European Commission

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 13th Edition provides information from October 2015 to December 2015, including the (latest) relevant published statistics.

The Bulletin is organised by policy area. You can directly access the area of your 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 the 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 11th and 12th November the **Valletta Summit** was held. The latter brought together EU and African Heads of State and Government, with the aim of strengthening cooperation in tackling migration challenges and opportunities. The outcomes of the Summit were a Political Declaration and an Action Plan. The Action Plan envisaged actions in several policy areas, aimed on the one hand at addressing the root causes of migration, at facilitating legal migration and addressing the protection needs of asylum seekers; and on the other hand, at fighting human smuggling and trafficking, and ensuring readmission. The **Emergency Trust Fund** was formally established to support the implementation of the Action Plan and it will provide around €1.8 billion of EU funding, as well as contributions from Member States and other donors.

Also, the **EMN Annual Conference took place in Luxembourg** on the 7th October 2015, marking thirty years of the first Schengen agreement. The event aimed at discussing the state of the freedom of movement without barriers in Europe, in the context of the high flow of asylum seekers and irregular migrants arriving to the EU's external borders. The Conference explored possible ways to preserve the Schengen area whilst efficiently addressing the current challenges of irregular migration. The main conclusions of the Conference were the following:

- The **establishment of Schengen is an important achievement** which should not be underscored.
- Due to the **current situation, a number of problems concerning the functioning of the Schengen area** have been identified.
- A good balance between **policies for legal migration, the fight against irregular migration and international protection** must be kept.
- **Proposals were** made **to give Schengen the opportunity to significantly evolve include** the full implementation of the Schengen acquis, strengthening the external borders, more solidarity and practical cooperation to re-build trust in the Schengen zone, and re-considering and critically thinking some policies as: the Dublin Regulation, legal migration channels, the link between smuggling and human trafficking, humanitarian visas, secondary movements, the establishment of quotas and cooperation with third countries.

1. GENERAL POLICY DEVELOPMENTS

EU DEVELOPMENTS AND UPDATES

- On 15th October 2015, the **European Commission** reached an agreement with **Turkey** on a **Joint Action Plan** to step up cooperation on migration management. The Action Plan is threefold: it aims at addressing the root causes of the Syrian crisis, at providing support for Syrians under temporary protection in Turkey, and at strengthening EU-Turkey cooperation to prevent irregular migration to the EU. A meeting of EU and Turkey leaders was held on 29th November 2015 and detailed some items of the Action Plan.

- On 15th October 2015, the **Council of the European Union** met to draw **further orientations on the migration and refugees crisis**, after the Heads of State or Government agreed on the first orientations on 23rd September.

  The Action Plan with Turkey was also formally endorsed during the Council meeting. Furthermore, the Council called for an effective follow-up to the High-level Conference on the Eastern Mediterranean/Western Balkans Route held in Luxembourg on 8th October 2015, and for achieving operational measures at the Valletta Summit with African leaders.

  The Council also agreed on further work towards the gradual establishment of an integrated management system for external borders. Furthermore, it urged to make full use of the existing Frontex mandate and called for enhancing its mandate.

  Regarding the response to the **influx of refugees** in Europe and **ensuring effective returns**, the Council pushed for: the establishment of further hotspots; the implementation of relocation and resettlement decisions; strengthening the support given by Frontex to Member States in implementing return decisions including enlarging Frontex' mandate with this regard; and for a set of comprehensive and tailored-made incentives for third countries on readmission.

WHAT IS THE EUROPEAN MIGRATION NETWORK (EMN)?

A network co-ordinated by the European Commission, assisted by a Service Provider, in co-operation with National Contact Points (EMN NCPs) established in each Member State plus Norway. Its purpose is to provide up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas, as well as to the wider public. More information, as well as all EMN outputs, is available on the EMN Website.

- On 25th October 2015, the leaders of Albania, Austria, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Romania, Serbia and Slovenia met in Brussels and agreed on a **17-points action plan** to improve cooperation and step up consultation between the countries along the **Balkans route.** The plan included a list of operational measures to achieve a set of goals, such as: to enhance the information exchange between countries, to effectively support refugees, to effectively manage the flows and ensure the management of the borders and to tackle smuggling and trafficking.

NATIONAL DEVELOPMENTS

- **Cyprus**: The International Organization for Migration (IOM) officially opened a Country Office in Nicosia on 9th November 2015. IOM will support the government in the implementation of projects in the areas of migration, relocation and resettlement, counter-trafficking, assisted voluntary return and reintegration. The Office will provide up to date and reliable information to policy makers. IOM will also start an information and support centre on voluntary return and reintegration, subject to an agreement with the government.

- **Poland**: As a result of parliamentary elections of 25th October 2015, the conservative opposition party 'Law and Justice' won an outright majority at the Parliament. The first decisions of the new government have been to restructure the Ministry and the Interior (responsible for the coordination of migration policy), and to establish a new Ministry of the Interior and Administration, for which Mr Mariusz Błaszczak was appointed as minister.

2. IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

EU DEVELOPMENTS AND UPDATES

- On 23rd December 2015, the Commission awarded €35 million to Sweden, €8 million to Finland and €5 million to Belgium in emergency funding, coming on top of the Asylum, Migration and Integration Fund, to support them in managing the high influx of asylum seekers.

- On 15th December 2015, due to the unique strain on Sweden's administrative capacity - brought by the unexpected number of applications for international protection in Sweden- the Commission proposed to suspend for one year Sweden's obligations in the EU relocation mechanism.

- The Commission presented a **Recommendation for a Voluntary Humanitarian Admission Scheme** with Turkey for refugees from Syria on 15th December 2015.
- On 28th October 2015, the Commission announced it will increase its co-financing for transport assistance delivered via the EU Civil Protection Mechanism for the countries needing help in the current refugee crisis from 55% to 85%.
- On 9th October 2015, the **first relocation flight under the EU relocation scheme** took place, bringing 19 Eritreans from Italy to Sweden. The **first relocation operation from Greece** of 30 asylum seekers also took place on 3rd November 2015 and was directed to Luxembourg.
- The Commission launched the '**science4refugees**' initiative on 6th October 2015. This initiative enables the matching between refugees and asylum seekers with a scientific background and the scientific institutions that voluntarily declare themselves as "refugee-welcoming organisations". It is accessible through the EURAXESS - Researchers in Motion portal.

Judgment of the European Court of Justice Case C-239/14.

The Court of Justice ruling of 17th December 2015 read Article 39 of the Asylum Procedures Directive (2005/85/EC) in light of Articles 19(2) and 47 of the EU Charter of Fundamental Rights, to examine a national provision which does not confer suspensory effect on an appeal brought against a decision not to further examine a subsequent application for asylum. The Court pointed out that - since such a decision cannot, as such, lead to the removal of the rejected applicant – the absence of suspensory effect is not in breach of EU law.

- During the fourth quarter of 2015, the Commission also increased its funding to respond to the refugees crisis. On 8th October 2015, the Commission announced the allocation of €7 million **in humanitarian aid for Serbia and the Former Yugoslav Republic of Macedonia**, as part of a €17 million package to help the two countries with the refugees' influx. On 6th November 2015, the Commission awarded €10.17 million to Slovenia and €16.43 million to Croatia in emergency funding to support the countries in managing the exceptional migratory flows. Finally, on 10th December 2015, the Commission announced it would release further emergency humanitarian aid of €13 million, aimed at supporting refugees along the Western Balkan route, particularly in Serbia and Former Yugoslav Republic of Macedonia.

