

EMN BULLETIN

The EMN Bulletin provides policymakers and other practitioners with updates on recent migration and international protection policy developments at EU and national level. The 23rd Edition provides information from April 2018 to June 2018, including the (latest) relevant published statistics.

The Bulletin is organised by policy theme. You can directly access your area of interest by clicking on one of the following themes:

1. General policy developments; 2. Implementation of the Common European Asylum System; 3. Unaccompanied Minors and Vulnerable Groups; 4. Legal migration and Integration; 5. Management of EU external borders; 6. Irregular migration and return; 7. Actions Addressing Trafficking in Human Beings; 8. External dimension; Annex on EU & Complementary Statistics, Additional information, other EMN outputs and upcoming events.

SPECIAL NOTE

On 28th June, the European Council <u>reconfirmed</u> its commitment to finding a comprehensive approach to migration which combines more effective control of the EU's external borders, increased external action and the internal aspects, in line with European principles and values. In view of this, EU heads of state or government *inter alia* agreed on the following:

- ★ To develop a concept of regional disembarkation platforms for people saved at sea to rapidly and safely distinguish between economic migrants and asylum seekers;
- ★ On EU territory, those who are saved, should be taken charge of through the transfer to controlled centres, on the basis of a shared effort. Such centres are to be set up in Member States on a voluntary basis, and should provide rapid and secure processing to distinguish between irregular migrants to be returned, and those in need of international protection

In addition, EU leaders agreed to transfer € 500 million from the 11th European Development Fund reserve to the EU Trust Fund for Africa, and called for a new dedicated external migration management facility to be included under the next EU long-term budget. Finally, the reform of the EU asylum acquis was discussed; five out of the seven legislative proposals are close to finalisation. Negotiations on the Dublin regulation and asylum procedures proposal will continue under the Austrian presidency (July-December 2018).

1. GENERAL POLICY DEVELOPMENTS

EU DEVELOPMENTS AND UPDATES

On 16th May, the European Commission <u>reported</u> on progress made under the European Agenda on Migration as well as the Commission's roadmap from December 2017, and set out further actions to be taken. The report concludes that the progress made over the last year has been broadly maintained, with the range of measures put in place continuing to produce their effects. However, as migratory flows are subject to sudden variations and the migratory pressures remain strong, the EU needs to show preparedness to respond to any seasonal peaks or shifts in pressure.





- ★ On 4th April, representatives of the European Union (EU) and the International Organization for Migration (IOM) met in Brussels to discuss the way forward on some of the most pressing issues linked to migration, including managing migration flows, better protection of vulnerable migrants, the United Nations Global Compact on Migration, cooperation on forced displacement and development and on return and reintegration of migrants.
- ★ On 24th-25th April, the EU and United Nations (UN) co-chaired the second Brussels conference on supporting the future of Syria and the region. The co-chairs adopted a joint declaration, including several annexes on supporting the resilience of host countries and refugees in the context of the Syrian crisis.

NATIONAL DEVELOPMENTS

- France: After its adoption by the National Assembly on 22nd April, the Senate modified on 26th June the <u>draft law</u> for a managed migration, an effective right of asylum and a successful integration. Following the Senate's modifications, new discussions will be launched within the National Assembly late July. This draft law aims at increasing the rights granted to third-country nationals and taking into account vulnerabilities during each step of the process, strengthening the fight against irregular migration and fraud, as well as improving the integration policy especially with reinforced language training and vocational integration.
- ★ Ireland: The Department of Justice and Equality published Immigration in Ireland Annual Review 2017. The publication includes updated statistics for all aspects of immigration in Ireland, and mentions key policy and operational developments during 2017 as well as areas for future focus.
 - On 24th April, the Irish Supreme Court delivered its judgment in the cases of <u>Luximon v Minister for</u> <u>Justice and Equality and Balchand v Minister for Justice and Equality</u>. It found the Minister for Justice, when considering applications for a change of status of timed out students/undocumented migrants, is required by law to consider their private and family life rights.
- ★ The Netherlands: On 30th March, the Dutch government <u>presented</u> its 'Comprehensive Agenda on <u>Migration</u>'. The government opts for a wide-ranging, comprehensive approach as migration is a dynamic, multifaceted and complex issue; government's actions in different policy areas cannot be seen in isolation. The government elaborates on its comprehensive approach in a 'six-pillar agenda', which consists of:
 - Preventing irregular migration;
 - Improving reception and protection for refugees and displaced persons in the region;
 - Achieving a robust asylum system, based on solidarity, in the EU and the Netherlands;
 - Combating illegal residence and stepping up returns;
 - Promoting legal migration routes;
 - Encouraging integration and participation.
- ▶ Portugal: On 23rd June, the Portuguese Immigration and Borders Service (SEF) celebrated its 42nd Anniversary. A public ceremony was held in SEF's headquarters. The programme included the presentation of the new braille sticker that may from now on be requested by Portuguese blind and amblyope citizens when applying for their passport. This innovative sticker, the first one in Europe, contains the name and birth date of the holder and the passport's expiry date and ensures greater autonomy to blind and amblyope Portuguese passport holders. The EMN co-funded Report on Immigration, Borders and Asylum (RIFA) 2017, an exhaustive and broad statistical report on last year's migration within the Portuguese territory, was presented. The new SEF website, allowing online scheduling for several applications and more efficient communication between SEF and third-country nationals was also presented.
- **Spain:** On 23rd June, following a restructuring of the Ministerial Departments, the new structure of the Ministry of Labour, Migration and Social Security was <u>published</u> in the Official State Gazette (BOE), which was reinforced to face the new challenges of the migration phenomenon.



2. IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

EU DEVELOPMENTS AND UPDATES

★ On 18th June, EASO <u>published</u> the annual Report on the Situation of Asylum in the EU 2017, providing a comprehensive overview of developments at European level and within national asylum systems, as well as statistical trends. In 2017, a total of 728 470 applications for international protection were lodged in the EU, representing a 44% decrease compared to 2016. 954 100 applications were awaiting a final decision at the end of 2017; a decrease of 16% compared to 2016.

