European Commission

Annual Report on Migration and Asylum 2019

European Migration Network

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EMN
European Migration Network

About the European Migration Newtowrk

The European Migration Network (EMN) is an EU network of migration and asylum experts who work together to provide objective, comparable policy-relevant information. The EMN plays a key role in providing policymakers and the wider public with up-to-date, objective, reliable and comparable information on migration and asylum. This is essential for the EU to better respond to the challenges in these areas.

The EMN was legally established under Council Decision 2008/381/EC. The European Commission (Directorate-General for Migration and Home Affairs) coordinates the EMN, supported by a Service Provider (ICF), in cooperation with National Contact Points (EMN NCPs) appointed by EU Member States plus Norway. EMN NCPs are located within Ministries of Interior and of Justice, specialised government agencies dealing with migration, research institutes, non-governmental organisations or national offices of international organisations. In their own countries, the NCPs form national networks with a wide-range of relevant stakeholders.

Explanatory note

This Synthesis Report was prepared on the basis of annual National Reports on Migration and Asylum from 27 EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom and Norway**) according to a Common Template developed by the EMN and completed by EMN NCPs to ensure, to the extent possible, comparability.

The annual National Reports on Migration and Asylum provided by EMN NCPs aimed at describing the migration and asylum situation and developments in the Member State and Norway, as well as statistical data specifically for the year 2019. National contributions were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports and information from national authorities and practitioners. Statistics were mainly sourced from Eurostat, national authorities and other (national) databases. It is important to note that the information contained in this Report refers to the situation in the above-mentioned Member States and Norway during 2019 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available EMN 2019 Natonal Reports on Migration and Asylum and it is strongly recommended that these are consulted as well.

Disclaimer

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EXECUTIVE SUMMARY

The EMN Annual Report provides a comprehensive overview of the migration and asylum situation and developments in the EU (Member) States as well as statistical data for the year 2019, which were available at the time of the publication of the report. Topics cover legal migration, international protection; unaccompanied minors and vulnerable groups; integration; citizenship and statelessness; borders, visa and Schengen governance; illegal migration including smuggling; return and readmission; human trafficking and migration and development. The year saw a number of important developments across the EU, notably the 9th European Parliament Elections, returning again the highest number of seats to the European People's Party, the appointment of a new European Commission, and the finalisation of negotiations on the departure from the European Union of the United Kingdom, which took place on 31 January 2020. These developments formed the backdrop to developments at EU and national level specifically related to asylum and migration.

The European Agenda on Migration continued to provide the framework to the EU's policy approach in 2019. In July 2019, to overcome the difficult negotiation process of the 2016 Common European Asylum System (CEAS) package, the European Commission's President-designate von der Leyen announced the development of a New Pact on Migration and Asylum, which is to provide a comprehensive approach to migration and asylum to be implemented over the lifetime of the new Commission, covering all aspects including external borders, systems for asylum and return, the Schengen area of free movement, creating legal pathways for migration, and working with partners outside the EU.

Negotiations continued throughout 2019 on the reform of the Common European Asylum System. Significant legal instruments were also adopted including the updated European Border and Coast Guard Regulation (2019/1896) and two Interoperability Regulations (2019/817 and 2019/818) which provide for an interoperability framework between EU information systems respectively in the field of border and visas as well as in the field of police and judicial cooperation, asylum and migration.

LEGAL MIGRATION AND MOBILITY

By the end of 2019, the vast majority of the EU's legal migration *acquis* had been transposed into national law.

The transposition of the Students and Researchers Directive (EU) 2016/801) was still in progress in three Member States and the Intra-corporate Transfers Directive (2014/66/EU) was in progress in one Member State in 2019. The Seasonal Workers Directive (2014/36/EU) was fully transposed in all Member States.

In March 2019, the European Commission adopted the **"Fitness Check on the EU Legislation on Legal Migration"**, which assessed whether the EU legal migration framework is still fit for purpose, identified any inconsistencies and gaps, and looked for possible ways to streamline and simplify existing rules. Its results were mixed. Whilst the evaluation considered EU law as "largely fit for purpose", it was acknowledged that "the current legal migration framework had a limited impact vis-à-vis the overall migration challenges that Europe is facing", due, for example, to gaps in the Directives' material and personal scope, including that several categories of workers are not covered by the Directives.[1]

Member States simplified their administrative and legal requirements to meet the needs of the labour market, in particular, regarding qualified workers, but also regarding a number of low and medium skilled occupations in several Member States where there were labour shortages.

Efforts among Member States to simplify administrative and legal requirements were directed at both **qualified workers** and, to a lesser extent, at **low and medium-skilled and seasonal workers**. Several Member States reported efforts to reduce the administrative requirements and barriers for third-country nationals working in occupations where a shortage of labour was identified. This emphasis on simplification of administrative and legal requirements often took place alongside the development of new statistical tools to assess labour market needs at national and regional levels.

1 Not applicable to Ireland; however, Ireland remains bound by Directive 2005/71/EC (the previous Directive applicable to researchers).

About a third of Member States adopted measures aimed at **supporting start-ups, entrepreneurs and investors**, mainly by facilitating administrative procedures, setting up support schemes and ensuring that businesses established in Member States were able to access the staff they need.

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In 2019, the Netherlands announced the creation of a scheme aimed at facilitating start-ups to employ third-country nationals where they were considered as essential personnel. For more information, see page 15.

Social dumping and labour exploitation were tackled through a variety of measures, including to address the fraudulent or abusive use of posted workers, to increase efforts in the area of labour inspection, to establish a minimum salary in certain sectors, and awareness-raising campaigns.

A third of Member States reported developments relating to the admission and stay of international students and researchers, in the main with the aim of attracting more international students.

Developments included simplified or fast-track procedures and increasing digitalisation of student visa applications and student registration. New measures were introduced to encourage the mobility of researchers in line with the EU *acquis*, as well as to facilitate labour market access for their family members.

Member States extended family reunification rights to certain groups of third-country nationals (e.g. same-sex couples), revised the material requirements or waiting period for exercising the right to family reunification or improved access to rights (e.g. to employment) for family members.

More than a third of Member States introduced mostly legislative changes in relation to these aspects. Case law further influenced the practices of a small number of Member States, with regard to specific categories of migrants wishing to reunite with family or stay in the country (such as ex-spouses who are victims of domestic violence).

The Commission worked with the EU27 Member States to ensure coherence in the overall approach to the **departure of the United Kingdom from the EU**, while recognising the need for national flexibility.

INTERNATIONAL PROTECTION INCLUDING ASYLUM

In 2019, 721 080 asylum seekers applied for international protection in the EU-28, an increase of 11.4 % compared with 2018 - the first increase in the number of asylum applications since 2015.

The New Pact on Migration and Asylum will relaunch the asylum reforms proposed by the Commission in 2016 aiming to find new forms of solidarity and ensure support to those countries under the most pressure. It will look at ways to put in place a seamless asylum and return system as well as a more sustainable, reliable and permanent approach to search and rescue, replacing existing ad-hoc solutions.

Member States focused on improving the efficiency and quality of national asylum systems, as well as on adjusting reception and processing capacities in line with fluctuations in asylum applications.

Member States carried out **independent reviews** of the asylum procedure, new quality control tools were introduced and some undertook the digitalisation of asylum files. Staff training, including to improve quality and efficiency, continued to be a priority in many Member States, including training coordinated by EASO.

Member States adjusted their reception capacities, in accordance with fluctuations in demand as a result of increases or decreases in asylum applications. In Belgium, the establishment of a new reception facility gave rise to protests from (future) local residents and certain political parties, vandalism of buildings intended for reception, and racist comments posted on social media.

In August 2019, France established a **new protocol for detainees who want to apply for asylum** allowing authorities to manage the entire asylum application cycle remotely and in written form. For more information, see page 20.

Many **institutional changes in the asylum field** were reported, with the aim to further centralise the asylum procedures or to reallocate responsibilities across different bodies. Two Member States for example reported on developments to combine the accommodation of asylum seekers and the examination of their applications into one comprehensive process.

One third of the Member States reported changes regarding **access to information and/or legal counselling/representation**, in most cases entailing the translation of information material for asylum seekers and beneficiaries of international protection into additional languages.

Five Member States also reported amending their list of **safe countries of origin**, usually by adding further countries.

Almost 30 000 people were resettled by a quarter of Member States and Norway. Those Member States that carried out relocation and resettlement activities usually did so in the framework of EU programmes, though national programmes and humanitarian admission scheme also played a role.

Most resettlement transfers occurred in the framework of EU programmes. The vast majority of resettled persons were Syrian nationals; other nationalities represented included people of Congolese, Eritrean, Ethiopian or Sudanese origin.

Five Member States reported to have in place programmes for relocation of migrants under the framework of an intra-EU scheme. These included France, Germany, Italy and Malta who signed the joint 'Malta Declaration' in September 2019, a joint declaration of intent on the disembarkation and relocation of migrants rescued at sea. Most Member States did not report any national relocation mechanism.

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

The number of migrant children, including unaccompanied minors, registered as present in the EU remained high. More than 13 500 in Spain, 5 300 in Greece and over 6 000 in Italy were reported in 2019 according to EMN National Reports. According to Eurostat, in 2019, Member States and Norway received 17 225 asylum applications from unaccompanied minors.

Member States further improved the protection and care of unaccompanied minors by promoting inter-agency cooperation, issuing guidance on the best interests of the child and ensuring more child-friendly settings.

Some Member States also strengthened the systems of guardianship (for example by stepping up the training of guardians and introducing new forms of guardianship) and / or revised their age assessment approaches in favour of non-invasive practices. Overall, Member States continued to use the existing channels for communicating information to unaccompanied minors, with many updating and some introducing new websites, often translated in the languages most commonly spoken by unaccompanied minors.

LGBTQI persons and female victims of FGM were amongst vulnerable groups particularly targeted by national measures in 2019.

Almost half of the Member States reported developments in legislation, policy or practice with respect to vulnerable persons, in particular LGBTQI persons and female victims of FGM, both those applying and not applying for asylum. For example, increased provision of training on gender and sexual orientation for case workers aimed to assist in the identification or safeguarding of LGBTQI persons.

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Belgium and France held training for protection officers on sexual orientation and gender identity involving a variety of internal and external stakeholders and building on their expertise. For more information, see page 37.

INTEGRATION

Developments at EU and national level focussed on socio-economic integration, notably labour market integration, language acquisition as well as education, with some Member States introducing mandatory policies and programmes. Member States' activities targeted, in particular, beneficiaries of international protection, children and young people.

The European Commission continued to support Member States in their integration policies notably through the work and activities of the European Integration Network, plus initiatives to encourage a multi-stakeholder approach to foster labour market and social integration at the local level. New activities in the year focused on labour market integration and migrant empowerment, as well as the inclusion of migrant women and the social orientation of newly arrived third-country nationals. The Commission brought together national authorities responsible for all relevant EU funds (AMIF, ERDF, ESF etc.) plus intermediary bodies and key stakeholders, to discuss their strategies for integration.

Member States also focussed on socio-economic integration, in particular labour market integration, language acquisition as well as education. Several countries introduced mandatory integration policies and programmes, for example in Austria, Belgium, France, Sweden, the United Kingdom and Norway, requiring the participation of third-country nationals.

Member States also focused on promoting civic integration, non-discrimination approaches and pre-departure measures targeting prospective migrants.

Over a third of Member States continued to promote civic integration during 2019 through practices aimed at providing opportunities for third-country nationals to become actively involved in their host society as well as through new or revised civic integration- or orientation programmes.

Alongside direct support to migrants, a third of Member States focussed also on non-discrimination, whereby new policies and practices were most commonly aimed at raising awareness of discriminatory practices, providing policy recommendations and practical tools for municipalities and local authorities, and providing training to those working directly to promote integration.

Some Member States involved countries of origin and diaspora groups in information campaigns aimed at prospective migrants.

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Ireland established an anti-racism committee including membership from both State and non-State actors to develop a clear understanding of the nature and prevalence of racism in Ireland and how to combact it. For more information, see page 44.

CITIZENSHIP AND STATELESSNESS

A Member State expert group was established by the European Commission to improve transparency and good governance around Investor Citizenship and Residence Schemes

The European Commission published a report on **'Investor Citizenship and Residence Schemes in the European Union'** on 29 January 2019, outlining some potential risks (e.g. tax-evasion, money laundering), and

established a Member State expert group to develop a risk management process and improve transparency and good governance in implementing these schemes.

Following Malta's accession in December 2019, 25 Member States and Norway have now acceded to the 1954 Convention on the Status of Stateless Persons.

Member States introduced developments in relation to the acquisition of citizenship, widening access in some cases, including dual citizenship, while in other cases introducing restrictions on access.

Over a third of Member States and Norway reported on substantial legislative changes in relation to the acquisition of citizenship, focussing on extending the groups that were eligible to acquire citizenship, removing some previous requirements, introducing specific legislation for minors and to widen access to dual citizenship. In some cases, the changes introduced stricter requirements for citizenship acquisition. Other measures focused on improving procedures, notably through digitisation.

New developments in stateless determination, status and rights were implemented in almost a quarter of all Member States.

Developments included introducing new statuses and access to rights and benefits. Some countries introduced measures at the municipality level to improve advice and support to stateless persons on citizenship procedures and the registration process.

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In March 2019, France started granting multi-annual residence permits to stateless persons and their family members. For more information, see page 47.

The EMN published a new inform updating information on Statelessness in the EU

The EMN's Platform on Statelessness continued its work on raising awareness and connecting relevant stakeholders and developed during the year a new EMN Inform 'Statelessness in the EU', updating the position since November 2016, which was published in January 2020.

BORDERS, VISA AND SCHENGEN

At EU level, the new European Border and Coast Guard Regulation (EU) 2019/1896 came into force, strengthening the Agency's mandate and capacity. Further Status agreements were initialled and signed between the EU and third countries.

Developments in cooperation between the EU and third countries to better protect the EU's external borders, manage irregular migration and to enhance security took place in 2019, including the entry into force of the EU's Status Agreement with Albania. Status agreements were initialled in 2019 with Bosnia and Herzegovina (adding to those which were initialled in 2018 with North Macedonia) and signed with Montenegro and Serbia.

An update to the Visa Code (Regulation (EU) 2019/1155) was agreed by the Council in June 2019.

Based on the results of the Schengen evaluation process, the European Commission considered in October 2019 that Croatia had taken the measures needed to ensure that the necessary conditions for the full application of the Schengen rules and standards were met. Cyprus submitted its application to become part of the Schengen area in September and has entered a period of technical evaluation.

Over half of the Member States reported on the implementation of new technical measures aiming to reinforce border control and management of the external borders, and increasing their effectiveness was a priority for most Member States and Norway.

Member States upgraded existing equipment or acquired additional technical equipment with the aim to achieve more streamlined and efficient border checks. This included document readers, fingerprint scanners, and automated border control systems, based on biometric identification. Particular attention was given by some Member States to the improvement of surveillance either by upgrading technical equipment or introducing new surveillance methods. Legislative amendments in some countries strengthened authority to implementing ministries.

Six Member States reinforced their cooperation on border controls with third countries through bilateral or multilateral agreements, mainly with countries in the Balkans (Albania, North Macedonia and Serbia), Africa (in the Sahel region) and east of the EU external borders (Moldova, Ukraine) as well as Georgia and Uzbekistan.

More than half of the Member States and Norway reported on new developments in relation to visa policies, including the Visa Code and the Visa Information System (VIS).

Such developments included efforts to streamline and simplify visa application procedures via external service providers or through consular cooperation. Six Member States (Austria, Belgium, Estonia, Finland, the Netherlands and Sweden), together with Norway and Switzerland established a working group aiming to compare, exchange and streamline visa outsourcing practices. Legislative developments to national visa policies were also common, with one third of Member States changing their national acts in line with EU requirements or altering visa requirements for certain groups of third-country nationals.

Several developments took place with regard to Schengen governence, plus Member States began to prepare for the implementation of the new Entry/Exit System and European Travel and Authorisation System (ETIAS).

Several Member States introduced internal border controls. In Austria this was due to concerns over secondary movements, terrorism risks plus the continued migration situation in Greece, Turkey and Syria; Germany continued temporary internal border controls at the German-Austrian land border due to persisting migratory and security circumstances. In accordance with the Schengen Borders Code, Sweden and Norway reintroduced internal border controls.

Member States introduced legislation and policies to develop their national ETIAS and Entry/Exit systems.

IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Across the EU, 141 846 illegal border crossings were detected in 2019, representing a 4.9% decrease compared with the number of detections recorded in 2018.

This decrease occurred primarily due to fewer detections on the Western and Central Mediterranean routes.

Checks on misuse of legal migration channels and cooperation with third countries, including capacity building activities, were intensified.

A few Member States reported an increase in the number of persons refused entrance at the border from visa-free countries. Where required, Member States intensified checks on visa-free country nationals and increased cooperation with countries of origin to target the misuse of these legal migration channels. For example, as part of the joint operation "Coordination Points Air 2019", border guards from various Member States were deployed to Kutaisi Airport in Georgia to provide advisory services during the pre-checks before departure.

Several Member States also adopted legislative or practical measures to reduce the misuse of legal migration channels by third-country national workers, students and researchers, as well as those arriving through family reunification channels. Policy and practical initiatives were implemented to combat the use of false travel documents, including the provision of training to police officers and border guards in several Member States, as well as the introduction/upgrading of the technologies used to analyse travel documents.

About half of the Member States as well as Norway introduced initiatives aimed at more effectively preventing, detecting and/or investigating the fraudulent acquisition and use of false travel documents.

Several Member States provided training to police officers and border guards to combat the fraudulent use of false travel documents. Technologies to analyse travel documents were also introduced or upgraded.

Awareness raising campaigns and increased sanctions against the facilitation of irregular migration and illegal stay aimed to combat migrant smuggling.

Member States stepped up efforts to prevent and fight irregular migration and migrant smuggling. The initiatives included awareness raising campaigns and capacity building activities in third countries, reinforcement of bilateral and multilateral cooperation in migration and security issues, deployment of liaison officers, cooperation with Frontex and EUROPOL and strengthening sanctions against the facilitation of irregular migration and illegal stay.

TRAFFICKING IN HUMAN BEINGS

In 2019, the European Commission started the data collection phase for the Third Progress Report in the fight against Trafficking in Human Beings (THB).

The need to step up efforts to bring THB perpetrators to justice and to protect children against THB remained high in the EU agenda to combat THB. The protection of children against THB also remained high in the EU's agenda.

Most Member States revised their national strategic approach on trafficking in human beings.

The majority of Member States introduced new legal and policy measures to revise their national strategic approach to THB, either by adopting new legislation to step up the fight against THB, adopting or drafting new national strategies or plans to fight THB, including the protection of child victims, or by nominating new contact points/national coordinators for THB. Additionally, some Member States also increased their capacity to assist trafficking victims by opening new facilities and centres for these individuals. In practice, some Member States increased their capacity to assist trafficking victims by opening new facilities and centres to host victims, taking account of their age and gender, and any special care needs.

Other developments focused on raising awareness, reinforcing cooperation mechanisms and the provision of assistance at national level.

Most Member States organised awareness-raising campaigns consisting of the distribution of brochures in several languages to NGOs, law enforcement authorities and (potential) trafficking victims, social media campaigns and the launch of new websites for example, in some cases, in cooperation with former trafficking victims.

Moreover, a number of Member States reinforced cooperation mechanisms at national level to better assist victims of THB, by adopting new guidelines for the provision of services to victims of THB and improving communication and cooperation among the different stakeholders involved. Additionally, Member States continued reinforcing cooperation on the provision of assistance to victims of THB at EU level, mostly through the participation in multilateral meetings (i.e. the meetings of EU Anti-Trafficking Coordinators and Rapporteurs) or action days on this topic (EUROPOL and Eurojust Action Days).

Some Member States reported on developments to enhance cooperation with third countries to combat THB. Most of the reported developments focused on the delivery of capacity building and awareness-raising activities.

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Portugal developed a multilingual app called "Acting against Trafficking in Human Beings" to support professionals in the identification and assistance to victims of THB. The online tool could also be used by the general public and potentially vulnerable groups to receive information on support structures for victims of THB and how to denounce traffickers. For more information, see page 64.

RETURN AND READMISSION

Throughout 2019, the European Commission continued to work with third countries on the implementation of the existing 23 readmission instruments (17 agreements and 6 non-legally binding arrangements).

Negotiations of new readmission agreements (with Nigeria, Tunisia and China) were advanced and a readmission agreement with Belarus was finalised. The updated Visa Code was adopted by the EU Council in June 2019, introducing a provision (art. 25 a) linking visa policy to readmission cooperation. The enhanced mandate of the European Border and Coast Guard Agency (Frontex) now includes a role to support Member States' activities, including on return.

In line with EU priorities, throughout 2019, Member States worked to speed up return procedures, prevent absconding and secondary movements and increase the rate of returns.