LATEST RELEVANT STATISTICS

- According to the latest Eurostat data, the **number of applications for international protection lodged in the EU continued to rise in Q3 2015** (see figure 1a in the Annex). **Applications** reached up to **430,635 (compared to 228,600 in Q2)**, of which 96% **were first time applications** (413,800). First time applicants increased by 3 percentage points compared to the second quarter of 2015 and by 6% compared to the third quarter of 2014. During the third quarter 2015, the top three countries of origin of asylum seekers were **Syria (32%)**, **Afghanistan (13%)** and **Albania (10%)**.
- A total number of **135,200 first instance asylum decisions were issued in the EU and Norway in Q3 2015**. Total positive decisions for this period amounted to **70,140**, while negative decisions were **72,345** (see Figure 2 in the Annex). The largest number of first instance asylum decisions was issued in **Germany**, followed by **France**, **Italy** and **Sweden**.
- EASO published its Quarterly Asylum Report for the second quarter 2015. According to the report, **Germany** and **Hungary** were the main countries of destination, receiving together 51% of the total of asylum applications registered in the EU, Norway and Switzerland. **Austria** experienced the largest absolute increase of asylum application in the second quarter compared to the first quarter (+7,905).

NATIONAL DEVELOPMENTS

- **Austria:** a legislative proposal of a federal act amending the Asylum Act 2005 foresees the introduction of a temporary residence permit for asylum ("Asyl auf Zeit) lasting for three years. After that period, if the grounds for asylum are still given, the refugee would receive a permanent residence permit. Also, stricter provisions on family reunification are proposed, for example: if the application for family reunification is not made within three months after the refugee status has been granted or if only subsidiary protection has been granted, the beneficiary will be asked to give proof of sufficient means, an adequate accommodation and health insurance. The waiting period for family members of persons enjoying subsidiary protection will be extended from one to three years.

  The Austrian Constitutional Court lifted the decision of the Federal Administrative Court confirming a transfer to Hungary under the Dublin III regulation, stating that the decision should have taken into account the possibility of a systematic violation of human rights of the asylum seeker in Hungary (Decision 24/11/2015, no. E1363/2015).
- **Belgium**: On 9th December 2015, a Royal Decree came into force which reduces the waiting period for asylum seekers to have access to the labour market. Asylum seekers can now obtain a work permit C if they have not yet received a first instance decision within four months following their application for asylum. Previously, this work permit could only be granted at the earliest six months after the asylum application was submitted.

  The number of reception places for asylum seekers increased from 33,408 places (plus buffer capacity) in June to almost 32,000 places at the beginning of December 2015, and the reception capacity keeps increasing. The

government also adopted a plan for the distribution of asylum seekers over the municipalities, which includes criteria to determine the number of (extra) asylum seekers each municipality is required to accommodate.

- **Cyprus**: in the framework of the EASO Special Support Plan to Cyprus, several activities took place, such as a Study Visit to Germany on Dublin Procedures and a Best Practice Exchange on Age Assessment with a focus on the possible involvement of psychologists in the age assessment procedure. Furthermore, a national training on the EASO Module Interviewing Children took place, while officers of the Asylum Service participated in the on-line and face-to-face training sessions of the EASO Modules 'Reception' and 'Interviewing Vulnerable Persons'.
- **Czech Republic**: between October and December 2015, a group of Syrian families was resettled from Jordan to the Czech Republic within the framework of the Czech resettlement programme, which focuses on families with children with specific medical needs. At the arrival, medical care was provided both to sick children as well as to other family members. All persons were granted asylum and are included in the State Integration Programme.
- **Estonia**: in early October 2015, Estonia signed a cooperation agreement with Italy which outlines the principles for the relocation of people in need of international protection from Italy to Estonia. In November, the Estonia's liaison officer in Italy organised the information exchange and established cooperation with the international agencies involved. The first refugee families are expected to arrive in January 2016.
- **Finland**: The Finnish Government published its action plan on asylum policy on 8th December 2015. Its aim is to contain- in the short term- the influx of asylum seekers into the country, to limit asylum costs and to integrate efficiently those who have been granted asylum. Finland will also make the asylum and return processes more effective and contribute to the management of the EU's external borders. Moreover, the asylum application process is being streamlined by which the Finnish Immigration Service will conduct both the initial hearing – currently conducted by the police – and the asylum interview. The transfer of tasks should be completed by March 2016.

  Also, the Finnish Immigration Service has updated its security situation assessment regarding Afghanistan. The guidelines for making decisions on asylum applications have been updated on the basis of the obtained information.

  The intra-EU relocation of asylum seekers to Finland started on 21st October 2015: 50 asylum seekers arrived in Finland from Italy, all of them were Eritrean nationals.
- **France**: the new Decree on the allowance for asylum seekers ('*Allocation pour demandeur d'asile*' – ADA) entered into force on 1st November 2015. Its implementation aims at reducing inequalities arising from the differences existing in the previous allowances (the temporary waiting allowance and the monthly living allowance). To this purpose, the amount of the allowance will take into account the family composition. Eligible to ADA are asylum seekers, beneficiaries of temporary protection and victims of human trafficking.

  On 9th October 2015, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) decided to withdraw Tanzania from the list of safe countries of origin and to add Kosovo. The list now includes 16 countries: Albania, Armenia, Benin, Bosnia-Herzegovina, Cape Verde, Georgia, Ghana, India, Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia and Kosovo.
- **Germany**: with the entry into force of the Asylum Procedures Acceleration Act, on 24th October 2015, the list of safe countries of origin has been extended to Albania, Kosovo and Montenegro. The Act has also increased the age required for being legally able to lodge an asylum application from 16 to 18 years. Moreover, asylum seekers from safe countries of origin are now obliged to stay in a reception centre during the asylum procedure. Those who have filed their application for asylum after the 31st August 2015 are also forbidden to take up employment. Finally, from 2016 to 2020, family members of asylum seekers originating from safe countries of origin of the Western Balkans can apply for a residence permit for the purpose of employment. The aim of this provision is to reduce the number of unpromising applications for international protection.
- **Ireland**: The Irish Department of Justice and Equality announced additional capital funding of €4million for 2016, in order to allow support Ireland's participation in the Schengen Information System (SIS II).

  The International Protection Bill (2015), with the principal purpose of reforming the system for determining applications for international protection in Ireland through the introduction of a single application procedure, passed through the Irish Parliament and is expected to be enacted early in 2016.
- **Italy**: the Ministry of the Interior launched a new call for proposals by which Italian local authorities can submit projects for the reception of beneficiaries of and applicants for international protection and thus joining the SPRAR (System for the protection of asylum seekers and refugees). Funds will be made available for 10,000 new places.
- **Latvia**: On 2nd December 2015 a governmental order introduced the Action Plan on relocation and reception of persons in need of international protection. The Action Plan provides for the development of a framework suitable for the reception of asylum seekers, as well as for the socio-economic inclusion of refugees and persons with alternative status. The Plan consists of three sections: selection of persons and relocation, reception and accommodation of asylum seekers and measures for socio-economic inclusion.
- **Lithuania**: the first family of Iraqi refugees arrived in Lithuania on 15th December 2015 under the EU relocation plan. Lithuania has pledged to host 1,105 refugees over the next two years.

- **Luxembourg**: in September 2015, the government approved the first phase of the emergency plan for the reception of applicants for international protection. This plan includes, in the short-term, the establishment of four first arrival reception centres by reconverting existing public buildings, as well as, in the mid-term, the establishment of three first arrival centres by building so-called "container villages".