Relocation and Resettlement

According to the European Commission's most recent <u>Progress Report</u> on the European Agenda on Migration, by the end of March 2018, all eligible

Migration, by the end of March 2018, all eligible applicants had been relocated from Greece to other Member States, in total 21 999 persons (including 546 unaccompanied minors). From Italy, as of 7th May 2018, 12,691 people have been relocated (including 256 unaccompanied minors), with 31 applicants (including 26 unaccompanied minors) already accepted for relocation, waiting to be transferred. Four relocation requests for unaccompanied minors have been sent by Italy and have not yet been answered. Regarding resettlement, the first EU resettlement scheme of July 2015 has ended. The total number of people resettled under all EU resettlement schemes since then, including Syrians resettled from Turkey under the EU-Turkey Statement, is 32 207.

Judgment of the European Court of Justice

– Joined Cases C-331/16 and C-366/16

On 2nd May, the Court of Justice ruled that the fact that a person has in the past been subject of a decision excluding him/her from refugee status cannot automatically permit the finding that the presence of that persons in the host Member State constitutes a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. A case-by-case assessment is necessary to justify the adoption of a measure based on grounds of public policy or public security.

Judgment of the European Court of Justice

In its judgment of 25th January, the Court of

Justice ruled on the expert reports aiming to

assist the national authorities in the assessment

of the credibility of an asylum seeker's

declaration in regards to his/her sexual

orientation. The CJEU found that these reports,

must be in line with the Charter of Fundamental Rights of the European Union and they should

not be the sole basis for the decision taken by a

court or tribunal. Moreover, national authorities

are prohibited from preparing and using, in

order to assess the veracity of a claim made by

an applicant concerning his sexual orientation, of a psychologist's expert report the purpose of

which is, on the basis of a projective personality

test, to provide an indication of the sexual

orientation of the applicant.

LATEST RELEVANT STATISTICS

★ On 15th June, Eurostat put forward its latest Asylum Quarterly Report. In the first quarter of 2018, the number of first time asylum applicants in the EU-28 decreased by 25% compared with the same period.

- C-473/16 F

in 2017. The total number of persons seeking asylum from non-EU countries during the first quarter of 2018 amounted to 131 000, which is around the same level recorded in 2014. Syrians, Iraqis and Afghans represented the top three citizenships of asylum seekers. At the same time, Syrians contributed most to the overall decrease in first time asylum applicants in absolute terms (10 800 fewer applicants compared with the same quarter of 2017).

NATIONAL DEVELOPMENTS

★ Austria: On 20th June, the adaptation of the Austrian Regulation on Countries of Origin was announced and the states Senegal and Sri Lanka were added to the list of safe countries of origin.¹

On 31st May, Art. 22 Para 1 Asylum Act 2005 ceased to be in force. This provision had established the obligation of the Federal Office for Immigration and Asylum to decide upon applications for asylum within 15 months. Since 1st

June 2018, the general time limit of six months according to Art 73 Para 1 General Administrative Procedures Act 1991 is applicable also for applications for asylum.²

Since 1st June, remedies against decisions of the Federal Office for Immigration and Asylum must be decided upon within six months.³ Previously, a time limit of twelve months was in place.⁴

The Settlements and Residence Act, the Aliens Police act 2005, the Federal Basic Welfare Support Act 2005 and the Federal Office for Immigration and Asylum Procedures Act were adopted by law of 17th May 2018 to comply with the EU General Data Protection Regulation (95/46/EC).⁵

Since 1st April, the Interior Minister is <u>authorised</u> to determine whether asylum seekers are allowed to render ancillary activities on a voluntary basis. If this is the case, asylum seekers are to receive a recognition fee that can be limited by the Interior Minister.

¹ BGBI. II Nr. 130/2018

² BGBl. I Nr. 24/2016

³ according to Art 34 Abs 1 Proceedings of Administrative Courts Act

⁴ Art 21 Para 2b Federal Office for Immigration and Asylum Procedures Act, that had established a time limit of twelve months, ceased to be in force on 31st May 2018.

⁵ BGBl. I Nr. 32/2018

- ★ Belgium: In June 2018, 34 Syrian applicants for international protection arrived in Belgium with a humanitarian visa. This was made possible by the agreement signed in November 2017 by the Belgian State Secretary for Asylum Policy and Migration and the Sant'Egidio Community, under which 150 vulnerable Syrian applicants for international protection from Turkey and Lebanon would be allowed to come to Belgium with a humanitarian visa. 38 people have previously arrived in Belgium under this agreement.
- ★ **Cyprus:** On 13th June, a boat with 61 Syrian nationals arrived in Cyprus. Syrians are now choosing Cyprus as their final destination, since they have family or other links with persons already residing in the island under the status of an applicant or beneficiary of international protection. The latest arrivals by boat from Turkey have confirmed the existence of a new route between Turkey and Cyprus.
- Finland: On 20th June, the Finnish Immigration Service <u>updated</u> its situation reports of the security situations in Iraq, Afghanistan and Somalia. The situation in Afghanistan and Somalia remains unstable, and also some areas in Iraq are subject to high violence. However, the situation in Mosul, for example, has stabilised to some extent and remigration to the area continues. These situation reports are updated every six months, on the basis of which decision-makers alter their practices if necessary.
 - During a fact-finding mission in April, two researchers from the Finnish Immigration Service's Country Information Service <u>visited</u> Beirut and Damascus. During the mission, the researchers obtained information on the situation in Syria and the circumstances of the Syrian refugees in Lebanon.
- **France:** On 31st May, a <u>decree</u> laying down several provisions relating to the allowance for asylum seekers, specifies calculation methods and payment arrangements for such an allowance.
- ★ Greece: On 22nd May, legislative developments, falling within the field of competence of the Appeals' Authority, were introduced by article 28 of law 4540/2018 and set multiple objectives that seek a) to accelerate the issuance of decisions in the second instance of examining an asylum application, b) to do away with contradictions in the application and interpretation of the notion of "final decision", by harmonising its definition with the definition provided for in art. 2 (e) of the Qualification Directive (2013/32/EU), and c) to allow for alternative ways of serving "final decisions", issued by Appeals' Committees, in cases where actual serving is impossible.
- ★ Ireland: In June 2018, new measures were announced which will allow international protection applicants to seek access to the labour market following the imminent entry into force of the EU (recast) Reception Conditions Directive.
 - On 16th April 2018, the Minister for Justice and Equality designated Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Georgia, Montenegro, the Republic of Albania and the Republic of Serbia as safe countries of origin, by way of <u>S.I. No. 121/2018</u> <u>International Protection Act 2015 (Safe Countries of Origin) Order 2018</u>.
- ★ Italy: A total of 250 highly qualified civil servants were hired to increase the personnel in charge of processing asylum claims within the Territorial Commissions. This came as a response to a 2017 law aimed at improving the Italian asylum system, reinforcing its organisation and coordination in a structural manner. It also aims at accelerating the processing of asylum claims.
- The Netherlands: On 8th June, the Minister for Migration announced a tougher approach to any asylum seekers causing nuisance. A significant part of the group of asylum seekers who cause nuisance at reception centres tend to be from safe countries of origin and often have a Dublin designation (including unaccompanied minor returnees over the age of 16 in individual cases). In order to address problems with this group, the capacities of the Dutch Immigration and Naturalization Service (IND) will be expanded to speed up the processing of Dublin cases, while the various organisations cooperating in the migration process will intensify their efforts to compile dossiers to allow for remand where necessary. Additionally, staff of the IND will be charged with ensuring that returnees arrive for their appointments on time to help ensure that asylum procedures do not incur any unnecessary delays. Lastly, the IND will confer with the Judiciary to determine whether asylum cases of severe troublemakers can be prioritised by the District Courts in order to speed up the rejection process.
- ▶ Portugal: On 29th June and 25th May respectively, the Immigration and Borders Service (SEF) presented its application for two new EU co-funded projects regarding resettlement, one regarding a new pledge of 955 persons to resettle in 2018-2020; and the other to allow for the deployment of special asylum missions, led by SEF's Border Guards, to Egypt and Turkey, with the purpose of providing asylum applicants with all the information they need to decide on their applications, and also to proceed to security interviews to ensure a more effective resettlement in the Portuguese territory.
- **Spain:** On 17th June, 630 migrants from the humanitarian rescue boat Aquarius arrived in Spain.

