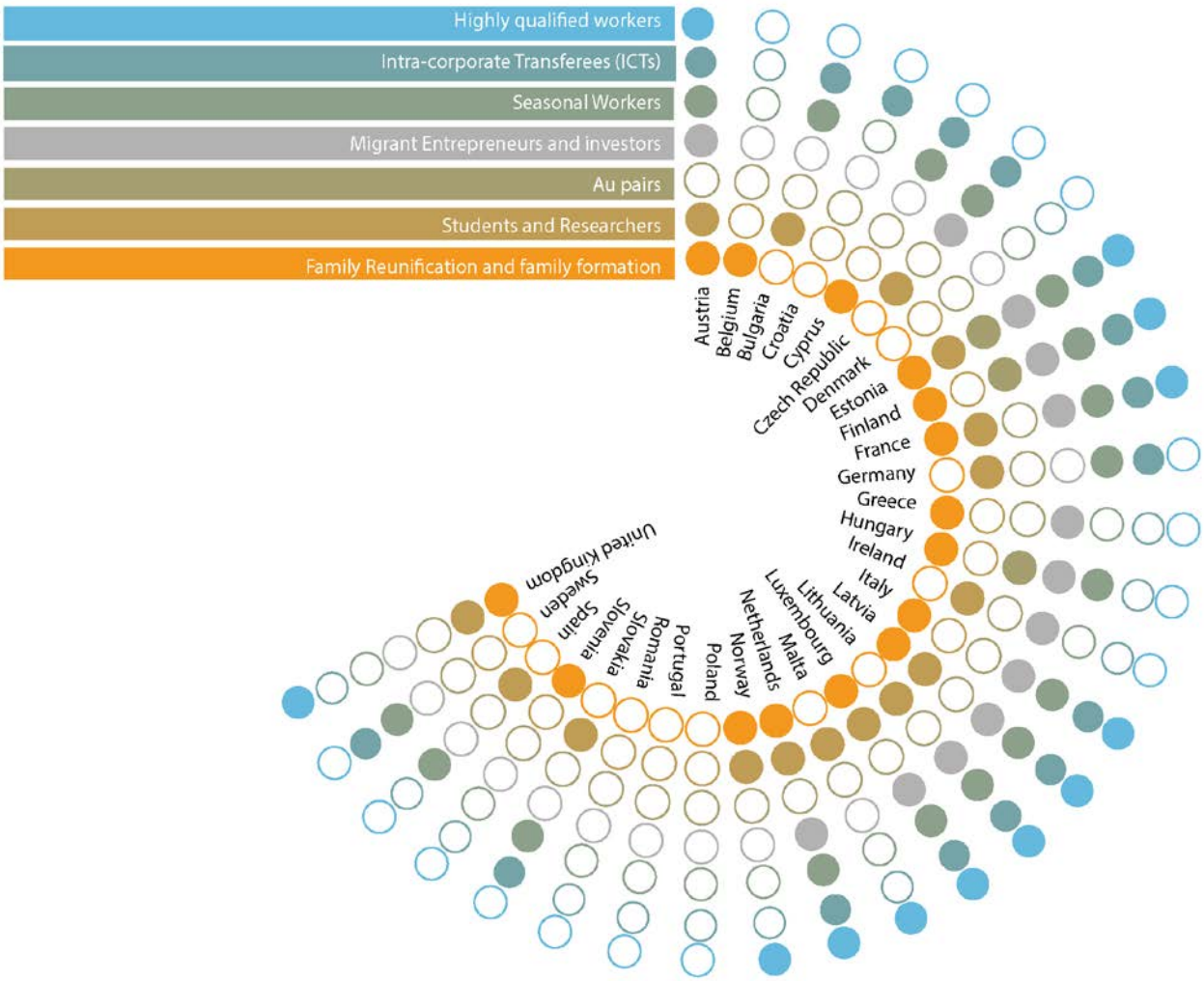
[59] AT,BE, BG, CY, DE, EE, FI, FR, EL, HU, IE, IT, LV, LT, LU, NL, SK, UK, CZ

- In **Belgium**, the Act of 18 December 2016 amending the Immigration Act includes two new general conditions: a) in order to maintain a residence permit, several categories of third-country nationals need to provide evidence of their 'willingness to integrate', b) a person who applies for a residence permit in Belgium will need to sign a declaration indicating that he/she "understands the fundamental values and norms of society and will act accordingly". However, this second requirement will only enter into force at a later stage. Further changes include an increase in the fee for a residence permit application (as of March 2017) to a maximum of 350 euro, and the possibility of an additional fee is included when renewing residence permits at the level of municipalities. Further, Belgium reported it has not yet transposed the Single Permit Directive (due to a complex institutional matter) and that an infringement was ongoing.
- In **Bulgaria**, the Labour migration and Labour Mobility Act (LMLMA) introduced in 2016 provided several changes to economic migration by joining the legislation in the field of labour migration and labour mobility, previously fragmented in different types of regulations.
- In **Croatia**, the annual quota for employment of foreigners in 2016 has been increased from 1,730 to 3,115 permits, which includes 800 renewed licences and the issuance of 2,300 new ones.
- In the **Czech Republic**, the proposal for amendments to the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic was completed in 2016 (legal changes will come into force in 2017). The latter provides a new type of residence permit that shall be granted to foreign investors. It also introduced a new concept of migration a programme designed for the purpose of significant economic benefits, amongst others, for the Czech Republic, as well as the new concept of "unreliable employer" for those who will not be allowed to employ third-country nationals.
- **Estonia** reported it is in the process of reforming its legislation in the area of economic migration with the aim to attract foreign workers that could contribute to Estonian economy and society. Several changes to the Aliens Act came into force on 1st January 2016. Two additional bills (Bill 251 and Bill 252) amending the Aliens Act and other related Acts were passed by the Parliament on December 14, 2016 and will come into force in several stages throughout 2017.
- In **France,** the Law of 7th March 2016 on the right of foreign nationals modified the rights of foreign nationals, in particular by reforming the reception and integration process for those who first arrive in France (first-time arrivals) and intend to permanently settle in the country. It also modifies the process for attracting foreign talent and students (see section 3.3 and section 4).
- In **Germany,** changes introduced to the Assessment and Recognition of Foreign Professional Qualifications Act- which entered into force in January 2016- transposed the Recognition of professional qualifications (Directive 2013/55/EU). The changes facilitate the proof of qualifications obtained abroad.
- In **Ireland** several legislative changes were introduced in 2016 (see details in the subsections below). In 2016, Ireland also conducted a biannual review of the Highly Skilled Eligible Occupations List (HSEOL) and the Ineligible Categories of Employment List (ICEL). The review was conducted in order to ensure the continued relevance of these lists of occupations to the skills needs of the Irish economy. Furthermore, the Irish government is currently conducting a review of the Minimum Annual Remuneration (MAR) thresholds under four employment permit types: the Critical Skills Employment Permit, the General Employment Permit, the Intra-Corporate Transferee Employment Permit and the Contract for Services Employment Permit. The review is expected to be completed in 2017.
- In **Luxembourg**, a new bill modifying the existing Immigration Law[60] aims to: adapt existing legislation in the domain of legal migration, introducing an authorisation of stay for investors, softening conditions for family reunification and modifying dispositions regarding the change of status of students. These developments can be framed within a wider context of economic diversification, encouragement of entrepreneurship and the repositioning of the financial centre.

In addition, (Member) States also reported on different measures to facilitate the admission of certain categories of migrants, including: highly-qualified workers, migrant entrepreneurs and investors, intra-corporate transferees, seasonal workers and au pairs (see section 3.2.1). Measures on additional categories of migrants including, students and researchers, as well as family reunification measures were also reported by some (Member) States (see section 3.3). Figure 3.1 below, provides an overview of the different measures reported by (Member) States on legal migration which are further elaborated below.

[60] On 8 February 2017, bill n°6992 was passed in Parliament

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



3.2.1 FACILITATING ADMISSION

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

3.2.1.1 Highly qualified workers

Several (Member) States and Norway reported on efforts to facilitate admission and stay of highly qualified workers[61] as part of the global competition for talent:

- **Austria** introduced a draft Act amending the Act Governing the Employment of Foreigners and the Settlement and Residence Act, with the aim of improving conditions for the admission and labour market integration of qualified third-country workers under the Red-White-Red Card (RWR Card). The main proposed changes include: extending the possibility for bachelor students to work (see section 3.3.1) extending the period for university graduates to seek employment; and prolonging the validity period of the RWR Card for key workers to two years (previously one year).
- In **Estonia** recent amendments to the Aliens Act intend to attract highly qualified workers, by including an exemption in the regular immigration quota for IT professionals and start-ups (in 2016, the cap was 1,317 or 1% of overall population in Estonia).
- In **France** the 'talent passport' residence permit, issued for a maximum duration of four years and dedicated to attracting foreign talent in connection with the current economic realities, was officially introduced in 2016.

[61] Including AT, EE, FI, FR, IT, LV, LT, LU, MT, NL, NO, UK

- **Italy,** in order to facilitate the entry of highly qualified workers, reducing the time for authorisation procedures and promoting exchange of expertise and knowledge at the international level, the Ministry of Interior promoted and signed a number of agreements with private firms, associations and multinational companies[62].
- In **Lithuania** the salary threshold for highly qualified workers was reduced from 2 to 1.5 times national average gross monthly earnings. If a highly qualified workers' profession is included into the shortage occupations list -with highly qualified requirements- they will no longer be subject to a labour market test.
- In **the Netherlands** as of March 2016, the 'Highly Qualified Migrants Scheme' and the 'Orientation year' for graduates have been merged into a single scheme: 'the orientation year for highly educated persons'. Under this new scheme, university graduates and researchers are now able to submit an application for a residence permit 'for the orientation year for highly educated persons' up to three years after obtaining their diploma or having completed their scientific research. Also, a 'hybrid entrepreneurship' scheme enabling highly skilled migrants and scientific researchers to start their own business in addition to their job will be introduced.
- **Norway** amended its immigration regulations for highly qualified workers –for those already residing in Norway e.g. graduated students - by expanding the jobseeker permit from six to twelve months and include also researchers in the eligible categories.
- The **United Kingdom** introduced changes to the Tier 2, the rout for skilled non-EEA workers, including restrictions to genuine skills shortages and highly-specialised experts, but also flexibility to include those filling high value roles (such as Engineers, Scientists, Doctors) and key public service workers.

With regard to the transposition of the **EU Blue Card Directive (2009/50/EC)**:

- In **Bulgaria**, the LMLMA introduced simplified procedures to issue the EU Blue card. Highly skilled workers in specific shortage occupations are no longer subject to the labour market test. Furthermore, the employment contract duration has been fixed to minimum twelve months and salary requirements of at least twice the annual average salary in Bulgaria.
- **Italy** introduced the Ministerial Circular of July 27th 2016 to provide clarifications on requirements and conditions of entry of high qualified workers (Blue Card) and intra-corporate transfers, and also to reduce administrative burdens and to promote attractiveness.
- In **Latvia and Lithuania** legislation amendments include the possibility for third-country nationals to obtain an EU Blue Card based on relevant professional experience (rather than based on their education's focus) of at least five years in the area of the planned employment.
- In **Luxembourg**, the validity period of the "EU Blue Card" residence permit was increased from two to four years (maximum duration allowed by the Directive) to increase the attractiveness towards the Member State from this category of workers, as well as to achieve administrative simplification. Sectorial restrictions on access to the labour market remain limited to the first two years.
- The Government of the **Slovak Republic** proposed to extend the validity period of the EU Blue Card from three to four years.

3.2.1.2 Intra-corporate Transferees (ICTs)

Several Member States[63] reported on their actions to implement the Intra-corporate Transferees Directive (2014/66/EU).[64]

- **Austria** reported that the 2017 Act Amending the Aliens Law aims to implement the specifications laid down in the ICT Directive. The (Member) State reported it implements the Directive by creating two new types of residence permits: the Temporary Residence Permit for Intra-corporate Transferees (ICTs) and the Temporary Residence Permit for Mobile Intra-corporate Transferees (mobile ICTs).

[62] These included CONFINDUSTRIA (the main association representing manufacturing and service companies in Italy), AGV SPA, Pharma Quality Europe SRL. ITALMACH CHEMICALS SPA; FENDI SRL; POLYTECHNIC OF BARI; ROME INTERNATIONAL SCHOOL.
[63] Including AT, BE, BG, DE, HR, CY, EE, FI, FR, IT, HU, LV, LT, LU, NL, SE, SK, CZ
[64] Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

- **Belgium** reported it has not yet transposed the ICT Directive (due to a complex institutional matter) and that an infringement was ongoing.
- In **Croatia** amendments to the Foreigners Act are planned in 2017 regarding the transposition of the ICT Directive. Further, the 2016 annual quota for seasonal employment in agriculture and forestry was set at 15.
- In **Cyprus** the new bill amending the Aliens and Migration Law transposed the ICT Directive. The amending bill has been voted into Law in February 2017.
- In the **Czech Republic**, the transposition of the ICT Directive was completed. Legal changes amending entrance of intra-corporate transferees will come into force in 2017.
- In **Estonia** Bill 252, relates to the harmonisation of the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, including the creation of a new intra-corporate transferee category for foreign employees who have already received a residence permit from another EU Member State. Estonia has opted out from the possibility granted through the ICT Directive to issue a national permit in case of long term stay of ICTs (over 90 days), allowing third-country nationals to work in Estonia with the ICT permit issued by another Member State
- **Finland** reported that the transposition of the ICT Directive has been delayed. A draft Government Proposal has been circulated and the discussions were ongoing.
- **France** has transposed the ICT Directive by modifying existing residence permits and creating a new permit.
- **Italy** approved the legislative decree n. 253 of December 29th 2016 - with effect from 11th January 2017 – to transpose the Intra-corporate transferees Directive.
- In **Luxembourg**, bill n°6992[65] introduced the notion of intra-corporate transferee into national law. Eligible for an intra-corporate transfer are managers or specialists but also trainee employees. In accordance with the ICT Directive, the bill introduces the concept of short-term and long-term mobility for persons holding an ICT residence permit issued by another Member State.
- In **the Netherlands** the ICT Directive entered into force on 29th November 2016.
- **Spain** was in 2015 the first EU Member State to report the transposition of the ICT Directive. During 2016, measures were developed to implement the Directive. For example, the registration for the Unit for Large Companies and Strategic Economic Sectors (UGE-CE) was launched in 2016. The Unit allows the registration of large, small and medium-sized companies in strategic sectors. The aim is to reduce the administrative burden for eligible companies and to facilitate and provide a 'fast-track' procedure for intra-corporate transfers.

3.2.1.3 Seasonal Workers

Member States widely reported their actions to transpose the Seasonal Workers Directive **(2014/36/EU)** on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.[66] Other developments included:

- In **Austria**, a maximum numbers of work permits for temporarily employed third-country nationals (seasonal workers) and harvest workers for the year 2017 was established in December 2016: up to 4,000 work permits (500 fewer when compared to 2016) are available for temporarily employed foreigners and up to 600 work permits for harvest workers (100 less compared to 2016);
- **Belgium** reported it has not yet transposed the Seasonal Workers Directive (due to a complex institutional matter) and that an infringement was ongoing.
- In **Croatia** Amendments to the Foreigners Act are planned in 2017 regarding the transposition of the Seasonal Workers Directive.
- In **Cyprus**, the new bill amending the Aliens and Migration Law, transposes the Seasonal Workers Directive. The amending bill has been voted into Law in January 2017.
- In the **Czech Republic,** the transposition of the Seasonal Workers Directive was completed. Legal changes amending the entrance of seasonal workers will come into force in 2017.

[65] On 8 February 2017, bill n°6992 was passed in Parliament.
[66] Including AT, BE, BG, DE, ES, FI, FR, IT HU, LV, LT, LU, NL, SE, SK, CZ

- In **Estonia** Bill 252, related to the harmonisation of the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.
- Similarly to the implementation of the ICT Directive, the implementation of the Seasonal Workers Directive has been delayed in **Finland.** A draft Government Proposal has been circulated and the discussions were ongoing.
- Although in **France** a dedicated residence permit for seasonal workers already existed, some legislative changes have been introduced to fully comply with the Directive.
- In 2016 **Italy** provided operational instructions for the entry of 13,000 seasonal workers.
- In **Luxembourg**, the new bill modifying the existing Immigration law[67] also introduced the notion of seasonal worker into national law. Seasonal workers are granted the right to recognition of their diplomas and the right to education or professional training, if directly linked to their professional activity. However, the possibility to change status during their stay is excluded.
- Order ESS/1975/2016 of **Spain**, renewed, for the fifth time, the Order ESS/1/2012 which regulates the employment of seasonal workers. In addition, the circular migration scheme with Morocco for the recruitment of seasonal agricultural workers continued in 2016. The latter was described as a good practice of circular migration and cooperation with countries of origin, in line with the predicates and commitments of Valletta Action Plan.

3.2.1.4 Migrant Entrepreneurs and investors

A number of Member States reported on measures regarding migrant entrepreneurs[68] these included:

- Through the 2017 Draft Acts Amending the Aliens Law and the Act Governing the Employment of Foreign Nationals, **Austria** plans to improve the conditions under which founders of start-up companies are admitted to Austria; specifically, qualified start-up founders get the possibility to obtain a customised RWR Card. Two years after arrival, start-up founders with appropriate prerequisites will be able to change their status to a Red-White-Red Card Plus, allowing them unrestricted access to the labour market.
- In **Estonia** recent amendments to the Aliens Act intend to attract start-ups and investors and includes the following elements: a) The establishment of special regulation for start-ups to facilitate both the mobility of start-up entrepreneurs and third-country nationals coming to work at an Estonian start-up; and b) the possibility to issue temporary residence permits for foreign investors who have made investments in Estonia that exceed one million euros.
- **Finland** has introduced plans to develop residence permits for investors, entrepreneurs, and specialists from third countries, a Government Proposal on the subject is planned in December 2017.
- In **Spain**, under the framework of Law 14/2013 providing support to entrepreneurs and their internationalisation, measures developed in 2016 focused on the internationalisation of the Spanish economy, most notably, through the 'Rising Start up Pilot Project'. The latter aims to facilitate the development of innovative foreign projects in Spain by mixing two elements: the non-existence of migratory obstacles and support actions for the start-ups. The project will provide entry and establishment of companies through an incubation period of six months and the selected projects will obtain an entrepreneur visa.

With regard to those Member States which have a **special visa or residence permit in place for migrant entrepreneurs**,[69] some Member States reported on developments in the specific measures applied:

- **France** implemented a specific process for young 'entrepreneurs' with a project of start-up. The 'talent passport' residence permit (see section 3.2.1.1) is also dedicated to investors and migrants entrepreneurs who set up a company, for innovative project initiators.
- In **Ireland**, during 2016, 43 applications were approved under the Start-Up Entrepreneur Programme (STEP). The purpose of the programme is to enable third-country nationals who have a viable proposal to set up a high potential start up business to acquire residency rights in Ireland.

[67] On 8 February 2017, bill n°6992 was passed in Parliament.
[68] Including, AT, EE, ES, EL, FI, FR, HU
[69] Including FR, IE, LV, LT, NL, SK

- In **Italy**, a Ministerial Circular provided specific guidelines and application forms for third-country national entrepreneurs who want to establish an innovative start-up under the 'Italia Start-up Visa'.
- In **Latvia**, amendments to the Immigration Law include issuance of a temporary residence permit for a third-country national for a time period not exceeding three years, if s/he plans to create or develop an innovative product in Latvia with the overall aim to facilitate establishment of enterprises producing innovative products in Latvia.
- In **Lithuania**, a new immigration route and a ground for issuing a temporary residence permit was created for foreigners who intend to engage in innovative business (start-ups). A new ground for heads of big companies and their family members has also been introduced. Conditions for workers wishing to engage in lawful activities were simplified (instead of a requirement to employ three workers, a salary general requirement was introduced). In order to provide timely and high-quality services the Migration department also introduced a 'one-stop-shop' procedure enabling entrepreneurs and their family members to lodge an application directly with the Migration Department and obtain a temporary residence permit.
- In **the Netherlands** policy was adapted so that start-ups entrepreneurs with a residence permit can progress more easily to the Self-employed Migrants Scheme. Third-country national students will soon be able (as of April 2017) to participate in innovative start-ups.
- The **Slovak Republic** has decided not to introduce a start-up visa which was planned in 2016. However, under the amendments to be introduced to the Act on Residence of Aliens, the possibility to support third-country nationals applying for temporary residence for the purpose of business and who have submitted their "business plan on implementation of an innovative" so called "start-up project", is currently under assessment.

Several Member States reported on **measures for investors**,[70] for example:

- In the **Czech Republic**, a new type of residence permit for foreign investors was introduced (see section 3.2).
- In **Ireland**, 273 applications for residence were approved under the Immigrant Investor Programme (IIP) in 2016, bringing the total number of applications approved since the launch of the IIP in 2012 to 380. An evaluation of the minimum investment criteria was reported as ongoing.
- **Luxembourg** also introduced through the bill n°6992 an authorisation of stay for investors which aims to attract qualitative third-country national investors to the country.
- In **the Netherlands**, the scheme for foreign investors was modified to encourage its implementation. The changes include for example an extended validity period of the permit from one to three years.

3.2.1.5 Au pairs

Only two Member States reported changes regarding their legislation / policy towards au pairs in 2016:

- In **Estonia**, amendments proposed in Bill 252 simplify short-term employment, including employment as an au pair.
- Measures in **Hungary** focused on drafting the relevant legislation to transpose the Students and Research Directive (EU) 2016/801[71] by the end of 2017.

3.2.1.6 Other categories of migrants

In addition to the categories identified above, measures to facilitate labour migration of third-country nationals have been established by the following Member States:

- The **Czech Republic** introduced a pilot project on a 'Special Regime for Qualified Employees from Ukraine' with the aim to speed up receiving and processing applications of workers in technical professions.

[70] Including CZ, FI, IE, LV, LU, NL
[71] Directive (EU) 2016/801 of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

- In **Estonia**, the list of fields eligible for hiring third-country nationals temporarily will be expanded to include occupations beyond those of skilled worker, expert, adviser or consultant to include individuals with lesser qualifications and the right to work short-term without a residence permit will be extended from six to nine months as well as the sectors where this is possible. Furthermore, lower salary requirements for foreign workers will be introduced to meet the national average gross wage. Additionally, **third-country nationals will be able to apply for long-stay visa or residence permit without leaving the country first**. In March 2017 the Police and Border Guard Board will launch a Migration Counselling Service to offer information about legal migration.
- **Germany** introduced temporarily facilitated access to working permits for residents of the Western Balkan states until 2020, abolishing the requirement to have a certain level of qualification or language proficiency. Granting of the respective visa in German embassies requires the permission from the Federal Employment Agency and proof of an employment offer in Germany.
- **Ireland** expanded its 'Atypical Working Scheme' to allow non-EEA workers to work in the Irish fishing fleet. The maximum number of permissions is 500, and in 2016 184 applications were granted.
- Through the bill n°6992, **Luxembourg** introduced a "Site for continuation of activity' mechanism (*Site de continuité d'activité*), which allows registered entities situated in a 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.

3.2.2 SATISFYING LABOUR MARKET NEEDS

Measures related to **particular shortage occupations** have been adopted in several Member States where entry conditions for these particular occupations were made more favourable:[72]

- In **Austria**, third-country nationals in 11 shortage occupations[73] will be able to obtain a Red-White-Red Card for skilled workers in shortage occupations in 2017 (three more when compared to 2016), based on amendments of the Regulation for Skilled Workers.
- In **Bulgaria**, employers are no longer required to undertake a labour market test for third-country nationals in professions specified in the shortage occupation list. The list is updated annually by the Ministry of Labour and Social Policy
- In **Estonia**, Bills 251 and 252 address labour market needs by facilitating the admission and mobility (particularly temporary) of migrant workers at all levels.
- **France** simplified work access for stay periods of three month or less by suppressing work permits in eight identified sectors (e.g. sports, music, cultural events, conferences and trade shows, etc.).
- In **Greece** irregularly staying migrants can be granted a work permit and insurance, if they work in the rural economy. This decision is based on an amendment of the Migration Code to address urgent needs in the rural economy.
- **Ireland** developed the 'Employment Permits Online System (EPOS)' to facilitate an easier process for applicants when applying for employment permits. Further, two new employment permit regulations[74] included changes to the Irish Highly Skilled Eligible Occupations List (HSEOL) and the Ineligible Categories of Employment List (ICEL) to address skills shortages in the Irish economy.
- **Lithuania** also waived the labour market test for third-country nationals in shortage occupations, as well as the requirement to obtain a work permit for the workers posted for a period of up to one year as they may now enter under a national visa. In addition, access to employment has been facilitated for third-country nationals who have completed their studies / vocational training programme in Lithuania.