- **The Netherlands**: In October 2015, the Dutch Cabinet has signed a covenant with municipalities and provinces on the (additional) accommodation of 14,000 refugees with a residence permit. Furthermore, a series of measures were adopted to face the current high flow of asylum seekers in the Member State. Starting from October 2015, upon registration, all asylum seekers receive a letter from the Immigration and Naturalisation Service (IND), which explains the asylum procedure and the current reception provisions and informs about the current waiting period caused by the increased influx. At present, asylum seekers arriving in the Netherlands have to wait almost half a year before their asylum applications are processed. Due to the fact that the procedure itself also takes longer, since 24th October 2015 the Immigration and Naturalisation Service (IND) process asylum applications during the weekends.

  On 3rd November 2015, the Minister of Immigration has announced the development of a national list of safe countries of origin, in order to accelerate the rejection of asylum applications issued by TCNs originating from these countries. Also in November 2015, the Ministry of Security and Justice has announced that it will be easier refusing or revoking asylum status to those who committed a felony in The Netherlands. Depending on the type of international protection requested, it would be possible to revoke the permit if the person has been convicted to six to ten months in prison. This measure also applies to minor asylum applicants prosecuted as adults.

  In December 2015, long-term measures to deal with the increased refugee influx were also implemented. These included a more targeted approach by the Immigration and Naturalisation Service (IND), faster rejection of fraudulent or manifestly unfounded asylum applications, and reduction of the waiting time.

- **Poland**: resettlement and relocation operational activities to Poland took place including, inter alia, the first meeting of the Inter-Ministerial Team for the resettlement and relocation of refugees established in September 2015. As a result of the meeting, three working groups were set up: the Security Team, the Team for the financing of activities and the Team for the integration of resettled and relocated persons.

  A newly report on the results of an inspection regarding social assistance for asylum-seekers and refugees was released by the Supreme Chamber of Control on 16th November 2015. According to the report, the social assistance system in Poland does not provide refugees with adequate opportunities of social integration and conditions to allow them to live independently.

  On 7th October 2015, the Polish Ombudsman proposed a 'road map' on refugees for public authorities responsible for the preparation and implementation of state migration policy.

  According to a survey published on 30th October 2015 amongst province governors on the number of refugee families to be taken in by local governments, the majority of the 16 municipal authorities reported they did not have capacity to receive relocated and resettled refugees.

- **Slovak Republic**: a group of 25 Iraqi families arrived on 10th December 2015 as part of Slovakia´s voluntary contribution to helping the most vulnerable and threatened families. After their stay in the reception centre, they will be moved to another region where their integration process will further continue.

- **Sweden**: on 24th November 2015, the Government proposed a number of policy changes to relief the national reception system coping with the pressure of a massive flow of asylum seekers. Overall, these changes aimed at bringing the Swedish asylum legislation in line with the minimum requirements set by international conventions and EU law for a limited period. Amongst others, refugees and beneficiaries of subsidiary protection shall be granted *temporary* residence permits instead of permanent ones. Beneficiaries of subsidiary protection who have temporary residence permits will not have a right to family reunification. The Government also announced that persons in the category 'otherwise in need of protection' will not be entitled to a residence permit any more.

3. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

EU AND INTERNATIONAL DEVELOPMENTS AND UPDATES

- On 10th November 2015, the European Commission allocated additional funding to the **United Nation Children's Fund** (UNICEF), in relation to the commitments agreed upon at the Leaders' Meeting on the Western Balkans Migration Route (25th October 2015). Two million euro have been unlocked to assist 170,000 infants, children and mothers with 24/7 operational child friendly spaces in which families can rest, receive first aid and essentials for the winter months.

NATIONAL DEVELOPMENTS

- **Austria**: on 9th December 2015, the National Council decided to increase some of the maximum amounts of basic welfare support, including those for unaccompanied minors.

- **Bulgaria**: a tool to identify vulnerable persons seeking international protection was developed and presented in the State Agency for Refugees. Furthermore, a national mechanism for the identification and support to vulnerable persons seeking international protection is being prepared by the State Agency for Refugees together with the Council of Ministers, the Directorate of Migration, the Border Police, the State Agency for Child Protection. In addition, a project coordination mechanism for interaction between institutions and organisations to ensure the rights of unaccompanied foreign minors residing in Bulgaria, has been developed and will be submitted to the Council of Ministers for its adoption.
- **Germany**: the law on the improvement of accommodation, supply and care of foreign children and young persons - which entered into force on 1st November 2015 – changed the legal capacity of minors from 16 to 18 years, in accordance with the Asylum Procedures Acceleration Act (described in the previous section). It also introduced a nationwide distribution system of unaccompanied minors respecting in any case the child's well-being and newly regulates the procedure of age determination for unaccompanied minors.
- **Italy**: the Ministry of the Interior allocated funds for 73 reception projects to be carried out by local authorities. These projects will result in the availability of 1,010 new places for the reception of unaccompanied minors within the SPRAR (System for the protection of asylum seekers and refugees) from December 2015 to December 2016.
- **The Netherlands:** in September 2015, the State Secretary of Security and Justice presented a new lodging model for unaccompanied minors. According to this, unaccompanied minors younger than 14 years old are placed in foster families. Older minors are lodged in special, small-scale accommodations with 24hr guidance, equipped for long-term stay to provide a more stable living environment for the target group.
- **Sweden:** in November 2015, the Government proposed a new form of accommodation for unaccompanied minors – the "supported accommodation" - to help Swedish municipalities with the increased number of unaccompanied minors. The Government also intends to increase state funding for municipal social care services and schooling for children and young people, as well as to improve the working conditions of social workers. Furthermore, the use of medical age determination for asylum seekers, in cases where there is a lack of reliable documents and when there are doubts about the declared age, will be increased.

4. LEGAL MIGRATION AND INTEGRATION

EU AND INTERNATIONAL DEVELOPMENTS AND UPDATES

- On 26th November 2015, the Council agreed on the draft decision of the **Students and Researchers Directive** and its political agreement was formally adopted on 4th December 2015. The proposal for a recast directive on the conditions of entry and residence of third-country nationals for the purpose of research, studies, and training was presented in March 2013 by the Commission. The scope included students, researchers, trainees and volunteers taking part in the European Voluntary Service. Upon Member States' decision, the directive may include pupil exchange, volunteering or au pairing. The new text included more favourable conditions for third-country nationals in relation to work and stay after the research or study period, intra-EU mobility and family reunification. Once the Council formally adopts the text, Member States will have two years to transpose the Directive in the national legislation.
- The OECD, together with the European Commission, published on 4th December the 2015 edition of the report *The Missing Entrepreneurs 2015*. The report examines the potential of inclusive entrepreneurship policies and programmes in the European Union, with respect to under-represented and disadvantaged groups in entrepreneurship and self-employment, including ethnic minorities and immigrants.
- EMN the Study on "Determining labour shortages and the need for migration labour from third countries in the EU" was published on 10th November 2015. The study provides an overview of the instruments in place in Member States to determine labour shortages, to quantify the needs for labour migration and to assess the impact of labour migration on national labour markets.