★ United Kingdom: In May, the Family and Friends Care draft statutory guidance for local authorities was published for public consultation by the UK Department for Education. The guidance includes revisions made to include asylum seeking children (UASC) being brought to the UK under the Dublin III Regulation to join family or relatives.

In May, the Family and friends care draft statutory guidance for local authorities was <u>published</u> for public consultation by the UK Department for Education. This guidance sets out a framework for the provision of support to family and friends carers and includes revisions made to include asylum seeking children (UASC) being brought to the UK under the Dublin III Regulation to join family or relatives.

Relocation and Resettlement

- ★ Ireland: In May 2018, the Department for Justice and Equality announced a <u>new humanitarian</u> <u>admissions programme</u> under the Irish Refugee Protection Programme (IRPP) Humanitarian Admission Programme 2 (IHAP). Citizens, beneficiaries of international protection, and programme refugees can propose eligible family members for consideration for admission to Ireland.
- ★ Spain: As of 24th April, a total of 1 359 relocations and 1 433 resettlements to Spain had been carried out.



3. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

EU DEVELOPMENTS AND UPDATES

- On 16th May, Eurostat <u>published</u> the official statistics concerning registration of unaccompanied minors in the EU in 2017. This year, 31,400 asylum seekers applying for international protection in Member States were considered to be unaccompanied minors.
- ★ On 12th April, one year passed since the European Commission's <u>Communication</u> on reinforcing child protection on migration routes. Since then, many of the actions laid out in the Communication have

Judgment of the European Court of Justice – Case <u>C-353/16 MP</u>

On 24th April, the Court of Justice ruled that the under EU law, the fact that a person has in the past been tortured by the authorities of his country of origin but would no longer be at risk of such treatment if he returned to that country is not in itself sufficient justification for granting subsidiary protection. However, the Court considers that the EU Charter of Fundamental Rights precludes a Member State from expelling third-country national where such expulsion would, in essence, result in significant and permanent deterioration of that person's mental health disorders.

been implemented by the Commission and Member States, including for example the appointment and training of child protection teams in hotspots in Greece, increased support to Italy by the European Asylum Support Office in implementing child protection legislation, and the establishment of a European network on guardianship for children in migration.

NATIONAL DEVELOPMENTS

- **France**: On 26th April, the Ministry of Justice <u>published</u> a decree on the proportional reception of unaccompanied minors on the French territory. A distribution key determines the percentage targets for the accommodation of unaccompanied minors for each department in 2018.
 - In April 2018, the unaccompanied minors task force, attached to the Ministry of Justice, <u>published</u> its annual activity report for 2017. The task force is in charge of managing all files related to the evaluation, guidance and care of unaccompanied minors and to human trafficking. The annual activity report gives data for the year 2017, assesses the measures and the progress made.
- ★ Greece: On 26th June, a draft law for the guardianship of the unaccompanied minors and separated minors was <u>tabled</u> in the Greek parliament.
 - On 12th June, a new law (n.4547/2018) for the reorganisation of the primary and secondary education supportive structures was <u>published</u>. The fourth part of the law concerns supportive structures for the education of the refugee children.
 - On 22nd May, as a result of a new <u>law</u> bringing Greek legislation in line with the recast Reception Conditions Directive, the responsibility for the protection of unaccompanied and separated minors has passed from the Ministry of Migration to the Ministry of Labour, Social Security and Social Solidarity. Furthermore, only vulnerable people such as victims of trafficking are considered to have special reception needs and thus benefit from the specific support provided.
- ★ The Netherlands: In light of a tougher approach to asylum seekers who cause nuisance (see Section 2), the Minister of Migration announced that it will be possible to send unaccompanied minor returnees over the age of 16 to special supervision and monitoring locations (so-called 'EBTL' locations; in Dutch: extra begeleiding en toezichtlocatie).

These EBTLs were first opened in 2017 for the placement of asylum seekers that cause nuisance in regular asylum seeker centres. Unaccompanied minor returnees will only be placed in these centres in case they cause nuisance (such as aggression, vandalism and intimidating behaviour) and on an individual base. The EBTL locations are subject to stricter regulation than normal reception centres. Residents leaving the site are limited to specific locations and must report to staff every time that they leave and return the EBTL location. They are required to report to staff on a daily basis and do not receive any financial benefits as would be the case in regular facility.