[72] AT, BE, BG, CZ, EE, EL, FR, IE, LV, LU, NL
[73] Milling machinists, mechanical engineering technicians, asphalt roofers, metal turners, data processing technicians (engineer), high-voltage electrical technicians (engineer), graduate mechanical engineers, roofers, (other) high-voltage electrical technicians, graduate engineers for data processing, and nursing professionals who are in the process of having their professional qualifications recognized and have started the additional training required before the end of 2016.
[74] The Employment Permits (Amendment) Regulations 2016 (SI No 33 of 2016) and The Employment Permits (Amendment) (No. 2) Regulations 2016 (S.I. No. 363 of 2016).

- **Luxembourg** reported it aims to position itself as a 'high tech' centre of excellence and has therefore introduced several projects and initiatives to attract specialists in the fields of information technology from abroad. Also, the Law on the recognition of professional qualifications entered into force in 2016 to facilitate a faster recognition of professional qualifications.
- During 2016 and due to the current unemployment rate, the shortage occupation list in **Spain** only included professions related to sports activities and mercantile navy.

3.2.3 EFFORTS TO AVOID SOCIAL DUMPING[75] AND LABOUR EXPLOITATION OF THIRD-COUNTRY NATIONALS

In 2016, measures to tackle social dumping were adopted in several (Member) States and Norway as the following examples show:[76]

- In **Austria** a new Act to Combat Wage and Social Dumping[77] was adopted in June 2016 and it entered into effect on 1st January 2017. The Act aims to combat wage and social dumping more effectively, in particular in the case of posted or cross-border workers. Further measures in the Act include simplifications of previous regulations and were necessary for the implementation of the Enforcement Directive (2014/67/EU).[78]
- **Cyprus** introduced a National Action Plan 2016-2018 for combating trafficking in human beings, and several actions have been included targeting the prevention of labour exploitation of third-country nationals. The Government also plans to launch a large scale campaign aiming to prevent labour exploitation, where Joint Inspection Units will be raising awareness to employers on the issue. A Government decision regarding the establishment of a Unified Inspectorate to combat illegal employment is pending. Moreover, the Government has ratified the Protocol to the International Labour Organisation (ILO) Forced Labour Convention of 2014, which has been published in the Official Gazette on 9/12/2016.
- To minimise the exploitation of workers, in **Estonia** conditions in Bill 252 provided requirements for employers, such as supplying an employment contract and a proof of accommodation.
- **Finland** reported several measures including: a) a legislative amendment extending occupational safety and health authorities' right to receive confidential information to tackle informal employment, b) amendment of the Act on the Grey Economy Information Unit, and c) establishment of a national cooperation network to prevent undeclared work, linked with the Undeclared Work Platform (UDW).
- **France** has continued to strengthen its regulation through its National Plan to Combat Illegal Employment 2016-2018 related to fraudulent posting of workers under the guise of the provision of international services. The Plan also sets out measures to combat other forms of illegal employment, such as the use of false statuses (e.g. independent workers, trainees and volunteers) and the new forms of underground work linked to the emergence of the digital economy.
- During **the Netherlands** EU Presidency in the first half of 2016, the (Member) State established as a priority the encouragement of decent work and the prevention of exploitation, fraud and unfair competition of terms of employment.[79]
- **Italy** adopted a new law (n. 199/2016) 'Measures to contrast the phenomenon of illegal work, the exploitation of labour in agriculture and wage realignment in the agricultural sector', aimed at fighting the so-called phenomenon of illegal hiring in particular in agriculture, entered into force on 4th November 2016. The law aims to punish employers, irregularly employing and exploiting third-country national workers, with mandatory detention. An "indicator of exploitation" was also introduced: it provides a check marks/list to help with the definition of the crime, including very low wages, violation of working time, of vacations or of safety measures, and degrading conditions of accommodation.

---

[75] While there is no definition of the concept of "social dumping" in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission described the practice as a situation 'where foreign service providers can undercut local service providers because their labour standards are lower', more info at Eurofound, last accessed on 20th March 2016.
[76] AT, BE, CY, EE, FI, FR, EL, IE, LT, LU, MT, NL
[77] FLG I No. 44/2016.
[78] Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance, OJ L 159/11.
[79] Parliamentary Papers II, 2014-2015, Appendix to the Proceedings 2746. Answers to questions from the Lower House posed on 29 June 2015.

- **Greece** passed the draft law 'Ratification of the Revised European Social Charter' to avoid social dumping.

3.2.4 MISUSE OF LEGAL IMMIGRATION CHANNELS FOR THIRD-COUNTRY NATIONAL WORKERS

A few countries[80] reported activities to prevent and manage misuse of the legal immigration channels by third-country national workers:

- **Belgium** introduced changes regarding the legislation to unemployment benefits.
- Through the introduction of the two Bills 251 and 252, which aim to facilitate the legal entry of third-country nationals to **Estonia**, the Government aims to tackle the misuse of legal migration channels for the purpose of work, such as using tourist visas to enter the country and engage in informal employment.
- **Lithuania** signed a cooperation protocol with the State Labour Service of Ukraine, providing for the exchange of information on the contractual workers employed in the territories of both states, their activities, as well as information on the infringements of labour legislation detected by state authorities in their respect.

A few countries reported **measures targeting employers**:

- A draft amendment to migration legislation in the **Czech Republic** introduced the concept of 'unreliable employer' for employers who have tax arrears, or have committed a misdemeanour of undeclared employment. Such employers will not be allowed to employ third-country nationals. The legal changes will come into force in 2017.
- **Latvia** reported measures to prevent enterprises which do not hold a commercial activity in Latvia to invite employees in order to transfer them to another Member State. According to Latvian authorities, enterprises try to avoid immigration procedures from other Member States that might be more rigorous than those in Latvia. Hence reinforced inspections are performed in enterprises to avoid the transfer facilitation of employees to another EU member states.
- **Spain** undertook monitoring activities in 2016 to avoid possible abuses and to verify that the requirements related to authorisations/permits provided to investors, entrepreneurs, highly qualified professionals, researchers and intra-corporate transferees, still applied. In addition, the Labour and Social Security Inspectorate reported several interventions in relation to illegal employment and Social Security fraud. The most common charges imposed were related to document forgery, crimes against social security and crimes against the rights of foreigners.

3.3 OTHER LEGAL MIGRATION AND MOBILITY MEASURES

3.3.1 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;[81]
- Facilitating and simplifying the entry and stay conditions;[82] and
- Addressing misuse of the student route to migration.[83]
- Transposing the Students and Researchers Directive; [84]

Several (Member) States (AT, BG, FR, ES, IE, LT, LU, LV, NL) and Norway 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.**

Three Member States (AT, IE, LV) introduced the right for third-country students to access salaried employment for up to 20 hours per week during the academic semester.

[80] Including, BG, ES, LT, LV, LU, NL
[81] AT, BG, FR, IE, LT, LU, LV, NO
[82] CZ, EE, ES, IE, NL, UK
[83] IE, MT, NL, SK
[84] BG, CZ, DE, FI, HU

- In **Austria** a draft law amendment aims to entitle bachelor students to be employed during the course of their studies for up to 20hrs (previously 10hrs) and for university graduates to obtain a written confirmation of the legality of their stay to seek employment for up to twelve months (previously six months) following the completion of their studies.
- Furthermore, in **Ireland** students could take up salaried work for up to 40 hours per week during holiday periods. Students can avail of the Graduate Scheme to work for 40 hours per week on successful completion of their studies - graduates with an honours bachelor degree can work for twelve months and graduates with an ordinary level bachelor's degree can work for six months. Changes are planned to extend the period of the Graduate Scheme to 24 months for graduates of masters or doctoral programmes.
- **Latvia** reported that students could take up salaried work up to six months after completion of the study programme on a temporary residence permit.
- **Lithuania** introduced the possibility for students to take up employment without a work permit starting from the first year of studies.
- However, in **Lithuania** and **Luxembourg**, for university graduates who remain in the (Member) State to take up employment, salaried work has to be related to their diploma.

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

- Legislative amendments to **facilitate and simplify entry and stay conditions** were planned or adopted in four Member States (EE, FR, NL, UK) and new schemes were launched (CZ, IE).
- In **Bulgaria**, the LMLMA regulates the employment of researchers, students and trainees. Researchers do not require a work permit when they are employed based on a hosting agreement with a research institution.
- According to the 'Migration Policy Strategy of the **Czech Republic** a 'Strategic Document on the Entry and Residence of Third-country Nationals in the Territory of the Czech Republic for the Purpose of Study and Other Educational Activities' was elaborated. It contains several legislative, organisational, amongst other measures, to facilitate visa process for university students from abroad.
- **Estonia** allowed doctoral students to switch between full-and part-time status during their studies and eased the requirements for stay after graduation. Also, the rights currently afforded to foreign students enrolled in universities were extended to persons obtaining vocational qualifications (levels 4 and 5).
- **France** has simplified entry and stay conditions through generalising one-stop shops for all administrative and registration processes, suppressing the medical exam as a condition for the issuance of the residence permit and issuing residence permits valid from one to four years depending on the expected duration of the studies. Conditions for access to work were also simplified and enlarged to new categories of students.
- In **Ireland** the 'International Education Strategy for Ireland 2016–2020' aimed to increase the economic value of the international education sector, which would involve over 37,000 additional higher education and English language training students coming to Ireland by 2020, including third-country nationals.
- **Lithuania** extended the validity of a temporary residence permit for students for up to two years, and has waived the Labour Market Test requirement with regard to temporary residence permits
- Graduates of a five-year university degree in **Luxembourg** may change their status to salaried worker.
- In **the Netherlands**, in accordance to an amendment introduced in October 2016 to the Aliens Act and which entered into force in January 2017, the decision period for study and research permits was reduced from 90 to 60 days.
- In **Spain** collaboration between migration authorities and universities has been strengthened through different measures to facilitate the entry and stay of international students. For example, an exchange of information about admitted students takes place between universities, consular offices, migration authorities and police, to allow for better procedural planning before their arrival, as part of a student exchange programme in the framework of Erasmus+ and other international mobility schemes.

- The **United Kingdom** changed its rules regarding academic progression to recognise other ways students can demonstrate progression and therefore extend their stay in the UK. For example, students who are able to progress from a lower to a higher level of an integrated masters course, or from an integrated masters course to a PhD programme, no longer have to leave the UK to extend their visa.

Four Member States (IE, MT, NL, SK) reported on new measures to **tackle misuse by third-country students and researchers of legal immigration channels**:

- In **Ireland** the ongoing reform restricting the list of eligible educational programmes for immigration purposes and introducing changes to the student work concession was intended to tackle immigration abuses.
- **Malta** and **the Netherlands** have increased checks at educational institutions and of applications for student resident permits from certain countries respectively.
- The **Slovak Republic** reported it is preparing a legislative change that would restrict the students' possibility to study and work simultaneously, in order to reduce misuse for employment activities.

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

- In the **Czech Republic** in addition to the scholarship programme 'New Elites for Syria', which started in 2015 and was designed for Syrian refugees in Jordan, the government offered 10 scholarships for students from Syria in 2016 (to start their studies at Czech public universities in 2017/18).
- As of January 2016 **Finland** introduced a tuition fee for non-EU and non-EEA students of at least 1,500 euro for foreign-language study programmes leading to a bachelor's or master's degree. Educational institutions are now obliged to start collecting tuition fees from students who begin their studies on 1 August 2017 or later, prior to that collecting fees is optional.

3.3.2 FAMILY REUNIFICATION AND FAMILY FORMATION

During 2016 the main measures introduced on family reunification and/or family formation by (Member) States and Norway included the following:

- Simplify family reunification requirements;[85]
- Restrict family reunification and tighten requirements;[86] and
- Prevent cases of misuse of this migration route (additional information is also provided in section 3.2.4).[87]

A **simplification of family reunification conditions and/or strengthening the rights of family reunification** was planned or introduced in several Member States (CY, EE, EL, FR, HU, IT, LU, LV, LT, NL, SI). Legislative provisions in this regard were adopted or amended to facilitate the right of family reunification for certain groups of third-country nationals, including: students obtaining lower level (4 and 5) vocational qualifications (see sub-section 3.3.1) (EE); foreign investors (EL); parents in relation to their adult children who were still minor when they received their first temporary residence permit (LV, IT); and same-sex marriages celebrated *abroad* and the recognition of adopted children *abroad* by a same-sex couple (LU). In **France**, the law on the right of foreign nationals of 7th March, introduced exceptions to the prerequisite of having stable and regular resources, amongst them for applicants who receive a disability benefit.

Italy launched a call for proposal financed under the Asylum, Migration and Integration Fund (3,000,000 euro), aimed at providing pre-departure courses to third-country nationals before entering Italy for family reunification. The courses consist of acquisition of Italian language skills, civic and cultural education. The project will be implemented in at least seven countries of origin.

Four Member States (CY, LT, LU, LV) strengthened the right of family members to employment. For example:

- In **Cyprus**, spouses of sponsors with free access to the labour market (e.g. of long-term residents) have been granted the immediate right to free access to the labour market, i.e. without any time constraints.

[85] CY, EE, EL, FR, HU, IT, LU, LV, NL, SI
[86] AT, BE (the period to control the fulfilment of requirements was extended from 3 to 5 years), FI, NO, SE, UK
[87] AT, HU, LU

- In **Latvia** the amendments to the Immigration Law granted the right to employment and commercial activity to family members of third-country nationals who are allowed to work in Latvia. Similarly in **Lithuania** such right is now provided to heads of enterprises and start-ups.
- The right to immediate family reunification was extended to all third-country national sponsors in **Luxembourg** that fulfil the conditions of appropriate accommodation, health insurance and sufficient, regular and stable resources[88].

Four Member States (BE, LU, NL, SI) planned or adopted changes to the rules of the family reunification application procedure with respect to the duration of issuing a decision (BE, NL, LU) and benefitting family members in a way that their application for an extension of a temporary residence permit was no longer dependent on the validity of the sponsor's residence permit for the duration of at least one year in **Slovenia**.

In **Ireland**, the International Protection Act 2015, brought into effect revised rules for family reunification for beneficiaries of international protection. The definition of a family member covers spouses, civil partners, children (under 18) of the sponsor and parents/siblings of the sponsor (if sponsor and siblings are under age 18). Time limits have also been introduced for family reunification applications. Applications must be made within twelve months of the granting of a declaration for international protection.

Some (Member) States (AT, FI, DE, SE) and Norway planned or introduced **legislative measures that restricted the provision of family reunification rights to certain groups**, **such as refugees and beneficiaries of subsidiary protection**. Exemptions existed if the sponsor was an (unaccompanied) minor. For example:

- In **Germany** a transitional period for family reunification for beneficiaries of subsidiary protection was introduced. Family reunification will be suspended until 16th March 2018 for all those who were granted a residence permit for subsidiary protection purposes after 17th March 2016. Exceptions apply to cases of exceptional hardship. After that date, the right of family reunification will be reinstated.
- In **Sweden**, a new temporary law (2016 to 2019) introduced temporary instead of permanent residence permits to refugees and persons eligible for subsidiary protection. Of these, the right to family reunification has been limited to the following categories: refugees who had well-grounded prospects of obtaining a permanent residence permit; children refugees to be reunited with their parents; and beneficiaries of subsidiary protection who had submitted their application for asylum before the 24th November 2015.

Maintenance requirements as a condition for family reunification **were tightened in some (Member) States** (AT, FI, SE) and **Norway**, for example:

- In **Austria** and **Sweden** the family members of beneficiaries of international protection are now required to show proof of certain requirements after not having applied for family reunification within three months of the legally granted asylum status of the sponsor[89]. In **Austria** an application for family reunification referred to beneficiaries of subsidiary protection can be made at the earliest three years after the sponsor received that status with final legal effect.
- In **Finland** all beneficiaries of international protection are now required to show proof of secure means of support as a condition of family reunification. Sponsors who have been granted a refugee status are exempted from the requirement if family reunification is applied for within three months of the legally granted asylum status of the sponsor. The measure aims to better manage migration and to reduce the costs of immigration.
- **Norway** increased the income requirement in family immigration cases. 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, 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.

[88] The right to immediate family reunification was previously limited to some categories, such as "European Blue Card" holders. However, the sponsors' family reunification with their or their partner's first-degree relatives in the direct ascending line or with their or their partner's adult children remains subject to the one-year period. The family reunification of unaccompanied minor beneficiaries of international protection with a tutor or any other family member also remains subject to the one-year period.
[89] Please consult the EMN national reports for more information and details.

- The **United Kingdom** reported it will introduce in May 2017 a new English language requirement (A2 level) for family route migrants seeking to extend their stay after two-and-a half-years in the UK, in order to qualify for further leave to remain on the five-year partner or parent route to settlement.

Three Member States (AT, HU, LU) adopted new legislation **to tackle the misuse of the family reunification migratory route**:

- In **Austria**, as of January 2016, forced marriage is considered a criminal offence and punishable under certain circumstances, even if committed outside Austria.
- In **Hungary** amendments introduced to Decree 113/2007 provide that documents issued abroad such as birth certificates, will be recognised with the exception of marriage certificates.
- In **Luxembourg**, the abovementioned law on recognised same-sex marriages, provides that the recognition of a marriage contracted in a foreign country will be assessed according to Luxembourg's national law and international order. Hence, bigamy, polygamy or the marriage of a minor will be disregarded under the Luxembourgish law. Forced marriages are not to be recognised either.

To tackle the misuse of family reunification, **Spain** continued to implement measures to detect and reduce marriages of convenience. Measures involved different public bodies, e.g. civil register, offices for foreigners and consular offices. In addition, police operations aimed at dismantling networks dedicated to the organisation marriages of convenience were undertaken.

3.3.3 INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION

Several (Member) States (DE, EE, IT, LT, LU, NL, SE, SI, SK) and Norway **reported on new or planned policies and practices to improve the provision of information on the routes to and conditions of legal migration**, mainly in the form of a website, targeting all (EE, NL, SE) or only a specific group of third-country nationals, such as highly skilled or qualified persons in **Lithuania**, or asylum seekers without protection eligibility in **Norway**.

- For example, **Estonia** will launch a new Migration Counselling Service in March 2017 to offer accurate information and advice about legal migration. Advisors are currently available via phone, email, Skype, traditional post and personal appointment.
- **Germany** maintains several Information Points for Migration, Vocational Training and Career, e.g. in Albania, Kosovo and Serbia.

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

Several (Member) States and Norway have reported on new or planned laws and policies aiming to regulate and harmonise access to **long-term residence** (CY, DE, EE, FR, HU, IT, LT LV, SE, SK, NO) **and intra-EU mobility** (DE, HU, EE, LU, SK).

Five Member States (CY, EE, FR, IT, LV) introduced amendments to their legislation concerning application procedures or renewal of a permit **to facilitate access to long-term residence.**

- **Cyprus** amended the Aliens and Migration Law in February 2016 to bring it in line with the Long-Term Residence Directive with respect to the documents requested and the reduction of fees applicable for the issuance and renewal of the permit.
- **Estonia** amended its Aliens Act in December 2016 to ease the continuous residence and physical presence requirements, which included removing the requirement to notify the Police and Boarder Guard of absences of more than 183 days per calendar year.
- With the adoption of its new law on the right of foreign nationals, **France** revised the criteria to obtain long-term residence status. The requisite to obtain an opinion of the major of the relevant municipality concerning the suitability of accommodation was eliminated and the beneficiaries of a disability benefit were exempted of the condition to prove sufficient resources.
- In **Italy** Law 122/2016 provided the issuing of an autonomous residence permit for foreign minors, specifically minors who regularly live with the foreign parent receive "a residence permit for family reasons/EU long-term residents" valid until they reach the age of 18.
- In **Latvia** the time period for processing an application for a permanent residence permit was shortened from 90 days to 30 days.

Three (Member) States (LT, SE, SK) and Norway planned or adopted new legislative provisions concerning the requirement obligations for long-term resident applicants:

- In **Lithuania**, the staff of migration services were given greater discretion in evaluating whether an applicant had sufficient means of subsistence. The amendments to the law granted exemptions regarding the requirement to present a certificate of no criminal conviction.
- **Sweden** proposed amendments to the Aliens Act that included eliminating the requirement for the applicant to possess a permanent residence permit before being granted long-term resident status.
- The **Slovak Republic** reported it planned amendments to relevant Acts, in accordance with the EU Acquis, which granted long-term residents equal rights with regard to access to the employment service.
- In **Norway** applicants who applied for permanent residence permit from 17 December 2016 must master a minimum level of Norwegian and pass a test in social studies. Furthermore, the applicant must have been self-supporting in the preceding year.

Two Member States (DE, HU) have adopted measures concerning beneficiaries of international protection:

- In **Germany** the Integration Act amended the permanent settlement permit so that recognised refugees, persons granted asylum status and resettlement refugees may be granted a permanent settlement permit after five instead of three years, provided that they have sufficient command German language (A2 level) and are largely able to support themselves. A settlement permit can still be granted after three years if the person concerned can prove that they master the German language (C1 level).
- In **Hungary** the status of refugees and beneficiaries of subsidiary protection granted after 31st of May 2016 shall be revised after three years.

3.3.5 VISA POLICY AND SCHENGEN GOVERNANCE

The Visa Code, which establishes the procedures and conditions for issuing visas for short stays in and transit through the territories of EU and associated states applying the Schengen Agreement, remained unchanged in 2016. The number of bilateral representation arrangements among Member States nevertheless increased and so did the cooperation with external service providers. However, no common application centres where created in 2016.

In addition, the full roll out of the Visa Information System (VIS), which allows Schengen states to exchange visa data, was completed on 29th February 2016, with the 'go live' of the system at EU external border crossing points. On 20th January the VIS Mail mechanism went live, allowing Member States secure exchanges on visa and consular data on visa applicants, notably used for prior consultation on security issues.

A Regulatory Fitness and Performance (REFIT) evaluation of the VIS was carried out in 2015-2016 and a report was presented by the Commission to the European Parliament and the Council on 14th October 2016. The evaluation found that the system meets its objectives and functions well. The report also recommended the VIS to be maintained and further developed to respond to the new challenges in visa, border and migration policy. In this respect a series of studies will be carried out during 2017 to look into the feasibility, necessity and proportionality of, inter alia, lowering the fingerprinting age of minors, improving the quality of facial image to allow biometric searches, upgrading the system to allow multi-modal searches with biometrics, storing a copy of the travel document of the visa applicants, storing national visas and residence documents in the VIS, etc. Based on the results of these studies, measures could be included in an amendment to VIS legal base to be presented by end 2017 or early 2018.

3.3.5.1 Visa Policy

The **VIS** went into full operation in several Member States (AT, DE, HU, IT, LU, SI, SK). Vis Mail phase 2 testing was also launched in some Member States (HU, IT, SI, SK).

In addition, **Luxembourg** developed an offline procedure in view of enrolling applications in case of a temporary disconnection to the main server. While, five Member States (CZ, EE, IT, LV, SK) reported that all visas issued collected biometric data (with the exceptions provided for in the Visa Code as regards fingerprints).

New cooperation agreements between consulates and the set-up of joint consular services were reported by several (Member) States (AT, CZ, ES, FR, LT, LU, SI) and Norway. While some Member States (CY, FI, LV, SI) have continued to **outsource the processing of visa applications** to external service providers in several new countries and locations.