More than a third of Member States passed new legislation, mainly to simplify, speed up and improve the enforcement of return decisions. New developments included restrictions on subsequent applications by third-country nationals subject to an earlier negative decision on their admission or stay; tightening requirements to obtain identity documents from countries of origin; increasing surveillance of third-country nationals subject to return decisions; and simplifying return procedures for citizens from safe third countries of origin. Policy changes included a "return track" system to prioritise cases where documents for return were available and the third-country national was within a reception centre.

Member States introduced new legislative changes with regard to the issuing of return decisions and implemented activities to further support assisted voluntary return.

In the majority of cases, such changes aimed to further clarify the legal basis and scope of return decisions, whilst others aimed to speed up or simplify their implementation. Amendments were also introduced to tighten national rules with regard to the issuing entry bans.

Member States extended the scope of assisted voluntary return programmes and national authorities further invested efforts in providing information regarding assisted voluntary returns including legal and psychological support.

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Belgium launched the "Reach Out" project on outreach to and return of undocumented and homeless migrants. The project also established a community of practices including Belgian, British, Dutch and Italian local authorities. For more information, see page 57.

The use of alternatives to detention were expanded for specific groups whilst provisions for third-country nationals in detention were made stricter.

Eleven Member States adopted changes to their use of detention in return procedures. These included clarifying the criteria for placing third-country nationals pending return in detention or its alternatives, to minimise the risk of absconding and reviewing preventive detention of minor third-country nationals, in an effort to prevent them from going missing or becoming victims of exploitation. In some cases, detention capacity was increased, with corresponding positive results reported in Sweden. Other countries implemented new alternatives to detention, for example, for children over 15 years of age in the Netherlands, and following requests made by various human rights associations, in one case (Belgium) detention of families with children was suspended.

The majority of Member States reported cooperation activities with third countries with regard to return and readmission.

This included consultations and negotiations with third-country authorities, strategic visits to third countries to discuss and strengthen awareness of return priorities as well as negotiating/signing new readmission agreements. Awareness-raising on return was one of the main priorities, with activities being implemented both within the EU and directly in third countries.

MIGRATION AND DEVELOPMENT

Fourteen Member States and Norway reported on new developments in 2019 in the field of migration and development.

Measures were focussed on supporting refugees in third countries, engaging with the diaspora, and fostering regular migration and labour mobility. The actions targeted a wide range of countries across the Middle East, the Western Balkans and Africa, with Jordan, Syria, Egypt, Ethiopia and Morocco amongst those most commonly addressed.

A third of Member States and Norway used national funds to implement actions aimed at facilitating migration and development with third countries, mostly to support efforts to protect refugees, displaced persons and people on the move.

MORE INFORMATION

More detailed information can be found in the National Annual Reports on Migration and Asylum produced by each of the national contact points of the EMN. The most important developments and statistics per Member State can be found in the Country Factsheets produced by the EMN.

1. LEGAL MIGRATION

KEY POINTS

- Member States simplified the administrative and legal requirements to meet the needs of the labour market, in particular regarding qualified workers. This approach was also taken in regard to a number of low and medium skilled occupations in several Member States where there are labour shortages in such areas.
- Alongside this, Member States expanded the use of statistical mechanisms assessing labour market needs at the national and regional levels.
- Member States adopted measures aimed at supporting start-ups, entrepreneurs and investors, mainly aiming at facilitating administrative procedures and setting up support schemes. Measures also aimed at ensuring that businesses settling in Member States have access to the staff they need.
- Social dumping and labour exploitation were addressed through a variety of measures, including addressing fraudulent or abusive use of posted workers, increased efforts in the area of labour inspection, the establishment of a minimum salary in certain sectors and awareness-raising campaigns.
- A number of Member States signed working-holiday agreement and other work-related agreements with third countries in an effort to harness the benefits of circular migration.
- A third of Member States facilitated the admission and stay of international students and researchers through simplified or fast-track procedures, as well as increasing digitalisation of applications for student visas or student registration.

1.1. DEVELOPMENTS AT EUROPEAN UNION (EU) LEVEL

On 29 March 2019, the European Commission adopted the "Fitness Check on the EU Legislation on Legal Migration".[2] It was supported by a consultation process, including an open public consultation and targeted consultation of key stakeholders, as well as by an external study. The Fitness Check led to mixed results. The EU law evaluated was considered "largely fit for purpose"; however, it was acknowledged that the current legal migration framework had a limited impact vis-à-vis the overall migration challenges that Europe was facing. The Fitness Check identified several gaps, both related to the Directives' material scope and their personal scope. It was found that various procedural aspects, and major categories of third-country nationals, for example, non-seasonal low-and medium-skilled workers, job seekers, self–employed people/entrepreneurs etc. are not covered by the Directives. The Fitness Check also suggested that these issues would need to be addressed in the future through a wide range of measures in order to achieve in full the Treaty objective of developing a common legal migration policy as a key element in a comprehensive policy on management of migratory flows.

On the same day, the European Commission adopted three implementation reports on the following Directives:

- Long-term residents Directive (2003/109/EC) (COM(2019)161)
- Family Reunification Directive (2003/86/EC) (COM(2019)162)
- Single Permit Directive (2011/98/EU) (COM(2019)160)

In 2019, the Court of Justice of the European Union (CJEU) provided judgements on one preliminary ruling on the Long-term resident Directive (2003/109/EC) on financial resources (C-302/18) and five preliminary references on the Family Reunification Directive (2003/86/EC): one on the absence of documentary evidence (C-635/17), one on the granting of permits in case of prolonged administrative silence (case C-706/18), two on the public order clause (cases C-381/18 and C-382/18) and one

2 Commission Staff Working Document, "Fitness Check on EU Legislation on legal migration", SWD(2019) 1055, 29.3.2019 and "Executive Summary of the Fitness Check on EU Legislation on legal migration", SWD(2019)1056, 29.3.2019

on dependent family members (C-519/18). In addition, The Court also gave a judgement on a preliminary ruling covering both the Long-term resident Directive and the Family reunification Directive, on the withdrawal of the permit in case of fraudulent documentation (C-557/17).

1.2. TRANSPOSITION OF EU LEGISLATION ON LEGAL MIGRATION

In 2019, Member States continued to make progress in transposing EU legislation on legal migration.[3] Three Member States[4] indicated that they were still in the process of transposing the Students and Researchers Directive (2016/801/EU).[5] The Seasonal Workers Directive (2014/36/EU)[6] has been transposed by all Member States. The ICT Directive (2014/66/ EU)[7] has been transposed by all Member States except for Belgium where its transposition is still in progress.

EU legislation	STATUS		
	In force	In progress	Not applicable
Directive on the conditions of entry and residence of third-country nationals for the purpose of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (23 May 2018)	AT, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LV, LT, LU, MT, NL, PL, PT, SK	BE, SE, SI	IE, UK, NO
Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (30 September 2016)	AT, BG, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LV, LT, LU, MT, NL, PL, PT, SI, SK, SE		IE, UK, NO
Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (29 November 2016)	AT, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IT, LV, LT, LU, MT, NL, PL, PT, SI, SK, SE	BE	IE, UK, NO

Source: European Migration Network

1.3. WORK-RELATED MIGRATION

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

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

1.3.1.1. Highly skilled/qualified workers

Several Member States simplified their administrative and legal requirements to attract qualified workers to meet labour market needs. A total of ten Member States[8] introduced legislative changes concerning highly skilled workers.[9] Five Member States[10] simplified administrative procedures with the aim of attracting foreign talent. For instance, Germany passed legislation[11] allowing appropriately qualified and skilled migrant workers with an employment contract to work in any occupations (not only those subject to labour shortages) and simplifying recognition of foreign professional qualifications, among other measures aiming at simplifying administrative procedures and introducing a fast track procedure for skilled migrant workers.

Other Member States increased the maximum number of permits reserved for certain types of occupations or made changes to the list of occupations for which there were labour shortages. For example, Austria introduced changes to make it possible to target the supply of qualified professionals to different provinces. Spain implemented legislation granting job-search visas to Argentinian nationals of Spanish descent, appropriately experienced and qualified to work in medium- and highly-skilled sectors, particularly those relating to technology, IT, research, marketing and finance. The United Kingdom adopted legislation to extend the salary exemption in the Tier 2 (general) visa so that the National Health Service and schools could continue to attract and hire experienced nurses, paramedics and teachers from overseas.

3 (Denmark) and Ireland do not participate in these instruments.
4 BE, SI, SE.
5 Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L 132.
6 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, 28.3.2014, OJ L 94, p. 375.
7 Directive 2014/66/EU of the European Parliament and of the Council of 37515 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, 27.5.2014, OJ L 157, p. 1.
8 AT, BE, CZ, DE, IE, LV, LU, PT, SK, UK.
9 Luxembourg regularly adapts the minimum amount of remuneration for highly skilled workers to the increase in the cost of living.
10 BE, DE, LT, PT, SK.
11 The Bundestag adopted the Skilled Immigration Act at the initiative of the Federal Government in June 2019. The Act entered into force on 1 March 2020.

Policy changes were introduced by seven Member States.[12] The Czech Republic launched a programme called "Programme Highly Qualified Workers" aimed at attracting foreign talent to support employers seeking to hire third-country nationals. Two Member States implemented policies aimed at reducing the administrative burden placed upon highly skilled third-country nationals. France further simplified and improved its 'talent passport' policy, whilst Lithuania implemented legislation allowing foreign workers to change functions while working for the same employer without the need to apply for another temporary work permit. From March, Ireland allowed labour market access for the spouses and *de facto* partners of Critical Skills Employment Permit holders without the requirement to hold an employment permit, whilst Estonia introduced the Spouse Programme 'Re-invent Yourself' (see Box 1.1 below).

Box 1.1: Spouse Programme 'Re-invent Yourself' in Estonia

In 2019, the International House of Estonia successfully launched the Spouse Programme 'Re-invent Yourself' with the objective to find professional and other activities (such as voluntary work, a job, place at university, etc.) for the partners of international specialists recruited to work in Estonia.

Three Member States introduced changes in practices: the Czech Republic revised administrative procedures for migrants admitted into the 'Highly Qualified Workers Programme', offering a preferential intake of applications from such migrants and their close family members at embassies; Finland stopped accepting daily allowances as part of specialists' salaries; and the Netherlands abolished the requirement for employers to include an 'Antecedents' certificate' in order to hire a third-country national (it will now be enough for an employer to declare that they have received such a certificate and that everything is in order).

1.3.1.2. Intra-corporate transferees

The ICT Directive had been transposed by all applicable Member States by the end of 2019 except for Belgium[13] (see Table 1.1 above). Legal changes concerning intra-corporate transferees were undertaken in Italy, where legal reforms aimed to facilitate such transfers. Two Member States reported policy changes: in Belgium, the regions set out labour related rules for intra-corporate transferees, while France implemented legislation that increased the requirements for firms to transfer workers to France in terms of their seniority within the company and the minimum period required between two transfers.

1.3.1.3. Seasonal workers

A third of the Member States amended their legislation and policies to simplify hiring seasonal workers. In line with this approach, a couple of EU Member States started piloting new seasonal employment schemes.

A total of seven Member States[14] passed new legislation affecting this group of workers. Austria capped the number of authorisations issued during 2019 for seasonal workers, whilst Portugal and the Slovak Republic modified their legislation to make it easier for employers to hire seasonal workers, in the former case by expanding the duration of very short contracts and in the latter by eliminating certain conditions for cancelling contracts and by reducing the period during which vacancies had to be published. Ireland published the General Scheme of a Bill which includes provision for the legal basis to introduce a Seasonal Employment Permit.[15] Spain regulated the management of hiring seasonal workers at the place of origin for 2020, introducing, for the agricultural campaign, improvements in coordination between administrations and the social partners involved, in setting minimum accommodation and hygiene conditions, and in monitoring working conditions.

Eight Member States introduced changes in their policies on seasonal workers.[16] For example, Belgium and Lithuania set categories for which types of seasonal work authorisations could be granted at the regional level and in Finland the newly elected government committed to accelerating the issuance of seasonal work authorisations to allow these workers to change employer more easily. Croatia increased the number of authorisations for seasonal workers from 6 540 to 9 060, mostly in the tourism and catering industries. The United Kingdom opened the seasonal workers pilot, allowing fruit and vegetable farmers to employ up to 2 500 non-EU migrant seasonal workers for up to 6 months.

1.3.1.4. Low and medium skilled workers (other than seasonal workers)

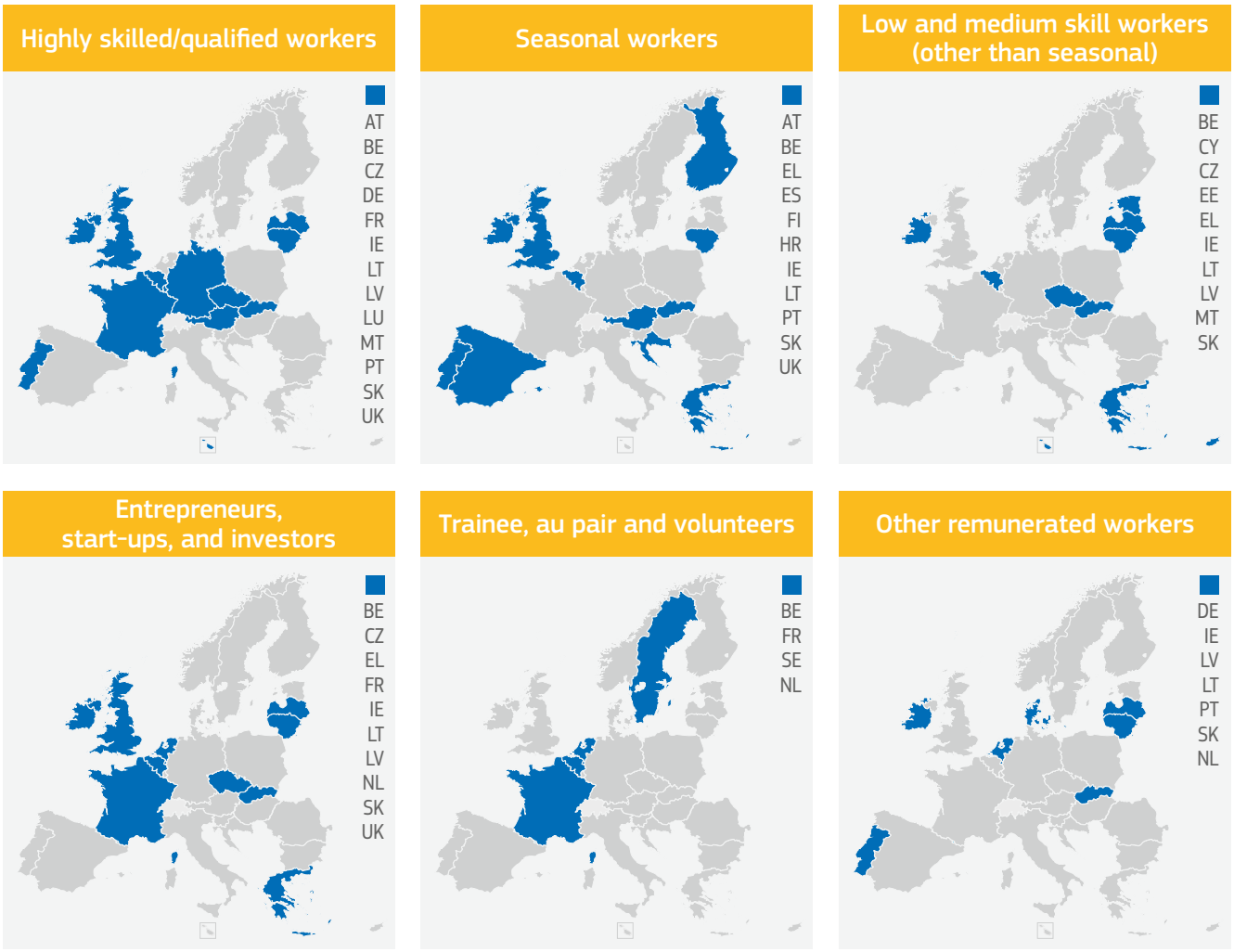
Several Member States simplified procedures and requirements to hire low and medium skilled workers to address labour shortages.

Eight Member States introduced legislative changes affecting low and medium skilled workers.[17] Four Member States introduced changes in their visa or employment permits systems.[18] The Czech Republic introduced its Special Work Visa and changes to Single Permits (Employee Cards); and Ireland opened up certain occupations to employment permits by removing some low and medium skilled occupations (mainly in the construction, metal forming and welding trades) from the Ineligible Occupations List. Some of these occupations were subject to quotas, and in relation to certain occupations in the agri-food area, quotas were also increased. Estonia established a new division of the immigration quota and Latvia removed the requirement to provide a copy of an educational document or three-year (tertiary education) diploma for third-country nationals performing low or medium skilled occupation.

Five Member States introduced changes to their national policies on low and medium skilled workers.[19] In general, policy changes were intended to alleviate the burden placed on employers and make it easier for low / medium

12 AT, BE, CZ, EL, FR, IE, LT, MT.
13 The Directive has been partly transposed by the regions, but still requires transposition at the federal level.
14 AT, BE, ES, PT, SK, UK.
15 General Scheme of an Employment Permits (Consolidation and Amendment) Bill. Ireland does not participate in Directive 2014/36/EU.
16 AT, BE, ES, FI, HR, IE, LT, SK.
17 CY, CZ, EE, EL, ES, IE, LV, SK.
18 CZ, ES, IE, LV.
19 BE, CY, CZ, LT, MT.

Figure 1.1 – Member States introducing changes to facilitate admission for specific groups of legal migrants in 2019



Source: European Migration Network

skilled workers to access work in those Member States. Three Member States implemented policies aimed at lowering requirements for employers,[20] for example, in Belgium, by cancelling the labour market test requirement for certain medium skilled occupations in the regions of Flanders and Wallonia, or in Cyprus, by lowering requirements for employers (e.g. bank guarantees) and expanding the duration of temporary employment permits for certain sectors. Malta introduced changes requiring employers to publish a vacancy only once before hiring a third-country national. Policy changes in Lithuania aimed to lower the administrative burden placed on workers by removing the need to show proof of titles and experience for work, other than for highly qualified, and by facilitating occupational changes with the same employer. Spain introduced a new visa policy aimed at Argentinians of Spanish descent who wished to settle in Spain to perform medium as well as highly skilled occupations.

Estonia was the only country to report a change of practice – this was to make it easier for employers to hire third-country nationals by speeding up the application process for short-term employment through the self-service environment managed by the Police and Border Guard Board.

1.3.1.5. Entrepreneurs, start-ups and investors

Several Members States launched or expanded their support schemes to attract and retain entrepreneurs, start-up founders or employees. In some cases, this entailed that businesses settling in Member States had access to the staff they needed.

Legislation changes regarding entrepreneurs, start-up founders or employees and investors were introduced by eight Member States,[21] in general, aiming to continue to attract investment and economic activity. For example, Member States established more generous quotas for investors or faster and more efficient ways to issue visas for individuals seeking to perform activities with high added value for the economy.[22] The United Kingdom introduced two new visa routes (start-up visa and innovator visa) which enhanced their offer to overseas

20 BE, CY, MT.
21 BE, CZ, FR, EL, LT, LV, NL, SK, UK.
22 CZ, LT.

entrepreneurial talent and carried out reforms in Tier 1 (Investor) visas to combat financial crime and ensure more targeted investments.

Box 1.2: New residence permit for key personnel of start-ups in the Netherlands

The Netherlands announced the creation of a future scheme directed at key personnel for business start-ups. This will allow businesses that are not yet able to meet the salary threshold that applies to the residence permit for highly skilled migrants, to still employ third-country nationals that are considered as essential personnel for the start-up, providing that certain criteria are met (i.e. they are able to demonstrate that they are not sufficiently established to be able to pay such salaries).

Policy changes were introduced by five Member States.[23] Some of these changes reduced the requirements or the administrative burden placed on entrepreneurs to develop their economic activity.[24] In Belgium, for example, Flanders waived the requirement for evidence of professional competence for certain occupations.

Other policies intended to assist investors and other economic actors in need of highly qualified staff.[25] For example, the 'Programme Key and Research Staff' launched in the Czech Republic, aimed at start-up founders, qualified start-up employees and business partners, and extended preferential intake of applications at embassies to these migrants and their close family members, and reduced processing time and administrative burden. France provided a definition of the concept of "innovative firms", allowing their staff to benefit from an extension of their 'talent passport.' Following a consultation with stakeholders in the start-up and innovation sectors regarding the Start Up Entrepreneur Programme (STEP), identifying challenges, including low awareness of the scheme and difficulties for innovators in accessing a network and funding, Ireland responded with planned developments to the programme's pre-application phase, originally introduced in 2014. It is envisaged that start-up founders developing their business idea with an Irish accelerator can apply for an initial 12-month residence permission to attend the programme, before applying for a normal residence permission under the STEP.