- Sweden: In June, the Swedish Parliament approved a new law that aims at making it possible for young unaccompanied asylum seekers, whose asylum applications were rejected, to apply for a residence permit for studies at upper secondary schools. This temporary law is expected to regularise the legal situation of several thousand young migrants who came to Sweden as unaccompanied minors and had their asylum applications rejected following long wait times. The opportunity to receive a residence permit for upper secondary studies is only available to unaccompanied individuals who applied for asylum before 24 November 2015, who had been waiting for an asylum decision for at least 15 months, and who are still in Sweden.
- United Kingdom: On 15th June, new changes to UK Immigration Act 2016 were published by the government. These changes will come into effect on 6th July 2018. One announced change, is the creation of a new form of leave for children under section 67 of the Immigration Act 2016 (the Dubs amendment). This will ensure that those children who do not qualify for refugee or humanitarian protection leave will still be able to remain in the UK long term. Those who qualify for this new form of leave will be able to study, work, access public funds and healthcare and apply for settlement after 5 years, without paying a fee. The change underlines the government's commitment to fulfil its obligation to the Dubs children and the spirit of the legislation.



LEGAL MIGRATION AND INTEGRATION

EU DEVELOPMENTS AND UPDATES

- Statistics published by the European Commission reveal that more than 16,2 million applications for short-stay visas were lodged at the consulates of the Schengen States in 2017, 6.3% more than in 2016 and the first increase in demand since 2013.
- On 16th May the European Commission proposed to upgrade the Visa Information System (VIS), the database containing information on persons applying for Schengen visas in order to better respond to the evolving security and migratory challenges and improve the EU's external border management.
- On 25th April, the EU co-legislators approved the final political agreement on the European Travel Information and Authorisation System (ETIAS),

which the European Commission proposed in November 2016, according to which non-EU citizen travelling visa-free to the European Union will need to obtain authorisation before doing so.

their territory.

- On 18th April, the European Commission and OECD (Organisation for Economic Co-operation and Development) published a report that identifies the main challenges to the integration of migrants and sets out concrete policy recommendations in response. Gathering best practice examples from large European cities including Amsterdam, Athens, Berlin, Paris and Rome, the report highlights 12 key points for local, regional and national policy-makers and practitioners to consider as they develop and implement local integration programmes. Recommendations focus on policy sectors such as health, labour, housing and education, and range from better matching migrant skills with the needs of local labour markets to creating shared spaces for communities to meet and bond.
- On 13th April, the European Commission published the results of the special Eurobarometer survey 469 on "Integration of immigrants in the European Union". This survey was carried in the 28 Member States of the European Union between 21st and 30th October 2017. According to the survey, only a minority (37%) of Europeans think that they are well informed about matters related to immigration and integration and just over half (54%) of Europeans think that integration of immigrants is successful; however, the figures vary widely between countries.

Judgment of the European Court of Justice - Case C-673/16 Coman and others

On 5th June, the Court of Justice ruled that the

term 'spouse' within the meaning of the

provisions of EU law on freedom of residence for

EU citizens and their family members includes

spouses of the same sex. Hence, although

Member States have the freedom to decide

whether to authorise marriage between persons

of the same sex, they may not obstruct the

freedom of residence of an EU citizen by refusing

to grant his/her same-sex spouse, a thirdcountry national, a derived right of residence in

NATIONAL DEVELOPMENTS

- ★ Austria: On 20th April, the Austrian Federal Ministry of Labour set a contingent of 720 foreigners for the temporary employment in summer tourism. Work permits can be issued from 1st May 2018 and must not exceed a period of validity of 25 weeks and must end no later than 31st October 2018. Foreigners subject to transitional provisions of the EU freedom of movement and seasonal workers who have been legally employed within the contingent in the last five years (according to Art. 5 Act Governing the Employment of Foreigners) shall be prioritised. 6
- Belgium: The Royal Decree of 23rd April 2018 introduced changes with regards to extending or ending the stay of international students. It details – inter alia – in which cases an order to leave the territory can be issued to a student when he/she extends his/her studies in an excessive manner considering the results. It takes into account the current more flexible education system foreseen by the different Communities, as well as the bachelor/master structure and the system of credits (ECTS).
- Czech Republic: The Ministry of the Interior financially supported a new mobile application of the City of Prague for immigrants called "Praguer". The application contains basic information about life in Prague, such as an overview of the Czech social and educational system and contact details for important organisations and institutions in Prague. It is available in Czech, English, Vietnamese and Russian and is for free.

The Capital City of Prague created a new website called "Prague for all". The website contains information for immigrants living in Prague and supports their integration. The website is also a source of information for the host society about various intercultural and educational events. It is available in Czech, English, Vietnamese, Russian and Ukrainian.

The Ministry of the Interior of the Czech Republic financially supported the extension of a <u>translation</u> helpline for immigrants to now also Ukrainian language. This service for immigrants is provided by Caritas Czech Republic, which also provides the translation helpline for Mongols (since 2008) and Vietnamese (since 2012) living in the Czech Republic. Operators translate and sometimes even solve queries anonymously and free of charge.

- Estonia: On 23rd May, the amendments to the Aliens Act came into force. The aim of these amendments was to transpose the EU Students and Researchers Directive ((EU) 2016/801).
- Finland: On 22nd May, a new Migration Review was published, outlining labour migration developments In Finland in light of statistics and latest legislative changes that have facilitated work permit processes, as well as latest developments and statistics with regard to the Common European Asylum System.
- France: On 4th May, the Ministry of the Interior and the Ministry of Overseas published a decree which extends the obligation to implement the teleservice for applications for work permits for employed activities and visas for internship agreements for third-country nationals to 7th November 2018. It also amends and clarifies the new cases of refusal and withdrawal of residence permits for intra-corporate transfers.
- Germany: On 15th June, the German Bundestag approved new legislation allowing refugees with subsidiary protection status to bring their direct relatives to Germany. The law allows members of the core family (spouses, minor unmarried children and the parents of minor children already in Germany) to immigrate to Germany on humanitarian grounds starting 1st August 2018. However, their numbers would be limited to 1 000 per month to ensure that Germany is able to integrate them. A maximum of 5 000 visas will be issued in the period from 1st August to 31st December 2018. To prevent misuse, various conditions must be met, such as only spouses who married before fleeing their home country will be eligible and the family member living in Germany must have a good chance of being allowed to stay.
- Greece: In April, the pilot project HELIOS (HELIenic Integration System) was launched in cooperation with the International Organisation for Migration. It constitutes a pilot model with the help of which local government: a) can manage the integration process, based on national integration programmes (i.e. programmes of language learning) and b) can be based on or extend social services already provided to persons living within its territory.
- Ireland: In May 2018, under the Employment Permits (Amendment) Regulations 2018, new regulations allowing for a General Employment Permits for horticulture workers, meat processing operatives and dairy farm assistant were introduced. Changes to Employment Permits for Chefs were also introduced.
- Lithuania: In April, the Strategy for the Demography, Migration and Integration for 2018-2030 was prepared. Citizens, non-governmental organisations, science and business representatives were invited to contribute to the development of new projects or propose additions to existing ideas in implementing

⁶ BGBI, II Nr. 73/2018

this Strategy. The government also organised a public discussion to further examine the best solutions for the demographic challenges Lithuania is currently facing.