Two Member States (FI, IE) adopted more favourable conditions for visa applicants and holders:

- In **Finland**, as of April 2016, the right to appeal to decisions on requests for rectification to the Administrative Court in visa matters was extended to all visa applicants and holders. Previously, this right only applied to family members of EU citizens or equivalent persons, while other persons could only appeal to the visa issuing authority.
- **Ireland** extended its Short Stay Visa Waiver Programme (2016 – 2021) enabling tourists or business people from 18 countries who have lawfully entered the UK on a valid UK visa to travel onto Ireland without having to obtain an Irish visa. They would be allowed to stay in Ireland for up to three months or until their UK visa runs out, whichever was shorter.

3.3.5.2 Schengen Governance

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

- Actions related to the introduction of temporary border controls;[90]
- Actions related to the Schengen Evaluation and Monitoring Mechanism; [91]and
- Changes in national legislation and its implementation.[92]

- **Austria**, **Germany**, **Norway and Sweden** reported on **prolonging temporary border controls** in line with the Schengen Borders Code until mid-May 2017 (AT) and beyond (NO, DE, SE). These controls were carried out in Austria at the border with Hungary and Slovenia, in Sweden at the border with Denmark, while in Germany these were reported at the border with Austria, and at Norwegian ports with ferry connections to Denmark, Germany and Sweden. **Sweden** also reported on the introduction and prolongation of **extraterritorial id-checks** on persons travelling to Sweden from Denmark on buses, trains and ferries.
- For this purpose, **Austria** and **Germany** set up a new common police cooperation centre at Passau, Germany, on the border with Austria, to facilitate communication and joint border management.
- **Belgium** introduced temporary internal border controls at the border between the Province of West Flanders and France – in line with the Schengen Borders Code - in 2016, as there was an expected influx of migrants following the announced closure of migrant camps in Northern France, with possible negative consequences for public order and security in the coastal region.
- While **the Netherlands** did not introduce temporary border controls, it however reported that Mobile Security Monitoring at the internal borders was temporarily intensified in 2016.

Three MS (BE, EL, NL) reported on the effects of Schengen Evaluation and Monitoring carried out at the end of 2015.

- In **Greece,** the European Commission concluded in the Schengen evaluation report of February 2016 that there were "serious weaknesses" in the external border control. In implementing the recommendations, Greece among other things, applied measures with regard to registration procedure, surveillance of maritime borders, risk analysis, international cooperation procedures, border control procedures, human resources, infrastructure, and equipment.
- Following the recommendations from the Schengen evaluation, **Belgium** and **the Netherlands** drew up relevant action plans. The Netherlands started the implementation of its plan, for example, in relation to SIS, returns and the visa policy.

The following Member States reported new legal changes:

[90] AT, BE, DE, NO
[91] BE, EL, NL
[92] CZ, FR, HR

- In the **Czech Republic**, a new Act on Control of the State Border came into force in August 2016 with a view of improving Schengen cooperation. The new Act regulated among other things the control of the state border, obligations of captains and airport operators, procedural rules for the temporary reintroduction of controls at internal borders, as well as related administrative offences.
- **Croatia** reported that worked on this area was focused on its future entrance to the Schengen area. A Schengen evaluation was undertaken in 2016 on Croatia's developments and results identified some issues regarding the acquis implementation.

4 INTEGRATION

4.1 DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

In June 2016, the Commission adopted an Action Plan on the integration of third-country nationals.[93] This Action Plan provides a comprehensive framework to support Member States' efforts in developing and strengthening their integration policies, and describes the concrete measures the Commission will implement in this regard. The Plan includes actions across all the policy areas that are crucial for integration, for example: pre-departure and pre-arrival measures, including actions to prepare migrants and the local communities for the integration process; education, including actions to promote language training, participation of migrant children to Early Childhood Education and Care, teacher training and civic education; employment and vocational training, including actions to promote early integration into the labour market and migrants entrepreneurship; access to basic services such as housing and healthcare; active participation and social inclusion, including actions to support exchanges with the receiving society, migrants' participation to cultural life and fighting discrimination.

As a key measure of the integration Action Plan, the National Contact Points on Integration have been strengthened to become the European Integration Network (EIN), which has a stronger coordination role and mutual learning mandate. On 11th and 12th October 2016 the network held its first meeting with a focus on three topics: integration through sport and culture; promoting diversity and combating discrimination; as well as participation in local governments.

In April 2016, the second meeting of the European Migration Forum took place, focusing on long term approaches to sustainable labour migration and successful integration. The European Migration Forum is an annual event jointly organised by the European Commission and the European Economic and Social Committee in which civil society organisations discuss with the EU institutions about current challenges related to migration policy.

In August 2016, the Commission published a study on the Evaluation and Analysis of Good Practices in Promoting and Supporting Migrant Entrepreneurship which a focus, inter alia, on access to finance, business training, regulatory and business advice and mentoring in the field of entrepreneurship. This study was followed by the launch of a call of proposals aimed at the dissemination of these good practices as well as the promotion of mutual learning.

On 9th December 2016, the Council and the Representatives of the Governments of the Member States adopted conclusions on the integration of third-country nationals legally residing in the EU. The Member States were invited, inter alia, to actively participate and share best practices and experiences regarding the integration of third-country nationals, as well as to make use of the New Skills Agenda for Europe for the recognition and qualification of third-country national skills.

4.1.1 PROMOTING INTEGRATION THROUGH SOCIO ECONOMIC PARTICIPATION AT NATIONAL LEVEL

This section reviews Member States' legislative changes and measures to improve migrants' language skills, and facilitate migrants' access to healthcare, social security and housing. Enhancing migrants' language skills or improving their educational attainment has continued to be a priority for Member States during 2016 with a number of targeted measures.

Measures to improve attainment in the education system

Measures to **improve attainment in the education system** were adopted in several (Member) States (AT, CY, EE, EL, FI, IT, LT, LU, NL, SE, SI) and Norway. In addition, three Member States (AT, LT, LU SI) and Norway planned or introduced **new legislative provisions**, from pre-school to upper secondary education:

[93] COM (2016)377 of 7.6.2016

- In **Austria**, the Compulsory Education and Training Act of July 2016 made school or vocational education compulsory for minors to prevent premature discontinuation. The requirement applied also to all legally residing third-country nationals who do not reside only temporarily in Austria. The Act will enter into force in July 2017.
- In **Lithuania,** a draft law amendment granted asylum applicants the immediate right to pre-school and pre-primary education.
- In **Norway**, the Education Act was amended in June 2016 so as to help students who needed more preparatory education in order to benefit from upper secondary education.
- In **Luxembourg**, in July 2016 a proposed **reform** of the system of post-primary education was introduced. Taking the heterogeneity of the pupils into account the reform would lead to further diversification of the educational offer. It also foresees the introduction of three national education mediators, one of whom would be in charge of issues related to the integration of migrant children.

On the other hand, the assessment and **mapping of skills and knowledge** of new arrivals at schools has become an obligatory measure in **Sweden** as of January 2016. **Finland** was preparing for a more efficient identification of immigrants' skills and guidance to an appropriate training and employment path.

Six (Member) States (BE, EE, ES LU, NL, SE) and Norway introduced **measures or policy plans to improve the integration into schools** for newly arrived immigrant pupils such as access to education for applicants of international protection (LU, NL), introducing plurilingual education in pre-school (LU). While four Member States (CY, EL, IT[94], LU) organised new **integration and/or language courses** for migrant **pupils** to ease their integration into the school system.

In **Spain,** the Ministry of Education, Culture and Sport and the Autonomous City of Ceuta signed an agreement to meet the educational needs of pupils and tackle school failure and social exclusion among other issues. The Member State also continued the implementation of its 'Strategic Plan for School Coexistence' as well as the 'FRIDA Project' for the prevention and detection of racism, xenophobia and intolerance at schools.

Measures to enhance migrants' language skills

Measures to enhance migrants' language skills, especially the introduction or continuation of language courses for **adults**, were reported by several Member States (AT, CZ, DE, EE, ES, FR, LT, LU, LV, NL, UK). Two Member States (EE, UK) introduced **compulsory** language learning[95].

- In **Austria** the Act Amending the School Act, which took effect in 2016, extended the period and scope of language learning support, from which children lacking proficiency in German, and particularly those with a refugee or migration background, were primarily intended to benefit.
- In **Estonia,** while languages courses are free for refugees, as of 2016 beneficiaries of international protection may be required to refund the costs of the language course on specific cases (e.g. in case the person had not acquired a certain language proficiency level provided for in the Language Act within a certain amount of time.) On the other hand financial assistance was increased for basic and vocational schools for language and cultural courses. An online platform to study Estonian was also established in 2016.
- In **France** the law on the rights of foreign nationals established an individualised French integration pathway (lasting for 5 years), aimed at encouraging the social and professional integration of foreigners into French society. The new integration pathway is now based on the personalisation of the reception of first-time foreign arrivals, renewed civic training and reinforced language training.
- In **Germany**, the integration course curriculum has been expanded to 100 (formerly 60) "orientation" lessons following the language teaching lessons. Those courses can now be made compulsory for asylum seekers. The Federal Office for Migration and Refugees, together with several partners including the Goethe Institute, has developed the smartphone app "Ankommen" which aims at facilitating the first weeks in Germany for newly arrived migrants, including a basic language course. The Federal Office also started a pilot project of orientation courses (including language training) for asylum seekers.

[94] Applies only to refugee children in EL and IT.
[95] In EE the language learning is compulsory *only* for the beneficiaries of international protection.

- In **the Netherlands**, language lessons were offered at reception centres under the pre-civic integration programme to those asylum seekers who had a good prospect of obtaining a resident permit. Also, the number of language lessons was raised from 81 to 121 hours.
- In **Norway** asylum seekers residing in a reception centre are offered Norwegian language training free of charge from the municipalities. As of 2016, however the number of hours offered was reduced from 250 to 175 hours.
- In the **United Kingdom** family route migrants seeking to extend their stay on the five-year partner or parent route to settlement in the UK were required to learn English and pass a test (A2-level) after two-and-a half-years.

Increased or extra resources have been granted to educational institutions that provide for language courses with respect to:

- basic and vocational schools in Estonia;
- adult integration courses in Germany;
- adult education centres in Sweden (which were included under the "Swedish from day one" programme);
- adult refugees arriving through the Syrian Vulnerable Persons Resettlement Scheme and Vulnerable Children at Risk Scheme to receive 12 hours of language lessons a week in the United Kingdom.

Migrant access to social security, healthcare and housing

With regard to **migrant access to social security**, three Member States (DE, LV, NL) adopted new legislation **concerning beneficiaries of international protection** that took effect as of January 2016:

- In **Germany** and **the Netherlands**, social assistance benefits could be curtailed, either if no effort was shown in the integration courses (NL) or if the person in question was obliged by the authorities to participate in an integration course but failed to do so (DE) (see section 4.1.3. below).
- In **Latvia,** local governments were compensated from the state budget for providing social services and social support to beneficiaries of international protection within a time period of two years after determination of a status.

Bilateral agreements on social security issues were developed in **Austria** with respect to Brazil and China, and in **Luxembourg** with respect to Albania and the Philippines.

- **Belgium** reported increased challenges to find affordable and suitable housing for newcomers on the private and social rental market and highlighted these are expected to remain a major concern in the coming years. Hence, in 2016 the Flanders region allocated 2.5 million euro for rental subsidies.

Three Member States (EL, IT, SE) took steps to improve **access to healthcare**, especially for vulnerable groups.

- **Greece** adopted a new law (4368/2016) that provided the right to free access to healthcare services to uninsured and vulnerable social groups, regardless of their legal status, among others to beneficiaries of international protection and asylum seekers, minors, pregnant women and people with disabilities.
- **Italy** published the guide "**Foreigners' access to healthcare: some operative recommendations**", to provide information on the administrative and legal aspects of the access to healthcare granted to third-country nationals in Italy.
- Extra funding to the county councils was allocated in **Sweden** to increase healthcare capacity for asylum seekers and refugees (SEK 1.5 billion- around 158 million euro), Sweden also announced that in 2017 it will increase its funding for specialised care for victims of war and torture, and for the Health and Social Care Inspectorate for supervising homes for care or residence with an increasing number of unaccompanied refugee children.

With regard to **access to housing,** new legislation concerning beneficiaries of international protection were adopted in three Member States (HR[96], NL, SE), including: regulated the right to accommodation in **Croatia**; eliminated the current automatic priority allocation for beneficiaries of international protection in the social rental housing market in **the Netherlands**; required all municipalities to settle migrants that are granted asylum **in Sweden**.

Migrant integration into the labour market

With regard to migrant **integration into the labour market**, three Member States (BG, EL, HU) adopted acts to transpose relevant EU Directives which guaranteed specific categories of third-country nationals' equal rights to employment and employment services. Several (Member) States (AT, BE, DE, FI, FR, IT, LT, NL, SE) and Norway reported on specific actions targeting beneficiaries of international protection and asylum-seekers, for example:

- In **Austria** the Recognition and Assessment Act[97] entered into force as of 12 July 2016. It promotes the labour market integration of individuals who have acquired qualifications abroad and defines special procedures for persons granted asylum or subsidiary protection without documentation of completed education or training.
- **Finland** launched a Social Impact Bond (SIB) experiment to quickly find employment for immigrants. It offers immigrants' work-life oriented training that will support their future employment. The project aims for immigrants to enter the labour market on average four months after training has begun. The training will continue on-the-job and include language, culture and professional skills studies. The project will be implemented with a performance-based funding agreement i.e. the SIB. The goal is to train 2,500 immigrants and find them employment during the experiment.
- **Germany** plans to open up the services of 450 centres offering youth migration services to asylum applicants, young people who have not filed their asylum application yet, as well as those granted tolerated stay aged between 12 and 27 in 2017. Young beneficiaries of protection, along with other young migrants, can already benefit from the services to enhance their educational, professional, social and linguistic integration, focusing on the transition from school to work. Several other projects target female refugees in employment and training intended to integrate them in the labour market and increase the number of female business starters. In addition, legal changes were introduced to facilitate access to professional training for asylum seekers and those granted tolerated stay.

Two (Member) States (NL, SE) and Norway have taken measures to **speed up the process** of integration into the labour market by mapping the educational and professional skills already during the asylum-seeking period (SE) or directly after having been granted a residence permit (NL). **Norway** established a recognition procedure of higher education qualifications for persons without verifiable documentation. To promote the participation of third-country nationals in the labour market more effectively, in **France** the Ministries of Interior and Employment signed a framework agreement with the Office of Immigration and Integration (OFII) and the Public Employment Service.

4.1.2 PROMOTING INTEGRATION THROUGH CIVIC PARTICIPATION: RIGHTS AND OBLIGATIONS, ACHIEVING EQUAL TREATMENT AND BELONGING

New or planned policy measures to facilitate the integration of migrants (including vulnerable migrants) through civic participation have been implemented by several (Member) States[98] and Norway. Several Member States (BE, DE, FI, FR, IE[99], LU, LV, SE) adopted **new integration plans and strategies** in view of supporting the civic participation of third-country nationals. For example:

- In **Finland**, the Government approved its national Action Plan on Integration, which aims to speed up the process for beneficiaries of international protection when settling in municipalities, accessing training paths and finding employment. The sixth set of measures in the Action Plan on Integration, approved in May 2016, was related to the civic participation of immigrants in leisure and organisational activities. Also, the Government Integration Programme for 2016–2019, includes a total of nearly 70 measures, many of which are related to the civic participation of the immigrant population.

[96] The Ordinance on Modalities and Conditions for Obtaining the Right to Accommodation for Beneficiaries of International Protection and Modalities of their Financial Participation in Accommodation Costs (Official Gazette No 03/16).
[97] FLG I No. 55/2016.
[98] AT, BE, CY, DE, EE, FI, FR, IE, IT, LT, LU, LV, NL, SE
[99] Ireland's Integration Strategy was published in February 2017.

Five (Member) States (AT, CY, CZ, FR, LT) and Norway planned or introduced new courses or brochures for newly arrived asylum-seekers and/or third-country nationals, to provide information on fundamental rights and democratic principles, on day-to-day life, and on the rules and values that apply in the respective Member States.

Measures in **Germany** also focused on increasing the **civic participation of migrant women** and to support and empower female migrants and refugees, e.g. through the continued funding of the Damigra migrant women organisations' network, and on **promoting the participation of refugees and asylum seekers,** under the special programme 'Federal Voluntary Service with a special focus on refugees'. Within the Federal Voluntary Service, up to 10,000 additional posts were created in 2016 to support the commitment to refugees[100]. These additional posts were also open to persons granted asylum status and asylum applicants expected to stay lawfully and permanently in Germany.

Following some legislative changes, **Italy** now grants third-country nationals, regularly residing in Italy and aged between 18 and 28, the possibility to access the national civil service programme. As for **political rights**, in view of municipal elections that will take place in 2017 in **Luxembourg** and **Finland**, these Member States authorities will launch - in collaboration with other bodies - an awareness-raising national campaign to inform foreign residents of their rights and the procedures.

4.1.3 PROMOTING INTEGRATION OF SPECIFIC GROUPS

Initiatives to foster the integration of specific groups[101] were reported by several Member States[102]. **Asylum seekers and beneficiaries of international protection** continued to be the focus of integration policies during 2016. In addition to the measures for improving their language skills and enhancing access to the labour market, reported in section 4.1.1, other integration measures were reported, for example on **integration action plans or comprehensive programmes** (AT, BE, CY, CZ, EL, FI, FR, IT, LV, LU) , these included the following:

- **Austria** adopted a '50-Point Plan' in January 2016, which consisted of a set of integration measures with special emphasis on language acquisition, entry into the labour market and an understanding of values, i.e. the rule of law and principles.
- **Belgium** reported several measures were taken in the Flanders region to improve the education and training for minors.
- In **the Czech Republic**, under the new 'State Integration Programme' that came into force in January 2016, beneficiaries of international protection receive assistance in the field of housing, employment, health and education including enhancement of language skills.
- Before the end of 2017, **France** has planned to create 5,000 places aimed at favouring the access to autonomous housing for refugees.
- **Italy** signed two protocols (with the Deans' Conference of Italian Universities - CRUI and the Pontificia Università Lateranense) to enhance and facilitate the participation of refugees in university and academic courses, with a view to their fruitful integration in the social context. Both protocols promote the continuation of the studies for beneficiaries of international protection through the provision of scholarships, exemption of taxes and tuition fees, free access to courses, etc.
- In **Latvia** in accordance with the provisions of 'Action Plan for Movement and Admission in Latvia of Persons who Need International Protection', these persons are provided with the service of a social worker and a social mentor for counselling and other integration support for three months before, and twelve months after acquisition of international protection status.

In addition, some Member States (AT, BE, BG, DE, HU, LT, NL) **adopted new policies with regard to integration courses**. Three of these (AT, BE, NL) made them compulsory:

- In **Austria** is now obligatory for third-country nationals to visit one of the Austrian Integration Fund's centres for seeking integration support immediately after having been granted asylum or subsidiary protection. Also, values and orientation courses are provided nationwide.

[100] This includes assistance and support e.g. in finding accommodation, integration in everyday life, education, leisure time activities with focus on integration as well as coordination and organization of civil society action for the benefit of refugees.
[101] Measures for the reception and integration of unaccompanied minors are addressed in section 2.
[102] AT, BE, BG, CY, CZ, DE, EE, EL, FI, HR, HU, IT, LT, LU, LV, NL, UK.

- In **Belgium** the Walloon Government adopted on 28th April 2016 a decree establishing a compulsory integration programme in Wallonia. The integration programme evolved from a welcome programme to an integration 'trajectory' (welcome module, French course, citizenship course and an orientation towards socio-professional insertion) which is fully mandatory for certain foreign newcomers. Similarly, on 14th April 2016 the French-speaking Brussels government approved the first draft of an ordinance establishing the compulsory integration programme for newcomers. The 'trajectory' will become mandatory in 2017.
- In **Germany** participation can also be made compulsory for asylum seekers who do not work since the introduction of the new Integration Law of 2016. Germany also introduced a new type of job-oriented language course, following the successful completion of an integration course and catering to migrants who are already working or participating in labour market activation or vocational training measures.
- In **the Netherlands**, beneficiaries of international protection undergo a declaration of participation procedure which consists of signing a declaration and learning about the core values of Dutch society. The government planned to make the procedure a mandatory part of the civic integration examination from mid-2017.

New legal measures providing the right to integration assistance affecting beneficiaries of international protection was reported by **Bulgaria**, and for asylum seekers to whom in all likelihood protection status will be granted has been reported by **Austria**.

Two Member States (HU, LT) **reported to have tightened their integration programmes:**

- **Hungary** drastically restricted its integration support for recognised refugees and beneficiaries of subsidiary protection. The Member State reported that as of June 2016, financial integration support and social support services as well as integration agreements with the Asylum Authority have been cancelled. Services and stay at reception facilities were reduced from 60 days to 30 days.
- In **Lithuania** time limits for integration were shortened with the aim to ensure a more active preparation of beneficiaries of international protection for independent life in the country.

Several Member States (AT, BE, DE, EL, ES, LT, IT, NL, SE) reported on **measures to promote labour integration of refugees.** For example:

- In **Austria** the Competency Check programme of refugees was expanded in 2016 nationwide to 13,000 participants, investing approx. 12.49 million euro[103] on such measures, out of 98 million euro spent in 2016 by the Public Employment Service Austria (AMS) for the integration of refugees. The latter assesses participants' skills and qualifications, offers appropriate further training where required, and seeks fast integration into the labour market.
- In **Belgium** a cooperation agreement was signed between the reception agency Fedasil and the Flemish Employment Service to provide information on labour market opportunities and training to asylum applicants, as well as to perform a screening of the competences in an early stage. A similar agreement is envisaged between Fedasil and the employment services in Brussels and Wallonia.
- In **Germany**, under the new Integration Law, the Federal Employment Agency will suspend its labour market priority check for a period of three years- in 133 out of 156 regions- depending on the regional job situation. This should facilitate refugees to find a job.
- In **Greece,** the new law 4375/2016 provides that: beneficiaries of international protection holding a valid residence permit, according to the relevant provisions, have access to paid employment, services or work or are able to exercise independent economic activity, under the same conditions as nationals, as well as applicants for international protection - after completing the procedure for lodging the application for international protection- in accordance with the relevant provisions, and if they are in possession of the "international protection applicant card" or "asylum seeker's card", they shall have access to salaried employment or to the provision of services or works
- **Italy** implemented a project called "INSIDE" (Inserimento Integrazione Nordsud InclusionE), aimed at strengthening the access to the labour market for beneficiaries of international protection. The main objective of the project was the development of 672 Personalised Intervention Plans (PIP) by offering active labour market services based on the person's skills and needs.

[103] More info at: www.ams.at/ueber-ams/medien/ams-oesterreich-news/arbeitsmarktintegration-gefluechteter-menschen-bilanz-ausblick

In addition, the recipients benefited from services focused on career guidance, tutoring, training, coaching and support for job searching.

- A peer review on the labour market integration of refugees was organised by **Spain** jointly with the European Commission in May 2016. The aim was to share the experiences of different Member States[104] in the social and labour market integration of asylum seekers and beneficiaries of protection international.
- In **Sweden**, the government created new "fast tracks" for newly arrived refugees to find jobs in shortage occupations. By the end of 2016, there were about 20 fast tracks.

Some Member States adopted **measures targeting the social and/or labour integration of women (CZ, DE, UK), minors (DE, IT) and elderly people (CZ).**

- In the **Czech Republic**, some integration measures were tailored to support groups of foreigners with specific needs. Attention was paid particularly to seniors and to female migrants. For the latter group, emphasis was given to ensure child care services during courses, to enable the mothers to attend, and the course content was adapted in some cases to the needs of female migrants.
- In **Germany**, several new federal programmes especially targeting women and pre-school children were developed to: ensure easy access to counselling and assistance for pregnant refugees; to protect women and children in refugee accommodation centres; targeted offerings for refugee children to get access to early childhood education and care, with particular emphasis on German language acquisition of refugee children.
- **Italy** approved Law n.12/20 January 2016 on "Measures to promote social integration of foreign children residing in Italy through admission in sport federations". Article 1 of the law states: "Children under eighteen who are not Italian citizens and who are legally resident in Italy since they were at least 10 year-old are allowed to register for sport clubs through the same procedures as for Italian citizens".
- In **Luxembourg** a new Centre for Integration and Social Cohesion (LISKO) responsible for the social care of beneficiaries of international protection opened in April 2016.
- In the **United Kingdom** a new English language offer worth £20 million (around 23 million euro) targets at least 40,000 women residing in the most isolated communities in the UK.