NATIONAL DEVELOPMENTS

- **Austria**: On 23rd December 2015, a legislative proposal was initiated for a federal act simplifying the procedures for the recognition and assessment of qualifications acquired abroad.
- **Czech Republic**: In December 2015, a new State Integration Programme for beneficiaries of international protection was approved. It introduces a more flexible system of support according to the individual integration plan. The integration measures concentrate mainly on housing, education, language courses and employment.
- **Finland**: an action plan on integration adopted on 27th November 2015 foresees an increasing provision of integration services to meet the needs of the growing number of immigrants. It is expected that people eligible to integration services will increase by 10,000 next year.
- **Germany**: the Asylum Procedures Acceleration Act (see also section 3) introduced some changes in the provision of services to asylum seekers. The Act established the principle of precedence of benefits in kind over cash

payments; furthermore, the act limits the assistance to basic needs for those who breach the obligation to leave the country, as well as an improvement to the organisation of medical care.

- **Italy**: On 13th October 2015, the procedure to enact the citizenship reform was approved by the Chamber of Deputies. The bill provides for two additional ways to acquire Italian citizenship: 1) the *ius soli "temperato"* which allows children born in Italy- of parents who have a long-term EU residence permit- to obtain Italian citizenship; 2) the '*ius culturae*', which allows children not born in Italy but arriving in the country before their twelfth birthday and who have completed at least five years of schooling in Italy to apply for Italian citizenship.

  Since 10th November 2015 a new electronic residence permit is available. The new technology used will allow Italian and European law enforcement agencies to for quicker and more precise information checks on foreign nationals against data contained in their databases.

  The Department for Civil Liberties and Immigration has started collecting migrant reception and integration best practices on a systematic basis. By a Circular of 11th November 2015, Prefects were invited to report on praiseworthy initiatives started or implemented at a local level.

  As a result of judgement No 230/2015, handed by the Constitutional Court on 11th November 2015, the long-term residence permit is no longer required for hearing impaired foreign nationals who wish to apply for disability benefits.

- **Lithuania**: On 18th November 2015, an amendment to the integration order of the Ministry of Social Security and Labour shortened the integration period at the Refugee Reception Centre from six to three months and reduced the allowances paid to beneficiaries of international protection. The amendment aims to speed-up the integration into the labour market for beneficiaries of international protection.

  On 13th October 2015, an agreement between the Minister of Economy, the Minister of the Interior, the Minister of Social Security and Labour, the Director of the Lithuanian Labour Exchange and the Acting Head of the Migration Department established cooperation arrangements to facilitate immigration procedures for foreign businesses providing added value to national economy. Under the agreement, contact persons assisting with immigration procedures will be appointed and further amendments will reduce administrative obstacles for such businesses and also for highly qualified specialists.

- **The Netherlands**: As of 5th December 2015, the Act combatting forced marriages is in operation. The new law determines that foreign marriages between underage persons will no longer be recognised in the Netherlands, unless both spouses have reached the age of eighteen.

  In November 2015, the State Secretary of Security and Justice announced the following measures: the introduction of a participation statement as a compulsory part of civic integration; an additional screening of the professional experience of asylum seekers; and a budget increase allocated towards refugee counselling in municipalities. A law amendment to implement such measures is planned no later than 1st July 2017.

  Regarding integration actions, measures aimed to facilitate the access of refugees and beneficiaries of international protection to the Dutch higher education system were also issued by the government on 26th October 2015. These measures are generally aimed at enhancing the language proficiency of the target group.

  The State Secretary of Security and Justice announced it will amend the self-employment scheme in order to avoid promising start-ups to be forced to leave the Netherlands. According to the new scheme, it will be possible for foreign start up entrepreneurs using the start-up facility, to obtain a residence permit for self-employed persons as soon as they have satisfactorily completed the start-up programme. The amendment was expected to enter into force on 1st January 2016. In addition, as of 1st October 2015, an application for a temporary residence permit for a start-up entrepreneur will not be rejected if the applicant does not have a valid regular provisional residence permit (mvv-visa), provided that all other requirements for a residence permit under the start-up scheme are being met.

- **Poland**: on 16th October 2015, the President signed a new act providing, as of 1st January 2016, for simplified immigration procedures and facilitated access to the labour market for foreign PhD students.

  On integration measures, the Ministry of Education appointed a consultant for the integration and teaching of foreign children in Polish schools whose task is to develop training and information materials regarding school admissions and teaching of children of foreign origin as well as to run trainings for school principals, teachers, students, parents and local communities.

- **Spain**: In November 2015, a Memorandum of Understanding (MoU) between the National Prosecutor, General Council of Judges, Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Employment and Social Security and Centre for Judicial Studies. The MoU is a powerful mechanism of collaboration among these actors, and its purpose is to coordinate and collaborate in the prevention and combat of racism, xenophobia and other intolerance, as well as hate crimes in Spain.

5. MANAGEMENT OF THE EU EXTERNAL BORDERS

EU DEVELOPMENTS AND UPDATES

- The European Council gathered on 17th December 2015 and urged Member States and EU institutions to address the shortcomings of the Schengen external borders management, the deficiencies in the implementation of hotspots already set up and to increase the number of operational hotspots. It also called for the implementation of relocation and resettlement decisions and for the effective implementation of return decisions. Finally, the European Council invited the Council of the European Union to promptly examine the Commission's proposals on a European Border and Coast Guard and on a voluntary humanitarian admission scheme.
- On 15th December 2015, the Commission put forward the Borders Package, which included the **Proposal for a Regulation on the European Border and Coast Guard**. The draft Regulation laid down the general principles of the European integrated border management, as recalled by the Council on 15th October. It also established a European Border and Coast Guard and a European Border and Coast Guard *Agency* built from Frontex, with the aim of ensuring the proper functioning of the Schengen area, in case of national deficiencies with regard to the external borders management and in the event of unpredicted flows.
- On 2nd December 2015, the Commission announced the completion of the Visa Information System (VIS) thus VIS is now fully operational worldwide. The VIS database now contains all data (including biometric data) related to visa applications by third country nationals who require a visa to enter into the Schengen area.

NATIONAL DEVELOPMENTS

- **Bulgaria:** specialised police operations continued to be conducted to counteract migratory pressure at borders maximising the support of the agency Frontex, in order to tackle the migratory crisis. Border control officers from the EU Member States are deployed along the Bulgarian-Turkish border to facilitate border surveillance. Bulgaria has recently requested the increase of forces and equipment from Frontex to improve the effectiveness of security measures at the Bulgarian-Turkish border and at the Bulgarian-Serbian border.
- **Cyprus**: several arrivals by boat took place since September 2015, more specifically on 6th September (115 persons), on 10th October (13 persons) and on 3rd November (26 persons). On 21st October 2015, 114 persons arrived by boat at the areas controlled by the British Sovereign Areas Authorities in Cyprus (SBAAs). The Cypriot authorities undertook the responsibility for the majority of these persons applying for international protection.
- **Netherlands**: since November 2015, nationals of Colombia, Tonga and Palau no longer require a visa for a short stay visit (max. 90 days) in the Netherlands and the Schengen area.
- **Sweden**: On 12th November 2015, internal border controls were temporarily reintroduced, initially for ten days, however the decision was prolonged several times until 9th January 2016. The Government's decision was based on the unprecedented number of refugees trying to reach Sweden which could pose acute challenges to vital functions of society. The further prolongation of internal border controls could be envisaged.
- **United Kingdom**: On 21st October 2015 the Prime Minister announced significant changes to visitor visas for tourists from China. From January 2016, new visitor visas for tourists from the People's Republic of China will be valid in the UK for two years. This is four times the usual six month limit for a standard visitor visa.