Since March 2018, approximately twice as many decisions on the issuance of nationals visas (D) and temporary residence permits were adopted in Lithuania, compared to previous months. This change was determined by measures implemented by the Ministry of the Interior together with the Migration Department: new IT solutions were implemented, the Migration Department increased the number of officials working these cases and, as of June, 279 companies were included in the so-called "Whitelist" of approved companies, that benefits from less formalities while implementing their employment procedures for third-country nationals.

Luxembourg: On 27th June, Luxembourg's Parliament approved the <u>bill</u> on the promotion of the Luxembourgish language, which includes action points specifically targeting foreign nationals.

On 1st June, the <u>Law of 23 May 2018 amending Article 563 of the Penal Code</u> creates the prohibition of face concealment in certain public spaces (such as some school establishments, public transport services, medical care facilities or public administration buildings). The justification for the prohibition, which also includes the wearing of full-face veils, was that there are certain spaces where communication, interaction and the "vivre ensemble" between people requires an encounter with an uncovered face.

On 16th May, the Parliament passed the law that creates the position of <u>school mediator</u> within the Ministry of National Education, Childhood and Youth. The mediator will, amongst other things, treat grievances and complaints regarding the integration of children with migrant background.

On 25th April, the first meeting of the Exchange Group on Local Integration Issues took place, which grew out of the second national conference on integration on the local level. This meeting, organised collaboratively by Luxembourg's Reception and Integration Agency, the Union of Luxembourg's Cities and Municipalities and the association ASTI (Association de Soutien aux Travailleurs Immigrés), brought together municipal representatives and members of local integration commissions, who underlined the need for Luxembourgish municipalities to work together on issues of integration and communal life.

The Netherlands: As of 1st May, the rehabilitation term is extended from four to five years. This means that when a third-country national wants to become a Dutch citizen, he or she cannot be convicted for an offence in the five years before the application. The change applies to both requests for naturalisation and for an option statement. Naturalisation and option are two different procedures to become a Dutch citizen. The 'option' statement and procedure is a quick and easy way to acquire Dutch citizenship. This is only open to particular groups, particularly for third-country nationals with specific ties to the Netherlands (e.g. those born in the Netherlands, former Dutch citizens).

Due to a <u>change</u> in the distribution mechanism for the fund to reduce educational disadvantage, more money to combat educational disadvantage will most likely be distributed among children with a migratory background. Previously, only the parents' level of education was taken into account to assess the child's risk of educational disadvantage. In the new system, the length of residence in the Netherlands and the parents' country of origin will be taken into account to assess the child's risk of educational disadvantage.

- ★ Poland: On 28th June, the Minister of Family, Labour and Social Policy, signed a regulation amending the ordinance on the determination of cases in which a work permit is issued irrespective of the specific conditions for issuing work permits for foreigners. The regulation came into force on 1st July. The amendment to the regulation simplifies the procedure of issuing work permits in cases of taking up jobs in the professions specified in the annex to the regulation. The list of occupations includes 289 occupations (283 occupations included in 32 elementary groups and 6 individual professions).
- ★ Slovak Republic: On 1st May, an amendment to the Act on Employment Services entered into force which simplifies the conditions for the employment of third-country nationals in the selected shortage occupations within the Slovak districts where the average registered unemployment rate is less than 5%. Subsequently, the list of shortage occupations has been <u>published</u> by the Central Office of Labour, Social Affairs and Family in June.
- ★ United Kingdom: On 15th June, new changes to UK Immigration Act 2016 were published by the UK government. These changes will come into effect on 6th July 2018. Included are changes to Visa caps (Tier 2), newly announced plans for a UK Start-up Visa, Student Visa streamlining from certain third countries, new UAM 'dubs amendment' and use of Electronic Visa Waivers (EVW) in digital format.



MANAGEMENT OF THE EU EXTERNAL BORDERS

EU DEVELOPMENTS AND UPDATES

- ★ On 12th June the EU co-legislators reached an <u>agreement</u> on the Commission's <u>proposals</u> to strengthen the Schengen Information System (SIS II), while earlier in May the European Parliament <u>published</u> the first annual report on the functioning of the Schengen area.
- On 24th May, the EU co-legislators reached a political compromise on the Commission's proposal to strengthen the mandate of eu-LISA, the EU Agency for the operational management of large scale IT systems for migration, security and border management. The upgrade, proposed by the Commission in <u>June 2017</u>, will enable eu-LISA to roll-out the technical solutions to achieve the full interoperability of EU information systems for migration, security and border management. The

Judgment of the European Court of Justice – Case C-181/16 Gnandi

On 19th June, the Court of Justice ruled that an asylum applicant falls within the scope of the Return Directive as soon as his/her application is rejected, unless the Member State concerned decides to grant him/her an autonomous residence permit or authorisation humanitarian or other grounds as per Article 6(4) of the Return Directive. However, while a Member State can adopt a return decision following a negative decision on an asylum application, that Member State is required to provide an effective remedy, which means, in particular, that all the effects of the return decision must be suspended during the period prescribed for lodging such an appeal and, if an appeal is lodged, until a decision is taken by the judicial body.

Agency will now also have the right tools to develop and manage future large-scale EU information systems, such as the Entry Exit System (EES) and the European Travel Information and Authorisation System (ETIAS). This comes in addition to the management of the existing system, such as the Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac, which the Agency is already responsible for.

On 5th May, the European Parliament <u>published</u> its first annual report on the state of the Schengen. This report addresses the main shortcomings in the implementation of the Schengen acquis, progress made in addressing these shortcoming and future steps. It condemns the continued reintroduction of internal border checks as this undermines the basic principles of the Schengen area and stresses the importance of reforming and adapting the SIS to face new challenges.