4.1.4 NON- DISCRIMINATION

Efforts to ensure non-discrimination of migrants were widespread and reported in fourteen (Member) States[105] and Norway. Overall, new or amended pieces of legislation were introduced,[106] strategies adopted,[107] as well as campaigns and trainings carried out[108] to tackle discrimination. These are further described below:

Six (Member) States (AT, BG, EE, EL, LU, SE) and Norway **adopted legislation pertaining to anti-discrimination,** for example:

- In **Austria** the Act Amending the Criminal Code, which entered into force in January 2016, makes additions to the elements constituting the act of incitement as defined in Art. 283 of the Criminal Code.
- In **Sweden**, the amended Swedish Discrimination Act, which will take effect in January 2017, expands the work on active measures on non-discrimination in the areas of working life and education and will cover the same grounds for discrimination as the Ban on discrimination.

Four (Member) States (DE, ES, LV, UK) and Norway adopted a **national action plan and/or strategy** in order to combat discrimination. For example:

- The **United Kingdom** adopted a new Hate Crime Action Plan in July 2016 which focused on increasing reporting and improving support for victims of hate crime.

[104] Participant Member States included, AT, BE, CZ, FI, DE, LV NO, SE and Macedonia.
[105] AT, BG, CY, DE, EE, ES, FI, FR, IE, LU, LT, MT, NL, SE, SK, UK.
[106] AT, BG, EE, EL, LU, SE, NO
[107] DE, LV, NO, UK
[108] AT, CY, EE, FI, LT, MT, NL, SK

- As part of its strategy against discrimination, **Spain** established a Monitoring Committee for the Framework Agreement on Cooperation and Collaboration between the Ministries of Justice, Interior, Health, Social Services and Equality, Employment and Social Security and the Centre for Legal Studies. Two working groups were established to monitor activities related to awareness raising of racism, xenophobia and other forms of intolerance of different professional groups involved in the fight against discrimination (e.g. police, judges, prosecutors, other professionals of the administration, etc.).

Campaigns and awareness raising activities to tackle discrimination were initiated in several Member States. The target was the general public (AT, EE, FI, IT, SK), schools (AT, CY), or employers (NL). These included:

- **Finland,** launched a two-year inter-ministerial initiative *TRUST* – Good Relations in Finland in early 2016 to promote non-discrimination of asylum seekers at regional and local level. Training materials, good practices and models developed in the project will be made available to other locations and actors in national seminars and trainings, and on the internet.
- **Italy** launched a number of non-discrimination activities and campaigns including the national campaign aimed at combating prejudices and discrimination "Action week against racism" on the occasion of the International Day against racism (March, 21st).

Three Member States (EE, LT, MT) reported on **carrying out trainings** for different sectors of society on topics related to non-discrimination. For example:

- In **Estonia,** 'sensitivity trainings' were piloted for law enforcement agencies, judges, prosecutors, and victim support specialists with regard to non-discriminative treatment of victims of crime and for skilled individual assessment of the victims' needs. Special attention was paid to vulnerable victims including victims of crimes with bias motivation. These trainings will continue in 2017.

4.1.5 PROMOTING INTEGRATION AT LOCAL LEVEL AND COOPERATION, CONSULTATION AND COORDINATION OF LOCAL STAKEHOLDERS

More than half of the Member States (AT, BE, CY, CZ, DE, EE, EL, FI, FR, IT, LT, LU, LV, SE, SI, SK, UK) reported on new or enhanced activities to support the integration of migrants involving the active participation of local authorities and/or civil society. The **activities included fostering networks and best practice sharing** (BE, CY, CZ, EE, FI, LV, SE, SK), involvement at the ministerial level for planning or jointly implementing actions (BE, IT, SK), as well as measures to promote language acquisition and civic orientation (FR). Moreover, Member States reported on specific projects carried out by municipalities under EU or national funding (CY, LV).

The following activities to foster networks of local actors and the sharing of best practices can be highlighted:

- In **Estonia**, the Ministry of the Interior created a support network for state, regional and local level governmental and non-governmental organisations and for companies that act with recently arrived third-country nationals in the regions with the highest concentration of immigrant settlement. The main goal is to facilitate best practice sharing between stakeholders. The support network meets regularly twice a year and is to continue in 2017.
- In **Latvia,** the Riga City Council implemented a project in Riga named 'Accommodating Cities' which is directed towards experience exchange, policy planning and establishing a cooperation network. The latter aims to prepare an action plan for public inclusion of immigrants, including third-country nationals, in cooperation with the state, local government and non-governmental organisations in the partnering countries.

Four Member States (LT, LV, SE, UK) reported on activities involving **cooperation with local civil society groups**. For example in the **United Kingdom**, since July 2016 the 'Full Community Sponsorship' scheme enables community groups to directly support resettled families by providing housing, as well as helping refugees to access language tuition, and support into employment or education.

4.1.6 AWARENESS RAISING ON MIGRATION IN THE HOST SOCIETY

Several Member States[109] reported on the introduction of new policies and measures to develop awareness raising on migration. These included: EU-funded projects to raise awareness on the integration of third-country nationals (CY, HR); internet and social media campaigns (BE, DE, NL); development of information activities or strategies (BE, EE, ES, FI, LU, LV, SK); dissemination of information on volunteering to support refugees (DE, LU, LV, UK). For example:

- In **Austria**, within the framework of the programme 'Together: Austria', so-called 'Integration Ambassadors' who serve as examples of successful integration visited numerous schools in 2016 and spoke with students and pupils on the topic of migration and integration, aiming to counteract prejudices through open dialogue. Within the same programme a learning platform was launched in November 2016, offering teachers 100 ready-to-use sets of instruction materials on the subject of integration.
- The **Czech Republic** developed a 'National Security Audit' in 2016 that among other things analyses the threat of uncontrolled migration and the threat of unsuccessful integration.
- The **Luxembourgish** Reception and Integration Office (OLAI) launched an information kit in 2016 (*Kit Info Communes 2016*) aimed at municipalities, providing information on various aspects of the hosting of applicants for and beneficiaries of international protection, such as the asylum procedure, the role of the municipality, education, the rights of beneficiaries of international protection and modular housing structures.
- In **Spain** a report on "Evolution of Racism, Xenophobia and Other Forms of Intolerance" was developed. The report provides an annual assessment of the situation and evolution of racism and xenophobia, attitudes towards immigration and other forms of intolerance in Spain based on national surveys. Overall, results showed there is a positive attitude in Spanish society towards migrants and a low level of xenophobia.

4.1.7 INVOLVEMENT OF COUNTRIES OF ORIGIN

Six Member States (CY, FI, FR, IE, IT, LU) reported on new measures involving countries of origin. These include communication activities (FI), cultural days designed to raise awareness of diaspora communities and their integration in the host society (IE) and pre-departure measures to facilitate the integration of migrants in the Member States or on migration circularity and irregular migration. For example:

- **Cyprus** will distribute information guides with general information of Cyprus to migrants representing the major group of incoming third-country nationals and prior to their arrival. The guides will be distributed to the embassies of the corresponding countries of origin.
- **France** has made information available in countries of origin in order to provide pre-departure support to prospective migrants, through the brochure "*Venir vivre en France*".
- **Luxembourg** approved an agreement with the Republic of Cape Verde in December 2016. The purpose of the agreement is to facilitate the movement of persons and to encourage temporary circular professional migration via visa facilitation for multiple entries. It also includes provisions on combating irregular immigration and foresees concerted incentives to facilitate the reintegration of migrants into their countries of origin.

5 MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

5.1.1 PROGRESS TOWARDS MAINSTREAMING OF MIGRATION IN DEVELOPMENT POLICIES

Efforts to maximise the development impact of migration and mobility has been highlighted within Member States' reported actions in 2016. Several Member States (AT, BE, DE, ES, FR, HU, IT, LV, LU, MT, NL, SI, HR, SE, SK) have underlined that their efforts and their financial implication have been important, as well as the strong commitment of private sector in this field. For example:

- An informative event has been held in **Austria** in March 2016, to establish a common understanding of migration development as well as to define the fields of action of the Austrian Development Agency (ADA).

[110] Advisory Council on Policy Coherence for Development, Opinion of the Advisory Council on the coherence of migration and development policies, 4 July 2016.

- **Belgium** reported that a Migration and Development Working Group was set up under the Interdepartmental Commission of Policy Coherence for Development (PCD). In addition, the Advisory Council on PCD issued an opinion on the coherence of migration and development policies[110], which emphasised- inter alia- the importance of: a common global view which recognises the potential of migration for development; a broader policy on legal migration; diaspora organisations; and voluntary return amongst others. Furthermore, Belgium contributed 10 million euro to the EU Emergency Trust Fund and increased its humanitarian aid budget (including 75 million euro in humanitarian aid in Syria and its neighbouring countries for the period 2016-2017).
- Within the framework of the Action Plan on international migration and development, **France** adopted a global strategy to maximise the positive impact of migration, address push factors and better coordinate emergency responses and long term answers.
- Several activities have been held in **Germany** to mainstream migration in development policies including a working group of state secretaries on international migration which has been maintained. The 'Strategy for migration and development – action plan for the external dimension of migration and refugee policy', underlining the German overall approach of this subject was also adopted in 2016. The Federal Government also worked to pursue global and development-oriented solutions to address migration issues and to enhance international migration governance. For example, 200 million euro were invested by the Federal Ministry for Economic Cooperation and Development on migration projects worldwide, including projects on migration policy advising for partner countries; promoting the private sector through migration; protecting migrants; promoting voluntary return (see section 7.3); environmental migration; and involving the diaspora.
- **Hungary** voluntarily contributed to relevant multilateral funds (e.g. 'Madad Fund' and the 'EU Emergency Trust Fund for Africa'). Sustainable bilateral projects with the aim of improving the life standards and strengthening resilience of local communities have also been implemented (e.g. through international development and humanitarian projects in the Water, Sanitation and Hygiene (WASH) sector).
- In **Italy**, the 'Migration Compact 2.0' (Italian 'Non-Paper' which outlines a contribution to an EU strategy for external action on migration) issued in June 2016, devoted 500 million euro on initiatives directed at the following 16 'strategic partners': Algeria, Eritrea, Ethiopia, Ivory Coast, Gambia, Ghana, Guinea, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan and Tunisia. Also, on the 1st February 2017 Italy adopted the Law decree 'Africa Fund' of 200 million euro, for cooperation projects/initiatives and aimed at contrasting irregular migration and stopping human trafficking. The Fund is partly directed at cooperation initiatives with Libya.
- The adoption of **Latvia**'s Development Cooperation Policy Guidelines for 2016-2020 gives an overall overview on how Latvia will foster instruments for development and strengthen cooperation policy to find solutions for basic causes of migration. Several projects were also developed under such framework in 2016. Moreover, in cooperation with other Member States and under the leadership of ICMPD, the implementation of the activities of the project 'Support project for implementation of the mobility partnership with Azerbaijan' started. Experts assessed the national legal acts on the issues of legal migration (work force migration, students' mobility and visa policy).
- In **Luxembourg**, the executing agency 'Lux-Development' is now responsible for the execution of the programmes of the Sahel / Lake Region Chad Fiduciary Fund in Mali, Niger and Senegal for a total of 36 million euro.
- **Malta** contributed 250,000 euro towards the EU Emergency Trust Fund (EUTF), a contribution which was divided between two specific windows: the Horn of Africa and North of Africa.
- In addition to emergency aid, the government of **the Netherlands** allocated an extra fund of 260 million euro for the structural reception of refugees from the region of Syria, to ensure that refugees were given the opportunity to build up a new life in the host countries, until it was possible to return home. Programmes were particularly focused on education, employment, public services and amenities such as water, electricity and waste processing. The Netherlands also supported a UN programme entitled 'Strengthening the capacities of West African states to develop a human rights-based response to smuggling of migrants and to effectively respond to human rights violations related to irregular migration'.

[110] Advisory Council on Policy Coherence for Development, Opinion of the Advisory Council on the coherence of migration and development policies, 4 July 2016.

- **Slovenia** had an active and leading participation in the 'Brdo Process' which is a (sub) regional process in the field of migration, mobility, fight against terrorism, illegal migration and organised crime, with the aid of an enhanced cooperation with **Croatia** and Western Balkan partner countries.
- In the **Slovak Republic**, a new Act on 'Development Cooperation' came into force in January 2016. Syria and neighbouring 'Near and Middle East countries' were included on the list of territorial priorities under the development policy. In 2016 the Member State contributed around 13.3 million euro to humanitarian aid for refugees. The funding was provided as a humanitarian aid (financial and material) for Syria, Jordan, Lebanon, Libya, Macedonia, Greece, Serbia and Bosnia and Herzegovina, or in the form of humanitarian and development projects aimed at health care education in Syria and neighbouring countries.
- In **Spain** a close relationship was established between the Spanish International Co-operation Agency for Development (AECID) and the main actors of migration policy (Ministry of Employment and Social Security and the Ministry of Home Affairs) to promote migration partnership projects. Spain has allocated about three million euro for such projects. These projects, the majority developed under the Trust Fund for Africa, seek to address the root causes of migration, enhance the resilience and improve the training of migration authorities and their institutional strength. Projects involve countries of the Sahel and North Africa areas (i.e. Morocco, Senegal, Niger, Mali, Egypt).

5.1.2 COOPERATION WITH PARTNER / THIRD COUNTRIES FOR ECONOMIC MIGRATION

In terms of cooperation with partners and third countries for economic migration, Member States did not report major changes in 2016. Only a few activities were highlighted:

- The **German** Centre for International Migration and Development (CIM) has provided advice on local career opportunities in Kosovo, Serbia and Albania, through so-called Information Points for Migration, Vocational Training and Career (DIMAK).The DIMAK-approach will expand to include North Africa in 2017.
- **Spain** continued its circular migration scheme with Morocco for the recruitment of seasonal workers (see section 3.2.1.3). This scheme was highlighted as a good practice of circular migration and cooperation with countries of origin, in line with the predicates and commitments of the Valletta Summit.
- In the framework of the project 'Support to the Silk Routes Partnership for Migration under the Budapest Process', two Migrant Resource Centres have been established in Pakistan. The project aims at contributing to the concrete implementation of the Silk Routes Partnership for Migration under the Budapest Process by strengthening the migration management capacities of the Silk Routes countries Afghanistan, Iraq and Pakistan. It is funded by the **European Union**, **Bulgaria**, **Hungary** (leader state), the **Netherlands**, **Norway**, **Sweden**, Switzerland, Turkey and the **United Kingdom**, and implemented by ICMPD.

Table 5.1: Member States involvement in EU Mobility Partnerships

Region	**East and South of Europe**					**Africa**			**Middle East**
Mobility Partnership	**Moldova**	**Georgia**	**Armenia**	**Azerbaijan**	**Belarus**	**Cape Verde**	**Morocco**	**Tunisia**	**Jordan**
Date signed	5th Jun. 2008	30th Nov. 2009	27th Nov. 2011	5th Dec. 2013	13th Oct. 2016	5th Jun. 2008	7th Jun. 2013	3rd Mar. 2014	9th Oct. 2014
Austria									
Belgium		√	√				√	√	
Bulgaria	√	√	√	√	√				√
Croatia									
Cyprus	√								√
Czech Republic	√	√	√	√					√
Denmark		√						√	√
Estonia		√							
Finland					√				
France[111]	√	√	√	√		√	√	√	√
Germany	√	√	√				√	√	√
Greece	√	√							√
Hungary	√				√				√
Ireland									
Italy	√	√	√				√	√	√
Latvia	√	√		√	√				
Lithuania	√	√		√	√				√
Luxembourg						√			

[111] France signed the Partnership with Armenia on 6th October 2011, while the partnership with Belarus has been under negotiation since 2015.

Region	**East and South of Europe**					**Africa**			**Middle East**
Mobility Partnership	**Moldova**	**Georgia**	**Armenia**	**Azerbaijan**	**Belarus**	**Cape Verde**	**Morocco**	**Tunisia**	**Jordan**
Date signed	5th Jun. 2008	30th Nov. 2009	27th Nov. 2011	5th Dec. 2013	13th Oct. 2016	5th Jun. 2008	7th Jun. 2013	3rd Mar. 2014	9th Oct. 2014
Malta									
Netherlands		√	√	√		√	√		√
Poland	√	√	√	√	√			√	√
Portugal	√					√	√	√	√
Romania	√	√	√	√	√				√
Slovak Republic	√			√					
Slovenia	√			√					
Spain						√	√	√	√
Sweden	√	√	√				√	√	√
United Kingdom		√					√	√	
Total no. of Member States	**16**	**16**	**10**	**10**	**7**	**5**	**9**	**10**	**16**

5.1.3 EFFORTS TO MITIGATE 'BRAIN DRAIN'

Six Member States (BE, DE, FR, HR, IT, LU) reported efforts to mitigate 'brain drain' in 2016. Dealing with this phenomenon represents a key area in the global necessity of managing migration and mobility as, with the global rising of migration, the qualified immigration is also strongly increasing. Measures included the following:

- In **Belgium**, the Belgian Development Cooperation provided financial assistance to a project focused on circular migration with Senegal (60,300 euro). The aim is to provide young Senegalese graduates with the opportunity to strengthen their skills through practical training within Belgian companies. The project will run for 18 months.
- In **Croatia**, the Institute for the Development of Education organised the 12th Open Days of Scholarships and Higher Education in October 2016, to present the scholarship programme which could contribute to the return and support of students from abroad to return home and then counter 'brain drain'.
- The French Council for Economic Analysis published a report named "Preparing France to the international mobility of talents" related to the expatriation of young graduates.
- The **German** Federal Ministry for Economic Cooperation and Development (BMZ) supported several projects to avoid 'brain drain'. For example, it carried out a project to manage migration challenges in Niger. The aim was to assist in selecting local government bodies and relevant national institutions, to improve their ability to respond and act in view of the effects of migration.
- The newly established **Italian** 'Development Cooperation Agency' (AICS) targeted brain drain with a set of "actions that relate to migration", especially "information on the migratory process in countries of origin".
- A new cooperation agreement with Kosovo (2017/2020) was signed by **Luxembourg**, and aims at maintaining education, and more particularly vocational training, as one of the three sectors of intervention of Luxembourg's cooperation with Kosovo. Training and professional integration were also the key points of different Indicative Cooperation Programs (IPC's) renewed or extended with Burkina Faso, Cabo Verde, Mali and Niger.

5.1.4 WORKING WITH DIASPORAS

In 2016, Member States' actions to work with diasporas, were characterised by financial efforts, which have been substantial in this area. Various measures were also adopted, involving actors from many different fields such as civil society organisations, experts and members from minority communities.

- In 2016 the Austrian Development Agency (ADA) funded a project in Serbia to facilitate direct investments by members of the Serbian diaspora in **Austria**.
- In **Belgium** the new governmental cooperation programme with Morocco – established in 2016 – focuses on supporting Moroccans residing in Belgium to set up productive and social investments in Morocco. Furthermore, the Belgian Development Cooperation continued to fund the projects of two diaspora NGOs, which are both active in the health sector in the Democratic Republic of Congo (DRC).
- In **Croatia**, the implementation of the 'Crossing Borders - Scientific cooperation' project continued in 2016. Also, the 'Scientific Cooperation Programme' encourages ground-breaking scientific research by financing medium size projects conducted in cooperation between scientists from Croatia and Croatian diaspora. The objective was to enable Croatian scientists to raise their scientific excellence as well as being able to attract sources of international and European funding through this type of cooperation with scientists from Croatian diaspora.
- **Finland** continued to fund and support the diaspora organisations' development cooperation projects in Somalia (about 550,000 euro). Finland also continued to support the valuable work carried out by non-governmental organisations in countries directly suffering from the restlessness in the Horn of Africa. In addition, healthcare projects and programmes in Somalia have involved significant diaspora elements.
- While **France** has continued its efforts through various programmes, especially with Senegal and Tunisia, it also participated in the development of MEET Africa dedicated to entrepreneur initiatives in Africa.

- The **German** CIM introduced the instrument 'diaspora experts' to provide a service for highly qualified individuals coming from developing countries, emerging economies and countries in transition, who live in Germany but wanted to help their countries of origin by joining temporary projects in these countries. Pilot countries in 2016 included Ethiopia and Cameroon. Further, CIM has been supporting migrant organisations which promote the social development of their countries of origin through charitable activities. In 2016, the programme was expanded to include migrant organisations working in the field of migration and refugees in their countries of origin.
- In **Hungary**, a new strategic document 'Hungarian diaspora policy – Strategic directions' was adopted in November 2016, focusing specifically on the Hungarian diaspora. It was the first document which presented Hungary's diaspora policy since 2010, summarising its main results and outlining the potential fields of further development.
- **Italy** launched the *'Programme d'Appui au Développement Économique et Social du Senegal'* (PADESS). The programme offered support to the Senegalese diaspora and amounted around 17.5 million euro.
- **Lithuania** implemented a project for the development of a mechanism of cooperation between Roma communities and local governments to ensure effective inclusion of the local level of governance in the Roma integration process. Moreover, projects for the integration of diasporas and fostering of ethnic identity were also funded.
- **Luxembourg** participated in an ongoing EU and International Organization for Migration (IOM) project on 'Building capacity in Cabo Verde for work management and return migration'.
- In **the Netherlands** a programme called 'Connecting Diaspora for Development' (CD4D) (succeeding the 'Temporary Return of Qualified Nationals' (TRQN) programme that ended in 2015) was set up. The programme focus on the deployment of diaspora to support development in the countries of origin through knowledge exchange (both physical placements as well as online advice and coaching).
- In 2016 several projects were approved in Spain to continue working with diaspora and relevant organisations, particularly with Senegal and Tunisia.
- The **United Kingdom**, allocated £70 million (around 80 million euro) to the Mediterranean Migration Crisis response, making the country the largest bilateral contributor to the humanitarian response. Most of this support was allocated to **Greece** and the Balkans, in addition to Turkey and **Italy**. The Department for International Development (DFID) also drove the government's International Strategy to tackle modern slavery.

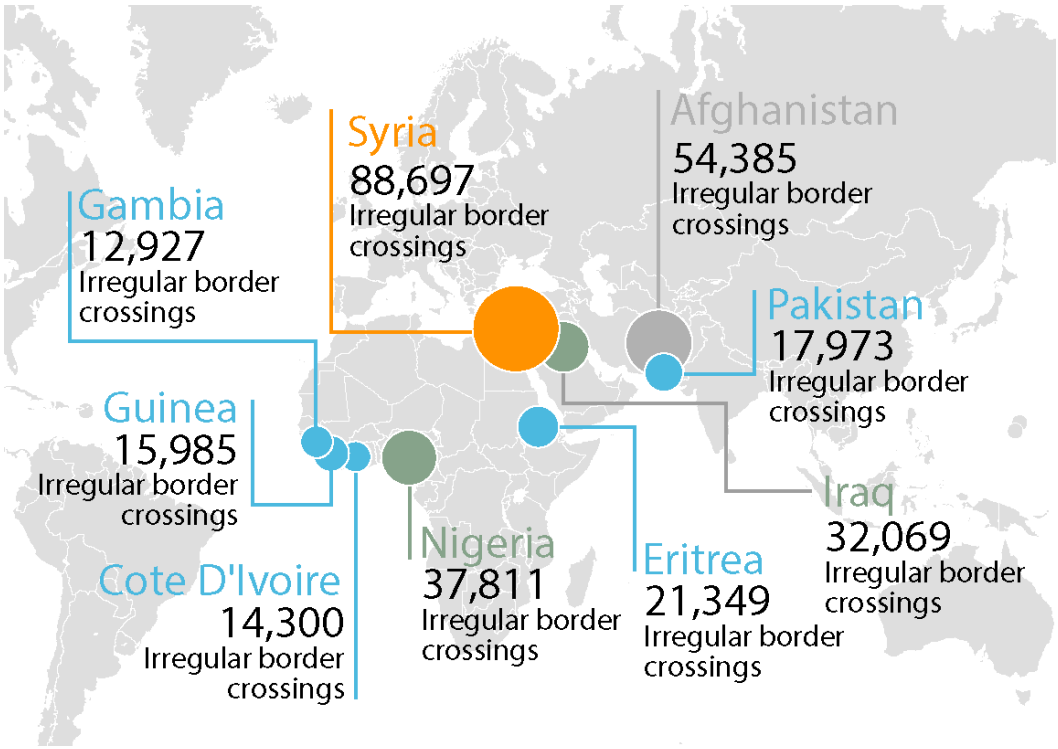
6 SECURING EUROPE'S EXTERNAL BORDERS

6.1 ENHANCED BORDER MANAGEMENT AT THE EXTERNAL BORDERS

In 2016, the external borders of the European Union continued to be under great pressure in the context of the migratory and refugee crisis. Despite the number of **arrivals** reported by Member States **were significantly lower** than the previous year (more than one million migrants in 2015), over 511,000 illegal border crossings were reported at EU external borders, of which 75% are related to new arrivals from Africa, the Middle East and Asia.[112] The decrease of illegal border crossing could be related to strengthened levels of detection and strict border-control measures implemented at the external borders with Turkey and Western Balkan countries as a consequence, for example, of the EU-Turkey statement of March 2016. The top nationalities detected regarding illegal border crossing in the EU external borders included countries such as: Syria, Afghanistan, Nigeria, Iraq, Eritrea and Pakistan. See Figure 6.1 below.