6. IRREGULAR MIGRATION AND RETURN

EU DEVELOPMENTS AND UPDATES

- In October 2015, it was announced that **Europol** supported an international investigation led by France and Portugal, called 'Operation Bouquet', aimed to dismantle an international criminal network involved in facilitating irregular migration within the EU. The operation has led to the arrest of 69 individuals, nine of whom are key figures of the criminal network. Another international law enforcement operation against migrant smuggling and trafficking in human beings, coordinated by Europol, led to the arrest of 29 suspected migrant smugglers on 24th and 25th October 2015. Those arrested are thought to be part of an organised crime network responsible for facilitating deadly journeys for Pakistani migrants across the Mediterranean Sea, as well as labour exploitation. Finally, the operation 'TIJA' led by the Spanish National Police and supported by Europol made eighty-nine arrests and dismantled a Chinese organised crime group specialised in smuggling people into Spain, as a transit country.

Judgment of the European Court of Justice Case C-290/14.

In its judgment of 1st October 2015, the Court ruled that the Return Directive (2008/115/EC) in principle, does not preclude a Member State to provide in its legislation for the imposition of a prison sentence on an illegally staying third-country national who, after having been returned to his country of origin in the context of an earlier return procedure, unlawfully re-enters the territory of that State in breach of an entry ban.

- The **Fundamental Rights Agency** (FRA) published a paper on the alternatives to detention for asylum seekers and people in return procedures. The report describes less intrusive measures which reduce the risk of resorting beyond necessity to deprivation of liberty.
- The European Commission launched a public consultation to gather views and on the functioning of the existing legislation aiming at preventing and countering migrant smuggling and on what could be done to further strengthen it. The consultation is open until 6th April 2016, inviting a wide array of stakeholders to express their opinions on the existing EU legal framework. Contributions can be made by filling out the online questionnaire.
- The **Guidelines for Monitoring and Evaluation of Assisted Voluntary Return and Reintegration (AVR(R) Programmes** –developed under the EMN Return Expert Group (REG) - have been adopted in early January 2016. The guidelines aim to improve the evidence-base to inform the policy debate on return by identifying a common methodology for monitoring and evaluation that Member States can apply on a *voluntary basis*. For this purpose, the guidelines propose a common set of core indicators to enable the analysis of EU-level aggregate data on AVR(R) programmes. The Guidelines are available in the EMN Website.
- The EMN Study on "Dissemination of Information on Voluntary Return: How to reach irregular migrants not in contact with the authorities" was published on 21st October 2015. The study explores different approaches employed in the EU Member States and Norway to ensure that irregular migrants are informed of options for return, with particular reference to voluntary and assisted voluntary return.

LATEST RELEVANT STATISTICS

- Compared with Q2 2014, **detections of illegal border-crossing** at the external borders increased by more than 140%. At the EU external borders with Turkey, the detections of illegal border-crossing detected has substantially increased and reached the highest level in FRAN data collection history.
- In the third quarter of 2015, **detections of illegal stay** were almost 40% higher than during the same quarter of 2014 and amounted to more than 140,000 persons reported in the EU/Schengen area.
- The number of **detections of facilitators** of irregular migration has also reached the highest level since FRAN data collection began.

NATIONAL DEVELOPMENTS

- **Austria**: Since the beginning of December 2015, a new border management system is being implemented at the border checkpoint Spielfeld (Austrian-Slovenian border). In order to ensure a better organised border crossing, a special security entry gate with guidance system accompanied by a fence of 3,7km length is being built. Furthermore, 29 containers will be placed to provide a better infrastructure for the refugee registration procedure.
- **Belgium**: In December 2015, Belgian authorities released the **first national action plan focusing solely on the fight against smuggling in human beings**. The plan will be implemented during the period 2015-2018, with concrete measures aimed at: 1) strengthening legislative provisions to better fight networks, 2) intensifying the investigation and prosecution of smugglers, 3) identifying smuggling related situations through cash flows and money laundering**,** 4) pursuing and diversifying control actions, 5) better understanding the phenomenon through improved data collection and case law analysis**,** 6) pursuing training initiatives and 7) disseminating information on risks relating to smuggling in the countries origin. The national plan against smuggling in human beings 2015 2018 is available in French and in Dutch.
- **Bulgaria**: In the period September - December 2015, a draft agreement on readmission of illegal migrants who are citizens of Kazakhstan was prepared. Bulgaria has also started the procedure for joining the project EURINT, a partnership between EU return organisations and Frontex to develop and share best-practices in the field of return.

  For the first time, on 23rd September 2015, Bulgaria organised a joint return flight, coordinated and co-funded by Frontex and in partnership with Netherlands, Spain, Austria, Germany and Poland. As a result, 36 irregular migrants from Iraq were returned. Medical and psychological support was provided during the return flight. The monitoring of the operation was carried out by the Bulgarian Ombudsman and Human Rights Watch. Also, from September to December 2015, Bulgaria participated in three other Frontex return flights.
- **Finland:** two new reception centres for asylum seekers subject to return procedure will be set up in the Helsinki Metropolitan Area.
- **France:** the black list of companies condemned for illegal work came into force on 21st October 2015. According to the Labour Code, a judge can order the registration of a company sentenced for illegal work on a black list accessible on the web site of the Ministry of Labour.

7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

EU DEVELOPMENTS AND UPDATES

- On 20th October 2015, the European Commission in cooperation with the Luxembourg Presidency of the Council of the European Union organised a high-level conference to mark the **Ninth EU Anti-Trafficking Day**, entitled "**Time**

for Concrete Action: Implementing the Legal and Policy Framework on Trafficking in Human Beings". The conference focused on the need for ensuring full and meaningful implementation of the EU Anti-trafficking Directive, focusing equally on prevention of the phenomenon, protection of victims and prosecution of traffickers. On this occasion, the Commission released three **publications**: Study on high-risk groups for trafficking in human beings, Study on prevention initiatives on trafficking in human beings, Study on case-law on trafficking for the purpose of labour exploitation.

- On 27th October 2015, **European Asylum Support Office** (EASO) published a new Country of Origin Information (COI) report entitled 'Nigeria – Sex Trafficking of women'. The report provides information on the modus operandi of traffickers and the situation of victims of trafficking who return to Nigeria.

NATIONAL DEVELOPMENTS

- **Austria**: between October and December 2015, five specialised training on identifying trafficked persons in the asylum procedure were provided for asylum officials and counsellors in initial reception centres. Additional 15 training are foreseen for 2016, including for legal counsellors.
- **Bulgaria**: the National Commission for Combating Traffic in Human Beings prepared a proposal for a Strategy for combating trafficking in human beings 2016-2020. The National Commission proposed an update of the National referral mechanism for the assistance to victims of human trafficking, and the conclusion of an agreement for the construction of a unified system for monitoring and analysis of data on victims and perpetrators.
- **Cyprus**: the Manual of the National Referral Mechanism for victims of trafficking in human beings was approved by the Multidisciplinary Coordinating Group in November 2015. It includes detailed interdepartmental procedures and steps to be followed as soon as a presumed victim of trafficking is located.
- **Hungary**: on 14th October 2015, in the occasion of the 9th EU Anti-Trafficking Day, a conference took place which highlighted the law enforcement aspects of this issue. Meanwhile, a training for the airport personnel was held by the Airline Ambassadors International (AAI) civil organisation. The training aimed to introduce proactive and problem-oriented working methods and helped the airport personnel to recognise and report suspected cases, according to the Hungarian protocol.
- **The Netherlands**: In October 2015, the Minister of Security and Justice initiated an amendment to criminal law to reinforce the maximum sentence for human smuggling. From January 1st 2016 onwards, perpetrators can face a penalty of up to six years of imprisonment for human smuggling. Felons can be sentenced to an additional penalty of 8, 10, 15 or 18 years of imprisonment, depending on the damage inflicted upon the victim. Furthermore, in November 2015, the government set up a joint team consisting of representatives of the Public Prosecution Service, the police, the Royal Military and Border Police to focus on large-scale international investigations into the criminal networks behind transnational human smuggling, with a view to criminal prosecution.
- **Poland**: The process of appointing interdisciplinary teams with the task to prevent trafficking in human beings at a regional level was finalised at the end of 2015. A series of training sessions for judges and prosecutors took place and aimed at enhancing their capacity to prevent and fight human trafficking and itinerant criminal groups. In addition, a Report assessing the scale of human trafficking phenomenon in Poland in the first half of 2015 was published.