NATIONAL DEVELOPMENTS

★ Austria: The Republic of Austria and the Federal Republic of Germany agreed to amend the existing agreement on representation of the Republic of Austria by the Federal Republic of Germany in the process of issuing Schengen Visa. On 1st June, the duty station "Kabul" was erased from the list of locations where Germany is representing Austria.⁷

With effect from 1st June, the Republic of Austria and Czechia agreed that Czechia will also represent the Republic of Austria at the duty station "Baghdad" regarding visa applications of Iraqi nationals with ordinary passports who are travelling at the invitation of an international organization established in Vienna, if the number of applicants does not exceed 30 per year.⁸

On 9th May, the Austrian Interior Minister enacted a regulation, re-introducing temporary border controls between 11th May 2018 and 11th November 2018 on the internal borders to Slovenia and Hungary to maintain law, order and public safety. During that period, internal borders may only be crossed at points of entry.⁹

- ★ Finland: On 11th June, the <u>assessment</u> of the Finnish borders (Schengen evaluation) was initiated. Schengen evaluations monitor the application of the Schengen Borders Code in each Member State; the last evaluation in Finland was conducted in 2011. In this framework, the new Finnish integrated border management strategy was also published in accordance with the European Border and Coast Guard Regulation.
- **★ France**: On 11th April, the Treaty between France, Great Britain and Northern Ireland, which was signed in January 2018, was <u>published</u>. It foresees the increased cooperation in coordinated management of the common border. The Treaty aims to reduce the migratory pressure at the common border, to fight organised crime and to put in place mechanisms for the relocation of unaccompanied minors.
- Lithuania: In May, the Ministerial Forum of the Member States of the Schengen Area with External Land Borders (incl. Estonia, Latvia, Lithuania, Poland, Norway, Romania, the Slovak Republic and Hungary) met in Vilnius and agreed to seek and coordinate actions together in the context of the negotiations on

⁷ BGBI. III Nr. 86/2018

⁸ BGBI. III Nr. 87/2018

⁹ BGBI. II Nr. 98/2018

increased financing for border protection, as well as establishing a border monitoring standard proposed by Lithuania.

- ★ Poland: On 14th-15th June, the Deputy Minister of the Interior and Administration participating in the conference of Ministers of the Interior of the Salzburg Forum (SF) and the Western Balkans in Bucharest. Hungary, Poland and Romania represent the so-called presidency trio as they indicate priorities for enhancing cooperation between the SF countries and the Western Balkans as far as migration and asylum issues, borders protection, fight against human smuggling and trafficking and fight against international crime are concerned
- ★ United Kingdom: On 6th June, the Home Office published the new Counter-Terrorism and Border Security Bill 2018. The bill proposes an examining officer will be able to stop, question, search and detain a person at the border for the purpose of determining whether he or she appears to be a person who is, or has been, engaged in hostile activity.



IRREGULAR MIGRATION AND RETURN

EU DEVELOPMENTS AND UPDATES

No updates.

NATIONAL DEVELOPMENTS

- ★ **Belgium:** On 1st April, the law of 19th September 2017 entered into force. It introduces preventive and repressive measures to <u>fight against false declarations of parenthood</u>. Among others, registrars will be able to postpone or refuse a declaration of parenthood. The law also foresees the possibility to annul a declaration of parenthood.
 - The Belgian State Secretary for Asylum Policy and Migration carried out <u>information/prevention missions</u> <u>in Albania (in April) and in Georgia (in June).</u> One of the aims of these visits was to inform Albanian and Georgian citizens about migration to Belgium. Albania and Georgia are included on the Belgian list of safe countries of origin, and the likelihood of Albanian and Georgian nationals being granted international protection in Belgium is thus low.
- ★ Czech Republic: On 21st June, a new building designed specifically for detention of families was officially opened within the detention centre Bělá-Jezová. The capacity will be around 100 beds. There were also significant works in the surrounding done in order to allow unrestricted movement as much as possible in the outside area.
- ★ Estonia: On 1st May, the amendments to the Obligation to Leave and Prohibition to Entry Act and to the Identity Documents Act came into force. The aim of the amendments was to ensure that Estonian legislation is in accordance with the Regulation (EU) 2016/1953 on the establishment of a European travel document for the return of illegally staying third-country nationals.
- ★ Finland: On 11th April, the Finnish Immigration Service, the Ministry for Foreign Affairs and the Crisis Management Centre Finland <u>initiated</u> a project to help develop voluntary return, particularly to Iraq, Afghanistan and Somalia. The main aim is to increase the knowledge of voluntary return among persons of potential return candidates. In April, the gulf of Finland Coast Guard District's Criminal Investigation Unit <u>carried out</u> a series of surprise checks investigating the legality of foreign labour in the country. One forged document and several individuals working illegally in the country were revealed.

- France: On 27th April, the Ministry of the Interior <u>published</u> a ministerial order which specifies the amount of the living allowance and the maximal amount of the reintegration assistance from which third country nationals can benefit from 1st April 2018.
- **★ Greece**: On 8th May, Greece participated in the Joint Return Operation to Afghanistan with a charter flight of the European Border and Coast Guard Agency (Frontex), organised by Hungary, where the return of two Afghan nationals took place.
- ★ Italy: In early June, the new Italian government in office appointed Matteo Salvini Ministry of the Interior. The priority of the new government is to fight irregular immigration. Measures implemented include: collaboration with Libya, close border control and restrictions on the use of Italian ports.
- ★ Lithuania: The Lithuanian Administrative Court has ruled that posted foreigners with a national visa (D) can be posted only for specific work and when the company to which the alien is sent acts as an employer. This became a practice after the Court determined that aliens do not meet the requirements for posted workers when they are posted to a temporary employment agency.
- ▶ Luxembourg: On 7th May, the Law of 27th April 2018 approving the Partnership Agreement on Relations and Cooperation between the EU and its Member States, of the one part, and New Zealand, of the other part, entered into force. In this agreement, the parties agree to cooperate and to proceed to an exchange of views on the domains of migration, and to cooperate in view of preventing and controlling irregular migration. Furthermore, the parties commit to explore the possibility of concluding a readmission agreement, at the request of either Party.
- ★ The Netherlands: On 20th April, an agreement to improve the cooperation between the Netherlands and Morocco with regard to migration issues was reached. This most importantly includes better cooperation with regard to the return of Moroccans without residence permits and failed asylum seekers from Morocco. The Minister of Foreign Affairs emphasised the importance of good cooperation with Morocco, since this is a key country for managing the flow of irregular migrants to Europe.
- ▶ **Poland:** Officers from the Polish Border Guard in Tuplice together with the uniformed services from Germany, the Czech Republic, Slovakia and Austria disbanded an international criminal group. The group dealt with the organization of illegal transfer of citizens of Iraq, Iran and Syria from Turkey to Germany. In total, 170 foreigners and 10 group members were detained.
- ➤ Sweden: Following instructions by the Government, the Swedish Migration Agency is expanding capacity at its detention centres. In May and June 2018, additional places were created at the detention centres in the cities of Flen and Märsta. Until the end of the year 2018, the number of spots at detention centres is intended to increase from approximately 350 to 450. As the number of asylum applicants who have been rejected increases, the Migration Agency and the Swedish Police have estimated that there will be a need for roughly 900 spots at detention centres in 2019 and 2020. At the same time, the Migration Agency is downscaling the capacity at ordinary reception facilities for asylum seekers following a strong decrease in the number of new applicants.