[112] Frontex, Annual Risk Analysis 2017, available at : http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf

Figure 6.1 Detections of illegal border-crossing between border crossing points – Top nine nationalities at the external borders



Source: Frontex Risk Analysis 2017

Similarly, Member States reported a slight decrease (16%) of detections of fraudulent documents on entry at EU external borders, with over 7,000 cases verified. However, there was an increase in the quality of falsified documents, particularly in relation to forged stamps (FI, HU, LT, LV, SI, SK). Falsified documents were often provided by migrant traffickers and smugglers. Frontex reported on a broad range of methods used by smugglers in order to facilitate the entry/ legalisation of stay of migrants in EU Member States. Such methods include sham marriages, bogus paternity claims, false employment contracts, fake invitation letters, false medical visas, and false claims of being a refugee or a victim of human trafficking.[113]

An important development in the field of integrated management of the external borders was the entry into force of the Regulation establishing the European Border and Coast Guard Agency (Frontex) on 6 October 2016[114]. The Regulation creates a solid legal basis for shared management of the EU external borders, an extended scope and common structures to implement a genuine European Integrated Border Management concept. While the Member States retain the primary responsibilities and competence for the management of their sections of the external borders, Frontex will now play a central and vital role by reinforcing, assessing and coordinating the actions of Member States in the implementation of the European integrated border management.

To enable the EU to react swiftly, one of the major achievements of the new Regulation is to strengthen considerably Frontex's rapid reaction capabilities to carry out rapid border interventions when and where needed. To this end, the mandatory pooling of human and technical resources with two dedicated Rapid Reaction Pools was set up on 7th December 2016. The Rapid Reaction Pool is a standing corps of 1,500 border guard officers and other relevant staff placed at the immediate disposal of Frontex. The Rapid Reaction Equipment Pool consists of a limited number of equipment to be deployed within 10 working days.

[113] ibid
[114] REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 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.

In addition, Frontex now has the capacity to conduct vulnerability assessments - a new preventive mechanism - to evaluate Member States' weak points in terms of equipment, staffing, IT system, contingency planning and infrastructure needed for border management, and including their capacity to deal with the potential arrival of large numbers of persons on their territory. Frontex will evaluate annually the ability of Member States to face the current challenges at the external borders. When necessary, those assessments will result in recommendations setting out the necessary measures for the Member State concerned to eliminate identified vulnerabilities.

Finally, Frontex role as regards cooperation with third countries has been enhanced, in particular neighbouring countries and countries of origin and transit for irregular migration. As a result, Frontex now has the possibility to carry out operational activities at the external borders involving a Member State and a neighbouring third country, including on the territory of third countries subject to a prior agreement to be concluded between the Union with them based on a model status agreement[115].

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

In 2016, several Member States introduced or planned new border control measures, including:

- Developments of advanced passenger databases/ other IT systems[116]
- Installation of surveillance equipment/Automated Border Controls (ABC)[117]
- Implementation of cooperation activities with EU and third countries[118]

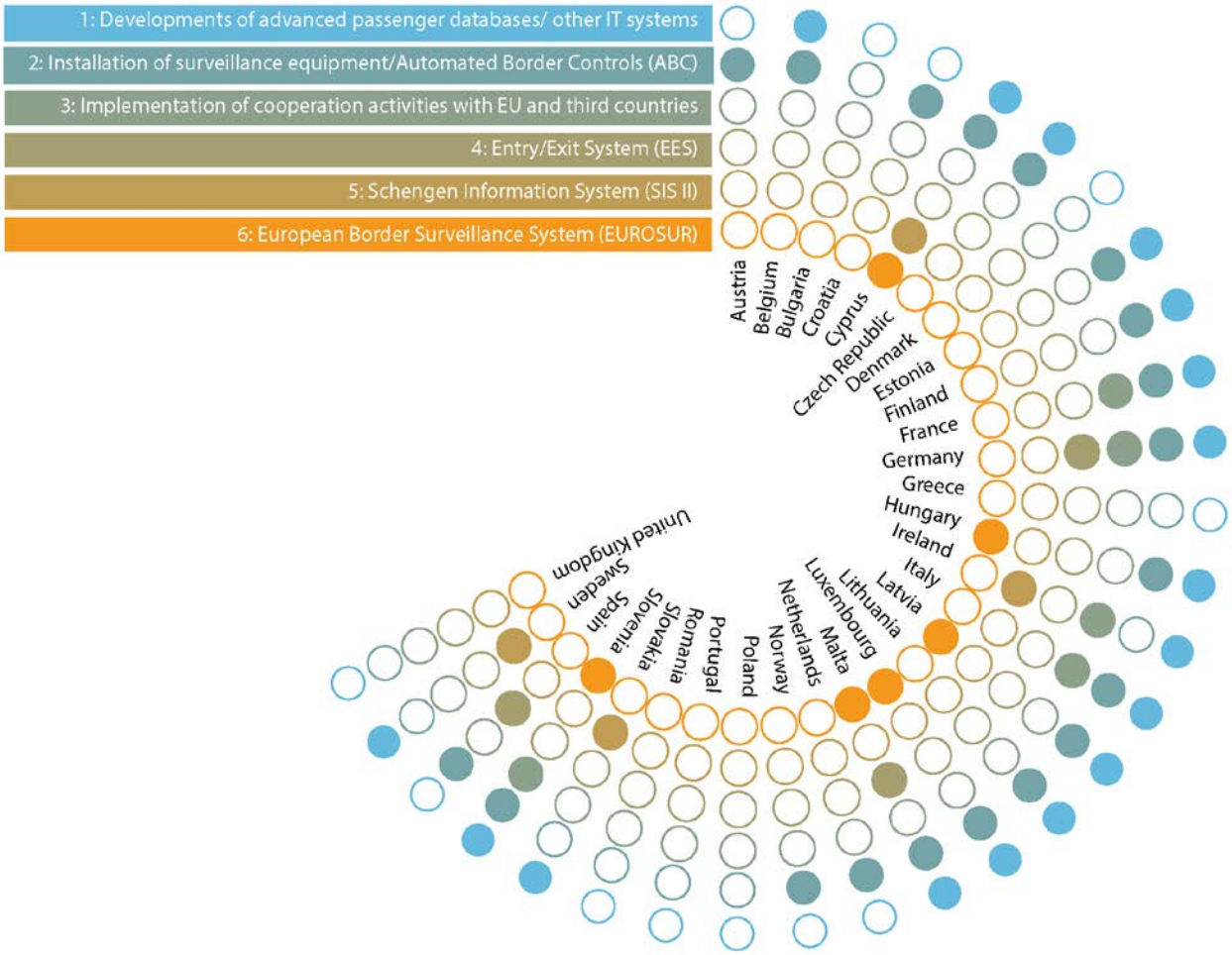
Specific initiatives on border control measures reported by Member States in 2016 related to:

- Entry/Exit System (EES)[119]
- Schengen Information System (SIS II)[120]
- European Border Surveillance System (EUROSUR)[121]

Figure 6.1 provides an overview of the measures reported by (Member) States and these are further explained below.

[115] COM(2016) 747 final – ANNEX to the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on a model status agreement as referred to in Article 54(5) of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard.
[116] BE, CY, CZ, DE, EE, FI, FR, HU, IE, IT, LV, LT, LU, MT, SE, SI, SK
[117] AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IT, LV, LT, LU, MT, NL, NO, SI
[118] DE, FR, IE, IT, SI
[119] DE, ES, MT
[120] CY, IE, SE, SK
[121] CY, HU, LV, LU, MT, SI

Figure 6.1 Overview of border control measures reported by EU Member States and Norway in 2016



Pre-border and border checks measures

With regard to pre-border checks, one Member State (SE) reported progress on the installation of Advance Passenger Information systems (API), whilst others updated or modernised their existing API in view of the introduction of Passenger Name Records (PNR) (BE, CY, LU, LT, MT, NL, SE, SI).

- In **Belgium**, a Passenger Name Record law was adopted, transposing the EU Passenger Name Record (PNR) Directive[122] the Advanced Passenger Information (API) Directive as well as part of Directive 2010/65/EU (reporting formalities for ships). This legislative development also provided the establishment of a Passenger Information Unit within the Federal Public Service Home Affairs, consisting of analysts and seconded experts from the police, intelligence services and customs.
- **Sweden** made progress on the development of IT-solutions for handling advance passenger information and passenger name records while **Slovenia** created a National PNR/API risk analysis unit.
- **Ireland** launched an automated connection to the Interpol Lost and Stolen Travel Documents Database and reported that over 700,000 documents were searched during the first eight weeks of its operation.

Concerning border checks, some Member States invested in the upgrade of their border crossing points through the use of ABC-related technology. **Germany** continued to install the ABC System in its major airports, reaching a total of 154 eGates[123]. **Latvia** planned a modernisation and optimisation of border control operations through the use of an "Automated Border Crossing Running Control System", which will strengthen controls and transparency of border crossing processes.

[122] Directive (EU) 2016/681
[123] In Frankfurt, Munich, Dusseldorf, Hamburg, Cologne, Berlin-Schönefeld and Berlin-Tegel

Lithuania developed the Passenger Name Record (PNR) system which will be used for the purposes of prevention of terrorist and serious crimes, their detection and investigation. **Spain** developed a project consisting on the use of ABC technology for EU citizens, a pre-registration for Moroccan nationals residing in Melilla and Ceuta and a biometric facial recognition system. **Sweden** installed new passport readers at border control points as well as mobile stations for capturing biometric information for the issuance of visas at the external borders.

In addition, three Member States made improvements to their SIS II national applications (CY, SE, SK) while three Member States advanced in the implementation of the European Entry and Exit System (DE, ES, MT). **Germany** carried out various tests to prepare for the full implementation of EES in a full end-to-end scenario.

Border surveillance

Six Member States made progress with the implementation and/ or modernisation of the EUROSUR system. **Cyprus** established a permanent building infrastructure for the EUROSUR National Co-ordination Centre while **Latvia** further implemented its local video surveillance system in four external border control points. Furthermore, several Member States implemented additional surveillance measures, for example: **Austria** built a temporary infrastructure including a system for recording data of individuals who are not eligible to cross the country's borders (at the borders with Hungary, Slovenia and Italy). **Cyprus** enhanced the surveillance of its coastline through the use of specialised technology, including long and night vision cameras. In **Lithuania** modern border surveillance systems have been introduced in the most vulnerable sections of the state border with the Republic of Belarus.

On the other hand **Spain** finalised the integration of both the Integrated External Surveillance System (SIVE) with its Portuguese equivalent system (SIVIC), and some SIVE border stations were modernised (Palmas, Almeria, Huelva).

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

The majority of Member States reinforced border control measures[124] by implementing specific activities and/or introducing new practices, such as:

- Participation in joint initiatives (e.g. Joint Operations and other Frontex-coordinated activities);
- Developing further cooperation activities with EU Member States and third countries (e.g. through bilateral agreements);
- Reinforcing border infrastructure (e.g. by building fences or additional border control points);
- Reinforcing deployed border staff (e.g. by increasing units, creating new corps, involving civilian staff) and;
- Organising training programmes for border control staff and developing e-learning systems.

Concerning training, the main topics addressed were: asylum procedures, border protection, language and cultural mediation, document fraud and forged documents, risk analysis and trafficking in human beings. Four Member States (AT, BE, IE, SK) continued implementing legislative and policy measures related to their domestic legal framework and/or the implementation of the Schengen acquis:

- **Austria** and **Belgium** reported the establishment of pools of border control experts, including a border guard "Rapid Reaction Pool". In the context of the latter, since 7th December 2016, a total of 1,500 border guards and other officers have been placed at the immediate disposal of the European Border and Coast Guard Agency to provide support on the ground for immediate interventions when requested by Member States. Belgium reported that 30 experts have been allocated to this pool.
- **Ireland** further progressed the process of civilianisation of border control functions at Dublin Airport through the recruitment of additional Immigration Control Officers. The transfer of functions at Terminal 2 Dublin Airport is to be completed in 2017.
- **Slovenia** made a proposal for legislative changes related to the State Border Control Act which included the creation of physical obstacles at the state border as well as new standards of police powers when performing state border control.

[124] AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, SE, SI, SK, UK

Furthermore, several Member States (AT, BE, DE, FI, IT, LT, LU, NL, SK, UK) reported to have participated in joint operations (e.g. training and joint patrolling programmes) and/or operations coordinated by Frontex (e.g. Pegasus, Alexis, Vega Children, Triton, Poseidon, Minerva, Indalo). Some Member States also participated in operations and training activities with third countries, for example: **the Netherlands** provided training to the Libyan coast guard and navy and deployed an official from the Royal Netherlands Marechaussee to the EU Integrated Border Management Assistance Mission (EUBAM) in Libya. **Austria** provided 20 police officers in order to support the Macedonian authorities in patrolling activities along the border with Greece. The **Czech Republic** also supported Frontex operational activities in with total number of 157 experts, while **Germany** provided training and equipment to 28 states in 2016. **Italy** cooperated closely with Libyan and Nigerian authorities, as well as Gambian police.

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

Several Member States[125] reported the establishment or continuation of cooperation agreements with third countries in the area of border management. Most of the agreements were stipulated with EU neighbouring countries (e.g. Serbia, Ukraine, Russian Federation, the Former Yugoslav Republic of Macedonia) while some Member States implemented cooperation activities with extra-European countries.

- **Belgium** continued to finance an existing project aimed at strengthening border control operations in the Democratic Republic of Congo through the modernisation of software and hardware of the border control programme. Additionally, Belgium engaged in projects regarding voluntary return and reintegration of irregularly staying migrants from sub-Saharan African countries in Morocco and Tunisia.
- **Germany** supported countries participating in the Khartoum Process (e.g. Djibouti, Egypt, Ethiopia, Eritrea, Kenya, South Sudan, Sudan, Somalia, Tunisia, and Uganda) in their efforts to improve migration management in the region and in order to address the trafficking and smuggling of migrants within and from the Horn of Africa.
- **Italy** signed a Memorandum of Understanding with the National Police of the Sudanese Ministry of the Interior which entailed the provision of training courses and the organisation of staff exchange and study visits in the context of border and migration management, return and investigation on migrant smuggling and related crimes.
- **Latvia** supported the implementation of a Dog Handling project in Georgia and Moldova, providing theoretical training to border authorities (dog handlers). Latvian authorities reported a positive impact on the high quality development of the dog handling skills of the border authorities of Georgia and Moldova and an increase in the level of dog handling services to the standards of EU counterparts.
- **Malta** planned to assist in the provision of training on border control to Libyan Coast Guard officers.

6.1.4 PREVENTING AND TACKLING OF MISUSE OF LEGAL MIGRATION CHANNELS

A number of measures were introduced in 2016 to prevent and tackle misuse of specific legal migration channels, namely irregular migration caused by visa liberalisation, the use of false documents, and the abuse of free movement rights.

6.1.4.1 Irregular migration caused by visa liberalisation

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

- **Germany** reported to have amended and established an improved monitoring and suspension mechanisms allowing temporary cancellation of visa liberalisation.
- **Italy** monitored and tracked applications from "Post of Visas Liberalisation" countries such as Albania, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia. This monitoring system showed a steady decrease of rejections and a stability of returns.
- The **Netherlands** planned to undertake a campaign to discourage asylum seekers without prospects in Albania as well as an awareness campaign in Kosovo.

[125] AT, BE, BG, DE, EL, FI, FR, EL, HU, IT, LT, LV, MT, SK

- The **Slovak Republic** planned the introduction and adoption of a European Travel Information and Authorisation System (ETIAS) for the registration of people travelling from visa-free countries.

Two Member States (FI, HR) reported that the number of manifestly unfounded asylum applications decreased significantly. Similarly, other Member States (BE, FI, SE) reported there was a decrease of asylum seekers from countries of origin that benefit from visa-free travel to the EU (such as the Western Balkan countries). In **Belgium**, asylum applications from all visa free Western Balkan countries decreased in 2016, compared to the previous year, but continued to be significant for some countries such as Albania. However, **Finland** and **Sweden** reported a strong decrease of the number of Albanian citizens applying for asylum compared to 2015 (decreased by 89% in Finland and by 70% in Sweden). **Malta** reported the absence of unfounded asylum applications from nationals of countries with visa liberalisation in 2016.

Seven Member States (BE, EE, FI, IT, NL, MT, SE) introduced or continued to apply measures to ensure the accelerated and swift return of persons from visa-free third countries making unfounded asylum applications. The developments included:

- Campaigns and counselling programmes, particularly for Western Balkans citizens, organised in order to promote voluntary return (BE) and discourage asylum seekers without prospects (BE, NL);
- The consistent enforcement of returns of rejected asylum applicants and/ or enhanced cooperation with third country authorities (BE, EE, FI, IT, MT, SE) and;
- The organisation of Joint Return Operations (JRO) to Albania and Serbia, in collaboration with Frontex (BE, FI).

6.1.4.2 Irregular migration caused by use of false travel documents

New legislative and policy measures to prevent, identify and/or investigate the **fraudulent acquisition and use of false travel documents** were introduced by eight Member States.

- In **Austria,** a pool of "document advisers" was posted at international airports in order to assist airlines in detecting falsified documents. False document detection training was provided in embassies to prevent individuals from entering the EU illegally by plane;
- **Cyprus** launched a training programme for border guards concerning false/forged documents;
- The **Czech Republic** established a "National Centre for Checking Documents" in order to centrally collect irregular, fake, forged, found and sent documents of all types, analyse the database, disseminate information, follow and discuss trends, cooperate with other police units (also at international level) as well as offer proposals on legal amendments concerning travel documents;
- In **Greece,** after a wide political debate for the introduction of new types of identity cards and passports, a committee was created in order to submit proposals to the relevant Ministries. The committee will recommend possible legislative actions on the addition of further biometric features in identity cards in order to prevent forgery;
- **Finland** planned to develop a new action plan against irregular entry and residence for 2017–2020. The action plan will propose measures to increase the efficiency of inspections of documents and identity verification;
- **Latvia** organised trainings in its embassy in Belarus in order to enhance recognition of falsified documents as well as identity verification;
- **Slovenia** planned to enhance its technological capacity for the check of documents by acquiring document checking devices as well as tools for remote access examination; and,
- The **Slovak Republic** adopted measures to increase the effectiveness of prevention activities and improve the quality of identification of false and altered documents. These measures include meetings and knowledge sharing activities amongst police forces on individual forms and methods of forging and altering documents as well as trainings for police officers provided by expert foreign lecturers.

Almost all Member States reported evidence of investigations conducted in 2016 which led to the identification (and seizure) of forged and falsified documents, identity fraud, visa and stamps abuse, with several criminal proceedings started. Six Member States (FI, HU, LV, LT, SI, SK) reported an increase in the cases of border crossing stamps abuse.

6.1.4.3 *Irregular migration caused by the misuse of free movement rights by third-country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals*

New measures introduced in this area in 2016 were reported by **Belgium**, concerning the creation of a "Fraud Helpdesk" in order to provide support to the actors in the field (such as municipalities) which are in direct contact with citizens applying and receiving their identity and travel documents. These Single Points of Contacts (SPOCs) on identity fraud were established in all municipalities and training started in 2016 and will continue through 2017.

7 IRREGULAR MIGRATION AND RETURN

7.1 DEVELOPMENTS AT THE EUROPEAN UNION (EU) LEVEL

The fight against facilitation of irregular migration ('smuggling')

The European Commission supported the establishment of a European Migrant Smuggling Centre (EMSC) within Europol, to assist Member States on investigations linked to migrant smuggling. After its launch in February 2016, the EMSC received a significant increase in the flow of intelligence which expanded Europol's capacity to support migrant smuggling investigations (171 new cases initiated on average on a monthly basis between February 2016 and February 2017, against the 140 planned ones).

On 10th March 2016, the Justice and Home Affairs Council adopted Council Conclusions on migrant smuggling (6995/16) reinforcing and building on the EU Action Plan against migrant smuggling, adopted back in May 2015. The Council Conclusions emphasised that all forms of migrant smuggling, including in countries of origin and transit, should be addressed, and underlined migrant smuggling as a serious form of organised crime which can only be countered through a comprehensive, multidisciplinary and cross-border approach by Member States, including all relevant stakeholders, such as: law enforcement and judicial authorities, labour, social, health and fisheries inspectorates, border forces, immigration services, local and regional governments, tax and customs authorities, NGOs, businesses, trade unions, employers' organisations and embassies as well as relevant EU agencies such as Europol, Eurojust and Frontex. In this context, the Commission has continued to work closely together with EU Agencies such as Eurojust, Cepol and Frontex, including through regular meetings of the EU JHA Agencies Contact Group on migrant smuggling.

The importance of this cooperation was evident in the organisation of a seminar on the use of social media in migrant smuggling in June 2016, where Member States representatives, international organisations, EU agencies and companies like Facebook participated in the framework of the European Migration Network (EMN). An EMN Inform was published (September 2016) to take stock of the results and issue recommendations on the way forward for closer cooperation in this area between national authorities, EU Agencies, International Organisation and social media companies themselves.

The European Commission has also been engaging with third countries under the auspices of the new Migration Partnership Framework adopted in June 2016. Two EU Cooperation Platforms on migrant smuggling (in Pakistan and Nigeria) were launched by the Commission and the latter also engaged with priority third countries of origin and transit, such as Niger, to support local authorities in disrupting the smugglers' business model.

The European Commission has been working with Eurostat to launch a pilot statistical data collection on criminal justice data related to migrant smuggling. The statistics will touch on the number of investigations, prosecutions and convictions for the facilitation of irregular migration across the EU.

Furthermore, the European Commission also adopted an EU Action Plan to strengthen the European response to travel document fraud on 8 December 2016. The latter provide the security standards for travel documents and border control requirements set at EU level, but Member States retain full responsibility for the breeder documents and actually producing and issuing travel documents. The action plan sets out measures which the Commission will take and makes recommendations for Member State action under national policies on all aspects of travel document security.