8. EXTERNAL DIMENSION

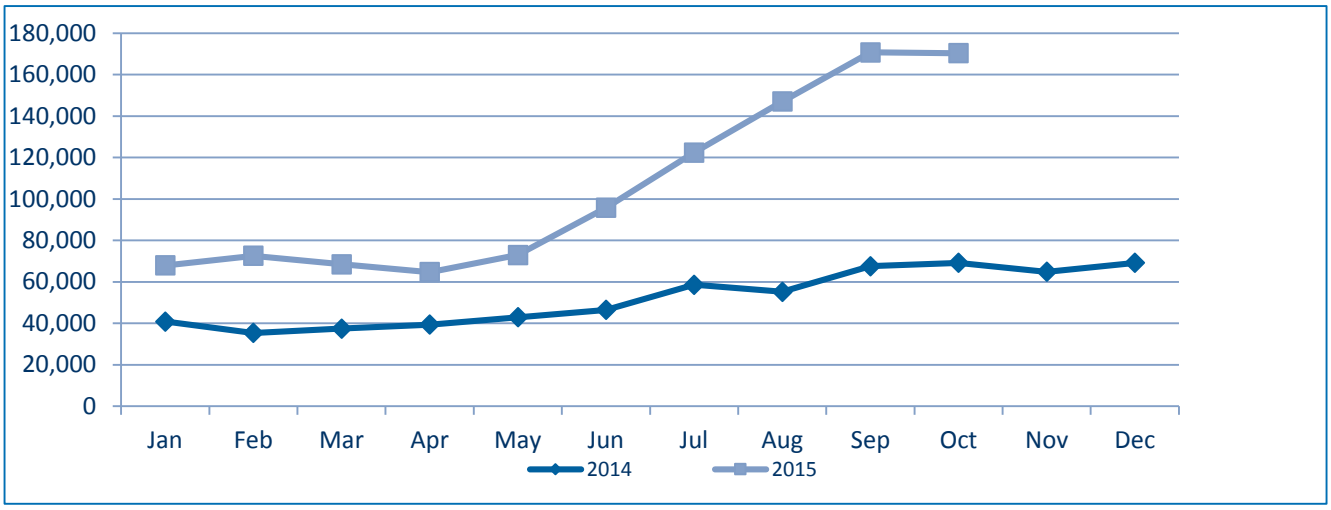
NATIONAL DEVELOPMENTS

- **Luxembourg**: a bilateral agreement was signed between Luxembourg and Cape Verde in the framework of the Mobility Partnership between the European Union and Cape Verde. The agreement covers the coordinated management of migration. It foresees the facilitation of legal migration, measures aimed at a solidary development, circular migration as well as readmission.

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

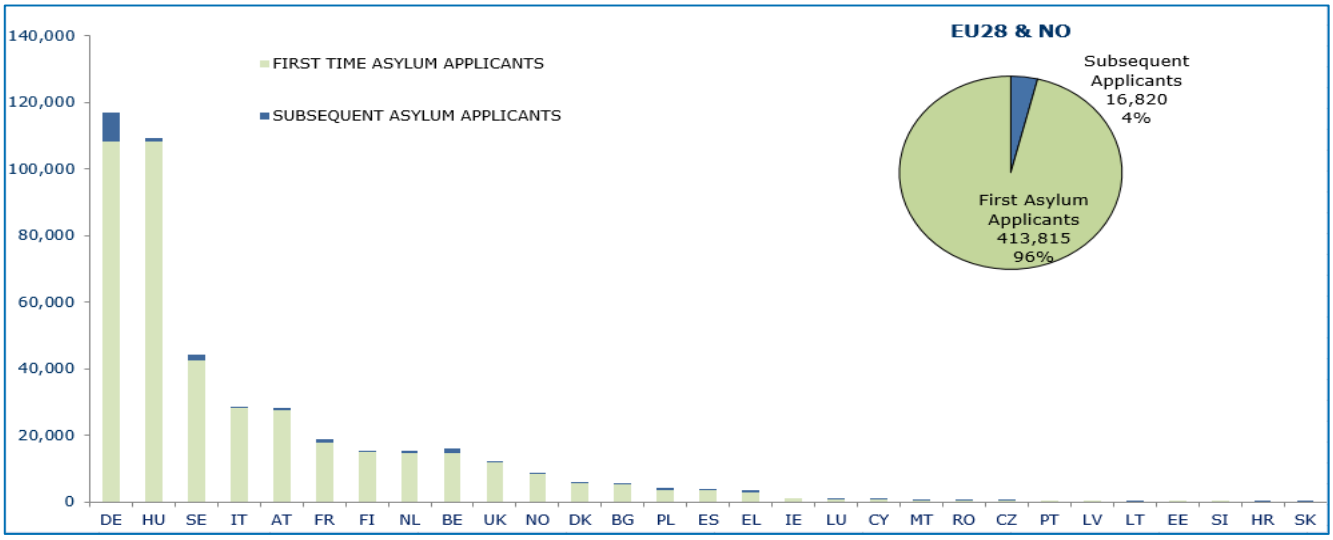
EU Figures

Figure 1a: Asylum applications in EU-28, January 2014 – October 2015



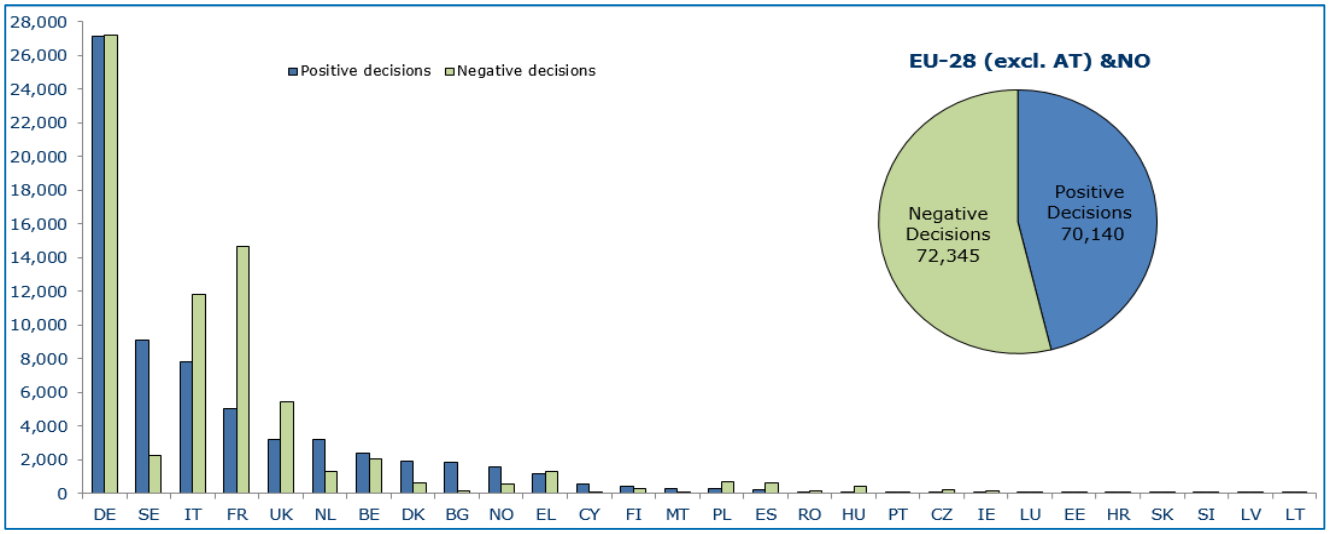
Source: Eurostat [migr_asyappctzm], accessed on 15th January 2016.