1.3.1.6. Trainees, au-pairs and volunteers

Three Member States reported on passing legislation or regulations regarding trainees, au-pairs and / or volunteers.[26] The changes were mainly to implement the EU *acquis,* but also introducing legislation laying out specific requirements around the admission / residence of these groups of third-country nationals, for example, in France, where legislation was introduced for visas issued for the purposes of volunteering under the European Voluntary Service and a residence permit for au-pairs was created. Only one Member State, the Netherlands, reported policy changes, allowing au-pair agencies established in other Member States to act as recognised sponsors, whereas previously, only agencies established in the Netherlands could do so.[27]

1.3.1.7. Other remunerated workers

Up to five Member States reported legislative changes regarding other remunerated workers, with a general trend towards making labour mobility easier for third-country nationals.[28] Some of the most important changes included the following: Portugal established a general presumption of legal entry in the granting of residence permits for the exercise of a professional activity; legal entry is presumed whenever the applicant works for at least 12 months in a regularised situation and has a service / professional contract in the national territory. Germany simplified and improved regulations on permits for IT professionals; Ireland included provision in the General Scheme for the Employment Permits (Consolidation and Amendment) Bill for the creation of a 'special circumstances' employment permit, for those situations in which standard criteria were not met but would nevertheless be beneficial for the social or economic development of the State and Latvia expanded the benefits enjoyed by employers of third-country nationals.

Additionally, new policies were implemented in two Member States.[29] For example, the Netherlands clarified its policy regarding labour market testing after the termination of a relationship of a third-country national staying in the Netherlands for less than five years on family grounds.

1.3.2. Satisfying labour market needs - admission policies

Member States simplified permits and other administrative requirements for third-country nationals to satisfy labour market needs. They also created or expanded the utilisation of statistical mechanisms assessing labour market needs at the national and regional levels.

Eight Member States reported on new or draft legislation concerning admission policies aimed at satisfying the needs of the labour market.[30] In general, Member States continued to develop measures aimed at addressing labour shortages in occupations for which there was a skill shortage. Three Member States passed legislation intending to better identify labour shortages and to make it easier for employers to hire individuals that matched that profile.[31] Three Member States made or proposed changes in their legislation in relation to the procedure and requirements to obtain a work visa or permit.[32] For example, Lithuania planned to exempt foreigners performing activities included in the list of shortage occupations from certain requirements. The Czech Republic

23 BE, CZ, FR, IE, LV.
24 BE, LV, SK.
25 CZ.
26 BE, FR, SE.
27 In the NL, if an au-pair agency wants to have someone come to the country as an au-pair, the au-pair agency must be recognised as a sponsor by the Immigration and Naturalisation Service (IND). This means that the agency must be a reliable partner of the IND.
28 DE, IE, LV, PT, SK.
29 LT, NL.
30 CZ, DE, ES, FR, IE, LT, LV, SK.
31 FR, LT, SK.
32 CZ, IE, LT.

introduced annual quotas for applications for Single Permits (Employee Cards) submitted at embassies in selected third countries.

Ten Member States introduced new policies aimed at addressing the needs of the labour market.[33] Some of them were intended to simplify the process of obtaining a permit for various economic sectors and for those clearly suffering from labour shortages (for example, changes in the authorisation period in Spain for the fishing sector, which has long been affected from shortages of labour, resulting in some cases in irregular work). France set out to undertake a reform of its migration policy which, among other things, will aim to assess the needs of the economy, especially in terms of sought after skills, by means of a statistical tool which could be used to fix quotas for different occupations. The Netherlands introduced a structural regulation concerning cooks working in the Asian hospitality sector,[34] a sector struggling to find enough specialised staff. In order to obtain a permit for a foreign worker, it is the responsibility of the sector and employers to first make efforts to train national workers to fill vacancies.

Five Member States reported on modifying (or planning to modify) their practices in this field.[35] For instance, Estonia established a new division of the migration quota for 2020 and extended the scope of the foreign recruitment grant to additional fields such as sciences and engineering, aside from ICT. The Slovak Republic, in cooperation with IOM Slovakia, began work on a project proposal to prepare a labour mobility scheme (2020-2021) that would make it possible to receive a foreign workforce more quickly into specific sectors of the Slovak economy.

1.3.3. 'Social dumping' and labour exploitation

Several Member States introduced new measures to combat social dumping and labour exploitation, especially by strengthening checks and increasing preventive actions.

Five Member States reported legal reforms concerning social dumping and labour exploitation[36] both regarding specific groups of workers, and in general. France passed and Latvia drafted legislation regarding posted workers. In France, the focus was on transposing the EU Directive on posted workers and related legislation to clarify the rights of posted workers, the administrative fines to be imposed in case of breach and to establish the principle of equal treatment between workers based and posted in France. In Latvia, the draft legislation will establish notices for companies employing foreign workers or foreign posted workers, intended to allow more thorough checks on the part of the labour inspectorates tasked with identifying cases of undeclared work and breaches of the law. The Irish Department of Justice and Equality, together with various other Government Departments and agencies reached a mediation agreement with the International Transport Workers' Federation (ITWF) in response to a court case concerning the working conditions and labour rights of non-EEA fishermen. Malta created a unit tasked with curbing irregular migration and illegal work, and the Slovak Republic introduced a legal amendment which hardened the ban on illegal employment by unifying, to five years, the period of time during which the authorities needed to be satisfied that no breach of the ban had taken place before granting various types of work permits.

Relevant policy changes were undertaken by six Member States;[37] the focus being on preventing the exploitation of foreign labour from third countries. Member States introduced various measures to address the situation: some set up schemes or working groups to improve regulation or practice in the area of labour inspections (for example, an inter-institutional working group was created in the Slovak Republic to facilitate cooperation in the field of labour inspections). Other States tackled specific sectors through tailored policies, such as Italy which focused its efforts on the so-called '*caporalato*', a social dumping practice in the agriculture sector (see Box 1.3 below).

Box 1.3: Tackling social dumping in the agricultural sector in Italy

The so-called "caporalato system" refers to the intermediation, recruitment and illegal organisation of labour as well as labour exploitation in agriculture. The so-called "caporali", who operate outside of the normal employment channels and without respecting the contractual tariffs on minimum wages, act as intermediaries with employers, withholding part of the workers' compensation for themselves. A crucial feature of the phenomenon is the monopoly of the transport system, which forces the labourers to pay for the transfer to the workplace as well.

This phenomenon often concerns vulnerable groups such as migrants and women. For this reason, an ad hoc body has been set up, which brings together all the institutional and non-institutional bodies involved at national and territorial levels, to identify a new strategy to fight against labour exploitation in agriculture. New measures increasing penalties and strengthening the inspection activity were also introduced.

Still other Member States introduced further measures on social dumping / exploitation, including in Belgium, where the federal government stepped up the fight by adopting a Royal Decree allowing social security inspectors to take action against the illegal secondment of posted workers; in the Czech Republic, which established minimum salaries for participants in government migration programmes in certain sectors in order to prevent social dumping; and in Finland, which strengthened the ethical recruitment by employers and the prevention of exploitation of foreign labour in its 'Talent Boost Programme'.

Additionally, nine Member States changed their practices,[38] with six increasing institutional cooperation between agencies dedicated to prevention and inspection.[39] Others targeted specific sectors: Cyprus increased

33 CZ, BE, CY, ES, FI, FR, LT, LV, MT, NL.
34 The scheme applies to restaurants with one or more of the following cuisines: Chinese, Indian, Indonesian, Japanese, Korean, Malaysian, Thai, Tibetan and Vietnamese.
35 EE, ES, FI, FR, SK.
36 FR, IE, LV, MT, SK.
37 BE, CZ, FI, FR, IT, SK.
38 AT, BE, CY, EE, EL, LT, NL, PL, SK, UK.
39 AT, BE, EE, LT, NL, SK.

the number of labour inspections with the aim to better identify undeclared work and exploitation of foreigners, especially by employment agencies, whilst Latvia introduced changes regarding the provision of information on illegal employment and forced labour to raise awareness among builders / construction workers of their rights, and Ireland continued its enforcement of labour rights of third country national workers in the whitefish sector, via continued inspections of vessels by the Workplace Relations Commission. The Slovak Republic and Poland signed an Agreement on Cooperation between the respective National Labour Inspectorates of each country in order to better tackle undeclared and illegal work in general, and the United Kingdom published the Labour Market Enforcement Strategy 2019 to 2020, setting out recommendations to improve state-led enforcement of employment rights.

1.3.4. Circular migration

Only Spain reported having passed new legislation in relation to circular migration. Spain regulated the collective management of hiring in countries of origin, authorising in the 2019 campaign 20 195 workers, of whom 13 695 workers were 'repeaters' from previous campaigns, thus fostering circular migration (see also paragraph 1.3.1.1).

New policy measures included programmes / mechanisms for circular migration of workers from specific nationalities and / or sectors.[40] For example, Ukrainian nationals in possession of newly introduced special one-year work visa were employed by companies and entrepreneurs doing business in agriculture, food industry and forestry in the Czech Republic. France implemented a temporary 'job-seeker residents' card' aimed at providing an effective right to circular migration, especially for students.

New practices, mainly in the form of bilateral labour or working holiday agreements, were reported by a host of Member States.[41] Such agreements were signed with the following third countries: Belgium with Morocco, Nigeria and Senegal (mainly involving graduates in the ICT sector); Bulgaria with Georgia; Estonia with Hong Kong; France with Bosnia and Herzegovina, Angola, Georgia, Australia, Kenya, Ghana and Morocco; Lithuania with Ukraine; Malta with Tunisia (in response to Malta's fast-growing economy requiring more skilled workers); Slovenia with Serbia; plus working holiday agreements signed between Luxembourg and Canada,[42] the Netherlands and Hong Kong and between Sweden and Japan.

1.3.5. Other developments in work-related migration

Other developments in work-related migration reported by Member States reflected different national priorities in the field of migration policy. Four Member States introduced policy changes that were intended to make work-related migration easier for third-country nationals and their employers.[43]

In Belgium, legislation on the single permit procedure entered into force, allowing third-country nationals wishing to work and stay in Belgium for more than 90 days to apply for a single permit through their employer at the level of the region. In order to promote labour mobility, Finland dropped labour market testing in situations where a person who had already been working in Finland for at least one year with a permit issued on the grounds of employment, applied for an extended permit for a field different from the one for which the first permit was issued. The United Kingdom introduced legislation to extend the 'exceptional talent category' in order to make provisions for the architectural sector.

Croatia introduced a practice development consisting of the possibility of lodging permit applications through email.

1.4. STUDENTS AND RESEARCHERS

Some Member States reported an increasing number of third-country nationals coming to study in their country.[44] Other Member States set out their intentions to attract more international students:[45] France, for example, was aiming for half a million international students by 2027. Ireland added pre-higher education foundation programmes to the list of eligible educational programmes for immigration purposes.

A third of Member States introduced legislative changes to facilitate further the admission and residence of students in 2019,[46] and also in some cases researchers.[47] Some of the most prominent changes that concerned students focussed on improved procedures for issuing study visas,[48] by simplifying documentary or other application requirements.[49] Cyprus, for example, did not set a deadline for students applying for an entry permit and introduced a fast-track procedure for examination of their applications. There was also a trend detected towards increasing digitalisation of the application process, both for the issue and renewal of student entry / residence permits, for example in France and Ireland, where a new online registration system applied to university students resident in Dublin. In Portugal, a pilot project was launched to create digital identity for university students to renew their residence permit.

40 CZ, FR, NL (as reported in the parliamentary papers on the progress of the overarching programme ´Together against human trafficking´ in November 2019.
41 BE, EE, FR.
42 Luxembourg introduced a new long-term visa which is used for working holiday agreements, among other uses. It allows the TCN to stay in the country for more than three months without having to apply for a residence permit.
43 EE, FI, LT, SK.
44 EE, FR, HU, LT, LV, NL, PT, SE.
45 FR, LT, PT.
46 CY, CZ, FR, IE, LT, LV, PT, SE, UK.
47 BE, CZ, FR, IE, SE, UK.
48 CY, FR, IE, PT.
49 CY, FR, UK.

Other Member States took steps to facilitate students' access to the labour market, both during their studies as well as after graduation.[50] For example, Latvia lifted the requirement to advertise a vacancy if a third-country national employed as a student wished to continue working with the same employer; similarly, a foreign student who completed studies or vocational training in Lithuania, then applied for residence on grounds of employment was not subject to assessment of conformity to the needs of the labour market, irrespective of whether or not he / she took up employment in a qualification-related occupation. Lithuania also removed the limit of 20 hours of work per week for students during the period of practical training. In Poland, new regulations provided for the possibility of performing work on the territory of the country by researchers and students or PhD students, both those with a national visa or residence card with the annotation 'student' or 'scientist' issued by Polish authorities, and those using intra-EU mobility in the Polish territory.

A small number of Member States enhanced mobility for researchers and their family members[51] or set new immigration arrangements for this group, such as access to the labour market for spouses and partners in Ireland, where they did not need to obtain an employment permit. Some Member States allowed students (Czech Republic, France) and / or researchers a longer stay after the end of their studies / contracts, to look for a job, for example France's temporary 'job-seeker residents' card' dedicated to students and researchers is valid for one year at the end of their studies or contract. Additionally, conditions for extending students' stay were introduced in some cases, notably in Lithuania where students were required to present evidence of completing at least 40 credits in the last year of studies.

Policy or practice changes concerning students as well as researchers were rare in 2019; where introduced, such measures included: new organisational arrangements (e.g. units, working groups) looking after the entry and stay of international students e.g. in Finland and Malta; plans to improve international students' employment e.g. in Finland; increased supervision of students and researchers in specifically sensitive fields of education and research in the Netherlands; and agreements signed with third countries, simplifying the recognition of education certificates, for example, Slovak Republic signed agreements with China and Russia.

Box 1.4: The "Young people as agents of change" cooperation programme between Spain and Morocco

Spain's cooperation project with Morocco "Young people as agents of change" was rolled out during the year, granting Moroccan post-graduates the possibility to consider a Master's degree in Spain in areas and sectors key for Morocco's social and economic development. A total of 20 sectors were chosen by the Moroccan Ministries involved in the project (i.e. Higher Education and Labour and External Education), and in the academic year 2019-2020, 98 students will have studied in 20 universities in Spain. Participants are required to design an entrepreneurial project relevant to their area of study, which will be launched in Morocco following completion of the period of study. The ten projects judged best are expected to receive up to EUR 10 000 to support their implementation until December 2020. The remaining 88 entrepreneurs will be supported in their employment integration in Morocco, and for this some EUR 2.5 million of EU funding is available (Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund for Police Cooperation (ISF-Police) and the Internal Security Fund for Borders and Visa (ISF-Borders)). It is part of the Mobility Partnership Facility Pilot Projects on Legal Migration launched in the framework of the European Agenda on Migration.

1.5. FAMILY REUNIFICATION AND FAMILY FORMATION OF ECONOMIC MIGRANTS

Over a third of Member States introduced legislative changes in the field of family reunification and family formation.[52] These changes fell into the following broad categories: extension of the right to family reunification to certain groups of migrants, for example, same-sex partners of Estonian and Lithuanian nationals and beneficiaries of subsidiary protection in Sweden; modified material requirements or waiting period for exercising the right to family reunification;[53] more favourable rules for sponsors who are minors[54] (for example, minors continued to be regarded as such in Finland even after they turned 18 after filing an application for asylum).

Three Member States introduced changes to their national policies on family reunification and / or family formation: the Czech Republic implemented programme measures giving preferential treatment for highly-qualified and research staff (e.g. preferential access to Embassies, fast-tracking, etc.); the Netherlands clarified the definition of 'private and family life' (Article 8, European Charter of Human Rights (ECHR)) to mean 'close personal ties' in line with the case law of ECHR. Another change was made for the benefit of third-country nationals born in the Netherlands: a residence permit application ('residence as a relative or family member') from such children would not be rejected on the grounds of the absence of a valid border-crossing document, as a birth certificate was issued when the child was born and registered in the Personal Records Database (BRP).

Case law further influenced the practices of six Member States with regard to family reunification / family

50 FR, IT, LT, LV, PL.
51 CZ, EL, FR, IE.
52 BG, CZ, EE, FI, HU, IT, LT, LU, SE, UK.
53 HU, IT.
54 FI, IT.

formation.[55] This included: the retention of the right of residence by ex-spouses of Belgian nationals who were victims of domestic violence; similarly, the Estonian Supreme Court declared the Aliens Act to be unconstitutional because it excluded issuing a residence permit for family reasons to the registered same-sex partner of an Estonian citizen. Updated guidelines on family reunification for beneficiaries of international protection were developed in Finland; the minimum level of income was updated for those wishing to reunite with their spouse and child(ren) in Italy;[56] and facilitated conditions of residence were introduced for family members of nationals from certain third countries (Australia, Japan, USA, Canada, South Korea, New Zealand) in Lithuania.

1.6. INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION

Only one Member State, France, adopted new policy measures (mainly dedicated to students) to improve the provision of information on routes to and conditions of legal migration; however, a third of Member States adopted new practice measures.[57] Such measures most often included: new,[58] expanded[59] or updated[60] websites with relevant information for migrants and foreign students, including websites promoting work opportunities (for example, the 'Work In Estonia' website). Other information material produced in the local language of migrants was developed in Spain (including a video for Moroccan nationals, informing on the requirements and rights of Moroccan workers in Spain); information desk services such as local welcome centres for international newcomers, for example, the Tartu Welcome Centre in Estonia; seminars for employers in Estonia and Lithuania, and participation in international education fairs, for example, in Ireland.

1.7. OTHER MEASURES REGARDING LEGAL MIGRATION

Nearly half of the Member States[61] introduced additional measures to facilitate legal migration, mainly through policy and practice developments. Some Member States focused on increased digitalisation. Estonia's e-Residence 2.0 action plan aimed to enhance the security of e-services, such as applying for a digital ID card, while Finland's application process for renewal of a residence permit was taken online for all categories of residence permits.

Other Member States such as France set out to overhaul the tax scheme for third-country nationals with residence permits, while Ireland introduced immigration pre-clearance for third-country national de facto partners of Irish citizens with immediate access to the labour market on arrival.

In the Netherlands, overarching developments included the abolition of the discretionary power of the Minister for Migration to offer the possibility to grant a residence permit to an applicant who did not fulfil the existing criteria, but where the situation of the applicant was distressing. This approach had maintained an expectation for such an applicant that a residence permit might still be granted until the last moment. Instead, the general director of the Immigration and Naturalisation Service (IND) became mandated at the same time to assess ex officio during the first application procedure in the Netherlands whether a distressing situation was in existence. This applies to both applicants for asylum and for legal residence permits.

Finally, the vast majority of Member States reported new developments during 2019 in preparation for the departure of the United Kingdom from the European Union ("Brexit") – see Box 1.5. below.

Box 1.5: Preparations for the departure of the United Kingdom from the European Union – "Brexit"

Starting with its Communication of 13 November 2018 (COM(2018) 880 final) – Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: a Contingency Action Plan – the Commission recommended to the Member States to take a generous approach to the rights of UK citizens who are already resident in their territory. The Commission worked with the EU27 Member States to ensure coherence in the overall approach, while recognising that national flexibility was needed, as Member States faced different challenges, depending on their legal and administrative systems and on the number of UK nationals residing on their territory. The Commission, based on the information provided by the EU27 Member States, made available an overview table and a Q&A on UK nationals' residency rights in each of the EU27 Member States.[62]

For further information at national level, please refer to EMN NCP National Reports.

55 BE, EE, FI, FR, IT, LT.
56 It should not be less than the annual amount of the social allowance, increased by half for each family member (in 2019, €5 954, so €458 per month).
57 BE, DE, EE, ES, IE, LT, LU, LV, SK.
58 BE, EE, SK.
59 DE.
60 HR, IE, LU, LV.
61 BG, EE, ES, EL, FI, FR, HR, IE, LT, LU, LV, PT, SK, UK.
62 See details at https://ec.europa.eu/info/brexit/brexit-preparedness/citizens-rights_en

2. INTERNATIONAL PROTECTION INCLUDING ASYLUM

KEY POINTS

- The new Commission announced a New Pact on Migration and Asylum, which will address asylum as part of its comprehensive approach to be implemented over the lifetime of the Commission.
- 721 080 asylum seekers applied for international protection in the EU-28 in 2019, an increase of 11.4 % compared with 2018 - the first increase in the number of asylum applications since 2015.
- In 2019 almost 30 000 people were resettled by Member States and Norway, with most transfers occurring in the framework of EU programmes.
- France, Germany, Italy and Malta signed a joint declaration of intent on a controlled emergency procedure for disembarkation and relocation of migrants rescued from the central Mediterranean.
- Some Member States implemented alternative measures to detention for asylum seekers more extensively.
- Most Member States adopted measures to improve efficiency in their national asylum systems. These included files digitalisation, or external audits. Two Member States set up centres combining applicant's accommodation and the examination process for the application, with all office accommodation for all relevant authorities involved in the asylum procedure, provided under the same roof. Twelve Member States implemented measures to safeguard and ensure the quality of the national asylum systems.