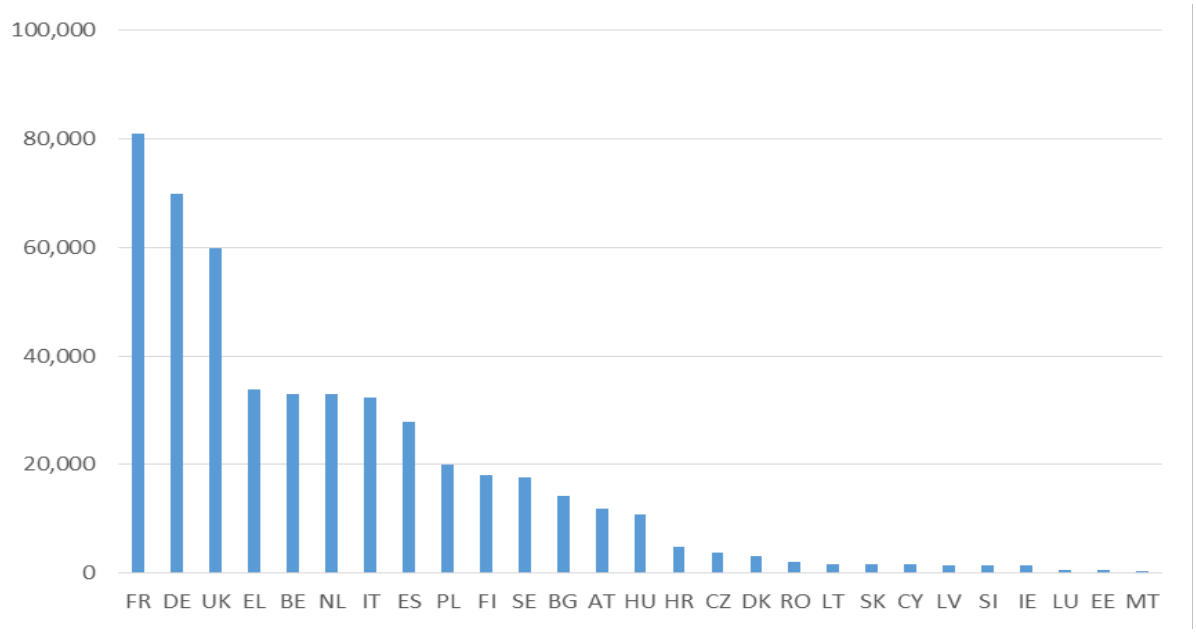
EU developments in the field of return

Eurostat statistics on the numbers of third-country nationals ordered to leave show that 487,590 were ordered to leave in 2016 (see Figure 5.1) which represents a decrease of 9% compared to 2015 (533,395) while the number of third-country nationals returned in 2016 was 226,150 (see Figure 5.2) which represents an increase of 17% compared to 2015 (193,565). The highest numbers of third country

nationals ordered to leave were reported by **France** (81,000), followed by **Germany** (70,005), the **United Kingdom** (59,895), **Greece** (33,790) and **Belgium** (33,020).

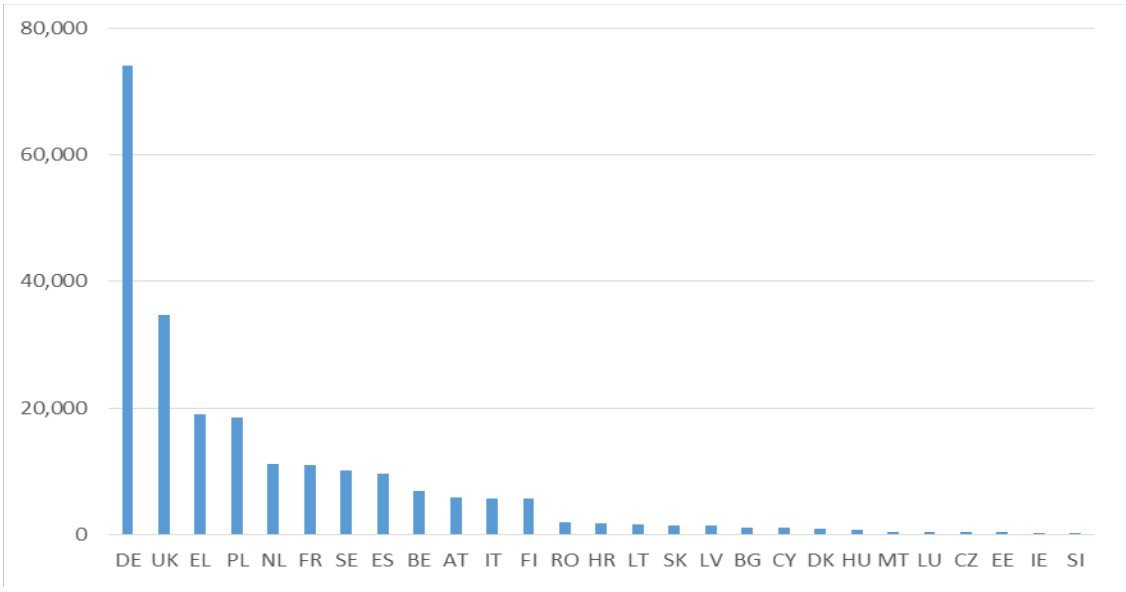
With regard to third-country nationals returned to a third country, **Germany** ranked first with 74,080 people returned, followed by the **United Kingdom** (34,740), **Greece** (19,055), **Poland** (18,530), **the Netherlands** (11,215) and **France** (10,930). The lowest numbers of third-country nationals returned were accounted for in **Slovenia** (205), **Ireland** (245), **Estonia** (380), **Czech Republic** (390) and **Luxembourg** (405).

Figure 7.1: Third-country nationals ordered to leave in 2016



Source: Eurostat (migr_eiord), extracted: 24 April 2017. No data was available for PT and NO at the date of extraction.

Figure 7.2: Third-country nationals returned to a third country following an order to leave in 2016



Source: Eurostat (migr_eirtn), extracted: 24 April 2017. No data was available for PT and NO at the date of extraction.

At the policy level, the emphasis remained on the swift implementation of the EU Action Plan on return[126] adopted and endorsed in 2015. The Commission put forward and number of legislative proposals in 2016 with the view of enhancing effective returns of irregular migrants across the EU, several of which were also adopted that same year.

[126] COM 2015 (453) final.

The most important example concerns the new and enlarged mandate of the European Border and Coast Guard Agency,[127] which provides Frontex with greater flexibility and hands-on approach to support Member States' activities. As a result, Frontex will be able to provide pre-removal and coordination support to Member States, as well as (in certain cases) deploy liaison officers in third-countries. In this context, the Commission, together with Member States, embarked on a process of transferring the tasks and responsibilities that were hitherto carried out by EU funded programmes on return to the new structures of Frontex, in particular the EURINT (European Initiative on Return Management) and EURLO (European Return Liaison Officers network) programmes. During 2016 EURINT continued facilitating the exchange of information and working experiences relating to returns among EU Member States within the framework of the 14 active Country of Return EURINT Working Groups. These have ensured participation of the European Commission and Frontex to allow for an integrated approach. In December 2016 EURINT initiated uploading the EURINT Working Group reports to the Integrated Return Management Application (IRMA) – to share information with European return community members.

Similarly, other EU return-related projects and programmes such as ERIN (European Reintegration Network) and EURLO have been involved in EURINT activities, striving to contribute to a European holistic approach to migration management in specific countries of origin. The ERIN project- which started on 1st June 2014 and ended on 31st May 2016- collaborated with eight European sister services in eleven countries of origin to provide reintegration support to voluntary and forced returnees. More than 600 returnees were returned via the ERIN project to the country of origin where they were facilitated in their reintegration through a local partner. The ERIN Specific Action Programme entered its next phase on 1st June 2016 and it saw the increase of both its participating partners, from eight to eighteen (EU Member States in addition to Australia, Norway and Switzerland) and its participant countries of origin from eleven to twenty (including Afghanistan, Iran, Northern Iraq, Central Iraq, Nigeria, Pakistan and Somaliland). It is expected that this number will increase further in 2017 to over 35, in view of the scheduled European procurement activities. The programme will run until November 2021 and will be structurally embedded in the EU migration system.

The Commission also initiated a second phase of the FReM project together with the International Centre for Migration Policy Development (ICMPD) aimed at building up and training of a pool of forced-return monitors to be established and managed by Frontex under its new mandate.

In parallel, in order to better exchange practical information on all aspects of return, the Commission launched an electronic platform for exchange of information on return – IRMA (Integrated Return Management Application). The latter is the platform that hosts the new Frontex Application for Return (FAR).

Finally, the EU-Turkey Statement was concluded on 18th March 2016. One of its aims was to facilitate swift returns to Turkey from the Greek islands. It was agreed, among others, that all new irregular migrants or asylum seekers whose applications had been declared inadmissible crossing from Turkey to the Greek islands would be returned to Turkey. In addition, for every Syrian being returned to Turkey from the Greek islands, another Syrian would be resettled from Turkey directly to the EU. Turkey would also take all necessary measures to prevent new sea or land routes for irregular migration from opening from Turkey to the EU, and, once irregular crossings between Turkey and the EU had ended or been substantially reduced, admissions under the Voluntary Humanitarian Admission Scheme would be activated, with Member States contributing on a voluntary basis to admit, from Turkey, persons displaced by the conflict in Syria and in need of international protection. The European Commission monitored the implementation of the Statement through periodic reports. According to the Fifth Report on the Progress made in the implementation of the EU-Turkey Statement published in March 2017, the total number of returns since the date of the Statement was 1,487. In addition, a recently published Commission Factsheet, indicates that irregular arrivals to Greece have fallen by 97% since the deal was signed, and that the number of deaths in the Aegean Sea has decreased from 1,145 in 2015 to 80 in 2016. More than 4,000 Syrian refugees have been resettled from Turkey to EU Member States.

[127] See Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard.

7.2 EMN RETURN EXPERT GROUP (REG) RETURN AND REINTEGRATION ACTIVITIES DEVELOPED DURING 2016 PLUS OTHER COOPERATION MEASURES

At EU level, the **EMN Return Expert Group (REG),** which had been established as part of the EMN in 2013, became increasingly active during 2016.

The EMN REG continued to play its role as the platform for the follow-up, planning and monitoring of practical cooperation among the Member States and other relevant stakeholders in the return domain, hence linking policy-making to implementation and operational activities.[128] Its practitioner's sub-group remained the forum where particularly sensitive issues related to forced and voluntary return were discussed amongst national authorities and the EU institutions and agencies.

The EMN REG continued to be chaired jointly by the Commission and the national co-chair (NL). The group met four times during the reference period. The meetings brought together return experts from the participating Member States with relevant policy officers from DG HOME, as well as external parties, notably Frontex, the EASO, Eurostat, the International Centre for Migration Policy Development (ICMPD), IOM, Caritas and the Red Cross, as well as representatives of the EU-funded cooperation programmes ERIN (European Reintegration Network), EURINT and EURLO.

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

- The planning and elaboration of an updated **EMN Inform on Incentives to return to a third country and support provided to migrants for their reintegration**. The Inform presented the results of the review of 87 programmes implemented by 23 Member States to assist migrants to return and to support their reintegration, amounting to a total budget of around 112 million euro. The Inform drew an overview of the different forms of in-cash and in-kind incentives offered across Europe and identified the actors involved in funding, implementing and receiving assistance.
- The finalisation of a regionally focussed **EMN Inform on Challenges and good practices in return and reintegration to Eastern Africa**. The Inform explored the issues faced by Member States implementing return policy in the target region and the return incentives available, both through general and tailored schemes.
- The planning and elaboration of an updated **EMN Inform on the use of detention in return procedures**. The Inform explored, among others, national practices concerning the length of detention, its frequency of use and re-detention, as well as detention-related challenges in the Member States.
- The planning and elaboration of an EMN Inform setting out **Non-binding common standards for Assisted Voluntary Return (and Reintegration) Programmes implemented by Member States.** The Inform described a basic framework for Member States to pursue the alignment of existing AVR(R) programmes within the EU and increase the uptake of AVR(R).
- The provision of support to EU policy-making by collecting evidence through **Ad-Hoc Queries** on various topics, including the means to incentivise the return of irregularly staying third-country nationals and national practices concerning the return of third-country nationals who had withdrawn their applications for international protection.

7.3 PREVENTION OF UNSAFE MIGRATION AND THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING') AT NATIONAL LEVEL

During 2016, several Member States introduced or planned new measures to address the issue of unsafe migration and the fight against facilitation of irregular migration. These measures involved prevention of unsafe migration, combatting the facilitation of irregular migration as well as monitoring and identification of migrant smuggling and migration routes.

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

7.3.1 PREVENTION OF UNSAFE MIGRATION

The majority of Member States[129] introduced new policies or practices to prevent unsafe migration (for example through unsafe routes, making use of unsafe migration channels, such as smuggling, etc.) from third countries of origin and transit through:

- Information and awareness raising campaigns in European Member States and third countries (AT, BE, DE, FI, IE, IT);
- Training, workshops and provision of equipment (AT, BE, DE, IE, LV, NL);
- Joint operations and bilateral cooperation agreements (BE, DE, EE, IE, LT, LU, MT, NL, UK); and
- New or temporary border control measures (BE, BG, DE, HR, SE).

New or temporary border control measures to prevent and combat migrant smuggling and trafficking included: the establishment of centres for the exchange of operational information on countering illegal migration (BG); installation of temporary border protection devices (HR); reintroduction of temporary border controls at Schengen border crossing points (BE, DE, SE). Furthermore, five Member States conducted information and awareness raising campaigns in third countries through various communication methods such as flyers, posters, meetings, TV spots, websites, radio programmes and newspaper articles. Special attention was given to social media channels, with several campaigns targeting certain nationalities (e.g. Afghani, Iraqi and Somali citizens) through Facebook, YouTube and Instagram.

In **Belgium,** an awareness raising campaign was launched targeting truck drivers and transport companies. The campaign called "Give people smuggling no chance" aimed to provide truck drivers with good practices on dissuasion and prevention of human smuggling in trucks and in motorway service areas, used by transit migrants to climb into trucks. Another implemented measure in this regard, concerned the protection of motorway service areas, with the support of private security firms.

Awareness raising campaigns through social media

Austria launched the first-ever information campaign in Afghanistan to help the containment of irregular immigration by counteracting distorted, overly positive conceptions of Austria and Europe and providing a realistic picture of asylum procedures and practices. **Belgium** continued its social media campaign in Afghanistan, informing potential asylum seekers of the risks of smuggling, identity document requirements, individual processing of applications, possibilities for voluntary return and prospect of forced return. **Finland** targeted potential victims of organised smuggling in Iraq, Somalia, Afghanistan and Northern African countries, with the aim to inform them of the risks posed by traffickers and smugglers. **Ireland** supported information raising campaigns to prevent illegal migration and human trafficking through its bilateral aid programme in Ethiopia. The campaign "Prevention of Illegal Migration and Human Trafficking in selected Sub-Cities and Districts of Addis Ababa" targeted illegal migrant and domestic worker returnees between the ages of 17 to 35, children of returnees as well as selected members of the community and local government structures. The social media campaign "Aware migrants" implemented by **Italy** focused on prevention (through real stories told by migrants, continuous news and information sharing) and sustainable alternatives (promoting legal channels in countries of destination, reinforcing local development and economic cooperation in countries of origin).

7.3.2 COMBATTING FACILITATION OF IRREGULAR MIGRATION

Measures to fight irregular migration were introduced by seven Member States (BE, BG, FI, FR, HU, LV and NL).

- **Belgium** reported on many activities which took place in this field in 2016. The law of 31 May 2016 complemented the implementation of EU obligations in the field of facilitation of irregular entry, transit and stay. Provisions regarding the crime of facilitating irregular migration were amended to include 'attempted facilitation of illegal entry or stay' within the Immigration Act. Other amendments aimed to harmonise the criminalization of human smuggling with human trafficking. Furthermore, in the context of the partial dismantling of the so-called Calais 'Jungle' (FR), Belgium decided to implement temporary controls at the border between West Flanders and France (see section 3.3.5.2).

[129] AT, BE, BG, DE, EE, FI, HR, IE, IT, LT, LU, LV, MT, NL, SE, UK

Once the 'jungle' was taken down, Belgian authorities launched the Medusa plan 2, deploying circa 120 police officers to the border with France. Belgium also appointed the Chair of the Coordination Platform in early 2016 as the single contact point, to enhance operational cooperation, coordination and the sharing of information on migrant smuggling, in accordance to the EU Action Plan against migrant smuggling and in the Council Conclusions adopted on 9 November 2015.

- Following the redirection of migration flows from Greece and after the "closure" of the Balkan Route, **Bulgaria** set up a National Action Plan to deal with the increased migratory pressure from Greece. The Interior and Defence Ministries have been cooperating closely and in 2016 large military units were posted along the Bulgarian/Greek borders to support the Border Police.
- **Finland** reported on the drafting of a new action plan against irregular entry and residence (2017–2020). Planned measures include, among others, legislative amendments related to the imposition of an entry ban.
- **France** has reinforced the sanctions against transport companies by doubling the maximum amount applicable to sea and air carriers transporting an improperly documented third-country national into the country (up to 20,000 EUR). Additional sanctions have also been introduced for carriers which do not fulfil their obligations to return and support those third-country nationals who have been refused entry.
- In **Hungary**, new legislation was introduced in the 'Hungarian Criminal Code' in 2016 concerning human trafficking, human smuggling and the illegal employment of third country nationals.
- **Latvia** drafted amendments to its Criminal Law, which came into force on 7th April 2016.[130] These included increased sanctions for the illegal movement of persons across the state border (sanctions also target public officials) and sanctions for those residing illegally in the Republic of Latvia.
- **The Netherlands** increased the maximum sentences to be imposed for the smuggling of persons from four to six years with the possibility of eight years in the case of 'exercising the profession' (of people smuggling).[131]

Member States also reported on numerous joint operations aimed at enhancing border security. Two Member States (AT, HU) in particular reported setting up new units specifically dedicated to fighting the facilitation of irregular migration, while Belgium reported joint operations aimed at dismantling smuggling networks.

- **Austria** inaugurated its new Joint Operational Office on 4th May 2016 upon the initiative of the Criminal Intelligence Service.
- **Belgium**, in cooperation with France, the Netherlands and the United Kingdom, set up a task force on irregular immigrant smuggling in the North Sea region to enhancing practical cooperation in cross-border investigations and prosecutions to ensure an effective collective response to smuggling. Belgium also closely cooperated with Greece, France, Europol and Eurojust to dismantle an international smuggling network.
- In **Hungary** a border police reinforcement unit was set up to prevent illegal entry into the country, as well to identify and combat crimes related to irregular migration. Hungary also reported that police forces were to be deployed in 2017 to Greece, Macedonia and Serbia in order to support border surveillance tasks of host countries. Together with Serbia, Hungary decided to concentrate their forces along the Szabadka-Kelebia railway line.

7.3.3 MONITORING OF MIGRANT SMUGGLING

Few changes were reported in this field in 2016. Four countries (AT, BE LT, SK) reported on the following monitoring migration activities:

- **Belgium** stressed the importance of fully coordinating the collection and improving the production and encoding of statistics between the relevant stakeholders in order to reduce current data gaps. For this purpose a guidance document was produced in 2016 with instructions for encoding convictions data. Myria (the Belgian Federal Migration Centre) also published its 2016 Annual Report on Trafficking and Smuggling.

[130] Law "Amendments to Criminal Law". - *Latvijas Vēstnesis*, No. 59, 24.03.2016. - [came into force on 07.04.2016.]
[131] Bulletin of Acts and Decrees 2016 240 and *Parliamentary Papers II*, 2015-2016, 34345, no. 3.

- In 2016 the **Austrian** Criminal Intelligence Service published its 2015 report on the smuggling of migrants.[132] The report revealed a clear increase in the number of individuals apprehended, while providing a description of smuggler routes currently used.[133]
- Similarly, the **Slovak Republic** instructed its diplomatic missions to submit bi-monthly reports on: fraudulent visa applications and the misuse of legal channels; facilitation of irregular migration to the EU; changes in the capacity of the third-country bodies which should prevent irregular migration to the EU and; discovery of related information. The reports will be submitted starting in 2017.

7.3.4 MONITORING AND IDENTIFYING MIGRATION ROUTES

Activities to monitor and identify migration routes were enhanced in 2016 through an increase in the number of National and International Liaison Officers (NLOs/ ILOs). Six countries (CZ, DE, FR, NO, SI and SK) have reported changes in this field.

- The **Czech Republic** will send in 2017 three National Liaison Officers (NLOs) to Tirana (ALB), London (GBR) and Moscow (RUS). The officers will be in charge of observing migratory flows, collecting data about migrants and comparing these data with those published in the media.
- **Germany's** Federal Police expanded its International Liaison Officer (ILO) network by appointing a new officer to Egypt. In total, the Federal Police now deploy 24 ILOs in 23 countries.
- **Norway** increased its number of NLOs from 12 to 13, adding a posting in Khartoum (Sudan) which is also responsible for Eritrea.
- In 2016, **Slovenia** introduced a specific analytical tool to monitor the Western Balkan route and to aid strategic and operational decision making. The tool has been shared with the Police and different stakeholders in the area of integrated border management (e.g. Ministry of Interior, Migration Department and Ministry of Foreign Affairs).
- In the **Slovak Republic**, The National Unit for Combating Illegal Migration (NUCIM) started the creation of the Immigration Liaison Officer institute at the Border and Aliens Police. The United Kingdom has been proposed as country post in the first half of 2017.

7.4 MAIN DEVELOPMENTS IN THE FIELD OF RETURN AND RE-INTEGRATION

In 2016, efforts were made at national level to improve the efficiency and effectiveness of return policies. These often consisted of amendments to existing legislation in the fields of return and reception of returnees. Several Member States (BE, BG, DE, EE, FR, HU, IE, LV, NL and SE) have made amendments to either address the **terminology** of the legislation, to change the **procedure** for return or to introduce a **stricter return policy**.

Change in terminology

- **Bulgaria** amended the terminology of its 'Law on Foreigners in the Republic of Bulgaria (LFRB)' to increase its coherence with the EU *acquis.* The law now refers to 'return' rather than 'removal'.
- In **Estonia**, an amendment was made to the 'Obligation to Leave and Prohibition on Entry Act' (OLPEA) changing the definition of the risk of absconding. The definition now includes situations in which a third-country national leaves either their designated place or any other Member State in the Schengen area without permission. Furthermore, courts may now extend the detention period up to four months, two more than previously foreseen.

Change in procedure

- In **Bulgaria**, amendments to the LFRB also introduced a temporary new security measure, namely 'short-term accommodation' in a separate unit within a special accommodation facility. During the stay of third-country nationals in this unit, authorities will seek to ascertain and confirm their identity and decide on the subsequent administrative measures to be taken. Accommodation in the special facility will ensure the effective execution of return measures.

---

[132] Criminal Intelligence Service Austria, *Schlepperei Österreich – Jahresbericht 2015*, available at www.bmi.gv.at/cms/cs03documentsbmi/1854.pdf (accessed on 6 January 2017).

[133] Federal Ministry of the Interior, *Schlepperbericht 2015 zeigt enormen Anstieg der Aufgriffe*. Press Release, 11 June 2016, available at www.bmi.gv.at/cms/BK/_news/pressemeldungen.aspx?id=434847654C7258324A2F733D&page=2&view=1 (accessed on 16 December 2016).

- **Estonia** started to develop a database of third-country nationals known to be staying without legal basis in the country. The aim of the database is to enable their electronical identification and conducting detention and injunction proceedings.
- **Latvia** introduced amendments to both its 'Immigration Law' and its 'Law on the Procedures for Holding Detained Persons', stipulating the accommodation to be provided to third-country nationals subject to a return procedure and the detention of persons considered as a threat to the national security and/or public safety and order. Also, the Asylum, Migration and Integration Fund (AMIF) project "Providing Support for Voluntary Return and Reintegration in Latvia, 2016 - 2018" started its implementation. Overall, 90 people will be supported for voluntary return and 75 for reintegration.
- **Ireland**'s International Protection Act 2015 took effect in 2016. Under the Act, two regulations implementing certain practical aspects of return were passed in 2016: the International Protection Act 2015 (Deportation) Regulations 2016, setting out the format of the deportation order, and the International Protection Act 2015 (Voluntary Return) Regulations 2016, setting out the format of the notices explaining the benefits of voluntary return over a deportation order. Finally, the International Protection Act 2015 (Commencement) (No. 2) Order was also initiated in 2016.