7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

EU DEVELOPMENTS AND UPDATES

★ On 13th June, the Heads of ten EU Agencies¹⁰ signed a <u>Joint Statement</u> of commitment to working together to address trafficking in human being, ensuring a coordinated, coherent and comprehensive response.

NATIONAL DEVELOPMENTS

★ Hungary: From 28th-30th May, the international SAFE! (Safe and Adequate Return, Fair Treatment and Early Identification of Victims of Trafficking) project was implemented on the Hungarian side by the International Organization for Migration's (IOM) Budapest Office and the Hungarian Police Headquarters. In this framework, police, specialised civil organisations and IOM staff drew attention to what they were experiencing in their everyday work with regard to potential victims of human trafficking in first reception centres maintained for accommodating asylum seekers and migrants, at European borders as well as in safe houses (shelters). Part of this programme is to develop and implement a tailor-made international training program for early identification and protection of victims of trafficking in human beings. The National Platform involving an expert meeting and a two-day training for officers on the

¹⁰ The Heads of the European Asylum Support Office (EASO), European Police Office (Europol), European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), EU Judicial Cooperation Unit (Eurojust), European Institute for Gender Equality (EIGE), European Border and Coast Guard Agency (Frontex), EU Agency for Fundamental Rights (FRA), EU Agency for Law Enforcement Training (CEPOL), and the European Foundation for the Improvement of Living and Working Conditions (Eurofound)

identification of third-country national victims took place on 28th-30th May 2018 in Budapest at the Hungarian National Police Headquarters.

- ★ Lithuania: Starting from June, Lithuanian State Border Guard Service joined FRONTEX operation "Poseidon 2018" in the Greece's sea borders with Turkey and Greece's land borders with Albania, Turkey and Bulgaria. Border Guard's helicopter (Eurocopter 135) and operations boat (Boomeranger 1100) including the crew will participate in the international operation throughout the summer.
- ★ The Netherlands: Criminals who are responsible for human trafficking and people smuggling in Libya will be put on an international sanctions list. A Dutch <u>proposal</u> to arrange this, aimed at tackling the appalling human rights situation of migrants and refugees in Libya, was unanimously adopted by the United Nations Security Council.

The sanctions will freeze all bank accounts belonging to six leaders of criminal networks and will ban them from travelling internationally. It will also be prohibited to make economic resources available to these six leaders. The Minister of Migration explained that 'the sanctions are part of a wider approach to tackling human trafficking and people smuggling, which the government intends to step up in line with the coalition agreement'.

- ▶ **Poland:** On 12th June, the Ministry of the Interior and Administration organised the meeting of the interministerial Team for Combating and Preventing Trafficking in Human Beings. One of the main points of this meeting was devoted to development of a new three-year Action Plan in the field of combating human trafficking for the years 2019-2021. The new document will be prepared by the Ministry of Interior and Administration in coordination with other institutions by the end of 2018.
- ★ Portugal: The Portuguese Council of Ministers approved and published the IV National Action Plan for the Prevention and Fight against Trafficking in Human Beings (2018-2021). Furthermore, the Observatory on Trafficking in Human Beings (OTSH) produced its "2017 Annual Statistical Report" (pending dissemination), and its first Trimestral Statistical Report (reserved).
- ★ United Kingdom: On 18th April, the Department for International Develop and the Home Office published plans for a new UK aid package of support from the Conflict, Security and Stabilisation Fund to help eradicate human trafficking and child exploitation in the Commonwealth. The package of support totals £ 5.5 million.



8. EXTERNAL DIMENSION

EU DEVELOPMENTS AND UPDATES

- On 29th May, the European Commission <u>adopted</u> new programmes and projects worth a total of € 467 million under the Emergency Trust Fund for Africa. The new support measures in the Sahel/ Lake Chad region and the Horn of Africa aim to foster stability, jobs and growth, especially for young people and vulnerable groups.
- On 20th June, the EU Regional Trust Fund in Response to the Syrian Crisis <u>approved</u> new projects worth 165 million to support refugees and local communities. These projects include the public schooling of refugee children in Lebanon and social assistance for vulnerable refugees and local communities affected by the Syrian crisis in Lebanon and Jordan. This new aid package brings the overall value of projects under the Trust Fund to over € 1.4 billion.
- On 7th June, the European Commission <u>announced</u> € 1.5 million in humanitarian aid as a response to the increasing needs of refugees, asylum seekers and migrants stranded in Bosnia and Herzegovina. This brings Commission humanitarian funding to € 30.5 million for the Western Balkan since the start of the refugee crisis.

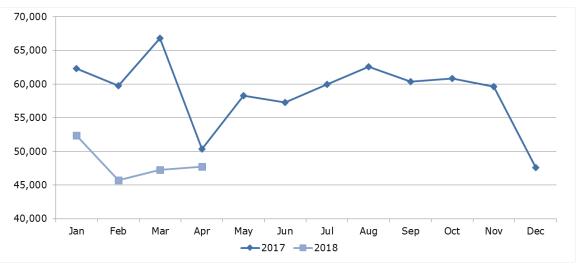
NATIONAL DEVELOPMENTS

No updates.

ANNEX: EU & COMPLEMENTARY STATISTICS, ADDITIONAL INFORMATION, OTHER EMN OUTPUTS AND UPCOMING EVENTS

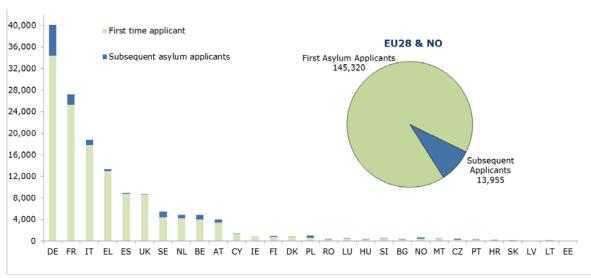
EU Figures

Figure 1a: Asylum applications in the EU-28, January 2017 - April 2018.