2.1. DEVELOPMENTS AT EU LEVEL

In 2019, 721 080 asylum seekers applied for international protection in the EU-28 (723 335 in the EU-28+Norway), up by 11.4 % compared with 2018, marking the first increase in the number of asylum applications year-on-year since 2015. Syria remained the main country of citizenship of asylum seekers, followed by Afghanistan and Venezuela. Germany accounted for 23.0 % of all asylum applicants in the EU, followed by France (17.9 %), Spain (16.3 %), Greece (10.4 %) and Italy (6.1 %).[63]

At the same time, the total number of first instance decisions was similar to the previous year (584 060 in 2018 and 571 725 in 2019), and the number of positive decisions in 2019 (222 800) was almost the same as in 2018 (218 860).[64] However, differences across the Member States were significant. In eight Member States[65] the number of decisions taken with respect to asylum applications dropped by more than 30 %, whereas in Cyprus, Ireland and Spain, the total number of first instance decisions increased by more than the 30 % compared to 2018. In two-thirds of the Member States[66] the number of positive decisions taken decreased when compared to 2018. Six Member States[67] reported an increased number of decisions, but a decrease in positive ones; with the opposite trend noted in the UK. [68]

To overcome the difficult negotiation process of the 2016 Common European Asylum System (CEAS) package, in July 2019 the then European Commission's President-designate Ursula von der Leyen announced a New Pact on Migration and Asylum. The New Pact will relaunch the asylum reform proposed by the Commission in 2016 with the aim to find new forms of solidarity and ensure that all Member States support those countries under the most pressure. This also includes looking at ways to put in place a seamless asylum and return system as well as a more sustainable, reliable and permanent approach to search and rescue, replacing existing ad-hoc solutions.

63 Figures by Eurostat, Asylum and first-time asylum applicants by citizenship, age and sex [migr_asyappctzm], extracted 19 March 2020.
64 Figures by Eurostat, First instance decisions on applications by citizenship, age and sex Annual aggregated data [migr_asydcfsta], extracted 19 March 2020.
65 AT, BG, HR, HU, MT, PL, PT, SE.
66 AT, BE, BG, CZ, DE, IE, FI, FR, HR, IT, LT, LU, HU, MT, PL, PT, SI, SE.
67 CY, CZ, IE, LT, SK, FI.
68 Figures by Eurostat, First instance decisions on applications by citizenship, age and sex Annual aggregated data [migr_asydcfsta], extracted 19 March 2020.

The implementation of the European Agenda on Migration continued in 2019 in an effort to move from ad hoc responses to durable, future-proof solutions in the area of asylum. To answer immediate needs, in 2019 the Commission implemented a number of measures along the Western, Central, and Eastern Mediterranean routes, notably supporting Member States under pressure. Among others, the EU continued supporting the hotspots in Greece and Italy, plus voluntary intra-EU relocation schemes, and it further supported the resettlement to Member States of persons in need of international protection.

A fresh approach to the disembarkation of migrants rescued in the Central Mediterranean came about as a result of the rescues carried out by Sea Watch 3[69] in January 2019. This paved the way for a series of technical and political discussions for a temporary arrangement for disembarkation among the Commission, the Council and some Member States. France, Germany, Italy, and Malta agreed to a Joint Declaration of Intent with the Malta Declaration on Search and Rescue in September 2019 (see Section 2.3).

During the year, resettlement continued to provide safe and legal pathways to the EU for persons in need of international protection. The EU-sponsored the '50 000 scheme', which covered the years from 2018-2019, and delivered a very good result with almost 44 000 resettlements (88 % of the total pledge). To ensure continuity of resettlements to the EU, the Member States pledged almost 30 000 places for 2020.

The EU continued its cooperation with external partners in the framework of the external dimension of the EU's migration policy. Highlights of the progress made in this area in the course of the year included: the allocation of further resources for the implementation of programmes under the EU Regional Trust Fund in Response to the Syrian Crisis; the establishment of a Joint Liaison Task Force on Migrant Smuggling and Trafficking in Human Beings under Europol's European Migrant Smuggling Centre; and the enhancement of border management through the deployment by the European Border and Coast Guard Agency of about 1 400 border guards, other experts and equipment (as of October 2019).

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

2.2.1. Changes in legislation, policies and practices

2.2.1.1. Access to the asylum procedure[70]

Six Member States[71] reported legislative changes made in 2019 regarding access to the asylum procedure. In Finland and Lithuania, these changes concerned *inter alia* the rights and obligations of the authority in charge of the asylum procedure, whilst in France, Germany and the Netherlands changes were made to the rights and obligations of the asylum applicants. A new legislative Act adopted in Germany provided that all applicants above the age of six would have to undergo fingerprinting as of 1 April 2021. France and the Netherlands changed provisions regarding the accessibility of the asylum procedure; the former introduced telephone interviews if in-person or video call interviews were not possible, while the latter introduced the obligation for the asylum seeker or their legal representative to submit a subsequent asylum application in person at the application centre.

Finland and the Netherlands reported additional legislative developments, which aimed to expedite the processing of subsequent asylum applications with little chance of success and the prevention of misuse. In line with the increase in asylum applications, Belgium, Cyprus and France hired new staff to reinforce their capacities and shorten waiting times, with Cyprus also recruiting new asylum registration assistants as part of the 2019 EASO Operation Plan. Aimed at preventing entry of people where no decision was adopted on their asylum application made at the main airports (Madrid and Barcelona), Spain introduced a new and coordinated border procedure, using electronic means.

Box 2.1: The French Protocol for detainees who want to apply for asylum

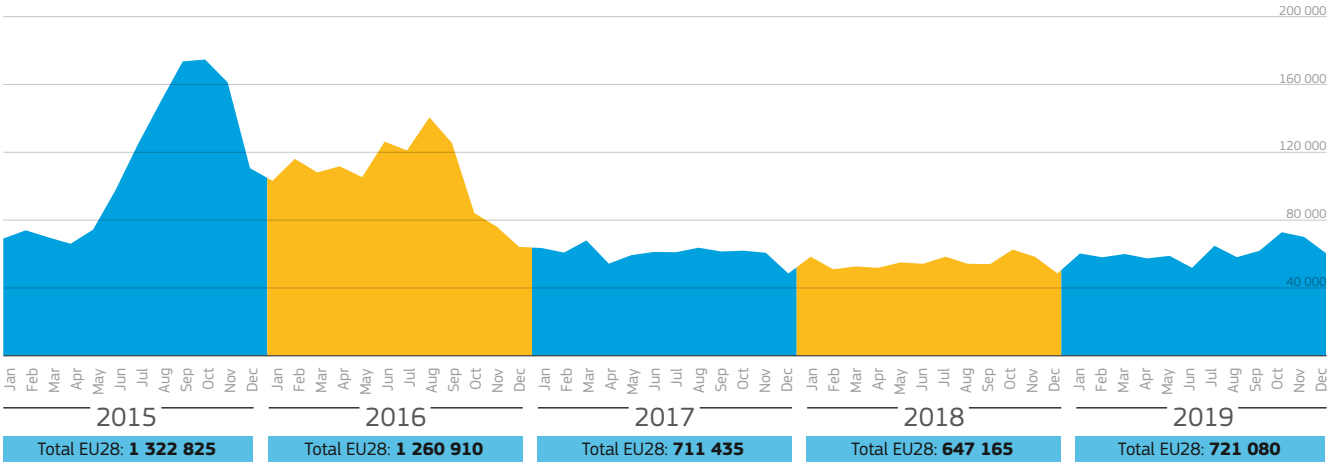
In August 2019, France introduced a new protocol regarding the procedure for submitting asylum applications while in detention. The key objective was for the submission to take place while the foreign detainee remained in the detention centre, to ensure that the entire asylum application cycle could be managed remotely and in written form. First, the asylum seeker must contact the one-stop service for asylum applications which has territorial jurisdiction over the detention centre, with a written request from the detention centre's facilities. Once the Office for the Protection of Refugees and Stateless Persons (OFPRA) has processed the application, the decision is sent to the Head of the detention centre who in turn delivers it (in a sealed envelope) to the applicant. The prefect informs the detention centre separately of the outcome of the asylum application procedure.

2.2.1.2. Reception of asylum applicants

In eight Member States[72] the legislation regulating the reception of asylum applicants underwent changes. In most cases, the legal provisions for reception accommodation,[73] or provisions concerning allowances

69 Sea Watch 3 is a refugee rescue ship operated by the German NGO Sea Watch
70 Questions in this sub-section cover developments related to Articles 6 and 7 of Directive 2013/32/EU (Recast Asylum Procedures Directive).
71 DE, EL, FI, FR, LT, NL.
72 AT, DE, EL, FR, HR, LT, LU, SE.
73 AT, FR, HR, LT, LU, SE.

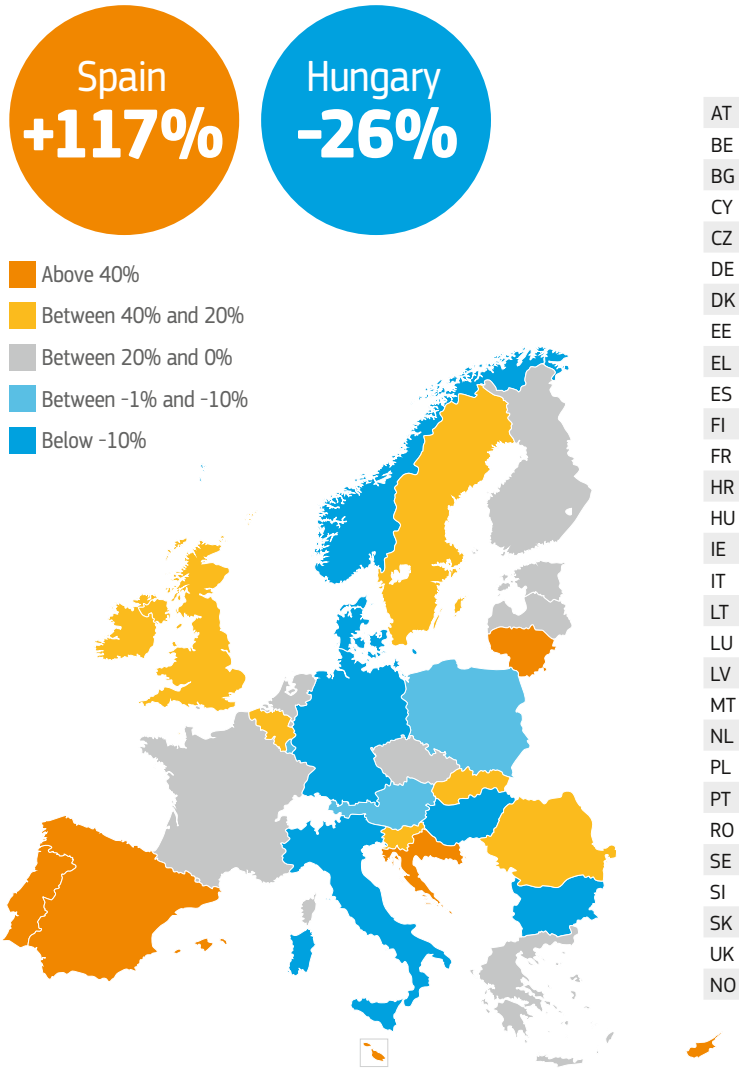
Figure 2.1 – Asylum applications in the EU 28: January 2015 – December 2019



Source: Eurostat (migr_asyappctzm), extracted on 20 April 2020

Figure 2.2 – Overview of asylum applications in Member States and Norway: 2015 - 2019

Variation of asylum applications in 2019 compared to 2018

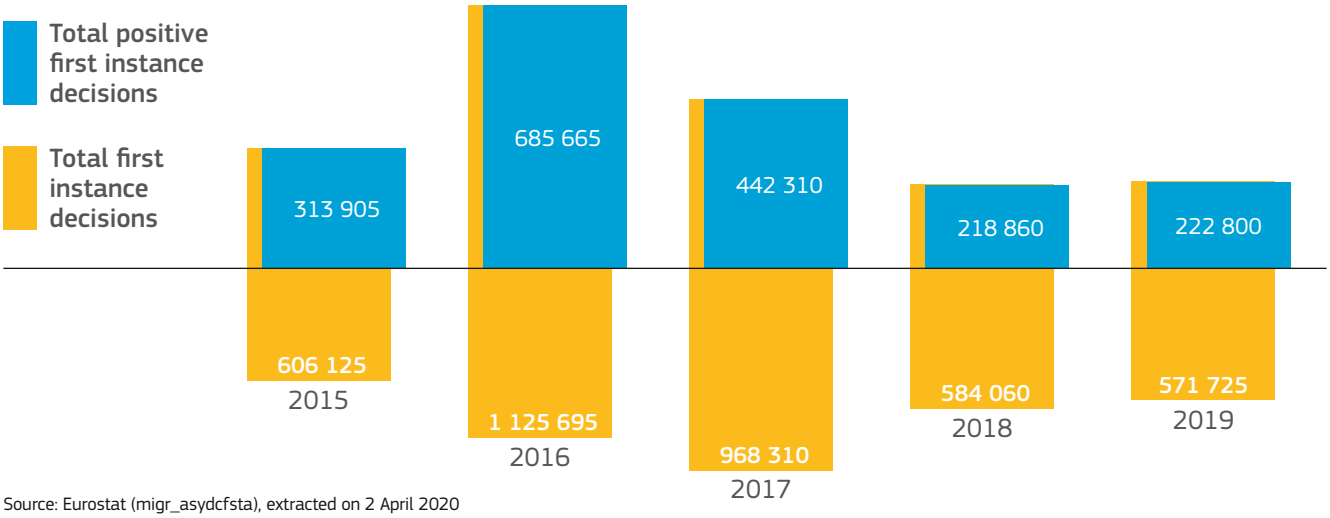


Number of asylum applications

	2015	2016	2017	2018	2019	2018-2019 variation in percentage
AT	88 160	42 255	24 715	13 385	12 505	-7%
BE	44 660	18 280	18 340	22 530	27 500	22%
BG	20 365	19 420	3 695	2 530	2 155	-15%
CY	2 265	2 940	4 600	7 760	13 645	76%
CZ	1 515	1 475	1 445	1 690	1 925	14%
DE	476 510	745 155	222 560	184 180	165 685	-10%
DK	20 935	6 180	3 220	3 565	2 735	-23%
EE	230	175	190	95	95	0%
EL	13 205	51 110	58 650	66 970	77 280	15%
ES	14 780	15 755	31 120	54 050	117 815	117%
FI	32 345	5 605	4 990	4 500	4 530	1%
FR	76 165	84 270	99 330	120 425	128 940	7%
HR	210	2 225	975	805	1 405	75%
HU	177 135	29 430	3 390	675	500	-26%
IE	3 275	2 245	2 930	3 665	4 790	31%
IT	83 540	122 960	128 850	53 705	43 775	-18%
LT	315	430	495	405	650	60%
LU	2 505	2 160	2 430	2 340	2 265	-3%
LV	330	350	355	185	195	5%
MT	1 845	1 930	1 840	2 120	4 085	93%
NL	44 970	20 945	18 210	24 030	25 255	5%
PL	12 190	12 305	5 045	4 125	4 075	-1%
PT	895	1 460	1 750	1 285	1 820	42%
RO	1 260	1 880	4 815	2 145	2 580	20%
SE	162 450	28 790	26 325	21 560	26 285	22%
SI	275	1 310	1 475	2 870	3 815	33%
SK	330	145	160	170	225	32%
UK	40 160	39 735	33 780	37 735	44 910	19%
NO	31 110	3 485	3 520	2 660	2 300	14%

Source: Eurostat (migr_asyappctza), extracted on 20 May 2020

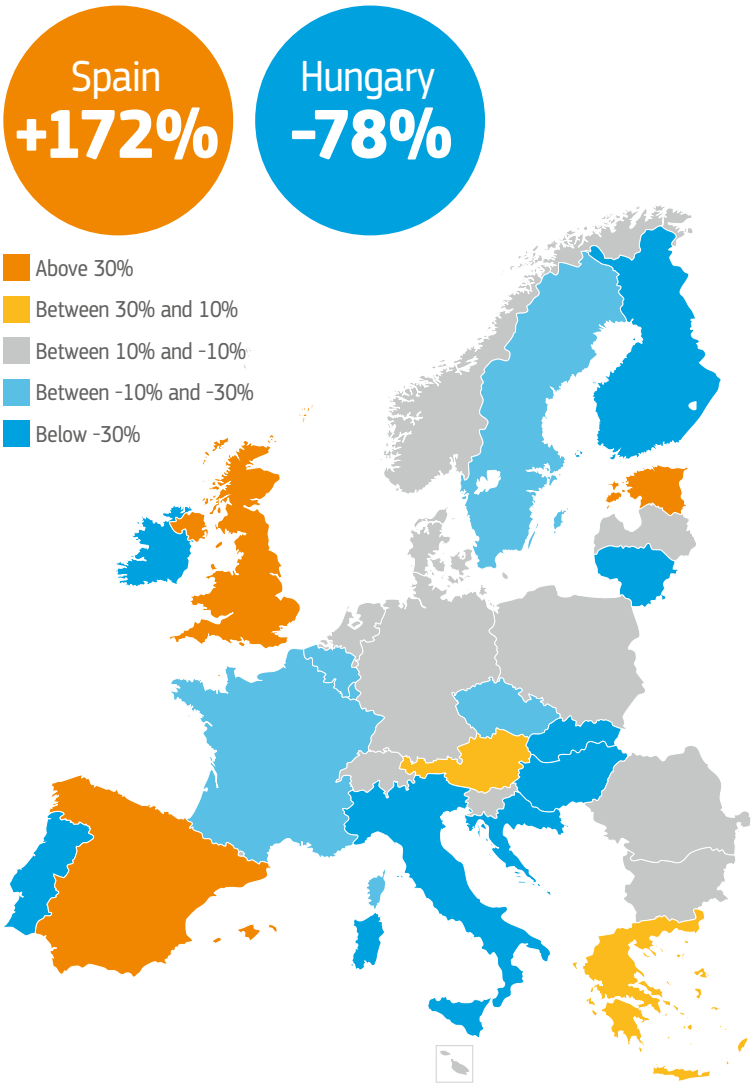
Figure 2.3 – Total first instance decisions on asylum applications and total positive decisions in first instance in Member States and Norway: 2015-2019



Source: Eurostat (migr_asydcfsta), extracted on 2 April 2020

Figure 2.4 – Total first instance and first instance positive decisions

Variation of first instance positve decisions of asylum application in 2019 compared to 2018



First instance positive decisions in EU28 and Norway

	Total first instance decisions, 2019	Total first instance positive decisions, 2019	2018-2019 variation in percentage
Austria	13 890	7 425	22,9%
Belgium	17 170	6 530	-25,2%
Bulgaria	1 250	400	-8,8%
Croatia	320	55	-44,6%
Cyprus	3 275	1 300	-19,1%
Czech Republic	1 390	135	-13,2%
Denmark	3 025	1 575	3,9%
Estonia	90	45	87,5%
Finland	4 845	1 665	-36,6%
France	113 890	28 140	-13,1%
Germany	154 175	70 320	7,6%
Greece	32 700	17 350	12,8%
Hungary	710	60	-77,8%
Ireland	1 870	975	-39,0%
Italy	93 485	18 375	-39,0%
Latvia	150	35	-2,8%
Lithuania	325	90	-44,6%
Luxembourg	1 180	670	-21,1%
Malta	1 040	405	-9,4%
Netherlands	12 935	4 845	6,4%
Poland	1 995	265	-3,1%
Portugal	745	170	-61,8%
Romania	1 315	585	-3,2%
Slovak Republic	90	35	-30,9%
Slovenia	215	85	-7,1%
Spain	58 035	38 420	171,6%
Sweden	20 700	6 055	-13,9%
United Kingdom	28 460	15 000	50,6%
Norway	2 455	1 790	5,6%

Source: Eurostat (migr_asydcfsta), extracted on 2 April 2020

or benefits[74] were affected. While some of the provisions tightened the conditions for asylum seekers, others improved them. With regard to accommodation, France for instance, implemented standardised operational rules for the allocation of accommodation and set out the conditions under which a person could stay longer than the contract expiration date. Croatia introduced legislative measures to regulate the absence of an applicant from a centre (providing that an applicant who has been granted absence from the centre has no right to accommodation and food at the centre during the period of absence), whilst France and Luxembourg adopted provisions to expand the use of pre-paid cards for the payment of allowances for asylum seekers. Germany carried out a recalculation of benefits paid to asylum seekers which included entailing an exemption of € 200 for income earned from voluntary work to encourage asylum seekers to carry out this activity. Ireland increased the daily allowance for adults and children in reception facilities.