  The order commenced provisions in the International Protection Act 2015 which make amendments to the Immigration Act 1999 to ensure, amongst other things, that a member of the Garda National Immigration Bureau (GNIB) may enter a residential address for the purpose of arresting someone subject to a deportation order and removing them from the State.
- The **Netherlands** reported on the opening of a Closed Family Centre which will be used for the detention of families with children whose departure from the Netherlands is scheduled within two weeks.[134]

Stricter return policy

- **Belgium** focused on the return of illegally staying persons who represent a threat to public order. The number of illegally staying persons who were removed from prison to their country of origin or country of residence has risen considerably in 2016. This is the result of many factors, for example an intensified cooperation between the Belgian Immigration Office and the Justice Federal Public Service, and the law of 5th February 2016 (which makes it possible to organise the return of a third-country national in prison earlier than before).
- **Bulgaria** introduced new grounds for return to include the following scenarios: 1) where a third-country national has received a decision either rejecting, suspending or revoking international protection or asylum, or where the proceedings of the final decision under the Law for Asylum and Refugees were terminated, unless there is pending decision on readmission; 2) Where a foreigner who has lawfully entered the country is trying to leave through an area which isn't a designated border crossing or is trying to leave and has presented false or forged travel documents or a substitute document.
- In **France** the 2016 law on the right on foreign nationals, enhanced the enforcement of the regime of alternatives to detention by allowing law enforcement officials, with judicial authorisation, to present themselves at the residence of the third-country national concerned in order to take the person to the competent consular authorities, place him/her in detention or proceed to his/her removal.
- **Germany** made two major legal changes. Firstly, grounds for ordering the expulsion of third-country nationals were expanded. Secondly, stricter rules for stopping deportations for health reasons were implemented, making this only possible in case of life-threatening and very serious illnesses.
- The **Netherlands** reduced return support for third-country nationals from Ukraine, as the majority of these asylum applications were rejected by the Immigration and Naturalisation Service (IND) and given that many other applicants either withdrew their application or, shortly after the start of the application procedure, opted for voluntary return. While in 2016 third-country nationals from the Ukraine could still make use of IOM's Return and Emigration of Aliens from the Netherlands (REAN)[135] programme, this will no longer be the case in the future. Nationals from countries in the Western Balkans[136] will also no longer be eligible for support from the REAN scheme.

[134] Central government. (2017). *Vreemdelingenbewaring* [Detention of foreign nationals]. Consulted on 10 February 2017. https://www.rijksoverheid.nl/onderwerpen/terugkeer-vreemdelingen/inhoud/vreemdelingenbewaring
[135] http://www.iom-nederland.nl/en/voluntary-return/return-programme-rean
[136] Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia.

Furthermore, as of 2016, Moroccans and Algerians are no longer eligible for the financial component - the relief contribution (OSB) - of the REAN repatriation scheme. They are also excluded from the financial Return and Reintegration Regulation (HRT)[137] and from participating in 'in-kind' projects.

- **Sweden's** amendments to the 'Reception of Asylum Seekers Act' came into force in 2016. As a result, a person who has applied for asylum and received a refusal of entry or an expulsion order, is no longer entitled to accommodation and/or daily allowance, as provided by the Swedish Migration Agency, after the deadline for voluntary return has expired. On 22nd September 2016, the Swedish Government presented a number of measures to improve the return of rejected asylum seekers, including a clearer division and allocation of responsibilities between the relevant authorities.

New developments on Assisted Voluntary Return (AVR), also an essential element of return policy, were reported by several Member States (AT, BE, CY, CZ, DE, ES, FR, HU and LU). Measures reported include either a modified or an entirely new AVR policy or the commencement of such a policy, as well as additional resources allocated to this form or return:

- **Austria** reaffirmed voluntary return as a fundamental pillar of its national return strategy. Return counselling and reintegration programmes were expanded in 2016. The Federal Office for Immigration and Asylum launched the pilot project "Return Assistance – A New Start with Perspectives" designed to provide varying levels of return assistance to asylum seekers from Afghanistan, Morocco and Nigeria.
- **Belgium** reaffirmed return policy as a priority, including voluntary return. An additional return desk to support the voluntary return of migrants was established in Charleroi, bringing the total number to five operational return desks in the Member State. In addition, monitoring missions were undertaken by return counsellors in Ghana, Ukraine, Senegal, DR Congo, Russian Federation and Mongolia. These missions aimed to enable return counsellors to provide more accurate information on return to potential returnees. A new website on voluntary return was also launched (www.voluntaryreturn.be) to inform migrants about this possibility.
- **Cyprus** reported on the start of an IOM project 'Information and Support Centre for Voluntary Returns' which is part of the implementation of the Assisted Voluntary Return and Reintegration Programme (AVRR).
- The **Czech Republic's** established a Voluntary Return Unit within the Department for Asylum and Migration Policy of the Ministry of the Interior.
- **France** has extended its trial process dedicated to the voluntary return of irregular foreign nationals. After the success in Moselle, similar return processes were developed throughout 2016 and others are planned in 2017.
- In **Germany,** a return initiative to create incentives for people to return from Germany to their countries of origin was launched in 2016. The initiative aims at linking the return advisory activities from the Federal Office for Migration and Refugees with activities of the BMZ in the individual countries of origin. Ultimately, the initiative seeks to create new prospects for returnees in their home countries and inform them about their options before their return. To this end, voluntary returnees will be able to participate in local vocational training and employment programmes.
- In **Hungary** a new AVR programme was introduced that will run until 2018.
- **Italy** financed two new AVR programmes in 2016, one with Morocco and one focusing on enhancing the sustainability of reintegration schemes for migrants returning to Morocco, Tunisia and Senegal from the EU.
- **Luxembourg** has excluded nationals from Kosovo, to whom the Assisted Voluntary Return and Reintegration from Luxembourg (AVVRL) programme applies, from the benefits of pre-departure financial assistance as well as financial aid for reintegration. Individuals will nonetheless receive assistance to obtain travel documents and during their journey, which is organised by IOM.
- **Spain** continued the development of AVR projects during 2016, particularly with Senegal, Morocco and Ibero-american states.

[137] €1,750.

7.5 STRENGTHENING COOPERATION WITH THIRD COUNTRIES OF ORIGIN AND TRANSIT ON RETURN MIGRATION MANAGEMENT

The Commission has prioritised cooperation on readmission, as an essential part of the EU policy to combat irregular migration. Effective implementation of readmission obligations has also become an integral part of EU's foreign policy and of the renewed political dialogue with the main countries of origin, both in Africa and Asia. To that end, intensive work at political and technical level was undertaken both with a view to increasing effectiveness of the existing readmission agreements, and to improving practical and operational cooperation with other countries, where obligation of readmission of their nationals stems from customary international law. For example, projects were designed to increase the third countries' capacity to manage readmission, assist them to overcome obstacles to readmission, improve practices and communication between relevant authorities.

Efforts to enhance implementation of the existing 17 Readmission Agreements were also undertaken. In order to reduce obstacles to readmission while improving practices as well as communication between relevant authorities, Joint Readmission Committees were held in 2016 with Cape Verde, Serbia, FYROM, Moldova, Russia, Turkey, Ukraine and Pakistan.

The Commission also launched negotiations for new readmission agreements with Nigeria, Tunisia and Jordan and worked to advance the dialogue with China with prospects of opening negotiations in 2017. During the reporting period, negotiations were virtually finalised with Belarus. On the other hand, no further progress was achieved with Morocco and negotiations have not yet been launched with Algeria.

Concerning those countries not willing to consider a formal readmission agreement - mainly because of internal political considerations – the Commission negotiated arrangements aimed at improving readmission cooperation to achieve fast and operational returns, and not necessarily via a formal readmission agreement. In this context, the Joint Way Forward on migration issues was agreed on 2nd October 2016 with Afghanistan, with the aim to step up cooperation on return of irregular migrants and facilitate their reintegration. Its implementation is closely monitored by the Commission.

Standard Operating Procedures to facilitate readmission processes were discussed with Mali and proposed to Bangladesh, however the two instruments were still to be concluded.

Further improvement of practical cooperation on readmission and engagement with third-countries was undertaken through the Partnership Framework approach, proposed in June 2016 by the Commission[138], endorsed by the European Council, and further detailed in subsequent progress reports[139]. The policy line was built on country-specific approaches with a mix of positive and negative incentives, the use of which would be guided by the country's ability and willingness to cooperate on migration management, and in particular on readmission. The approach was to count on leverage in the migration policy area (e.g. visa) and include all available EU and Member State policies, tools and financial instruments, such as: development assistance, neighbourhood policy, trade, or education and culture. An initial focus was put on Ethiopia, Senegal, Mali, Nigeria and Niger. A series of high level dialogues took place to prioritise readmission in EU's relations, and several technical missions were carried out to find ways to improve practical cooperation on readmission with the competent authorities of the third countries.

However, the collective leverage, both positive and negative, needs to be employed in a more coordinated and effective manner to achieve expected results within the Partnership Framework approach.

7.5.1 ENSURING IMPLEMENTATION OF ALL EU READMISSION AGREEMENTS TO THEIR FULL EFFECT

Several Member States (AT, BE, CY, CZ, DE, FR, HU, LT, LU, LV, NL, NO, SK) reported on their (planned) negotiation and/or signature of protocols to implement EU readmission agreements (EURA) with third countries:

- **Austria** held consultations with Turkey concerning the bilateral Implementing Protocol to supplement the existing EU readmission agreement. Progress was also made in bilateral negotiations on the readmission agreement with Gambia.
- **Cyprus** listed a new draft Implementing Protocol with Bosnia and Moldova which was expected to be finalised soon. The final text of an agreement with Turkey is ready to be put forward to the Ministry of Foreign Affairs for further steps, while negotiations with Ukraine have reached their final stage.

[138] Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, COM(2016) 385 final of 7.6.2016
[139] COM(2016) 700 final of 18.10.2016 and 960 final of 14.12.2016

- The **Czech Republic** submitted its proposal of the implementing protocol to Pakistan and Turkey. Moreover, the bilateral readmission agreement with Kazakhstan entered into force in 2016.
- In 2016, **France** participated in the Joint Readmission Committees of Armenia, Azerbaijan, Cape Verde, Moldavia, Pakistan, Russia, Serbia, Sri Lanka, Turkey and Ukraine**.**
- **Germany's** Implementing Protocol with Georgia has entered into force.
- **Hungary** reported to have initiated negotiations with Pakistan and Turkey.
- **Italy** signed a Memorandum of Understanding (MoU) with the National Police of the Sudanese Ministry of the Interior on the fight against crime, management of borders, migration flows and return. The agreement includes: training support, technical assistance, provision of equipment and study visits and staff exchanges including workshops and training courses. As a result of the Memorandum, on 24th August 2016 a Charter flight with 40 returning Sudanese citizens was successfully organised to Khartoum.
- **Latvia** has reached an agreement for the procedure regarding amendments to the Implementing Protocol with the Russian Federation.
- **Lithuania** has drafted an Implementing Protocol with Ukraine, Macedonia and Armenia.
- **Luxembourg** reported that the Benelux – Kazakhstan Protocol, signed on 2nd March 2015, was enshrined in national legislation in 2016.
- **Belgium**, **Luxembourg** and **the Netherlands** (Benelux countries) reported ongoing negotiations on Implementing Protocols. For example, negotiations on an Implementing Protocol Benelux-Azerbaijan to the EURA took place on 2nd May 2016. While a large part has been agreed the complete text of the Protocol has not yet been finalised. The text of the Implementing Protocol Benelux-Armenia to the EURA was agreed but has yet to be signed. **The Netherlands** (on behalf of Benelux) negotiated an implementing protocol to the EURA with Sri Lanka, the text of which has nearly been finalised. A draft for an Implementing Protocol to Belarus will be sent as soon as the EURA has been signed and has entered into force. Negotiations with Ukraine, Turkey and Capo Verde regarding an implementing protocol to the EURA were reported, these are to be led by one of the Benelux partners on behalf of all Benelux countries.
- **Norway** concluded negotiations on a Readmission Agreement with Turkey in June 2015 and signed the Agreement on 26th April 2016, but this has yet to come into force. Norway also concluded negotiations on a Readmission Agreement with Pakistan in October 2015. The Readmission Agreement with Kazakhstan and a Visa Waiver for holder of diplomatic passports entered into force in 2016.
- The **Slovak Republic's** implementing protocol of the Readmission Agreement with Bosnia and Herzegovina entered into force in 2016. The draft implementing protocol with Ukraine was negotiated, while the implementing protocol with Georgia entered into force on 1st March 2016. Contact has been made with the Republic of Azerbaijan, however to date neither party has taken the initiative to take the implementing protocol further.

Five Member States (AT, BE, FI, FR and SE) also mentioned other types of agreements on readmission with third countries:

- For **Austria**, as a signatory of the Joint Way Forward cooperation agreement between the EU and Afghanistan (see section 7.5 above), the latter is of significant importance given that Afghan citizens constituted the largest group of asylum seekers in Austria in 2016 with approximately 12,000 applications for international protection.
- **Belgium** concluded a Memorandum of Understanding (MoU) with Morocco which focuses on security cooperation and on the fight against irregular migration and more specifically on the identification of irregular migrants. MoUs concerning – inter alia- irregular migration were also signed with Somalia (December 2016) and Cameroon (February 2017).
- **Finland** and Afghanistan signed a MoU on the return and removal of Afghan asylum seekers in October 2016. The Memorandum consolidates official proceedings related to the return of asylum seekers, including both voluntary and forced return

- **France** adopted an action plan to improve access to consular laissez-passer in 10 priority countries, for which there was an important volume of cases and difficulties in obtaining these documents. The action plan aims to enhance cooperation (notably with Mali, Morocco, Tunisia, Egypt and Mauritania) by establishing closer relations with the respective ambassadors.
- **Sweden** concluded a bilateral MoU with Afghanistan on co-operation in the field of migration on 5th October 2016. The purpose of this agreement is to facilitate the return of Afghan citizens who do not have a right to stay in Sweden. Under the terms of the agreement, Sweden now has the possibility to carry out forced as well as voluntary returns to Afghanistan.

7.5.2 PREVENTION OF IRREGULAR MIGRATION FROM THIRD COUNTRIES: (A) THE SOUTHERN MEDITERRANEAN COUNTRIES; (B) COUNTRIES WITHIN THE EASTERN PARTNERSHIP; (C) THE WESTERN BALKANS; AND (D) THE WESTERN MEDITERRANEAN AND THE AFRICAN ATLANTIC COAST

Several Member States (AT, BE, CZ, DE, ES, FR, NL and IT) reported increased efforts to cooperate with third countries in order to better manage irregular migration:

- **Austria** increased its cooperation with third countries such as Algeria, Morocco and Tunisia and organised regular meetings to discuss the topic of migration management.
- **Belgium** set up prevention and information campaigns in Kosovo, Georgia, and Cameroon, to prevent irregular migration. Campaigns were also planned in Morocco and Tunisia. Furthermore, the State Secretary for Asylum Policy and Migration carried out an information and dissuasion mission in Albania in June 2016.
- Based on bilateral cooperation, the **Czech Republic** deployed Police contingents (339 police officers in total) in FYROM, Serbia, Hungary and Slovenia.
- **France** implemented specific actions with **Niger**, for example the implementation of a pilot centre in Niamey to support migrants and to facilitate assisted return, as well as the provision of technical equipment for an automatic identification system of fingerprints to be used by the national security forces, in September 2016. Following the increase of asylum seekers from Kosovo (between 2014 and 2015) France also cooperated with the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovar police to process with asylum applications and irregular migration.
- The **German** Federal Police participated in a Twinning project to support Ukraine. The project, launched in February 2016 focussed on improving border control and integrated border management.
- **Latvia** strengthened its border surveillance in cooperation with Belarus, through the regulation 'Methodology for Performance of Joint Incident Investigation of the Border' which is related to the 'Violation of the Belarus - Latvia State Border Regime'. The latter determines the procedure for the collection and evaluation of evidence regarding violations of the state border regime.
- **Italy** sent an Immigration Liaison Officer to Tunis, organised ten training courses on cooperation with Egypt and maintained contacts with Libyan authorities with a view to continuing cooperation with the country. Regarding the African Atlantic Coast, a Joint statement on training was signed with Nigeria and a first course on border management services was delivered in October 2016. A training course on Border Police Service was also held with Gambian police in 2016.
- **The Netherlands –** together with Belgian authorities- set up a campaign in Albania to discourage asylum seekers without prospects. Twinning projects were also reported with Kosovo and Serbia to provide capacity building to migrant authorities for a better management of the migration flow. A bilateral project in this context has also been implemented with Bosnia and Herzegovina.
- In **Spain** a joint investigation team was set up with Niger to investigate and stop irregular migration, particularly linked to trafficking in human beings. The project, developed in cooperation with France under the Trust fund for Africa, is led by Spain and it's expected to last three years.

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

7.6.1 FRONTEX JOINT RETURN OPERATIONS

EU Member States and Schengen Associated Countries also received assistance on return activities in 2016 from the European Border and Coast Guard Agency (Frontex). Overall, Frontex assists MSs and ensures the coordination of Return Operations (ROs), including the following:

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

And since 6th October 2016, when Regulation (EU) 2016/1624 entered into force (see section 7.1), based on the new aspects of the broadened mandate on return, Frontex shall:

- Provide technical and operational assistance to Member States experiencing particular challenges with regard to their return systems;
- Provide support to the Member States on consular cooperation for the identification of third-country nationals and the acquisition of travel documents;
- Building synergies and connecting Union-funded networks and programmes in the field of return;
- Coordinate the use of relevant IT systems;
- Organise, promote and coordinate activities enabling the exchange of information and the identification and pooling of best practices in return matters between the Member States.

Currently all EU Member States and the Schengen Associated Countries have participated in Frontex coordinated return operations. Since 2012 the number of Joint Return Operations (JROs) undertaken had remain relatively stable, however in 2016 Frontex witnessed a drastic increase in operations and the number of returnees, due to demand from Member States. As a result, there was an increase of Frontex budget for return matters and a more flexible interpretation of Art. 9 of former Frontex Regulation was introduced, in form of an Executive Director Decision which enabled Frontex to provide a broader support for:

- Return operations where there is an element of connection between two Member States;
- Return operations from the identified hotspots locations, or for one Member State facing a disproportionate number of persons staying irregularly in its territory due to a specific and disproportionate migratory pressure at the external borders, as they serve a common interest of all EU Member States;
- Collecting Joint Return Operations.

The above mentioned new Regulation, enables Frontex to support, coordinate and finance, Member States on National, Joint, Collecting and Voluntary Departure Operations.

Table 7.1: Number of JROs and third-country nationals returned in JROs

Year	Number of JROs	Number of returnees	Operations physically monitored
2012	39	2110	58%
2013	39	2152	51%
2014	45	2279	60%
2015	66	3565	76%
2016	232	10698	36%

Source: Frontex

The table above shows a decrease of operations with physical presence of monitors on-board was registered in 2016; this was due to the increasing number of ROs in Germany and Italy. When compared to the previous year both Member States have significantly increased the number of ROs and their monitoring systems do not foresee compulsory presence of monitors in all phases of return.

Based on the new Regulation, Frontex has constituted: a pool of forced-return monitors, a pool of forced-return escorts and a pool of return specialists to support Member States on return related activities. The latter started on 7th January 2017, from which Frontex shall constitute tailor-made European return intervention teams for deployment during return interventions.

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

Several Member States (BE, EE, ES, FI, FR, MT, SK, SI, UK) reported using SIS consistently throughout 2016. **Ireland** is progressing its implementation of the national SIS II project.

The following measures were also reported:

- **Belgium** indicated a change in return measures whereby, as of 2016, the General Inspectorate of the federal and local police[140] (AIG), an independent control authority, falls directly under the authority of the Minister responsible for Home Affairs. The AIG drafts a risk analysis each time a forced return is carried out and decides whether it should be closely monitored. A report is drafted following each control and, if necessary, recommendations are formulated. In 2016, Belgium organised or participated in 39 return flights, accounting for a total of 201 returnees.
- **Bulgaria** launched an AMIF project on the "Development of the system of forced return monitoring". The project, which will run until 2018, will contribute to improving the national regulatory framework in the area of forced return by: developing uniform standards for monitoring; developing and improving monitoring mechanisms to ensure respect for fundamental rights and freedoms of third-country nationals involved in forced return procedures and; strengthening the capacity of stakeholders involved in forced return operations.

  A second AMIF project was launched in 2016, to support a common EU system to monitor compliance of returns with the Return Directive and with fundamental rights.
- **Croatia** reported that legal amendments are planned in 2017 for the purpose of further harmonisation with the Return Directive 2008/115/EC.
- In **Italy**, the National guarantor of the rights of those detained or deprived of personal freedom, submitted a proposal for an AMIF project to establish a monitoring system on forced returns. The aim of the project is to monitor forced return operations and to consolidate the skills and expertise of monitoring officers. The project will start in 2017.
- In **Spain**, the Ministry of Interior and the Ombudsman Office have closely cooperated to comply with the new requirements laid down by FRONTEX, regarding the supervision of joint return flights.

8 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

8.1 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) Treaty on the Functioning of the European Union (TFEU). It is also further legislated in two specific EU Directives.[141]

On the occasion of the 10th EU Anti-Trafficking Day - on 17th October 2016- the European Commission presented a comprehensive policy review of anti-trafficking projects funded by the Commission between 2004 and 2015, in line with one of the 40 priority actions enlisted in the EU Anti-Trafficking Strategy 2012-2016. The results of this review will be used to support the future development of anti-trafficking policies at EU level. European Commission representatives also participated in the 8th Conference of Parties of the United Nations Conference on Transnational and Organised Crime (UNTOC) in Vienna.

On 19th May 2016 the European Commission published the report on the progress made in the fight against trafficking in human beings, as required under Article 20 of the Trafficking in Human Beings Directive (2011/36/EU). The report presents trends and challenges in addressing trafficking in human beings, examines progress made and highlights key challenges that the EU and its Member States need to address as a priority.

[140] Algemene Inspectie/Inspection Générale

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

In relation to the migration context, the report notes that: according to the recent Commission Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration, there is strong evidence that the migration crisis has been exploited by criminal networks involved in trafficking in human beings to target the most vulnerable, in particular women and children; traffickers increasingly abuse asylum systems, which are not always linked to National Referral Mechanisms (NFMs); a worryingly sharp increase in Nigerian women and girls leaving Libya has been identified (4,371 in January-September 2015 compared to 1 008 in the previous year, 80 % of whom estimated by IOM Italy to be victims of trafficking), and there are general concerns of an increasing risk of trafficking for sexual exploitation.

In addition, on 2nd December 2016 the European Commission published a 'transposition' report assessing the extent to which Member States have taken the necessary measures in order to comply with the aforementioned Directive 2011/36/EU, in accordance with Article 23 (1); as well as a 'users' report assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, in accordance with Article 23 (2) of the Directive 2011/36/EU. The 'transposition' report indicates amongst other issues that, despite substantial efforts undertaken in this field, there still remains significant room for improvement, in particular on the following: specific child protection measures, presumption of childhood and child age assessment, the protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim as well as prevention. The 'users' report shows that only ten EU Members States have so far established the use of services of victims of trafficking as a criminal offence, three Member States have established such an offence only for one form of exploitation and fourteen Member States have no provisions in place. The report also highlights that the different legal approaches in the Member States fail to effectively contribute to discouraging the demand of such services.

A number of strategic EU policy documents adopted by the Commission have also highlighted trafficking in human beings as a priority area, these include for example: the European Agenda on Migration; the European Agenda on Security; the new Partnership Framework, the EU Action Plan against migrant smuggling 2015-2020; the Action Plan on Human Rights and Democracy 2015-2019; the new framework for the EU's activities on gender equality and women's empowerment in the EU's external relations for 2016-2020 and the Strategic engagement of the EU for gender equality 2016-2019. The recently appointed European Migration Liaison officers (EMLO), are tasked to redact periodical reports that also include data and information on the situation of their host countries in relation to THB. Eurojust also increased the number of contact points in third countries, encouraging the referral of THB cases. THB also forms part of the Khartoum Process and the Rabat Process and it is included in the priority domains of the Joint Valletta Action Plan.

8.2 IMPROVING THE IDENTIFICATION OF AND PROVISION OF INFORMATION TO VICTIMS AT NATIONAL LEVEL

Further efforts towards improving the identification and provision of information to victims of trafficking in human beings were reported in 2016. Efforts were done not only by introducing new legal acts concerning the prevention of trafficking and support to victims or amending existing ones, but also by introducing new strategies and action plans and further developing national systems of assistance to victims. Other measures included the training of different stakeholders who might come into contact with victims, as well as dissemination and information campaigns, including the publication of booklets and manuals.

Overall, there was a trend towards introducing new and/or updated **National Action Plans** and towards improving the identification of and assistance to victims, particularly child victims of trafficking. Some Member States also reported an increase of labour exploitation and new forms of trafficking, such as forced marriages and forced begging. The measures introduced by each Member State and Norway are further explained below.