Source: Eurostat [migr_asyappctzm], total asylum applicants, extracted on 5th July 2018.

Figure 1b: First time asylum applicants and subsequent applicants (together, total asylum applicants) in the EU-28 and Norway, Q1 2018 (quarterly data)



Source: Eurostat [migr_asyappctzm], accessed on 5th July 2018.

Figure 3a: Illegal border crossing – Top nationalities (in %)

N.B. Frontex data on illegal border crossings for October-December 2017 not available at time of publication.

Figure 3c: Illegal stay - Top nationalities (in %)

N.B. Frontex data on illegal stay for October-December 2017 not available at time of publication.

Figure 3b: Refused entry – Top nationalities (in %)

N.B. Frontex data on refused entries for October-December 2017 not available at time of publication.

Figure 3d: Effective return – Top nationalities (in %)

N.B. Frontex data on effective return for October-December 2017 not available at time of publication.

Latest available national statistics

LEGAL MIGRATION AND INTEGRATION

- **★ Finland:** According to recent <u>publications</u> of the Finnish EMN National Contact Point, the number of residence permits issued on the ground of international protection declined in 2017 compared to the previous year (33 674). At the same time, there was an increase in family migration and labour migration.
- **France:** On 12th June, the Ministry of Interior <u>published</u> the latest (provisional) data on residence permits issued in 2017, definite data on visa and asylum applications, and data on French citizenship acquisitions in 2017. These (provisional) data show a 18.4% increase of applications for residence permits for economic reasons, a 6.6% increase for study reasons and a 19.2% increase for humanitarian reasons (mainly applications for international protection).
- ★ Sweden: The number of third-country nationals applying for a residence permit for work in Sweden shows a strongly increasing trend. During the first six months of 2018, roughly 15 000 individuals have applied for a work permit in Sweden, compared to 10 700 during the same period last year. The increase concerns both jobs with high qualification requirements and low-skilled jobs and is mainly explained by various Swedish industries' strong demand for labour.

Updates on EU legislation transposition

IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

Greece: On 22nd May, new legislation transposing the recast Reception Conditions Directive (Directive 2013/33/EU) and amending several provisions of the Law 4375/2016 related to the asylum procedure at first and second instance. The new law foresees changes in the notification process in case the applicant is not found, changes in the final decision definition (i.e. the Appeals Committee decision is considered final) and a reduction of the decision-making deadlines at different stages of the procedure as well as a role for EASO in the regular procedure (and not only in the border procedure).

LEGAL MIGRATION AND INTEGRATION

- ★ Czech Republic: The Czech Parliament will shortly begin discussions on a new draft of amendments on the Residence of Foreign Nationals in the Territory of the Czech Republic. The aim of this amendment is the transposition of the EU Students and Researchers Directive (2016/801) which should simplify situation of foreigners who are in the Czech Republic for the purpose of study or scientific research. The amendment foresees the possibility for the government to regulate numbers of incoming economic migrants and the launch of an Extraordinary Work Visa tool to effectively manage the absence of labour force. Lastly, an obligatory one-day integration course is foreseen.
- **★ Greece:** The Intra-Corporate Transfer Directive (2014/66/EU) was transposed to Greek legislation with Law 4540/22-5-2018.
- ★ The Netherlands: On 23rd May, the Netherlands <u>implemented</u> the EU Students and Researchers Directive (2016/801). As a result, the rules relating to mobility within the EU will be simplified for students and researchers from third countries; they can make use of intra-EU mobility if they demonstrate that they meet the applicable conditions. This means for example that a third-country national with a Dutch residence permit can spend a maximum number of days in another Member State without having to apply for a residence permit in that Member State (this is only the case for short-term mobility).
- **Slovak Republic:** On 1st May, the Amendment to the Act on Residence of Aliens entered into force, thereby transposing the EU Students and Researchers Directive (2016/801).

Other EMN outputs and past/upcoming events (see also the EMN website)

- ★ Italy: On 7th May, the Italian national contact point of the EMN organised a conference dedicated to the reception and protection of unaccompanied minors. The conference brought together experts from Italy and other European countries to exchange experiences and good practices on a topic with growing salience. In Italy, about 15% of the migrants coming ashore are unaccompanied minors. There were 25 846 of them in 2016, 15 779 the following year. The experts notably discussed their national and local reception practices, the specific needs for the integration of unaccompanied minors, the difficulties in determining their age, and the issue of absconding minors.
- ★ Latvia: On 7th-8th June, the Latvian Contact Point of the European Migration Network together with Ministry of the Interior organised the conference "Practical aspects of the recognition of victims of trafficking in human beings". The conference promoted awareness of recognition of the victims of trafficking in human beings and an overview of the public authorities experience was provided. Furthermore, closer cooperation between public authorities in identifying the victims of trafficking in

human beings was promoted by acquiring foreign experience in the implementation of inter-institutional cooperation.

- ★ Slovak Republic: On 22nd 24th August, EMN Slovakia is organising the 6th Educational Seminar on Migration entitled "Causes and Consequences of Forced Migration" to be held in Bratislava. Professionals from the public administration, non-profit sector, research institutions and academia who deal with or are interested in the topics related to migration of third-country nationals are encouraged to register. Seminar is open to participants based in Slovakia or coming from/nominated by EMN National Contact Points of other EU countries and Norway. Registration is open until 22nd July 2018.
 - On 22nd May, the International Organization for Migration (IOM), Ministry of Labour, Social Affairs and Family and Human Rights League as members of European Migration Network organised an EMN Working Breakfast with journalists. The aim of the meeting was to introduce recommendations of experts for communicating the topic of migration and integration in media, to discuss needs and challenges related to that as well as necessity of using correct terminology when presenting the topic. Recommendations can be found here.
- **Spain:** On 31st May, a Memorandum of Understanding for interinstitutional cooperation and collaboration for the fulfillment of the objectives of the Comprehensive Stategy against Racism, Racial discrimination, xenophobia and other related intolerance. In the framework of this, various activities, such as working group meetings, took place in June.