Eight Member States reported policy developments related to the reception of asylum applicants.[75] In Finland, Ireland, Luxembourg, the Slovak Republic and the United Kingdom, efforts were made to increase the standards of support and services provided to asylum applicants at accommodation facilities, particularly related to healthcare, safety and education. This was *inter alia* to be achieved through the establishment of new guidelines and the employment of adequately trained staff. In the United Kingdom, for instance, caseworkers received new guidance in the event of an asylum seeker reporting an incident of domestic abuse. Ireland extended the support scheme for access to third level education for persons in the protection process. Spain increased capacity due to exceptional demand.

Box 2.2: Expanding capacity in Spain to manage exceptional demand.

Spain responded to a rise of over 100% in asylum applications compared to the 2018 period (receiving 95% of all asylum applications submitted by Venezuelans in the EU) by strengthening capacity to adapt its reception system, and reinforcing humanitarian care programmes for the most vulnerable. Given that few applications submitted by Venezuelan citizens alleged grounds for persecution constituting serious fundamental rights violations, most asylum and subsidiary protection applications were refused, however, protection for humanitarian reasons was granted in most cases, enabling legal stay.

In terms of practices, to address increased pressure on accommodation facilities, five Member States[76] either provided additional (direct or indirect) funding for accommodation or built new facilities. Belgium and Ireland reported (public) opposition to the opening of new accommodation centres.

Box 2.3: Public response in Belgium to the increase of reception capacity for asylum seekers

In Belgium, the establishment of a large number of new reception centres in 2019 gave rise to protests from (future) local residents and certain political parties, vandalism of buildings intended for reception, and racist comments posted on social media. As a response, additional police surveillance was installed at reception centres, and the Flemish Integration and Civic Integration Agency appointed liaison officers to provide guidance to the local administration in the period between the announcement of the development of a new reception centre and its effective opening.

In contrast to this, Austria and Norway reduced their reception capacity following a decrease in the number of asylum applicants. Ireland set up an expert group to consider long-term approaches to the provision of supports including accommodation to applicants for international protection. The group was also tasked with identifying good practices in other EU countries, particularly dealing with variations in demand.

Further new developments in practices were reported by Latvia, the Netherlands and the United Kingdom, in particular regarding new information material. In Latvia, video tutorials were introduced which provided asylum seekers with effective and simple information regarding life in the accommodation centre, and the Netherlands put forward recommendations for child-friendly information material and activities in reception centres.

Differences between policy objectives could be identified among those Member States who reported changes in their policies on the detention of asylum seekers. Several implemented alternative measures to detention more extensively,[77] for example the duty to appear in person at the reception centre at a specific time in Croatia, or for categories of asylum seekers, for example, those not considered vulnerable but deemed to pose a risk of absconding in Malta. On the other hand, Austria discussed the possibility of preventative detention of third country nationals (i.e. asylum seekers) deemed a potential security risk.[78] The United Kingdom launched a pilot project to support vulnerable women outside detention while their cases were resolved, and rolled out the use of Skype which contributed to a reduction in the number of detained people.

2.2.1.3. Asylum procedures[79]

One third of the Member States[80] reported changes in legislation or practice regarding access to information and/or legal counselling/representation during the asylum procedure. These changes included specific provisions applicable to unaccompanied minors[81] and vulnerable groups in Germany. Bulgaria adopted legislation to provide information regarding organisations providing legal and social assistance to third-country nationals,

74 DE, FR, SE.
75 BE, DE, ES, FI, IE, LU, SK, UK.
76 BE, CY, CZ, FR, LT.
77 CY, HR, MT.
78 AT. A judicial review of the legitimacy for the Federal Office for Immigration and Asylum to impose preventive detention on dangerous asylum seekers is currently ongoing, no corresponding legislation has yet been passed.
79 Questions in this sub-section cover developments related to Articles 8-43 and 46 of Directive 2013/32/EU (Recast Asylum Procedures Directive). and the Dublin III Regulation (for point b).
80 AT, BG, CZ, DE, EL, FI, FR, HR, LU, MT, SE.
81 AT (applicable as of 2021), FR, LU.

while Luxembourg updated leaflet information relating to the Dublin procedure.

In the framework of new practices, interpretation services were enhanced in five countries.[82] Malta received additional support from IOM Malta and EASO, whereas in Luxembourg and the Slovak Republic efficiencies in the organisation of time and language availability was achieved. Germany hired a team of quality assurance interpreters to implement structural improvements and introduced an AMIF-funded voluntary training week for interpreters freelancing for the Federal Office for Migration and Refugees.

Belgium and Germany suspended transfers to Hungary under the Dublin Regulation unless voluntary, and Belgium suspended transfers to Bulgaria in compliance with jurisprudence by the Council for Alien Law Litigation. Finland and Germany[83] resumed transfers to Greece and the German Federal Constitutional Court outlined the conditions under which a family with children could be transferred from Germany to Italy. In two cases, cooperation among Member States was reported either in the form of an administrative agreement for facilitating transfers[84] or of expert support[85] deployed in the front-line countries. The Netherlands launched a pilot project in which a specific group of asylum applicants under the Dublin III Regulation who had previously absconded and then asked for re-admission at the reception centre, could be placed in detention, if there were sufficient grounds. Furthermore, the special residence permit reserved for applicants under the Dublin III Regulation that have reported a case of human trafficking became subject to the assessment of the Public Prosecutor if their stay was necessary for the criminal investigation of trafficking.

Three Member States reported legislative changes regarding accelerated asylum procedures. In France, the timeframe for sending the Notice of Hearing for asylum seekers placed under the accelerated procedure to the concerned parties was reduced from 30 to at least 15 days before the hearing date to reduce processing time.[86] In the Czech Republic, the time limit for the accelerated procedure in the case of manifestly unfounded applications was extended from 30 to 90 days. Two Member States changed their policy regarding access to such a procedure depending on the country of origin (under the criterion of the 'safe country of origin' – see below).[87] In Italy, a new law identified which areas should be considered as 'border and transit zones' – with applications lodged in such zones examined under the accelerated procedure.

Five Member States reported legislative or policy developments related to their list of 'safe countries of origin'.[88] Austria, the Czech Republic and Slovenia amended their lists, for example in the case of the Czech Republic, by adding 12 new countries. In Italy, a legislative act introduced a list of safe countries for the first time.

Croatia and the Netherlands changed their policy towards certain third countries, with the former now treating Turkish asylum applicants under the regular asylum procedure, despite listing Turkey as a safe third country. The Netherlands decided to maintain Serbia on its list of safe third countries, but following a reassessment of the situation, journalists and persons at risk of being placed in criminal detention were excluded.

Table 2.1: Amendments made to the list of safe countries of origin in Member States

	Third countries added in 2019	Third countries removed in 2019
Austria	Namibia, Republic of Korea, Uruguay	Sri Lanka
Czech Republic	Algeria, Australia, Canada, Georgia, Ghana, India, Moldova, Morocco, New Zealand, Senegal, Tunisia, Ukraine	
Italy	Albania, Algeria, Bosnia-Herzegovina, Cape Verde, Ghana, Kosovo*, Montenegro, Morocco, North Macedonia, Senegal, Serbia, Tunisia, Ukraine	
Slovenia	Albania, Algeria, Bosnia-Herzegovina, Georgia, Kosovo*, Montenegro, North Macedonia, Senegal, Serbia, Tunisia	Turkey

*This designation is without prejudice to position on status, and is in line with UN Security Council Resolution 1244/99 and the International Court of Justice Opinion on the Kosovo declaration of independence.

Three Member States[89] adopted legislation amending procedures at first instance, particularly relating to the organisation of the process. Finland reported the most substantial legislative changes – the entry into force of the amended Aliens Act introduced restrictions to the number of subsequent applications that a single person could submit, and the possibility, where necessary to process the application, to seize an asylum applicant's travel documents in order to establish identity.

Estonia reported a new practice regarding the organisation of the process, namely the adoption of the '3 in 1 decision' whereby the asylum rejection is issued together with the return decision and entry ban. The execution of these decisions is suspended until the final decision on international protection is taken. Further developments in practice were noted by France and Ireland in the context of interviews. In Ireland, the International Protection Office commenced a pilot project to decentralise applicant

82 CY, DE, MT, LU, SK.
83 Only for non-vulnerable groups
84 DE signed agreements with LU and NL. The latter is reported not to be in effect yet.
85 Croatian experts provided assistance to CY, EL, IT which faced a large influx of migrants.
86 The same delay applies for the procedures of review of asylum applications. Before this legislative change, the delay was 30 days for all types of procedure.
87 CY, NL.
88 CZ, HR, IT, NL, SI.
89 FI, HR, LT.

interviews to regional locations. Since November 2019, those interviews have been conducted using video conferencing in one regional location and further video conferencing is proposed for other regional locations in 2020.

Box 2.4: Addressing the issue of backlogs

Five Member States noted that the backlog of asylum applications continued to be an issue in 2019 and adopted new practices to address this.[90] In Cyprus and Malta, EASO supported the processing of asylum applications and the Maltese Refugee Commissioner also began to look into new ways of efficiently dealing with the asylum backlog by changing the process of case allocation and backlog reporting. Belgium hired additional staff and introduced a monitoring system to keep track of all cases throughout the whole procedure, assess bottlenecks and determine staff needs. Spain focused particularly on reducing the backlog of asylum applications from Latin American countries, especially Venezuela. Due to a significant increase in staff and an overall decline in new asylum applications, Austria managed to reduce by 43 per cent its backlog of procedures at first instance when compared to 2018.

A few Member States reported developments in practices related to appeals procedures or judicial reviews of first instance decisions.[91] These included the possibility to lodge an appeal electronically in France and Sweden, the admissibility of new reasons for requesting asylum during the appeal stage in the Netherlands, and the hire of new legal counsels to face the increased number of appeals in Malta.

When gathering intelligence on the country of origin, four Member States[92] stressed the fundamental importance to this work of cooperation among Member States, with or without the support of EASO. Three Member States reported to have carried out fact-finding missions in third countries in 2019. Finland organised missions to Iraq, Afghanistan and Eritrea/Ethiopia; in France, OFPRA organised two missions to Central Asia (Kazakhstan, Kyrgyzstan and Tajikistan) and the Côte d'Ivoire; whilst in Sweden, researchers visited Iraq, Afghanistan and Eritrea/Ethiopia.

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

Several Member States reported that procedures to obtain either residence cards (in France and Lithuania) or a passport (in Czech Republic) were simplified. In Lithuania, for instance, obtaining the Certificate of Acceptance of an Application for Asylum will serve as a Foreigner's Registration Certificate (FRC) pending its issue.

In Luxembourg, the new law on the social inclusion income (REVIS) specifies that beneficiaries of international protection and their family members are exempted from the residence condition of five years in the territory during the previous 20 years in order to benefit from the REVIS. In Sweden, a temporary act from 2016 was altered to ensure that beneficiaries of subsidiary protection had the same right to family reunification as refugees, whereas Bulgaria adopted a new law requiring the condition of family ties to pre-exist entry in order for a foreigner to enjoy family reunification.

Seven Member States reported legislative changes related to conditions for access to the labour market.[93] Austria and Germany passed legislative amendments suspending, under certain conditions, the removal of (former) asylum seekers formally enrolled in apprenticeships or vocational training to allow completion. Whilst both France[94] and Lithuania included a provision in law to allow asylum applicants to take up employment in situations where authorities failed to conclude the procedure within six months, France also granted administrative authorities a limit of two months to review work permit applications for asylum seekers, otherwise the latter were considered granted. In Cyprus, rights were granted to asylum seekers to access new extended sectors of the labour market one month following the submission of the asylum application

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

Nine countries[95] reported changes in their policies or practices. Bulgaria introduced the possibility for asylum seekers to obtain information about the asylum procedure, the status of their healthcare and family reunification at any territorial unit of the State Agency for Refugees. France introduced a "provisional family certificate" to facilitate access to social security entitlements for families of refugees and also set up a new social and administrative support mechanism provided by NGOs, associations and operators for beneficiaries of international protection without accommodation and outside official care arrangements.

Most changes[96] related to practices involved the translation of the relevant information documents into foreign languages. Malta made information regarding social housing available in both Maltese and English, and Sweden translated written information about the asylum process into Georgian, following an increase in the number of asylum seekers from Georgia. Belgium launched a mobile website or information platform for applicants of international protection with information on their procedure as well as information regarding housing, education, health etc.

2.2.1.6. Withdrawal of international protection

Six countries[97] reported new policies or practices with regard to the withdrawal of international protection, mostly noting a trend towards withdrawal either as a general approach or as a specific measure towards particular groups. In Norway, for instance, following news reporting Eritreans publicly meeting with current Eritrean government representatives, the Directorate of Immigration was

90 AT, BE, CY, ES, MT.
91 FR, IE, MT, NL, SE.
92 DE, LT, SK, SE.
93 AT, BG, CY, DE, FR, LT, SE.
94 France introduced it in 2018, but only came into force in 2019.
95 BE, BG, CZ, EL, FR, HR, LV, MT, SE.
96 CZ, HR, MT, LV.
97 AT, CZ, EL, FR, SI, NO.

instructed to reassess asylum cases (random checks) of some Eritreans.

2.2.1.7. Cooperation with third countries

Six countries[98] carried out new activities in the field of cooperation with third countries in 2019. Austria joined a project supporting Libyan authorities in the identification and registration of migrants and Portugal carried out activities in the framework of a project entailing the strengthening of document identification in Cape Verde and Guinea-Bissau. France assisted third countries (including Niger and Tunisia) with developing or consolidating their asylum legislation. Activities by Member States were focused on the following regions: North Africa (Austria, Czech Republic, France, Slovak Republic and Norway), the Sahel (Czech Republic, France and Norway), Middle East (Czech and Slovak Republics and Sweden), Western Balkans (Czech Republic, Latvia and Sweden); Horn of Africa (Czech and Slovak Republics and Norway), Central Asia (Slovak Republic) and other African countries (Portugal).

2.2.2. Institutional changes in the national asylum system

Eight Member States[99] made increased efforts to recruit trained staff as a key institutional change occurring in their country. Sweden represented an exception as their staff numbers decreased in response the decreasing number of asylum seekers. Some Member States[100] reported institutional changes in the bodies responsible for asylum-related issues. Austria established a new Federal Agency for Care and Support Services as a Private Limited Company[101], while Luxembourg created a new office (National Reception Office) in charge of the reception of applicants of international protection, under the supervision of the Ministry of Foreign and European Affairs. Lithuania and Hungary made institutional changes to further centralise their asylum procedures. Hungary closed all regional asylum centres and replaced the Immigration and Asylum Office with a new organisation with policing functions - with the aim to centralise competences and facilitate asylum procedures for asylum seekers. The organisations independently managing the open and closed reception centres were also replaced by the Reception Facilities Supervisory Unit of the Asylum Directorate.

2.2.3. Efficiency and quality of the national asylum system

Most Member States[102] adopted new policies and practices to improve efficiency in their national asylum systems. Bulgaria, Germany and Malta for example reported their efforts to digitalise asylum files in order to increase efficiency of the processing of (first) applications and appeals, whilst Belgium and the Netherlands introduced new systems to prioritise specific cases or claims' profiles.

Several Member States reviewed their asylum systems in order to improve efficiency. The Austrian Court of Audit's review in 2018 gave rise to recommendations regarding the procedure to review individual cases involving asylum seekers convicted of criminal offences, both to accelerate procedures and to harmonise the system used in the provinces. Finland carried out an independent review of its asylum procedure to determine how it could be streamlined and shortened and how quality and safeguarding could be improved. France launched a Performance Management Plan for OFPRA aimed to set up a collective roadmap to improve its performances and staff well-being.

Two countries, the Netherlands and Sweden, reported on developments to apply the principles of combining the accommodation of asylum seekers and the examination of their applications into one comprehensive process.

Box 2.5: Common locations for third-country nationals (GVLs) established by the Netherlands

With the aim to achieve a more efficient but flexible asylum system, common locations for third-country nationals (GVLs) were established in the Netherlands[103]. A GVL is a medium-sized processing location where asylum seekers remain temporarily, in principle, from the beginning of their asylum procedure until the time of admission or rejection. All organisations involved in the asylum procedure are accommodated 'under the same roof' and provide, in close cooperation, a flexible target-group-oriented asylum process. These organisations include the Immigration and Naturalisation Service (IND, the organisation for admission), the Central Agency for the Reception of Asylum Seekers (COA, the organisation for reception) the Repatriation and Departure Service (DT&V, the organisation for return), the Royal Netherlands Marechaussee and the Identification and Human Trafficking Department of the Aliens' Police (AVIM). This approach reduces the need for asylum seekers to travel and improves efficiency. GVLs are already functioning in Ter Apel; a location in Budel is being developed further; and the cooperating organisations within the asylum system have together initiated a new GVL location.

Safeguarding and ensuring the quality of the national asylum systems was a priority in twelve Member States,[104] most of which carried out training for officials and external partners,[105] in many cases, taking part in training coordinated by EASO. Various quality tools were developed (e.g. in Belgium, which included a job description for "supervisors", monitoring indicators for their work and an update of the quality guide) or updated (e.g. in Sweden). Cyprus established a Quality Control Unit in the Asylum Service with the participation of the Asylum Service, EASO and UNHCR experts.

98 AT, CZ, FR, PT, SK, NO.
99 BE, CY, DE, ES, FR, HR, MT, NL.
100 AT, EE, HR, LT, LU, NL.
101 Expected to work at full capacity as of 2021.
102 AT, BE, BG, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LV, LT, LU, MT, NL, SI, SK, SE.
103 In 2018, the same concept was launched by Sweden with the pilot project 'Asylum360' and by Germany with the so-called AnkER-Centres (Arrival, Decision and Return Facilities), where local, state and federal authorities involved in the asylum procedure are in the same place as the applicants accommodation. In 2019 three more Länder adopted the AnkER concept.
104 AT, BE, CY, DE, EE, ES, FI, FR, HR, IE, LU, MT.
105 AT, BE, CY, ES, FR, HR, LU, MT.

Box 2.6: Simulation training in Estonia

In October 2019, the Estonian Police and Border Guard Board (PBGB) organised a largescale exercise "Hot Spot 2019", which rehearsed the mass influx of thousands of migrants at the border checkpoint located in Koidula, in the south-east of Estonia. The focus of this exercise was to test the performance of initial procedures required in an emergency situation, including health screening, vulnerability assessment, security checks, identification, fingerprinting, photographing etc. Nearly 400 PBGB officials took part in the exercise together with partner organisations. The training was evaluated by local experts, and by partners from Finland and Frontex.

2.3. RELOCATION AND RESETTLEMENT PROGRAMMES

2.3.1. Relocation[106]

Several Member States reported their continued involvement in intra-EU relocation activities. A new temporary agreement was signed by four Member States during the reference year (see 'Malta Declaration' below). Ten Member States (Finland,[107] France,[108] Germany,[109] Lithuania,[110] Luxembourg[111], the Netherlands,[112] Portugal,[113] Romania[114], Spain and Slovenia[115]) continued their efforts to relocate migrants, mainly from Italy and Malta. Spain and Lithuania participated in several relocations after disembarkation / Search and Rescue (SAR) operations in Italy and Malta, and Portugal signed an Administrative Agreement with Greece to relocate up to 1 000 persons (80% with refugee status and 20% applicants).

Finland and Italy reported that relocation was a time-intensive procedure. Italy continued to accommodate migrants in various locations whilst awaiting relocation, and noted that the overall duration was affected both by the time needed for the foreign delegations to carry out interviews on the spot and by the time needed for the organisation of transfers.

Luxembourg relocated two families, eight people of Kuwaiti and Syrian origin, from refugee camps on Lesbos island in Greece, and the Catholic Church of Luxembourg agreed to provide for their needs in Luxembourg. Following an informal working meeting on migration in July 2019, Ireland agreed to take by the end of 2019 up to 100 persons disembarked after search and rescue operations in the Mediterranean. Slovenia reported that two unaccompanied minors had been relocated, from Eritrea and Sierra Leone.

Box 2.7: Malta Declaration on Search and Rescue

On 23 September 2019, France, Germany, Italy and Malta[116] under the Finnish Presidency of the Council of the EU and the European Commission, signed a joint declaration of intent on a controlled emergency procedure for disembarkation and relocation of migrants rescued from the central Mediterranean. Voluntary commitments for a predictable temporary solidarity mechanism were agreed:

- The principle of rotation of the POS (place of safety, safe harbour) was codified, albeit on a voluntary basis.
- A maximum period of four weeks was inserted to complete the transfer procedure.
- A prior indication of the availability quotas, dependent on the actual participating countries, was suggested, with full use of EURODAC and full support of the EU Agencies.