During the reference period, several (Member) States (BE, ES, DE, FI, FR, IE, LT, LU, SE) and Norway either extended or launched new national action plans, strategies or legal instruments against trafficking of human beings (THB).

- **Belgium** completed the transposition of the THB Directive 2011/36/EU, by adopting the Law of 31 May 2016[142] that inter alia amended certain provisions relating to trafficking in the Criminal Code and the Criminal Procedure Code. Also, in November 2016 a draft law aimed at replacing the 'order to leave the territory' by a temporary residence permit for victims of human trafficking, was approved.
- **Germany** introduced a major reform of the criminal law provisions on human trafficking, thus transposing the Trafficking Humans Directive (2011/36/EU). Furthermore, UNICEF and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) developed minimum standards for the protection of children, youth and women in asylum seekers' reception centres.
- **Ireland** launched the Second National Action Plan to Prevent and Combat Human Trafficking on 17 October 2016.[143] The Plan tackled both third-country national victims and other victims of trafficking. In addition to improving the identification, assistance and support to the victims of trafficking in human beings, the plan also aims to ensure an effective criminal justice response and effective co-ordination and co-operation between key actors, at national and international level.
- **Finland, Italy, Lithuania** and **Norway** published national action plans against trafficking in human beings in 2016. These documents generally included a new set of measures to increase the efficiency of the NRM victim outreach work, identification and assistance to victims.
- **France** introduced a law on 13th April 2016 to fight the system of prostitution and strengthen support for prostitutes. This law is part of the France strengthening public policy through implementation of the National Action Plan to combat trafficking in human beings (2014-2017). The plan is expected to last until 14th May 2017. Its main three priorities are: identifying and supporting victims of trafficking; investigating and dismantling trafficking networks; ensuring that combating THB is a public policy in its own right**.**
- **Luxembourg** presented a National Strategy against prostitution in June 2016, including a bill and the first National Action Plan against prostitution[144], with the aim to reinforce the psycho-social and medical support to victims of sexual exploitation, as well as the existing legal framework to fight against trafficking of human beings, by criminalising clients of minors, vulnerable persons or victims of sexual exploitation.[145] The Governing Council also endorsed the National Action Plan on trafficking in human beings on 21 December 2016, proposing measures to improve the fight against trafficking in human beings at national level. The proposed measures concern three priority areas: the detection and protection of victims, the prosecution and punishment of perpetrators and a policy to actively, effectively and efficiently combat trafficking.
- **Sweden** introduced the 2016-2018 Action Plan to protect children from human trafficking, exploitation and sexual abuse. The plan is in line with the goals set in the 2030 Agenda, such as the elimination of abuse, exploitation, human trafficking and all forms of violence or torture against children, women and girls in public and private spheres.
- In **Spain,** Order 6/2016 (see measures of cooperation between national authorities below) provides measures to facilitate the identification and provision of information to victims.
- In July 2016, the **United Kingdom** announced a new taskforce to accelerate progress in tackling modern slavery and pledged £33.5 million (around 38.7 million euro) development funding including £11 million (around 12.7 million euro) to the Innovation Fund to prevent and support new approaches to tackle modern slavery. The Government also committed £8.5 million (around 9.8 million euro) to transform the UK police response.[146]

[142] Law of 31 May 2016 completing the implementation of the European obligations concerning the sexual exploitation of children, child pornography, human trafficking and facilitation of unauthorised entry, transit and residence, *Belgian Official Gazette,* 8 June 2016.
[143] Department of Justice and Equality (October 2016) Second National Action Plan to Prevent and Combat Human Trafficking. Available at: www.justice.ie
[144] Ministry of Equal Opportunities, Government of the Grand Duchy of Luxembourg, « Plan d'action national «Prostitution», Luxembourg, 29 June 2016, URL :http://www.mega.public.lu/fr/publications/publications-ministere/2016/plan-daction-national-prostitution/index.html
[145] The client may avoid public prosecution under certain conditions (i.e. customer testimonial).
[146] United Kingdom's Home office and government websites, available at https://www.gov.uk/government/news/pm-calls-for-global-action-to-stamp-out-modern-slavery;https://www.gov.uk/government/news/home-secretary-pledges-11-million-for-groups-fighting-modern-slavery;https://www.gov.uk/government/news/home-secretary-strengthens-police-response-to-modern-slavery

8.2.1 INFORMATION ON ASSISTANCE AND SUPPORT TO VICTIMS, INCLUDING CHILD VICTIMS

Member States introduced new strategies or measures to improve the assistance and support to victims of trafficking in human beings, including child victims.

- **Belgium** amended its Circular from 26 September 2008[147], which amongst other things, provided more detailed procedures applying to minors from Belgium, UE and non-EU who are victims of trafficking. Also in 2016, a vade-mecum on the referral of unaccompanied minors was adopted, aimed at prosecutors and police officers.
- Since April 2016 the **Czech Republic** has rolled out a new strategy to combat THB for the period 2016-2019, identifying children and people from socially excluded localities as the most vulnerable victims of THB.
- **Cyprus** reported that within the framework of the **National Strategy**, a Children's House will be developed to concentrate all relevant services within one structure responsible for cases of sexual abuse and/or exploitation of children. The House is expected to be operational in 2017 and will be run by an NGO in cooperation and under the supervision of the Social Welfare services.
- In 2016 **Estonia** amended the Victim Support Act with the aim to ensure a better system for detecting the victims of trafficking in human beings and to enhance their access to the victim support services.

> ***Estonia – New support measures introduced through amendments to the Victim Support Act***
>
> The new system will be operational as of January 2017 and will ensure that all proceedings are carried out in the Children's House for all UAMs, including those who are also victims of human trafficking, and using child friendly methods to safeguard children's rights and avoid re-victimization. Furthermore, victims of trafficking will have access to victim support services even if their investigation and recognition have started outside the Estonian territory.

- In **Germany**, psychological and social assistance for victims of crimes during legal proceedings was introduced (in force since 1st January 2017), thus transposing part of the Protection of Victims of Crime Directive (2012/29/EU) (most of the law transposing such Directive entered into force until 31st December 2015).
- A Regulation on the unique "Programme for emersion, assistance social inclusion of third-country nationals and victims of human trafficking and exploitation", assistance and social inclusion has been introduced in **Italy**. The latter combines in one programme all the actions foreseen by art.13 of Law. 2003/228 and art.18 of Legislative Decree 1998/286, providing appropriate housing conditions, food and health care to target groups. In 2016, 18 projects were financed under the Plan amounting up to 14.5 million euro.
- On 23rd March 2016 amendments to the **Latvian** Criminal Procedure Law came into force.[148] As a result minors victims of trafficking have right to special protective measures, including the possibility to be heard during the court hearing through communication technologies; to have a closed court hearing; to participate in procedural activities along with a trusted person; to receive information on the arrested or convicted trafficker (e.g. release or break- out from prison).
- In October 2016 the **United Kingdom** launched The Child Trafficking Protection Fund, which will support child victims of trafficking, mainly in the UK, with two objectives. First, victim support and recovery, which might include specialist care to trafficked children. Second, it will reduce vulnerability to exploitation, for example by tackling the problem of trafficked children going missing after identification in the UK, and possibly being re-trafficked

Training and awareness raising measures

In 2016 training in EU Member States largely aimed to improve skills of staff responsible for the identification of victims of human trafficking. These training targeted frontline actors who are most likely to come into contact with (potential) victims, such as the asylum and migration authorities (AT, BE, FI), judicial authorities (AT, BE), consular staff (SK, HU), legal counsellors (AT, HU, LU) social workers and health care personnel (AT, BE, LU, FI) as well as child welfare workers (NO).

[147] Circular of 26 September 2008 on the implementation of a multidisciplinary cooperation concerning victims of human trafficking and/or certain forms of aggravated human smuggling
[148] Law "Amendments to the Criminal Procedure Law" - Latvijas Vēstnesis, No.48, 09.03.2016 - [came into force on 23.03.2016]

- Training courses were provided to the officers of the **Austrian** Federal Office for Immigration and Asylum as well as to judges, care staff and legal counsellors. The training aimed to improve the skills of relevant staff needed to identifying victims of human trafficking. In addition, numerous training sessions were held in 2016 for stakeholder groups including: public prosecutors, consulate employees and labour inspectors.
- In **Belgium** training was provided- inter alia- to: staff of the Immigration Office, social and youth workers from Fedasil and its partners and to inspection services. In 2016, a working group including the Financial Intelligence Processing Unit (CTIF), the Finance FPS and the Justice FPS, was also established with a view to developing tools aimed at contributing at the identification of trafficking cases. Moreover Belgian legal experts participated in the Lawyers Networking Meeting[149] at the Council of Europe level in November 2016 in Strasbourg.
- **Greece** highlighted the training of professionals on first-level identification as an intrinsic part of its anti-trafficking policy. The Office of the National Rapporteur on THB is stepping up efforts to facilitate capacity-building activities through a strategic partnership with the State Institute of Training (National Center of Public Administration & Local Government) for the implementation of annual anti-trafficking seminars. At the same time, cooperation with leading international organisations, namely the UNODC, is under way for preparing a number of specialised trainings for law enforcement and front line professionals.
- A two-day training exchange was organised in September and October 2016 by **Luxembourg** in the framework of the Presidency of the Benelux and it aimed to foster EU regional cooperation and knowledge sharing amongst reception facilities for victims of trafficking. **Belgium** also participated in the latter.
- In 2016 the **Slovak Republic** reported that, as part of their pre-departure training and preparation, the Information Centre for Combating Trafficking in Human Beings and Crime Prevention in cooperation with Ministries, retrained 30 consuls and other consular staff members on identifying human trafficking victims.
- **Hungary** reported it plans to hold training for 600 experts working in the field of victim identification, including those authorities dealing with third-country nationals, in line with the National Anti-Trafficking Strategy. The training will be delivered -as of 2017 and continue in 2018- in all 20 counties of the Member State.
- In **Finland,** the Finnish National Assistance System for Victims of Trafficking in Human Beings, in cooperation with the Finnish Immigration Service, organised training sessions for social workers and healthcare staff working at reception centres on identifying victims of trafficking in human beings and referring them to assistance. A separate training was held for social workers working with minors.

Member States also developed dissemination and awareness measures for professionals and potential victims, for example:

- **Austria** reported that the Task Force on Combating Human Trafficking prepared a 20-page booklet on trafficking in human beings, including a definition, indications and referral information, for institutions and offices in contact with potential victims. The Working group on Child Trafficking – established under the Task Force on Combating Human Trafficking – completed the action guidelines for identifying and dealing with potential victims of child trafficking (NRM) and distributed the publication to all relevant offices. The Ministry of Health and Women's Affairs issued an information booklet for sex workers, translated into seven languages.[150] An information brochure for private domestic staff was also developed by the Federal Ministry for Europe, Integration and Foreign Affairs in cooperation with LEFÖ (Information, Education and Support for Migrant Women) to prevent the exploitation and trafficking of persons working in diplomats' households.
- In 2016, **Belgium** developed a new information brochure entitled "You have applied for asylum and you want to work" aiming at informing asylum seekers willing to work of their rights as well as risks of exploitation. The brochure, through an easy test, invites the target group to identify whether their worker's rights are being respected (e.g. contract, wage, working time, insurance etc.).

[149] More information on: http://www.coe.int/en/web/anti-human-trafficking/-/improving-access-to-justice-for-trafficked-persons-lawyers-network-meeting
[150] Bulgarian, Chinese, Czech, English, German, Hungarian and Romanian.

- In **Finland**, the Association of Local and Regional Authorities issued guidelines to municipalities on assisting victims of THB. Legislation was recently amended to better indicate the municipality's responsibilities as regards assistance to victims of trafficking that are legally registered in a municipality in Finland.[151]
- In **Germany,** following the minimum standards developed by UNICEF and BMFSFJ, 25 coordination points for protection against violence have been created in asylum seekers' reception centres; 75 more will be created during 2017.
- **Greece** reported a strategic planning by combining a two-fold emphasis, one on law enforcement and the other on addressing the root causes of trafficking. In this respect, Greece launched large-scale campaigns to reduce the 'Demand' for services or products provided by THB victims. This concerns primarily Human Rights' Education in schools; partnerships with the private sector for a zero tolerance consumer ethic; and synergies with the cultural sector.
- In December 2016, **Luxembourg** launched an information and awareness campaign[152] on trafficking in human beings. The audio-visual campaign, organised by the inter-ministerial committee for the fight against THB (*Comité de suivi de la lutte contre la traite des êtres humain*), which included radio spots, cinema screenings, a new website and a poster campaign, aimed to raise awareness among the general public and to inform about the various forms of trafficking in human beings.
- Following the organisation of health education sessions with UAMs, **Malta** published a booklet entitled 'Forwarned', to raise awareness of the risk of trafficking within this group due to the high number of missing migrant children in Europe and the negative health impact associated with Human Trafficking.
- In 2016, the **Slovak Republic** published the Training Manual on the Prevention of Trafficking in Human Beings for employees that are in contact with potential human trafficking victims during their work. A new website was launched -by IOM Slovakia- and an updated version of the "How Not to Get Lost in the World" brochure was published in April 2016. A "SAFE Work & Travel Abroad" mobile application was also developed for all those travelling or planning to work abroad to point out human trafficking risks. The latter is available in five languages: Slovak, English, Czech, Polish and Hungarian.
- In the framework of the 'Development of a Transnational Referral Mechanism' for **Sweden** (SE-TRM) project, a "Manual on suspicion of human trafficking" was developed to support professionals who come in contact with human trafficking victims. The manual clarifies the responsibilities of various relevant authorities as regards assistance and protection of victims of trafficking.
- In March 2016, the **United Kingdom** updated the Guidance on the NRM for victims of modern slavery aimed at competent authorities[153], frontline staff[154] and child first responders[155]. In addition, three new e-learning packages on Modern Slavery and the NRM[156] developed for frontline workers and Competent Authority staff in Border Force, UK Visas & Immigration and Immigration Enforcement were launched in March 2016. The courses cover the issues surrounding Modern Slavery, its general definition and some of the general indicators to look out for when there is a suspicion that someone might have been a victim of modern slavery, as well as detailed information about specific types of exploitation such as sexual exploitation, forced labour, and domestic servitude. Staff are also trained to refer cases into the NRM.

Measures on cooperation between national authorities

Six Member States (BE, DE, EL, ES, FR, IT) described important examples of cooperation between national actors during 2016.

[151] Legislative amendments entered into force on 1 July 2015.
[152] Government of the Grand Duchy of Luxembourg, Ministry of Equal Treatment, « Lancement de la campagne d'information et de sensibilisation sur le phénomène de la traite des êtres humains », in : mega.public.lu, 1 December 2016, URL: http://www.mega.public.lu/fr/actualites/2016/12/campagne-traite/index.html
[153] Guidance on the NRM for victims of modern slavery aimed at competent authorities, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/521763/Victims_of_modern_slavery_-_Competent_Authority_guidance_v3_0.pdf
[154] Guidance on the NRM for victims of modern slavery aimed at frontline staff, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509326/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf
[155] Guidance on the NRM for victims of modern slavery aimed at child first responders, https://www.gov.uk/government/publications/national-referral-mechanism-guidance-for-child-first-responders
[156] The NRM is the UK's system for identifying and supporting victims of modern slavery including trafficking.

- **Belgium**, amended its Circular from 26 September 2008[157] which describes the multidisciplinary cooperation and the roles of the stakeholders involved in the national referral mechanism. As a result, the Circular better distinguishes between Belgian, EU and non-EU victims of trafficking so that national actors can better respond to the situation and needs of the different groups of victims. Also a Circular[158] was adopted on 22th September 2016 on research and prosecution policy relating to the exploitation of begging. The Circular aims inter alia to clearly identify the actors involved and the coordination scheme in such cases.
- In 2016, **Germany** developed a National Cooperation Strategy to improve the identification and protection of victims of trafficking and exploitation of minors. The strategy was being finalised and discussed. The new strategy aims to ensure adequate measures to protect and help potential and actual minors that have become victims of human trafficking, regardless of the purpose and the type of exploitation. The strategy includes proposals to improve organisational cooperation between responsible bodies and to raise awareness among all relevant stakeholders in the field.
- In August 2016 **France** created, within the Interministerial Mission for the Protection of Women Victims of Violence and the Fight against Trafficking in Human Beings (MIPROF), a coordination committee to combat the fight against THB. The latter is composed of relevant ministries, associations and specialists working on THB and it aims at monitoring the implementation of national actions.
- **Greece** established the National Identification and Referral of Victims of Trafficking System (EMA)[159] (JMD 30840/16) which is responsible for the collection and referral of protection requests of victims detected / identified by the relevant public authorities or by providers of shelter and social support. The system will also monitor the management of these requests and will establish a registration system of victim's protection requests (reference, referral and monitoring of management).
- **Italy** established a coordination mechanism to ensure a regular dialogue amongst all relevant stakeholders involved in the fight against THB. Chaired by the Minister with responsibility for Equal Opportunities, the Mechanism includes representatives of the Central Government, Regions and local authorities and will be supported by the private sector and trade unions to elaborate national policies and guidelines.
- In 2016, **Spain** introduced the Order 6/2016 on the action of the State Law Enforcement Agencies (National Police and Civil Guard) in the fight against trafficking in human beings. Its main objective is to reinforce the cooperation of the latter with NGOs and members of the civil society in the fight against THB. For this purpose, the National Police and the Civil Guard were instructed to appoint 'social interlocutors' in the field of THB (both at national and local level), to better cooperate with civil society organisations responsible for providing assistance and information to victims. The Order also updated the victims' identification procedures, carried out by specialised police units. These units ensuring that, once identified, the victim has immediate access to medical, legal and social assistance.

Measures on cooperation between Member States

- In December 2016, **Belgium**, **Luxembourg** and **the Netherlands** signed a declaration of intent in view of a multidisciplinary cooperation in the fight against trafficking in human beings. Member States committed inter alia to appoint contact persons to facilitate cross-border information exchange and to improve cooperation between the NRMs. Training sessions were also organised as a result (see Luxembourg developments above on training measures)
- In May 2016, **Ireland** hosted an International Conference for the North Atlantic Maritime project in the framework of the Santa Marta Group.[160] The focus of this conference was raise awareness on the phenomenon of modern slavery and to work in partnership with **Northern Ireland, United Kingdom, Spain and Portugal** to tackle modern slavery in the fishing industry.

[157] Circular of 26 September 2008 on the implementation of a multidisciplinary cooperation concerning victims of human trafficking and/or certain forms of aggravated human smuggling
[158] This Circular is confidential.
[159] National Identification and Referral of Victims of Trafficking System, available at http://www.nomotelia.gr/photos/File/3003B-16.pdf
[160] Santa Marta Group website, available at http://santamartagroup.com/

- To tackle the new trend of forced marriages as a new form of THB, **Latvia, Lithuania, Estonia, Slovakia and Ireland** started to closely cooperate under the HESTIA project – Preventing Human Trafficking and Sham Marriages: A Multidisciplinary Solution.[161] The project aims to identify the common features and differences associated with forced marriages in each country and to outline recommendations.
- In 2016 the **Swedish** National Coordinator's office initiated a project on trafficking in human beings for the purpose of forced labour, in cooperation with the Council of the Baltic Sea States (CBSS). Building upon a previous project (ADSTRINGO) which was run by the CBSS, a Swedish team of professionals on trafficking in human beings will visit **Belgium, Finland and the United Kingdom** in order to share knowledge about their approaches regarding the identification and counteraction against trafficking in human beings for forced labour purposes.

8.2.2 EVIDENT TRENDS AT NATIONAL LEVEL

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

- **Bulgaria** reported an increased number of third-country victims of trafficking in 2016, mainly due to the current refugee crisis in the EU.
- In **Finland**, while undertaking the responsibility of establishing asylum seekers' identity and travel route, the Finnish Immigration Service reported an increasing amount of cases in which asylum seekers have been subjected to exploitation during the journey, either in another EU Member State or a third country.
- **Croatia, Finland** and **Sweden** reported a higher number of missing asylum-seeking and unaccompanied minors, who could be potential victims of trafficking.
- In the **Czech Republic**, an increase in cases of sham marriages was reported. As in the previous years, the numbers of victims being EU citizens increased compared to third-country nationals.
- In **the Netherlands**, a study[162] published in 2016 by the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children showed that an increasing number of victims of trafficking were Roma children, Syrian child brides and children living illegally in the Netherlands who have to work in households. In addition, a decrease in the number of registered victims was reported in the Netherlands, mainly due to the increased asylum influx as of 2015 and the consequent reduced capacity at the police and the Royal Netherlands Marechaussee.
- Following the introduction of the Modern Slavery Act in 2015 in the **United Kingdom** in 2016 a significant increase of potential victims of modern slavery (3,805 potential victims i.e. a 17% increase) were referred to the NRM[163]. The Act also included provisions for Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs), to restrict the activities of modern slavery offenders. In 2016 there were 19 Slavery and Trafficking Prevention and Risk Orders in place to restrict the activities of perpetrators.

The number of identified cases of labour exploitation increased from previous years in some Member States, as well as the growing trend in identified cases of sham/forced marriages and forced begging. In **Belgium** the Circular adopted in September 2016 (see section 8.2.1) aims to help identify and characterise cases of exploitation of begging and to better coordinate investigation and prosecution in such cases. **Cyprus** and **Spain** also reported an increased number of investigations on cases of trafficking for the purpose of committing other criminal activities. Cases of victims who have been recruited by traffickers taking advantage of the victim's position of vulnerability, or by criminal organisations taking advantage of the refugees' influx to disguise trafficking cases, have been increasingly detected, notably amongst asylum seekers or illegal migrants. In 2016, the Supreme Court of **Spain** has ruled that each victim of trafficking corresponds to one separated crime, as the protected value corresponds to the dignity of each person[164].

[161] Project activities were completed in December 2016.
[162] Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. (2016). Zicht op kwetsbaarheid. Een verkennend onderzoek naar de kwetsbaarheid van kinderen voor mensenhandel [View on Vulnerability. An exploratory study into the vulnerability of children for human trafficking]. News bulletin. Consulted on 2 December 2016. https://www.nationaalrapporteur.nl/Publicaties/Zicht-op-kwetsbaarheid/index.aspx
[163] National Referral Mechanism statistics, at: http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics
[164] Supreme Court Ruling 538/2016 of 17 June.

8.2.3 COOPERATION WITH THIRD COUNTRIES

Few major developments in relation to third countries cooperation included:

- **Austria** continued cooperation with third countries in the framework of two main projects funded under the Prevention of and Fight against Crime (ISEC) programme: CHINESE THB and ETUTU (the latter aimed at human trafficking originating in Nigeria).
- **Belgium** implemented information and prevention campaigns with third countries e.g. in Afghanistan (including Kabul, Baghlan, Kunduz, Ghazni and Nangarhar provinces) involving police departments and relevant security officers. These focused- inter alia- on the risks associated with trafficking in human beings.
- In 2016, the **Czech Republic** started to cooperate with authorities and NGOs from Turkmenistan in the framework of an IOM project.
- **France** also reported on measures to improve international cooperation. For example, nine Joint Investigation Teams were created, most recently with Montenegro. France also continued to participate in the GRETA expert group and implementing multilateral and bilateral cooperation in various regions, in particular with the Western Balkans and Western Africa.
- **Greece** participated in the Joint Action Days (JAD) on labour trafficking, part of the Operational Action Plans (OAP 4.1) in line with the 2016 Europol EMPACT priorities.
- In 2016, **Lithuania** participated to the project "Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings in the Baltic Sea Region" (STROM II), coordinated by the Baltic Sea States Task Force Against Trafficking In Human Beings (CBSS TF-THB).
- **Slovakia** has been a part of the TACT project (Transnational Action - Safe and Sustainable Return and Reintegration for Victims of Trafficking Returning from France, Greece, Italy, Poland and Spain to Priority Countries (Albania, Morocco and Ukraine)) since October 2016.
- In the framework the EMPACT Project, **Spain** carried out activities at operational and technical level involving third countries, focused on Nigerian THB (Project ETUTU) and Chinese THB (Project China).

European
Commission