Figure 1b: First time applicants and susbequent applicants (together, total asylum applicants) in Q3 and increase in percentage in first time asylum applicants in Q3 compared to Q2, in EU-28 and Norway (quarterly data)



Source: Eurostat [migr_asyappctzm], accessed on 30th December 2015

Figure 2: First instance asylum decisions in EU-28 and Norway for non-EU citizens, third quarter 2015 vis-à-vis second quarter (quarterly data)



Source: Eurostat [migr_asydcfstq], accessed on 1st January 2016 – Negative decisions include also "Dublin decisions" (according to Art. 4, EC Regulation n. 862/2007). Data were not available for Austria.

Figure 3a: Top fifteen nationalities of asylum applicants in EU-28 and Norway in the first 3 quarters of 2015

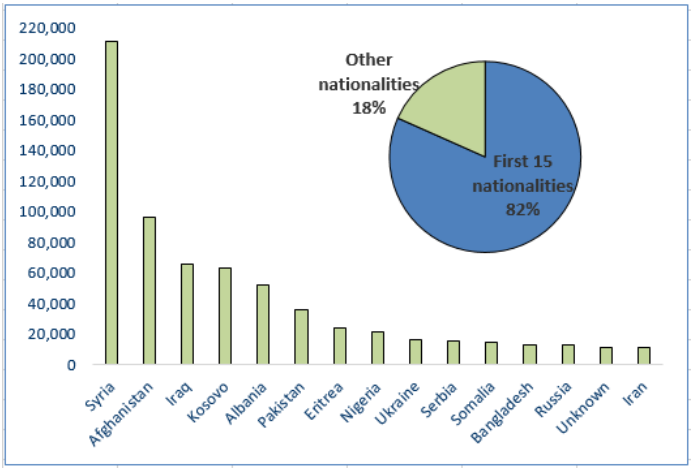
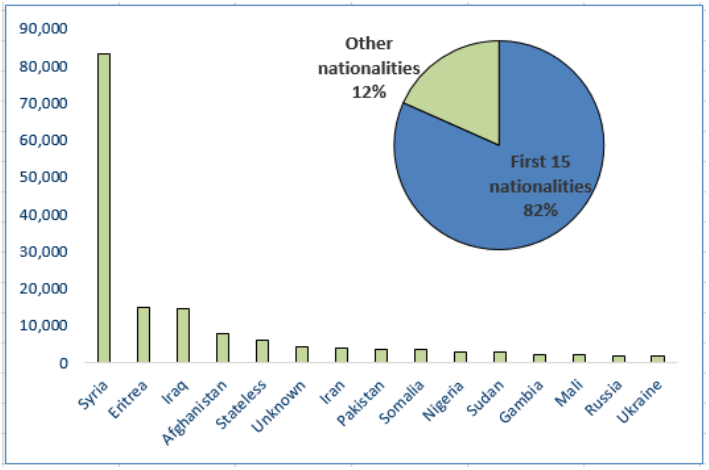


Figure 3b: Top fifteen nationalities of positive asylum decisions in EU-28 and Norway in the first 3 quarters of 2015



Source: Eurostat [migr_asydcfstq and migr_asyappctzm], accessed on 1st January 2016 – Negative decisions include also "Dublin decisions" (according to Art. 4, EC Regulation n. 862/2007). Positive decisions are up to the third quarter 2015 included (quarterly data), applications are up to September 2015 included (monthly data). For positive decisions, data were not available for Austria.

Figure 4a: Illegal border crossing – Top nationalities (in %)

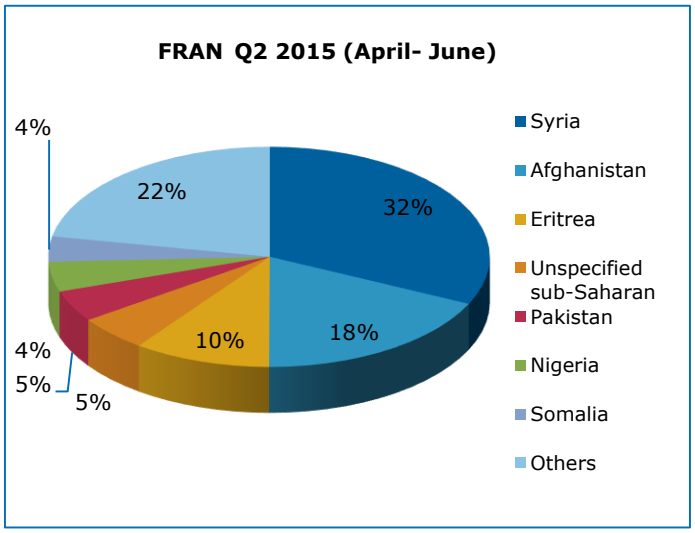


Figure 4b: Refused entry–Top nationalities (in %)

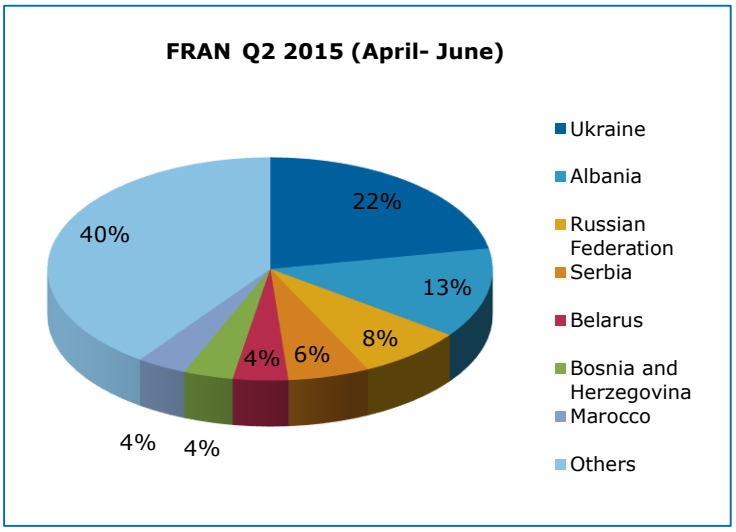


Figure 4c: Illegal stay – Top nationalities (in %)