For the specific case of migrants rescued at sea, foundations were laid to ensure the return of migrants found not to be in need of international protection; to request use of specifically registered NGO vessels; and to continue the sustainable reform of the Common European Asylum System (CEAS), including the Dublin Regulation, balancing the principles of responsibility and solidarity. This regime was intended as a pilot exercise of at least six months.

As a follow-up to the declaration, Germany and Luxembourg reported the endorsement in November 2019 of Standard Operating Procedures (SOPs), guidelines defining responsibilities and procedures within the temporary solidarity mechanism applying to ad-hoc relocation.

106 Relocation: The transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection (see EMN Glossary V6).
107 6 people from Italy and 5 from Malta.
108 554 people rescued at sea; 491 relocated from Italy and Malta
109 149 people from Italy and 261 from Malta (among them 12 unaccompanied minors).
110 7 persons following disembarkation in Italy and Malta
111 23 people from Italy and 19 from Malta.
112 6 persons following disembarkation in Italy and Malta.
113 51 persons from Malta and 48 from Italy
114 3 people.
115 2 people.
116 LU expressed support.

2.3.2. EU and national resettlement programmes and humanitarian admission programmes[117]

According to Eurostat, in 2019 a total number of 29 650 people were resettled by the EU Member States and Norway. As the sections below show, their resettlement took place mostly within EU resettlement programmes though national programmes and humanitarian admission schemes also played a role.

2.3.2.1. EU Joint Resettlement Programmes[118]

Out of the 17 Member States that implemented pledges, 14[119] reported on activities related to their fulfilment based on the 2017 Commission Recommendation to resettle at least 50 000 individuals by 31 October 2019.[120]

Bulgaria and Croatia respectively resettled 64 and 98 Syrians, with Croatia reporting many dropouts from the scheme as well as a general low education and skills level which hindered integration into the Croatian labour market.

The high increase of regular applicants for international protection in Belgium made reception of resettled individuals challenging, and delays in the procedure occurred. In 2019 Belgium resettled 239 Syrians reaching the quota of 1 119 out of the 2 000 refugees pledged for 2018-2019. Due to the late government formation in 2018, Germany reported little time to implement its resettlement quota; however, 8 004 individuals were resettled during the year. Sweden resettled 3 860 refugees against its 8 750-quota using the EU Joint Resettlement Programme.

Under the UNHCR-led resettlement strand, Ireland resettled 783 people coming from camps in Lebanon or Jordan, during 2019. Italy resettled 471 people of Syrian, Eritrean, Ethiopian or Sudanese origin. Portugal reported 786 people, of various nationalities, resettled both via EU and UNCHR-led schemes. Finland, the Netherlands and the United Kingdom fulfilled their EU pledges. Finland reported to have gone beyond its quota, resettling, among others, Syrians and Congolese. The Netherlands accepted refugees coming from a wider set of countries of origin. France resettled 4 562 individuals, all Syrian or sub-Saharan.

Finland, France and Luxembourg reported having resettled respectively 120, 381, and 48[121] individuals evacuated from Libya to Niger. At the time of the start of the resettlement operations, Malta experienced a significant increase in the numbers of irregular migrant boats, and following guidance,[122] decided to postpone its pledging commitment to resettle five persons from Egypt and fifteen persons from Libya to the next resettlement exercise.[123]

2.3.2.2. National resettlement programmes

National resettlement programme

Six countries[124] reported having implemented national resettlement programmes in 2019, with five resettling individuals of Syrian origin. Estonia halted its resettlement activities during the year; Norway suspended evacuations from Libya due to the deteriorating conditions on the ground. Sweden and Norway included South-Sudanese and Eritrean citizens among other nationalities. Where a quota existed, most of these countries fully or almost fulfilled it[125]. The United Kingdom continued to implement its four resettlement programmes[126] through which 5 601 people were resettled. In total, 7 720 individuals were reported to be resettled through national resettlement programmes during the year.

Private Sponsorship programmes/schemes

Germany and Ireland reported implementing private sponsorship schemes. In Germany, a new pilot project NesT (New Start in a Team) was launched in May 2019 and resettled 17 people from Jordan and 5 from Ethiopia. People resettled under the scheme were included in Germany's quota of 500 under the EU Joint Resettlement Programme. A community sponsorship programme was also launched in Ireland (see Box 2.8).

Box 2.8: Community Sponsorship Ireland

Refugees are resettled in Ireland following selection by UNHCR and a vetting process overseen by the Irish Refugee Protection Programme.[127] Community Sponsorship is an alternative to the traditional state-centred model of resettlement. The model enables interested parties within a community to come together as a Community Sponsorship Group (CSG)[128] to support arriving refugees with access to housing and to different state services. Community Sponsorship Ireland launched a pilot in March 2019,[129] and the national programme was rolled out from 11 November 2019 [130]

117 Resettlement: In the EU context, the transfer, on a request from the United Nations High Commissioner for Refugees (UNHCR) and based on their need for international protection, of a third-country national or stateless person, from a third country to an EU Member State, where they are permitted to reside with one of the following statuses:
(i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU (Recast Qualification Directive); (ii) a status which offers the same rights and benefits under national and EU law as refugee status. (see EMN Glossary Version 6).
118 Where not otherwise specified, Member States reports are the data source.
119 BG, BE, DE, FI, FR, HR, IE, IT, LU, MT, NL, PT, SE, UK.
120 The Commission extended the deadline to 31 December 2019.
121 Of those, 25 are currently living in Luxembourg.
122 AMIF-ISF/2019/07 and AMIF-ISF/2019/24.
123 Expected to be completed by 30 June 2021.
124 EE, ES, FR, SE, UK and NO.
125 EE halted the activities, while UK had no quota for their national programmes.
126 Gateway, Mandate, the Vulnerable Persons Resettlement Scheme and the Vulnerable Children's Resettlement Scheme (VCRS)
127 Department of Justice and Equality (17 December 2019) "Ireland commits to a new Refugee Protection Programme" *Press Release* Available at: www.justice.ie
128 Department of Justice and Equality (6 March 2019) "Minister Stanton calls on communities to sponsor a refugee family as he launches pilot Community Sponsorship Ireland initiative" *Press Release* Available at: www.justice.ie
129 Department of Justice and Equality (6 March 2019) "Minister Stanton calls on communities to sponsor a refugee family as he launches pilot Community Sponsorship Ireland initiative" *Press Release* Available at: www.justice.ie
130 Department of Justice and Equality (15 November 2019) "Minister Stanton Officially Launches Refugee Community Sponsorship Ireland" *Press Release* Available at: www.justice.ie

with refugee families resettled in three additional host communities (Kinsale, Rathgar, and Clane/Rathcoffey). A total of 30 individuals (8 families) had been resettled under the programme by February 2020. The Irish model was developed in cooperation with the Government of Ireland, Refugees and Citizenship Canada (IRCC), and CSOs such as UNHCR, the Irish Red Cross, NASC, Irish Refugee Council and Amnesty International Ireland.

National Humanitarian Admission Programme and ad-hoc special programmes (national or international initiatives)

Germany, France and Ireland implemented humanitarian admission programmes to provide for specific groups of individuals or nationalities. The German Brandenburg State resettled 72 individuals of Iraqi origin, while France opened a humanitarian corridor for 420 Syrian or Iraqi refugees coming from Lebanon. France also continued the implementation of their Reception Operation for persecuted Yazidi minorities and 466 Iraqi individuals, of which 103 were women, were resettled in France.

Italy continued to run two ad-hoc schemes, each of which resettled people to Italy during the year. The first, under a Memorandum of Understanding between the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior and some religious communities, renewed in 2019, resettled 207 people of Eritrean, South-Sudanese, Somalian, Syrian, and Iraqi origin. The second, project '*Apertura di corridoi umanitari*' (opening of humanitarian corridors) resettled 491 people of Syrian origin.

3. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

KEY POINTS

- The number of migrant children, including unaccompanied minors, registered as present in the EU remained high with more than 13 500 in Spain, more than 5 300 in Greece and over 6 000 in Italy in 2019. According to Eurostat, in 2019, Member States and Norway received 17 800 asylum applications from unaccompanied minors.
- Most of the Member States and Norway introduced legislative, policy or practice changes with regard to unaccompanied minors applying for asylum. Nevertheless, Member States continued to provide training for staff working with unaccompanied minors (including guardians) and to improve the protection and care of these children, regardless of the minor's status (as asylum-seeker or not).
- To ensure that the best interests of the child were respected, some Member States developed inter-agency cooperation, new or improved guidance and more child-friendly settings for unaccompanied minors. Other Member States also strengthened the systems of guardianship and revised their age assessment approaches in favour of non-invasive practices.
- Several measures were taken by Member States to identify or safeguard LGBTQI persons and other vulnerable persons such as women victims of (or in danger of) female genital mutilation (FGM).

3.1. DEVELOPMENTS AT EU LEVEL

The number of migrant children, including unaccompanied minors, arriving in the EU remained high in 2019. According to Eurostat, in 2019, Member States and Norway received a total of 17 800 asylum applications from unaccompanied minors, which represents a significant decrease compared to almost 100 000 applications in 2015, but the number of unaccompanied minors registered as present in the Member States continued to be high – more than 13 500 in Spain, more than 5 300 in Greece and over 6 000 in Italy at the end of 2019.

The European Commission continued to support and monitor the implementation of the 2017 Communication on the protection of children in migration. Two dedicated expert meetings were organised, in June 2019 in Brussels and in January 2020 in Berlin, to discuss current challenges in the implementation of the Communication and how to address them, including through exchanges of best practices.

The high-level EU-UNICEF dialogue held on 6 March 2019 was an opportunity for experts working on the protection of children in migration from various Commission services and UNICEF to discuss how to improve our partnership and strengthen the protection of migrant children in countries of origin and transit, and once they arrived in the EU. The similar high-level dialogue of the Commission with the IOM held in 2019 also touched upon aspects related to the protection of migrant children along the entire migratory route.

In response to increased concern about the migrant children going missing, in December 2019, the European Commission launched together with the EMN three ad hoc queries, in order to better understand how Member States address this phenomenon, what preventive and response measures are in place, and how data and information on this phenomenon is collected. The results were examined in an EMN Inform on missing unaccompanied minors, published in April 2020 with the objective to identify existing gaps and inform further EU initiatives in this area.

The European Commission continued to monitor the transposition and application of EU asylum legislation by the Member States as regards the reception needs and referral procedures of vulnerable asylum-seekers. With the support of the Commission, EASO continued to support the Member States' capacity building, by facilitating exchanges of best practices, developing tools and specialised trainings for the responsible officials on the identification and the assessment of special needs of asylum applicants. In 2019, the EASO Vulnerability Expert Network (VEN) worked further on the development of the EASO Practical Tool on Vulnerability Assessment.

3.2. UNACCOMPANIED MINORS

More than half of the Member States and Norway introduced legislative, policy or practice changes with regard to unaccompanied minors applying for asylum.[131] Some Member States reported higher numbers of unaccompanied minors applying for asylum in 2019 when compared with 2018, this was *inter alia* the case in Belgium, Bulgaria, Greece, Malta and the Slovak Republic.[132]

It is worth noting that some Member States do not distinguish between provisions for unaccompanied minors based on their migration status (as asylum-seekers or not)[133] and those Member States may not necessarily have reported changes in provision for minors who did not apply for asylum. In fact, less than a third of Member States reported developments in relation to unaccompanied minors recorded within the child protection system[134] and only two Member States[135] implemented changes with regard to unaccompanied minors not applying for asylum who remain outside the asylum / migration / (child) protection systems.

3.2.1. Increase / Decrease of human resources and / or training of staff

About half of the Member States[136] reported on the continuous training of staff (working with asylum-seeking unaccompanied minors for the most part) in the following areas: interviewing children;[137] training on specific topics (for example, the asylum procedure, unaccompanied minors, child victims of trafficking, best interests of the child, rights of the child, child labour, FGM, etc.);[138] and other training as provided by relevant European and international organisations (e.g. EASO, IOM, UNHCR).[139] A few Member States provided training to guardians,[140] such as Belgium, where guardians were trained on procedures relevant to unaccompanied minors both seeking and not seeking protection.

Some Member States incurred an increase in the numbers of specific members of staff,[141] for example social workers assisting with the care and age assessment of unaccompanied minors applying for asylum in Malta.

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

Eleven Member States reported improving the protection and care of unaccompanied minors applying for asylum, including new reception facilities.[142] Legislative changes were introduced in two cases,[143] for example an agreement in Austria which stipulated the provinces' responsibility in future for implementing the mechanisms, minimum standards and services relating to child and youth welfare, which also included the provision of care and support of unaccompanied minors.

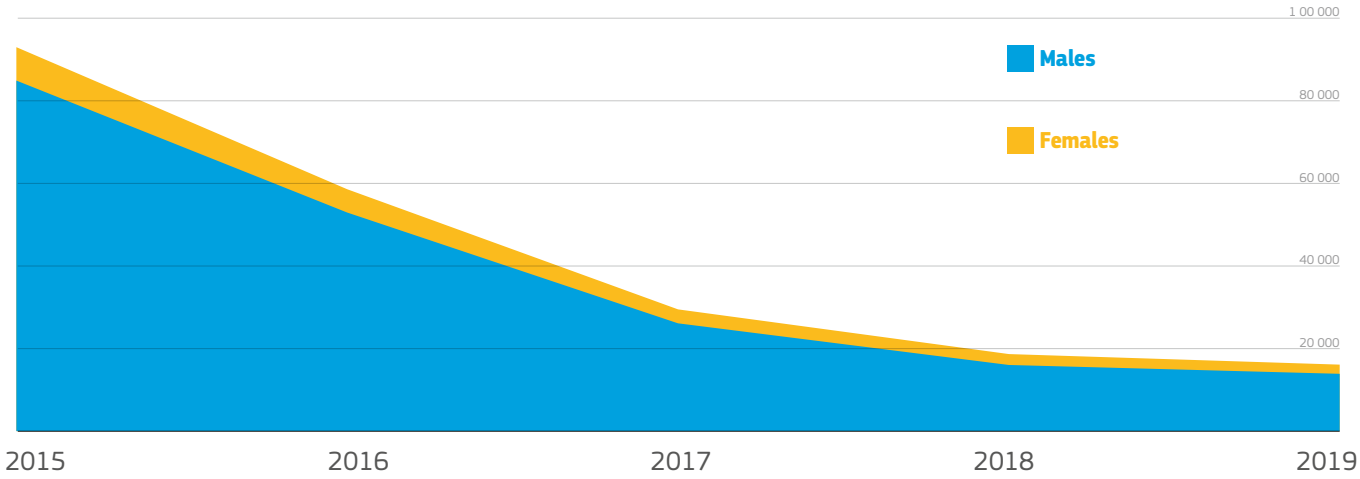
All ten Member States introduced new policies or practices regarding the protection and care of unaccompanied minors, such as action plans that bolstered training for professionals (for example on the trafficking of minors in France); committees that promoted inter-agency cooperation (such was the case in Croatia); and new or updated guidance around the best interests of the child[144] (for example, Sweden took such guidelines into account when assessing whether a decision to place the unaccompanied child with a related person was mutual and in their best interests). In addition, new reception settings were adapted for certain groups of unaccompanied minors in some cases, notably, in the Netherlands, for a specific group of minors exhibiting transgressive behaviour, therefore needing counselling in order to work on their behaviour and their prospects for the future. To improve living conditions of children in reception centres and family centres, the Netherlands also introduced activity areas and lessons for children, including swimming.

Additionally, about a third of Member States made efforts to improve the protection and care of unaccompanied minors within the child protection system.[145] Most of these States introduced legislative changes, for example:

- France established a database called Minority Assessment Aid (AEM) to evaluate persons presenting as minors and deprived temporarily or indefinitely of the protection of their family. The AEM aims to better ensure the protection of these children. Having such a national database would make assessing minority and unaccompanied status faster and more reliable.
- Latvia introduced amendments to the procedure and extent of municipal expenses for the accommodation of an unaccompanied minor specified under the Asylum Law in a childcare institution, guardian's care or foster family, if they do not have an asylum-seeker, refugee or alternative status.
- The Slovak Republic (as part of an overarching organisational change involving also the only facility for unaccompanied minors in the country) introduced in legislation a new type of facility, Children and Family Centres (CFC), replacing former foster homes, crisis centres and resocialisation centres. Residential stay in these centres provides children with a safe environment of individually arranged groups which temporarily substitute for a child's natural environment.

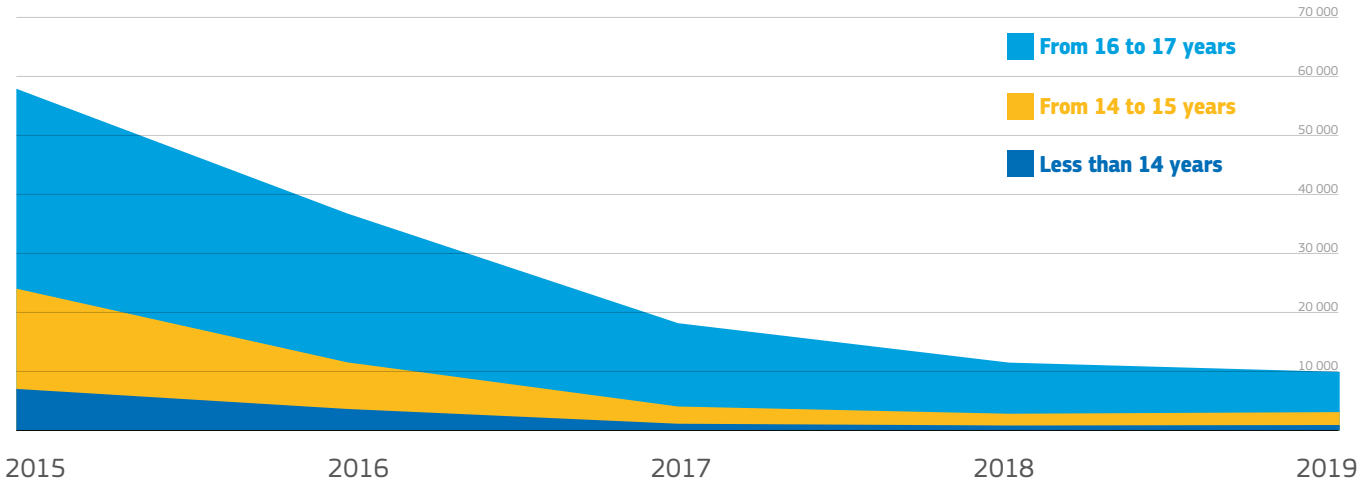
131 AT, BE, BG, CY, CZ, DE, FI, FR, HR, LV, LT, LU, MT, NL, SE, SI, SK, UK and NO.
132 Eurostat, Asylum applicants considered to be unaccompanied minors - annual data [migr_asyunaa], extracted on 21 May 2020.
133 E.g. CZ, DE, ES, FR, IT, SE, SK.
134 BE, CZ, ES, FR, HR, HU, IE, IT, LV, LT, SE, SK.
135 BE, BG.
136 BE, BG, CY, DE, FI, FR, HR, IT, LV, LT, MT, SE, SK.
137 BE, CY, DE, HR, IT, LV.
138 DE, FR, IT, LV, SE, SK.
139 CY, DE, HR, IT.
140 BE, DE, IT, LT.
141 MT, NL, SK.
142 AT, BE, BG, EL, FI, FR, HR, NL, SK, SE, UK.
143 AT, SK.
144 FI, SE.
145 BE, ES, FR, HR, IT, LV, SE, SK.

Figure 3.1 – Number of unaccompanied minors seeking asylum in Member States and Norway by sex, 2015-2019



Statistics 2019 not available for Cyprus and Spain
Source: Eurostat (migr_asyunaa), extracted on 6 May 2020

Figure 3.2 – Number of unaccompanied minors seeking asylum in Member States and Norway by age, 2015-2019



Statistics 2019 not available for Cyprus and Spain
Source: Eurostat (migr_asyunaa), extracted on 6 May 2020

Two Member States introduced new practices concerning the protection and care of unaccompanied minors within the child protection system: Belgium made use of the handbook produced within the framework of the Safeguarding Migrant Children Across Europe (AMINA) project, which was aimed at stimulating and disseminating practices on how to better cooperate in the prevention, response and after-care of missing or exploited children in migration. Sweden renewed its standard for handling cases of unaccompanied minors turning 18 years, to help these children to make a smoother transition between the municipality and the Swedish Migration Agency at the age of consent.

