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Ad-Hoc Query on 2024.30 Visa-misuse

Requested by EMN NCP Sweden on 21 May 2024

Compilation produced on 18 July 2024

Responses from EMN NCP Belgium, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Estonia, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden (20 in Total)

Exported for: Wider Dissemination

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1. BACKGROUND INFORMATION

According to the Schengen barometer presented during the last Schengen Council on 4 March 2024, approximately one third of asylum applications in 2023 were lodged by third country nationals whose entry into the Schengen area is unknown. Many of the applicants concerned are believed to hold or have held a visa, but their number remains unknown. This absence of statistics has repeatedly been pointed out as problematic. The issue has most recently been raised by the BE Presidency in the context of the Visa Working Party. Sweden believes it is important to have a better picture of those migrants who use the legal channels to enter the Schengen area but who subsequently lodge an asylum application in a Member State, as these applications often prove to be unfounded and therefore constitute an unnecessary burden on the national asylum systems.

We would like to ask the following questions:

- 1. 1. Does your Member State collect statistics on the number of asylum-seekers who enter the European Union or Schengen area using a Schengen visa? YES/NO**
- 2. 2. If you answer YES to Q.1 what is/are the objectives for collecting this information (e.g. determine responsibility under the Dublin regulation, to identify patterns of visa-misuse)?**
- 3. 3. If you answer NO to Q.1, does your Member State plan to collect such information before the date of implementation of the new Pact on Migration and Asylum?**


We would very much appreciate your responses by **18 June 2024**.

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2. RESPONSES




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	EMN NCP Belgium	Yes	1. Yes 2. Determine responsibility (Dublin III) + provision of analytical tools to support operational efforts in identifying migration patterns, monitoring practices and preventing irregular activities 3. Not applicable

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



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	EMN NCP Croatia	Yes	1. No 2. N/A 3. No
	EMN NCP Cyprus	Yes	1. NO 2. N/A 3. Under discussion internally
	EMN NCP Estonia	Yes	1. No. 2. N/A 3.



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			Yes.
	EMN NCP France	Yes	<p>1. YES</p> <p>2. this data is used operationally both by the one-stop-shops for asylum seekers to detect a Dublin procedure, and by the Dublin section of the Asylum Directorate (within the General Directorate for Foreign Nationals in France of the Ministry of the Interior) in the context of requests for responsibility sent to France by other EU MS.</p> <p>3. n/a</p>
	EMN NCP Germany	Yes	<p>1. Yes.</p> <p>2. To determine the responsibility under the Dublin regulation (if someone applies for asylum and holds a Schengen visa from another MS it could be a hint that it is a Dublin case).</p> <p>3. n/a</p>

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	EMN NCP Greece	Yes	<ol style="list-style-type: none"> 1. The National Dublin Unit of the Asylum Service of the Ministry of Migration and Asylum does not have access to the VIS HIT system and, thus, the Asylum Service can not have exact data on that issue. 2. - 3. In the process of preparing the national implementation plan for the new Pact on Migration and Asylum, this case is under consideration. In addition, it is noted that the outgoing requests the National Dublin Unit of the Asylum Service sends to other Member States, in order to establish responsibility and are based on visa criteria have been on the increase for the last year. More specifically, these requests are currently almost half of the total sent requests, unlike the previous years, when family-based criteria prevailed and there was only a small number of visa-based requests.
	EMN NCP Hungary	Yes	<ol style="list-style-type: none"> 1. No 2. N/A 3. Not planned currently



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■	EMN NCP Ireland	Yes	<ol style="list-style-type: none"> 1. N/A - Ireland is not part of the Schengen Area. 2. N/A 3. N/A
■	EMN NCP Italy	Yes	<ol style="list-style-type: none"> 1. NO. <i>The Visa Department does not have the possibility to determine how many asylum seekers hold an entry visa. The LVIS software (used for issuing entry visas) does not connect with the databases that manage asylum applications, therefore it is not possible to make any kind of statistics.</i> 2. / 3. NO.
=	EMN NCP Latvia	Yes	<ol style="list-style-type: none"> 1. No.



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			<p>2. N/a</p> <p>3. Not at the given moment. There have been discussions in the relevant EU working parties regarding collection of such statistics, but internally there has not been any plans yet.</p>
	EMN NCP Lithuan ia	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. No</p>
	EMN NCP Luxemb ourg	Yes	<p>1. No.</p> <p>2. N/A.</p> <p>3. Not at the moment. The Passport, Visa and Legislation Office plans to collect such information in the future.</p>



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 EMN NCP Netherlands	Yes	<p>1. Yes.[1]</p> <p>[1] Information provided by the IND on 12 June 2024.</p> <p>2. The objective for collecting this information is to identify patterns of visa-misuse. The Netherlands has an interdepartmental working group that addresses the issue of asylum requests by visa holders. The data for visa issued by the Netherlands are cross checked with data on subsequent asylum applications in the Netherlands.[1]</p> <p>[1] Information provided by the IND on 12 June 2024.</p> <p>3. N/A.</p>	
 EMN NCP Poland	Yes	<p>1. No</p> <p>2. n/a</p>	



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			3. No
	EMN NCP Portugal	Yes	1. NO 2. N/A 3. That information is currently collected by the Border Police (PSP). AIMA is available to, in coordination with PSP, start collecting that info before the date of implementation of the new Pact on Migration and Asylum.
	EMN NCP Slovakia	Yes	1. No. 2. NA 3. Within the Migration Office of the Ministry of Interior of the Slovak Republic, which deals with asylum applications, this would fall under the competence of the Dublin Unit. The Dublin Unit does not yet collect statistics on how many applicants for international protection have entered the EU through visas. It can only say how many requests to take responsibility have been sent or received on the basis of the visa criterion. However, even this does not correspond to the full picture of how many applicants have entered the EU on visas. As far as the new Pact is concerned, we are not currently planning to collect such data.


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	EMN NCP Sloveni a	Yes	<p>1. YES</p> <p>2. We collect this information for determine responsibility member states under the Dublin regulation. Statistics: We had 17 such cases last year, and 2 such cases so far this year.</p> <p>3. Yes</p>
	EMN NCP Spain	Yes	<p>1. NO</p> <p>2. -</p> <p>3. NO</p>

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	EMN NCP Sweden	Yes	<ol style="list-style-type: none"> 1. Yes. 2. To identify patterns of visa misuse (in addition to Dublin regulation). 3. -
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