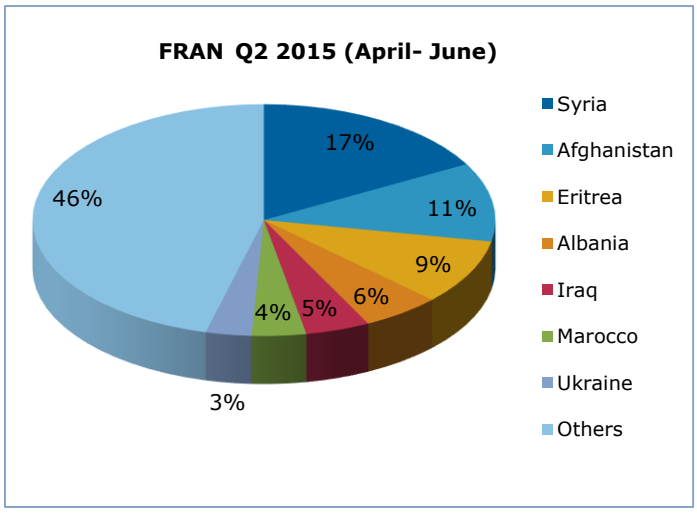
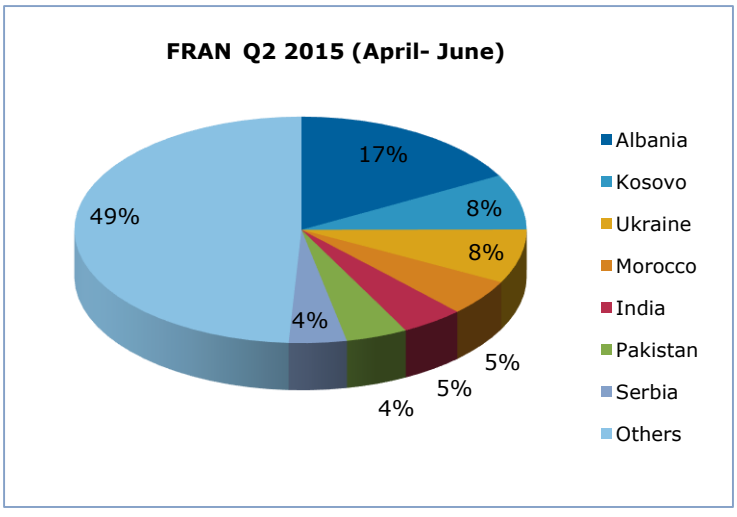


Figure 4d: Effective return–Top nationalities (in %)



Source: FRONTEX FRAN Q2 2015 (April - June)

Latest available national statistics

IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

- **Poland**: immigration to Poland (especially of Ukrainian citizens) continued to grow significantly at the end of 2015: the number of foreigners who until the 10th December 2015 submitted residence permit applications almost doubled compared to 2014 and reached around 103,000.
- **Sweden**: In 2015, the number of asylum seekers arriving in Sweden has increased dramatically. Between 1st of January and 27th December 2015 more than 161,000 people applied for asylum, about twice as many as in 2014. In the same period, more than 35,000 unaccompanied minors applied for asylum in Sweden, five times more than in 2014.
- **United Kingdom:** on 26th November 2015, the Office for National Statistics published its report Migration Statistics Quarterly for the period July to September 2015 with data on UK migration flows, visas, asylum and settlement.

LEGAL MIGRATION AND INTEGRATION

- **Finland**: the Finnish Immigration Service expects an increase in the number of family reunification applications from next year onwards, after the asylum seekers currently entering the country begin to receive favourable decisions on their applications.
- **Poland**: until the end of November, approximately 57,000 work permits were granted, compared to approx. 43,000 in 2014. Until the end of October almost 670,000 declarations of employer to entrust work to a foreigner were issued, compared to approximately 332,000 in the corresponding period in 2014. Regarding student migration, according to the released 2015 Report of the Central Statistical Office, 46,000 foreigners studied in Poland during the academic year 2014-2015 representing a 13% increase compared to 2013/2014. Most of the foreign students originated from Ukraine (23,400) and Belarus (4,100).
- **Slovak Republic**: in November 2015, the Statistical Office issued the publication *We in Numbers in 2014 - International Migration Statistics* which provides an outlook on flows and stocks of migrants and acquisition of Slovak citizenship by foreigners with usual residence in the Slovak Republic.

IRREGULAR MIGRATION AND RETURN

- **Poland:** although the scale of irregular migration to Poland considerably increased, (until the end of November, the number of foreigners refused entry and foreigners found to be illegally present increase by 94% and 44% respectively, compared to the respective period in 2014), the Border Guard defines the migration situation as stable.
- **United Kingdom:** The Home Office's Immigration Statistics for the period July to September 2015 were published on 26th November 2015 providing the latest national figures on those subject to immigration control.

Updates on EU legislation transposition

IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

- **Bulgaria**: two amendments to the Asylum and Refugees Act were adopted in October and December 2015. The first transposed the Recast Qualification Directive 2011/95 / EU and the Reception Conditions Directive 2013/33 / EU. The second bill transposed the Asylum Procedure Directive 2013/32/EU.
- **Czech Republic**: An amendment to the law on Asylum and the law on Residence of Foreign Nationals was approved in December 2015. The amendment transposed the Asylum Procedure Directive and the Reception Conditions Directive into the Czech legislation system. One of the consequences is that the period during which asylum seekers are not allowed to work is reduced from 12 months to 6 months.
- **Italy**: On 30th September 2015, the Legislative Decree 142/2015 came into force, transposing the Reception Conditions Directive 2013/33/EU. Among other things, applicants may now access the labour market after 60 days (instead of 180) from the submission of their application.
- **Luxembourg**: On 17th December 2015, the Chamber of Deputies adopted the bill n°6775 which transposes the recast Reception Conditions Directive 2013/33/UE into national law. On 10th December 2015, the Chamber of Deputies adopted the bill n° 6779 transposing the re-cast Procedures Directive 2013/32/EU into national law. Also, the Law of 18th December 2015 on international protection and temporary protection was published in the Memorial A n°255 of 28th December 2015 and abolishes the former asylum law of 5 May 2006 on the right of asylum and complementary forms of protection.
- **Poland**: On 13th November 2015, the amendments to the Act on the protection for foreigners in the territory of the Republic of Poland whose aim is to implement the provisions of the new asylum package, entered into force. The act introduced, inter alia, free legal assistance and legal information to asylum seekers.

UNACCOMPANIED MINORS AND VULNERABLE GROUPS

- **Hungary**: On 6th October 2015, Hungary transposed Directive 2012/29/EU on minimum standards on the rights, support and protection of victims of crime into the national law and harmonised the Hungarian legislation accordingly. The aim is to provide appropriate support and protection to victims of crime.

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

- An **update of the EMN Glossary** took place in November 2015. The Glossary Working Group discussed definitions and terms to be updated in the online version on 5th November 2015. The new terms and amendments have been uploaded onto the online version of the Glossary.
- **Belgium:** On 4th December 2015, the Belgian National Contact Point organised its national conference on the good practices and challenges associated with the return and reintegration of irregular and vulnerable migrants, which gathered experts from various organisations from Belgium and other (Member) States. A summary of the discussions held during the conference as well as all the presentations are available at this link.
- **Poland:** On 17th December 2015, the Polish National Contact Point organised its national conference dedicated to the question of migration crisis and migrant smuggling. The event was attended by around 140 national and foreign experts.
- **Slovak Republic:** On 1st and 2nd December 2015, the Slovak National Contact Point organised its national conference on Integration Programmes for Beneficiaries of International Protection and an Expert Round Table. The aim of the event was to contribute to the preparation of the State Integration Programme for beneficiaries of international protection. A summary of the discussions and all the presentations are available at this link.
- **Spain**: In October 2015, a seminar on "Enhancing multi agencies partnership" chaired by Spain was held in Madrid, within the activities of the FRA "Working Party to improve the recording of hate incidents in the EU". The Spanish experience in combating hate crimes was shared with the representatives of private and public institutions involved in recording hate incidents, which in turn presented their activities.