Another two Member States committed funding to improve reception capacities for unaccompanied minors outside the system for international protection[146] or introduced new types of facilities. For example, Bulgaria introduced a safety zone in the Registration-and-Reception Centre (RRC) in Sofia, Voenna Rampa, with social workers available 24/7 to provide care and support to 100 unaccompanied children. The construction of a second safety zone in the RRC – Sofia, Ovcha Kupel was also completed in 2019, with capacity to accommodate 138 unaccompanied children. In Spain, direct subsidies were granted to the cities of Ceuta and Melilla for the maintenance and improvement of the care services provided in the centers for the reception of unaccompanied minors. By being on the access points of African migratory routes, the twoi cities received a large number of unaccompanied children.

146 ES, IT.

Lastly, one Member State, Belgium, made efforts to improve the protection and care of unaccompanied minors not applying for asylum, in the form of:

- Firstly, within the framework of a national project rolled out by non-governmental organisations Minor-Ndako and Caritas International, a mobile team consisting of professionals and volunteers positioned themselves at the places where young migrants in transit to the UK are located, to inform them of their possible options in Belgium and to provide support.
- Furthermore, at the end of 2019, on the initiative of Minor-Ndako, some meetings were held around street work with Maghreb children under 15 years living in the streets of Brussels, possibly to be extended to a low threshold reception; no real concrete results were obtained in 2019.

3.2.3. Legal guardianship and foster care

Eight Member States implemented changes in order to strengthen guardianship systems,[147] with most of the measures applying to protection- and non-protection seeking unaccompanied minors. Some of them created or updated handbooks and other resources for guardians or carers[148] and implemented fast-track procedures or otherwise improved practice in terms of appointing guardians.[149] Overall, Member States remained committed to the maintenance of guardians (for example, Belgium increased the allowance paid to the associations employing guardians for every full-time employed guardian who exercised at least 25 guardianships simultaneously to €28 000 per year; Italy committed to reimbursing guardians' expenses incurred when carrying out duties[150] and to their continuous training.[151]

Additionally, the Guardianship Service of Belgium created a specific group of trained guardians on transmigration, intended for unaccompanied minors wishing to migrate to the UK. The guardians can be assigned immediately after the Guardianship Office receives a referral by a police service in West-Flanders, mostly the harbour police of Zeebrugge (or upon referral by an NGO). The guardian meets the minors at the police station within two hours after being assigned to talk with them about their situation, rights, the Belgian system for unaccompanied minors and the risks of continuing the journey to the UK.

3.2.4. Age assessment

A third of Member States reported changes to age assessment approaches for unaccompanied minors who either applied for asylum or were otherwise recorded within the child protection system,[152] though some of them did not distinguish between provisions.[153] Some Member States, such as Belgium, reported a considerable increase in age assessments in 2019 compared to the year before and the authorities shortened the period between the moment they raised a doubt about the age of the unaccompanied minor and the medical examination.

Two Member States implemented non-invasive approaches to assessing the age of unaccompanied minors where there were concerns about their age: the Czech Republic issued guidance for psychologists interviewing minors to assist them in presuming their age during the interview as part of a pilot; and Luxembourg took the decision to stop the inspection of the genitals of a minor as an age assessment practice. In France, a 2019 ruling clarified the conditions and methods for assessing unaccompanied minors: at every stage in the social evaluation, assessors are to compare the person's stated age with their physical appearance, behaviour, degree of independence and autonomy, ability to reason, and comprehension of the questions asked. Assessors need to be watchful for any signs that the person before them is a victim of exploitation or outside control. They are to inform victims of exploitation or trafficking as to their rights, and ensure adequate support, where appropriate, if a complaint is to be laid. Lastly, in the UK, the Home Office amended its guidance on assessing the ages of asylum claimants who have no valid documentary evidence of age and their claims to be children are doubted; this included specifying that a person being assessed on their physical appearance and demeanour must appear to be 25 years of age or older for them to be treated as an adult.[154]

3.2.5. Procedural safeguards

A total of six Member States noted new developments around the procedural safeguards for unaccompanied minors,[155] either seeking asylum[156] or otherwise recorded within child protection systems,[157] or in some cases both. Notably in Germany, the Federal Government took additional action to ensure special protection for children and young people:

- the possibility for unaccompanied minors to register soon after entering Germany and before an asylum application is filed on their behalf by a guardian or an emergency representative from the youth welfare office; and
- requiring the youth welfare authorities to ensure that, in case of doubt as to the identity of the minor, unaccompanied minors are immediately photographed and – if the they are over 14 years of age – fingerprinted by an authority authorised to register such minors.[158]

As for the latter, Lithuania introduced clearer regulation of interinstitutional cooperation in addressing the issues

147 BE, CZ (*Recommended procedures for transfer of unaccompanied minors to substitute family care in the Czech Republic* within the project FORUM developed by the Organisation for aid to refugees), DE, FI, HR, IT, LT, MT, SK.
148 BE, CZ, DE, LT.
149 HR, MT.
150 BE, DE, IT.
151 DE, FI, LT.
152 BE, CZ, FR, HU, LU, MT, NL, SK, UK. No developments in regards to unaccompanied minors not applying for asylum who remain outside the asylum / migration / (child) protection system were reported in 2019.
153 CZ, FR.
154 Prior to this amendment, a person needed to appear to be significantly over 18 to enable assessment of age in this manner.
155 DE, EL, FI, FR, LT, SE. No developments in regards to unaccompanied minors not applying for asylum who remain outside the asylum / migration / (child) protection system were reported in 2019.
156 FI, SE.
157 FR, LT.
158 The legislative changes on fingerprinting of unaccompanied minors apply to all unaccompanied minors, i.e. also those not seeking international protection.

of the legal status of unaccompanied minors not applying for asylum, including with regard to procedural actions.

Additionally, two Member States reported changes to practices around procedural standards for asylum-seeking minors,[159] notably development of an electronic, child-friendly form for interviews with unaccompanied minors in Finland and of guidelines on how to assess the best interests of the child, along with accompanying training of staff (which is expected to continue in 2020).

3.2.6. Provision of information (info material, e.g. videos, leaflets, booklets)

Eight Member States and Norway made attempts to improve the provision of information for unaccompanied minors who apply for asylum[160] and / or those recorded within the child protection system.[161] Overall, Member States introduced new or updated websites, apps and information materials such as guides, leaflets, audio-video material for unaccompanied minors applying for asylum,[162] covering specific issues (for example, steps and rights of children in the asylum application process in Belgium and Sweden, child marriages in Sweden). Information materials were also translated in languages most commonly spoken by unaccompanied minors.

Notably: Sweden developed targeted information for children in the asylum process that could be accessed via a mobile device and was specially addressed to children aged 7 to 12 years. The information is meant as a complement found elsewhere on the web and information given orally, in groups or individually. Norway created the website 'asylbarn.no', available in 14 languages, with the aim of giving asylum-seeking children the information they need about the asylum process in a language they understand (based on inputs from children who had previously been through the process regarding what information they need and how they want to receive it).

Sweden further initiated a national forum for dialogue with NGOs with a focus on children and children's rights perspectives and experiences in the handling of, among other things, the asylum process.

3.2.7. Other

Six Member States implemented additional measures to enhance the protection of unaccompanied minors who seek asylum.[163] For example, Croatia implemented a project with a view to improving the rights of unaccompanied minors with an emphasis on access to education and healthcare, as well as family reunification – which were recognised as most difficult to realise in the country in practice; and Italy set out to improve unaccompanied minors' protection through legal assistance activities, information and individual orientation within the framework of a project by the Italian Council for Refugees and UNHCR.

Two Member States, Austria and the Netherlands, adjusted practices around the accommodation of unaccompanied minors at return counselling facilities. An evaluation in Austria deemed such facilities unsuitable for children due to lack of adequate access to schooling; the Netherlands introduced the possibility to place a minor, who is for the first time under the supervision of authorities and whose departure can in principle be effected within four weeks, in a secured family facility, in an effort to prevent unaccompanied minors from going underground or becoming victims of exploitation.

Lastly, Sweden updated its standard for handling cases concerning married children due to a new law concerning child marriages which clarifies that no marriage of a person under 18 years is considered legal (including those that took place before entering the country).

Five Member States reported additional developments[164] (though in some cases measures did not differ from those outlined above).[165] Important changes included:

- Belgium's new family allowance system '*Groeipakket*' which applies to unaccompanied minors within the child protection system of the Flemish Community in Belgium. The minors receive a certain amount of money on a monthly basis (+/- €160). The 'growth package' also includes a school allowance. For unaccompanied minors this can amount to just over €3 000 per year. The minors themselves are beneficiaries of the allowance, but their guardian has the responsibility to manage the funds.
- In January 2019, Ireland and Slovenia pledged to relocate five unaccompanied minors from Malta who had been disembarked in Malta following search and rescue missions in the Mediterranean. In December 2018, Ireland had committed to accepting 36 unaccompanied minors from Greece on a bilateral basis. In September 2019, eight minors were assessed, screened and approved for relocation to Ireland. These eight minors had not arrived in Ireland by the end of 2019. In 2019, two unaccompanied minors form Eritrea and Sierra Leone were relocated in Slovenia.
- In Lithuania, clearer regulation was introduced in respect of all procedures to be undertaken upon identifying an unaccompanied minor, including the involvement of the Child Rights Protection Service in the search for the unaccompanied minor's parents and determination of the best interests of the child (by consistently defining the roles of each institution, timeframes for information sharing and actions undertaken by it).

159 FI, SE.
160 BE, BG, EL, FI, FR (updated guide published in January 2020), LU, SE, NO.
161 FR. No developments in regards to unaccompanied minors not applying for asylum who remain outside the asylum / migration / (child) protection system were reported in 2019.
162 BE, EL, SE, NO.
163 BE, HR, IE, IT, NL, SE.
164 BE, FR, HR, IE, LT. No developments in regards to unaccompanied minors not applying for asylum who remain outside the asylum / migration / (child) protection system were reported in 2019.
165 FR, HR.

3.3. OTHER VULNERABLE GROUPS (BOTH THOSE APPLYING AND NOT APPLYING FOR ASYLUM)

About half of the Member States introduced changes in their national legislation, policy or practice with regard to vulnerable groups applying for asylum, albeit to a varying degree with respect to the areas covered below.[166] At the same time, less than a third of Member States reported developments in legislation, policy or practice with respect to vulnerable persons not applying for asylum.[167] As above, this is partly due to the fact that some Member States do not apply different provisions to vulnerable groups on the basis of their status (as asylum-seekers or not).

3.3.1. Measures clarifying the definition of vulnerable groups

Four Member States reported on developments in policy or practice around the definition of vulnerability for those seeking asylum.[168] In Poland, in accordance with the guidelines of the 'National Action Plans for the implementation of the UN agenda on women, peace and security for 2018-2021', the Border Guard included in the definition of 'vulnerable persons' the category of 'victims of sexual violence in armed conflicts.' Other measures included special teams, training or guidelines for staff to identify and handle vulnerable persons: for example, in Malta, most of the migrants were assessed by a newly created Psychosocial Team to identify any vulnerability related to mental health issues. Trainings on LGBTQI and on the topic of 'vulnerability and flight' were held in Austria, and in Croatia, Standard Operating Procedures were initiated in relation to a timely response to sexual and gender-based violence in reception centres for applicants for international protection.

Additionally, two Member States, the Netherlands and the Slovak Republic, reported developments that clarified (or were intended to clarify) the definition of vulnerable persons not applying for asylum. The Netherlands laid down in legislation the right of residence for third-country nationals who were terminally ill[169] (in practice, these third-country nationals could already be granted a right of residence via the discretionary power of the Minister of Migration, but because of the abolishment of the discretionary power, this right was laid down in legislation), while the Slovak Republic established an advisory body consisting of experts on the inclusion of vulnerable groups to support their participation in education, work and society.

3.3.2. Special reception facilities for vulnerable groups

New special reception facilities (or areas within existing facilities) for vulnerable groups seeking asylum were planned or introduced in four Member States.[170] This included special reception or places for disabled persons in two cases, France and Lithuania.

3.3.3. Identification mechanisms / referrals

Three Member States reported new identification mechanisms to detect vulnerable persons applying for asylum.[171] For example, in Cyprus, a screening system was established (with the help of EASO) in the First Reception Centre 'Pournara' to identify victims of torture and trafficking.

3.3.4. Applicable procedural safeguards

Five Member States implemented changes around applicable procedural safeguards for vulnerable persons applying for asylum.[172] For instance, in Belgium, to ensure the correct treatment of applications for international protection in which gender-related grounds were invoked, the authorities set up a team of protection officers and supervisors who were more specialised in dealing with this kind of application. In France, a new decision authorised the presence of only one lawyer or representative of an accredited association whilst interviewing an asylum seeker or beneficiary of international protection, unless they are disabled in which case they can be accompanied by a third party.

Some Member States continued training staff[173] on interviewing vulnerable persons, including other relevant topics (for example, on gender and gender-related topics encountered in the asylum procedure in Belgium, or trafficking in human beings and violence against women in France). Other States further issued procedures for members of staff (for example social workers) to be applied when working with applicants with special needs (both mental and physical), victims of violence or victims of trafficking in human beings.[174]

Only one Member State, Sweden, reported developments in applicable procedural safeguards with regard to vulnerable persons not applying for asylum, whereby thanks to training in Gender, Gender Identity and Sexual Orientation (provided by EASO) and a ten-page instruction document, the previous system of involving an LGBTQI specialist in cases concerning LGBTQI persons was replaced by regular junior and senior case officers.

3.3.5. Other

Three Member States introduced other legislative changes in relation to vulnerable groups applying for

166 AT, BE, CY, CZ, DE, FI, FR, HR, LT, MT, NL, PL, SE, SK, UK.
167 AT, FI, FR, NL, SK.
168 AT, HR, MT, PL. No developments in regards to vulnerable persons not applying for asylum were reported in 2019.
169 These persons were eligible for a residence permit on temporary humanitarian grounds (in addition to a regular residence permit on medical grounds), so that they could make use of special facilities and family members could reside with them.
170 CY, FR, LT, NL.
171 CY, FI, FR. No developments in regards to vulnerable persons not applying for asylum were reported in 2019.
172 BE, CZ, FR, HR, SK.
173 BE, FR, HR, IT, SK.
174 SK.

asylum.[175] For example, in Germany, a new law made the protection of women and other vulnerable persons such as children in refugee accommodation centres mandatory. In the Netherlands, the policy framework for children under a child protection order entered into effect; it governed the situations in which a residence permit can be issued to a minor third-country national for whom a child protection order was imposed.

Policy changes were further introduced by two Member States,[176] for example, the parents of daughters who received refugee status in Belgium as (potential) victims of FGM were no longer automatically granted a derived refugee status on the basis of the principle of family unity.

Lastly, four Member States implemented further changes to their practices on vulnerable persons seeking asylum.[177] These included, for example:

- Training courses on the subject of sexual orientation and gender identity for protection officers in two Member States, Belgium and France;
- Guide for Finnish case workers regarding domestic violence in the context of the asylum process. Case workers also received updated internal instructions on the reporting of underage asylum seekers who are in danger of, or who have experienced, FGM.

Concerning vulnerable persons not applying for asylum, only one Member State, Finland, reported any legislative developments. Its citizens' initiative to create a law specifically banning the practice of FGM was met with widespread support in the Finnish parliament. By the end of 2019, the initiative was further passed to the Legal Affairs Committee for further review.

Policy changes were implemented by an additional two Member States,[178] concerning right to residence for certain categories of vulnerable persons not applying for asylum (victims of trafficking in human beings in France, minor third-country nationals for whom a child protection order was imposed in the Netherlands).

Box 3.1: Training on sexual orientation and gender identity for protection officers in Belgium and France

In 2019, Belgium and France held training courses for protection officers on the subject of sexual orientation and gender identity.

In Belgium, the Commissioner General for Refugees and Stateless Persons (CGRS) organised a study day on the subject of sexual orientation, for protection officers and supervisors already experienced in the matter and for members of the legal service of the CGRS, as well as for researchers from CGRS' Centre for documentation and research. The study day focused on the contextualisation of country of origin information (COI) and discussions, in a smaller committee, on aspects related to the assessment of the credibility of sexual orientation related asylum stories. The more specific objective of this study day was to develop a more pragmatic approach to understand the problem as experienced in the countries of origin of the applicants for international protection and to draw attention to the most appropriate ways to use the specific COI relating to the theme of sexual orientation. The study day was supported by an expert specialised in the situation of LGBTQI persons in the Maghreb countries.

In France, OFPRA ran training courses for reviewing protection officers (RPOs) on the subject of Sexual Orientation and Gender Identity. These courses were taught by the thematic expert group on the basis of in-house documents drafted either in association with external partners in the framework of conferences (for example, on trans-identities), or through direct observation of the support work undertaken by specialised associations for LGBTQI persons. The Sexual Orientation and Gender Identity ("SOGI") group also organises frequent meetings with these associations to discuss the difficulties experienced by asylum seekers in talking about such issues, due to fear.

175 DE, EL, NL.
176 BE, CZ.
177 BE, FI, FR, LT.
178 FR, NL.

4. INTEGRATION

KEY POINTS

- Most integration related measures in 2019 focussed on socio-economic integration, and in particular on labour market integration, language acquisition as well as education. When looking at measures for specific categories, a strong focus on children and teenagers as well as beneficiaries of international protection is visible, particularly in the area of language acquisition and education.
- Several Member States introduced mandatory integration policies and programmes for third-country nationals.
- Over a third of Member States continued to promote civic integration during 2019 through practices aimed at providing opportunities for third-country nationals to become actively involved in the host society as well as through new or revised civic integration- or orientation programmes.
- A third of Member States focussed also on non-discrimination, whereby new policies and practices were most commonly aimed at raising awareness of discriminatory practices and providing training to those working with third-country nationals.
- Several initiatives were implemented for promoting integration at the local level. These included (amongst others) policy recommendations or guides and other support activities for municipalities or local authorities. Other measures promoted inclusion or focussed on tackling polarisation of communities.

4.1. DEVELOPMENTS AT EU LEVEL

At EU level, the European Commission continued to support Member States in their integration policies notably through the work and activities of the European Integration Network (EIN) and through funding. In addition to regular meetings, a study-visit took place in Denmark with a focus on labour market integration. Three mutual exchange programmes between national administrations[179] were also supported covering the inclusion of migrant women, labour market integration and good practices on preparing a national integration strategy.

The Commission continued its multi-stakeholder approach to foster integration in the labour market, notably through the 'European Partnership for Integration' joined by the European Economic and Social partners and the European Commission, as well as engaging employers. In cooperation with the Social Protection Committee (SPC), the Employment Committee (EMCO) and Member States' authorities, the Commission organised a Mutual Learning Conference on "Sustainable inclusion of migrants into society and labour market" on 12 April in Brussels, and published a report based on the Conference results. The Employment Committee also held a Mutual Learning Event on this topic in the Netherlands in September. The Public Employment Services network adopted key considerations in July.

Monitoring the integration and inclusion challenges experienced by people with a migration background continued via the European Semester of policy coordination. Country reports and proposed recommendations to address the labour market and education situation of people with a migrant background were made to several Member States. EU leaders endorsed the recommendations at the June European Council.

The Commission, together with the European Economic and Social Committee, organised in April 2019 the 5th European Migration Forum on the topic 'From global to local governance of migration: The role of local authorities and civil society in managing migration and ensuring safe and regular pathways to the EU'. The Forum adopted 10 recommendations, including on migrants' empowerment for better integration policies.

The Commission further developed cooperation with local and regional authorities. This included prolonging until the

179 CY, DE, EE, EL, FR, SE were involved.

end of 2021 the ongoing coordination, together with the City of Amsterdam, of the Partnership on the inclusion of migrants and refugees under the Urban Agenda for the EU. The second edition of the Urban Academy on integration to promote learning and exchange for policy makers from the local and the national level on two topics: labour market integration and housing strategies to support integration was organised. As part of the dialogue on integration with local and regional authorities, the Commission together with the Committee of the Regions organised the conference "Go local: supporting regions, cities and rural areas in migrants' integration" in December, attracting more than 400 participants, mostly from towns, cities and regions to discuss how to implement effective actions, how EU Funds could support the work at the local/regional levels.

Following the 2018 call for proposals under the AMIF, the Commission awarded funding to eight networks of regions and cities to work together on integration, supporting the transfer of knowledge, exchange of practices and experiences at local and regional level across the Member States. A new call for proposals was launched in 2019 to promote integration of refugees through private sponsorship schemes, social and economic inclusion of migrant women and social orientation of newly arrived third-country nationals.

In July, the Commission launched the HELIOS project, implemented by the International Organisation for Migration (IOM) and its partners, with the support of the Greek Government and funding from the European Commission. It aims to integrate beneficiaries of international protection into Greek society through the support of autonomous housing, integration courses and employability-related activities.

In June 2019, the Commission gathered the national authorities responsible for AMIF, European Regional Development Fund, European Social Fund, Fund for European Aid to the Most Deprived, Erasmus and European Agricultural Fund for Rural Development, as well as intermediary bodies and key stakeholders, to discuss their strategies to support the integration of third-country nationals. The Joint Research Centre of the European Commission published analyses in three relevant areas: Over-education of migrants? Evidence from the EU, Migration in EU rural areas and Migrants and Welfare Dependency: Evidence from the EU.

4.2. INTEGRATION OF THIRD-COUNTRY NATIONALS

At the national level, integration-related measures in 2019 showed a strong focus on socio-economic integration. Of these, the most important areas were labour market integration, language acquisition as well as education. Measures implemented for specific categories of third-country nationals showed a strong focus on minors and beneficiaries of international protection, specifically in the area of language acquisition and education.

Some Member States and Norway adopted new, or adapted legislation to allow for an all-encompassing integration policy,[180] often with mandatory elements,[181] for example, integration programmes in Belgium (Brussels region) and France. Norway proposed a new Integration Act, which included a mandatory mapping of skills and career guidance for third-country nationals.

Ireland conducted a mid-term review of its 'Migrant Integration Strategy 2017-2020' and published a progress report to Government. Milestones achieved included the establishment of a Communities Integration Fund and the National Intercultural Health Strategy. The report also identified future priorities for the Strategy such as combatting racism and xenophobia and supporting integration and social cohesion at the local level. The UK implemented the 'Integrated Communities Action Plan' setting out a range of cross-government measures to support integration, such as education and language support, increasing economic opportunity or providing support for newly arrived persons.

4.2.1. Integration through socio-economic participation

4.2.1.1. Measures to improve labour market integration

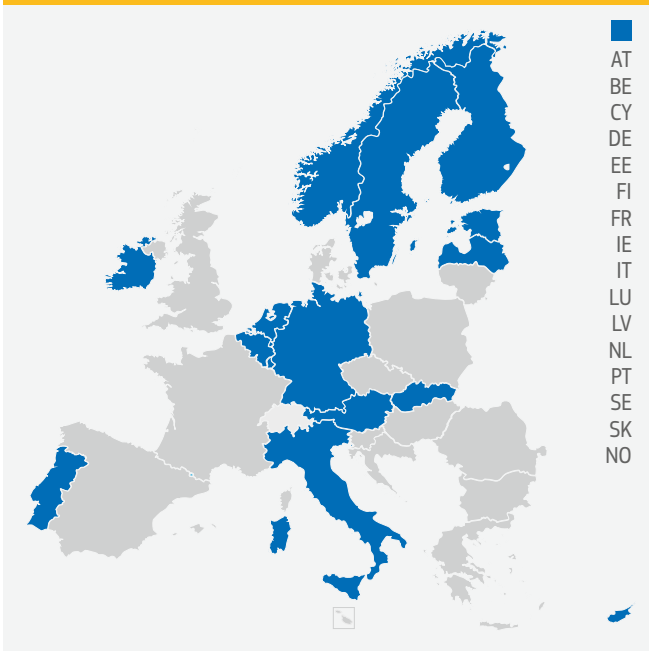
Over half of the Member States[182] and Norway reported on policy, legislative or practical measures taken in 2019 to improve labour market integration. The majority of these Member States (10 in total) implemented new or updated policies and practices, with three[183] implementing new legislation. The measures can be divided into two broad categories, first those directly addressing third-country nationals – which constitute the majority of measures – and second, those providing resources and tools to public services, including employment services, local authorities or employers. Some of these measures were geared towards specific target groups, as discussed in section 4.3.

In the first category, six Member States[184] implemented measures ranging from promotion of employment opportunities for third-country nationals in Austria, to programmes for getting third-country national graduates into the labour market in Finland. Some Member States[185] launched new programmes. Cyprus implemented the European Asylum Migration and Integration Fund (AMIF)-financed programme 'First Step', offering vocational orientation and training programmes to third-country nationals. Luxembourg launched a project financed through the European Social Fund (ESF). The project 'Words4Work 2019-2020' is providing French language courses to jobseekers, including third-country nationals needed for

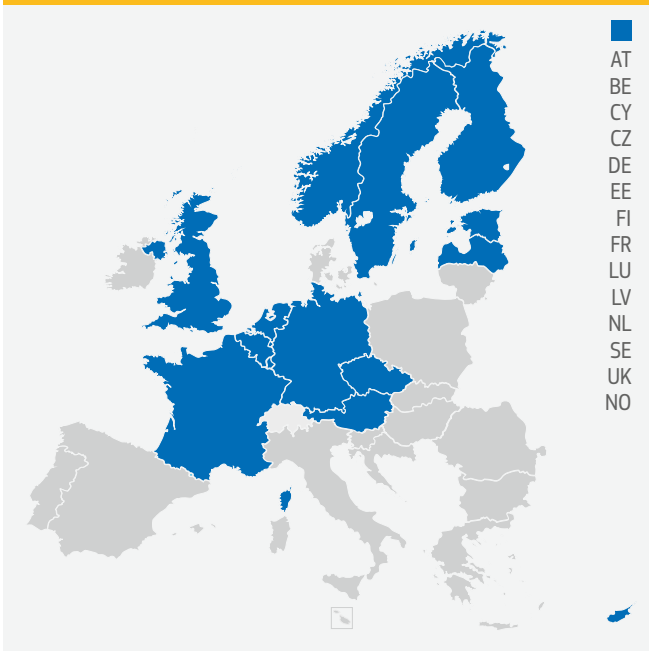
180 AT, BE, EE, FR, LU, ES, SE, NO.
181 AT, BE, FR, SE, NO, UK.
182 AT, BE, CY, DE, EE, FI, FR, IE, IT, LU, LV, NL, PT, SE, SK.
183 BE, DE, FR.
184 AT, BE, DE, FI, LU, LV.
185 BE, CY, EE, FI, FR, LU, SE.

Figure 4.1 – New integration measures in the European Union and Norway

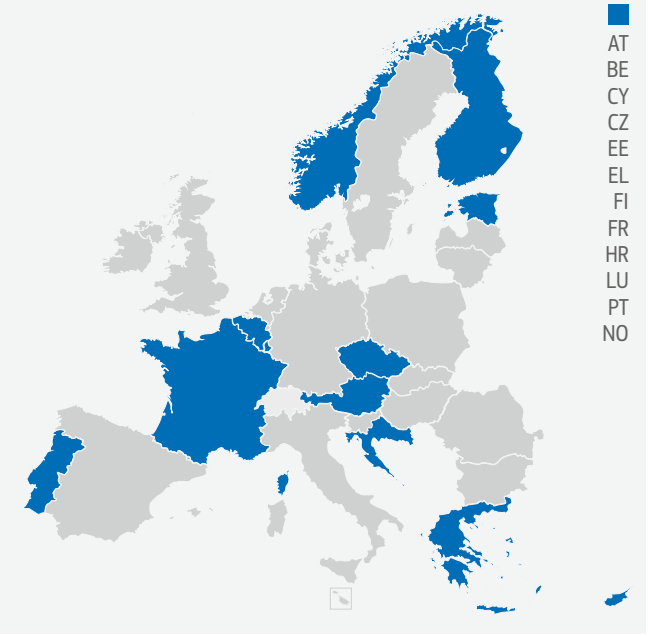
Fostering integration in the labour market



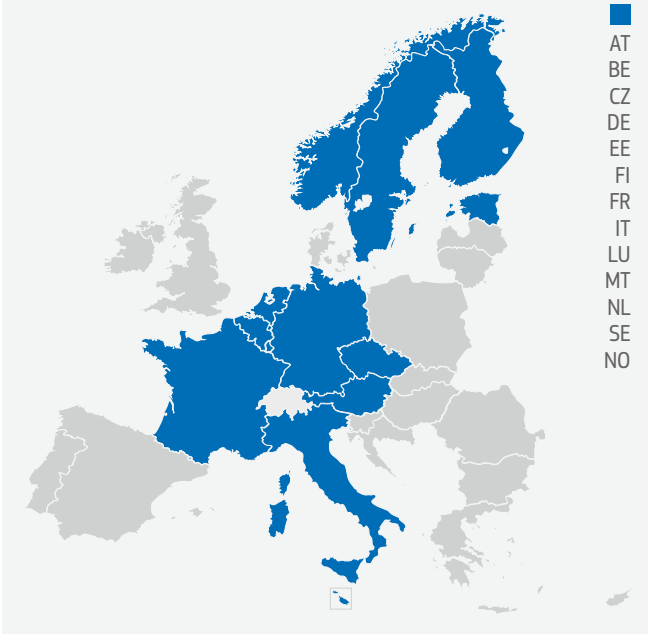
Enhancing language skills



Improving access to social security, social assistance, healthcare, housing and other basic services



Improving attainment in schooling and the education system



Source: European Migration Network

specific professions (see also section 4.2.1.2 on measures for language acquisition). In June 2019, France launched the EMILE project ('Committed to Mobility and Integration through Housing and Employment') offering re-location to third-country nationals without a job and poor housing into regions where there is a shortage of labour and where housing is available. Other Member States, including Latvia, Germany and Italy, offered specific measures for entrepreneurship and business start-up opportunities. In Germany, the pilot project 'Start-up your future', funded by the Federal Ministry for Economic Affairs and Energy aimed to help refugees in Berlin to set up their own businesses. In Latvia, the Information Centre for Newcomers hosted open door days to provide information on entrepreneurship to third-country nationals. Italy implemented the project 'Migrant Entrepreneurship as a Driver of Integration' in collaboration between the Ministry of Labour and Social Policies and Chambers of Commerce, in

25 provinces to provide information, training and assistance in setting up a new enterprise or regarding self-employment.

With regard to new legislation, the Flemish government in Belgium introduced a decree addressing the validation of prior learning, to support newly arrived third-country nationals who cannot (fully) prove their skills and competences through certificates. France extended its integration legislation to include a work-related integration element, changes which were already agreed in 2018 but took effect on 1 April 2019. Germany adopted the Act to Promote the Training and Employment of Foreigners taking effect on 1 August 2019.

Four Member States[186] and Norway reported developments in the provision of resources and tools to public services. In France, all public employment services and the government signed a charter concerning the professional orientation and integration of newly arrived third-country nationals. Norway introduced a wage subsidy scheme in 2019, with fixed refund rates of wages paid to employers to make the scheme easier to use. In cooperation with other Member States, the Netherlands implemented the AMIF co-financed project 'Matching with Employers'. The project provides participating Member States with lessons learnt to support the labour market participation of asylum seekers and other legally residing third country-nationals. Additionally, in the Netherlands employed third-country nationals participating in civic integration programmes were exempted from the exam on 'orientation to the Dutch labour market'. Sweden extended the 'Delegation for the Employment of Young People and Newly Arrived Migrants' scheme. The scheme aims to further develop and promote cooperation between municipalities and the Swedish public employment service. The Slovak Republic reported on the start of the long-term measure 'Updating of the Integration Policy of the Slovak Republic', resulting from the Strategy on Labour Mobility of Foreigners in the Slovak Republic.

Box 4.1: Protection Unit to Foster Integration (PUOI) in Italy

On 27 March 2019, the Italian authorities launched the AMIF/ESF funded project PUOI ("You can") aimed at including vulnerable migrants who were legally residing in the society and labour market. The project will support them to develop and upskills their competences also by involving public employment services and private companies.

Up to 4 500 migrants will take part in an integrated programme which will comprise six-month internship and guidance services such as mentoring, guidance and job-search assistance, skills certification.

4.2.1.2. Measures to improve language acquisition

A total of 13 Member States[187] and Norway adopted measures to improve language acquisition.

Five Member States[188] and Norway introduced legislative changes regarding language acquisition, including widening access for specific groups. In Austria, an amendment of the Integration Act required to make German courses available up to level B1 as a minimum to individuals aged 15 and over holding asylum or subsidiary protection status. Asylum applicants and people for whom return was suspended were enabled to participate earlier in German language training under Germany's new Act to Promote the Training and Employment of Foreigners. In Estonia, long-term residents applying for citizenship were able to sign a language learning agreement, enabling them to participate in free language courses and also allowing them to take paid study leave for up to 20 days. In France, as part of the Republican Integration Contract, the number of language courses for newly arrived third-country nationals was doubled. As part of the renewal of the Core Curriculum for general upper secondary education, Finland has included language awareness as a key aspect of the school culture and language aware teaching as part of every subject (see more on education in section 4.2.1.3).

In terms of developments related to policies and practices, six Member States[189] made available additional resources for language training. Cyprus and Estonia introduced (in some cases compulsory) language classes specifically for minors. Croatia continued with preparatory and supplementary classes for minors who are asylum seekers, and Cyprus offered free Greek language afternoon courses for minor third-country nationals attending school. The first Estonian Language Houses by the Integration Foundation were opened in Tallinn and Narva, offering Estonian language courses at levels A1-C1 as well as in-tandem studies, language cafés, digital learning, language and culture clubs and other learning aids.

Digital tools for language acquisition were introduced in some Member States.[190] Estonia for example, introduced a new e-learning course 'Keeletee' which supports language skills development up to level B1, with access also to assistance from a language teacher; France introduced online language courses for levels A1 to B1, including an app with language tips for everyday use; and Latvia developed a self-learning tool (e-Laipa) for levels A1 and A2. Luxembourg launched an e-learning platform in French, English and German, which will be further developed in 2020 to also include Luxembourgish.

4.2.1.3. Measures to improve attainment in schooling and the education system

The majority of the measures implemented by Member States[191] and Norway to improve educational attainment of third-country nationals focussed on school and kindergarten level, with some focussing on vocational training and university level education. These were mostly targeted at all categories of migrants, although some Member States (for example Italy) focussed on specific categories, most notably beneficiaries of international protection (see more information in section 4.3 on specific categories).

186 FR, SE, SK, NL
187 AT, BE, CY, CZ, DE, EE, FI, FR, LU, LV, NL, SE, UK.
188 AT, DE, EE, FR, FI.
189 BE, EE, FR, LU, MT, SE.
190 EE, FR, LU, LV.
191 AT, BE, CZ, DE, EE, FI, FR, IT, LU, MT, NL, SE.

Germany and Norway introduced legislation to increase accessibility and participation in education. Germany's new Act to Promote the Training and Employment of Foreigners significantly expanded access to funding and support for third-country nationals to engage in training, while Norway's new integration strategy contained measures to improve education for youth and adults with an immigrant background. This included access to ordinary secondary education to participants in the Introduction program, and to others where needed.

With regard to new policies and practical measures, Belgium focussed on increasing the participation of young children in pre-school education. Under the Flemish Region's 2016 action plan for a quality transition between home, childcare and kindergarten for third-country nationals and other vulnerable groups, the Flemish Government in 2019 topped up with a special child allowance the regular family allowance for parents whose children of 3 and 4 years regularly participate in pre-school education.

Other Member States[192] focussed on newly arrived third-country national children in schools. The Czech Republic implemented a support system including school guides and interpreters; Estonia implemented an AMIF-financed programme offering public schools a training programme to build support capacity. The Netherlands introduced a change in funding to schools, providing by default supplementary funding for those schools providing secondary education to children of compulsory schooling age whereas previously they had to apply for this. Luxembourg continued to diversify its school offer, notably its international school offer and language provision in public schools to adapt to the country's ever-growing multi-lingual reality.

There was less focus on new measures for higher education, reported by five Member States.[193] However, new measures were introduced in Italy, where information targeting beneficiaries of international protection was introduced into the migrant integration portal by Italian universities, and around 100 scholarships were made available to this group. Sweden continued to allocate resources for bridging programmes, aimed at people with higher education qualifications and degrees from third-countries in for example law, medicine, nursing, dentistry, pharmacy, engineering or teaching to access complementary education in order to engage in professional activities in Sweden.

Some other education measures (e.g. Finland's 'Talent Boost' programme) connected with labour market integration are discussed under section 4.2.1.1 above.

4.2.1.4. Measures to improve access to social security, social assistance, healthcare, housing and other basic services

Ten Member States[194] and Norway reported on new developments with regard to migrants' access to social security, social assistance, healthcare, housing and other basic services.

Several Member States[195] introduced new legislation, some aiming to facilitate access, others to establish more strict eligibility criteria. New legislation on social security in Finland ensured that employed third-country nationals were entitled to residence-based benefits immediately, whilst previously they had to work for a minimum of four months before being able to access such services. France introduced a requirement of three months' residence for some categories (State Medical Aid beneficiaries and asylum seekers) to be eligible for social security (enforced in 2020). New legislation was passed in the Czech Republic making the integration courses 'Welcome to the Czech Republic' obligatory for selected groups of third-country nationals from 2021 onwards.

A few new policy and practical measures were reported. Portugal developed further their existing 'National Support Centres for the integration of migrants' into mobile centres, providing support to those who are unable to access the centres themselves. Luxembourg continued its policy to facilitate the international coordination between different social security regimes and to secure the rights and obligations of workers, through new bilateral social security agreements.

4.2.2. Integration through active participation and social inclusion

A total of ten Member States[196] established new measures to promote civic integration. Six Member States[197] reported on practices aimed at providing opportunities for third-country nationals to become actively involved in the host society, for example through sport as well as non-religious and intercultural activities. Austria introduced an Integration Prize for sport projects and an intercultural achievement award; Italy's Minister of Labour and Social Policy and the Italian National Olympic Committee renewed an agreement (signed in 2014) to realise sports activities aimed at promoting integration, social inclusion and non-discrimination among migrants. Lithuania launched lectures for asylum seekers and those granted asylum on its history, geography and society, plus practical information on healthcare or housing; and Latvia organised discussions in different regions on topics to promote an inclusive society.

Six Members States[198] either introduced or planned to introduce new or revised civic integration or orientation programmes. The Brussels-Capital Region (Belgium) approved a mandatory integration programme for future development, and Estonia made preparations for their new national integration policy 'The Strategy of Population and Social Cohesion in Estonia'. France introduced a new four-day civic integration training course, spread over several months, for third-country nationals who signed the Republican Integration Contract (instead of the previous two-day arrangement), to provide a basic understanding of the functioning of French society. In addition, France's Inter-Ministerial Delegation for the Reception and Integration of Refugees developed initiatives related to civic services for refugees as well as a refugee mentoring

192 CZ, EE, LU, NL.
193 AT, FI, FR, IT, SE.
194 AT, BE, CY, CZ, EE, EL, FI, FR, HR, LU, PT.
195 AT, CZ, FI, FR, LU.
196 AT, BE, CY, EE, EL, FR, LT, LV, NL, SE, UK.
197 AT, CY, EE, IT, LT, LV.
198 BE, EE, ES, FR, NL, UK.

programme. The United Kingdom published the revised Indicators of Integration and a toolkit for integration practitioners at all levels, providing a common language for understanding, planning, monitoring and evaluating integration.[199] Finally, after some years of low activity, Spain re-vamped the Forum for the Social Integration of Immigrants, a collegiate body composed of all levels of Public Administration, civil society and migrant associations aimed at advising the Government in migration and integration matters.

4.3. PROMOTING INTEGRATION OF SPECIFIC CATEGORIES OF THIRD-COUNTRY NATIONALS

Seventeen Member States[200] and Norway provided information on integration measures such as employment and language acquisition, education and social assistance, targeting specific groups. These included mainly individuals granted asylum, refugees, women and young migrants.

The majority of these Member States (11 in total)[201] put in place new measures to help specific groups to access the labour market. Austria initiated a job exchange to promote employment opportunities for individuals granted asylum or subsidiary protection. Efforts focused on areas such as German courses for specific occupational groups, in cooperation with businesses and support measures aimed at labour market integration for 15- to 25-year-olds. In the United Kingdom, the Home Office, in partnership with United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), Business in the Community and the Department for Work and Pensions published 'Tapping Potential – guidelines for British businesses on employing refugees'.[202] Additionally, the United Kingdom focussed on supporting refugee entrepreneurship.

Other target groups of new labour market integration developments included minors[203] and women.[204] For example, Estonia launched a programme with the aim to find professional activities (e.g. voluntary work or a job) for spouses of foreign specialists residing in Estonia.

Eleven Member States[205] and Norway focussed on language acquisition. The most common target groups were third-country nationals of school or kindergarten age, asylum seekers and beneficiaries of international protection (see further information in section 4.2.1.2 on language acquisition). The Czech Republic introduced language courses specifically for mothers, with childcare for the duration of the courses.

A focus on measures to improve attainment in schooling and the education system was reported by eight Member States[206] and Norway. Italy and France focussed on providing support to beneficiaries of international protection.

As part of measures for accessing basic services, the Netherlands supported beneficiaries of international protection through pilot training sessions on how to access digital government information on various social services. France provided housing support for refugees for six months through the newly established 'Reception and Integration Centre' in Paris. The centre also provided support for finding permanent accommodation, language lessons and contact to potential employers. In France, rehousing refugees remained a government priority for 2019.

To promote social inclusion, the United Kingdom implemented through the Integrated Communities Action Plan innovative approaches to support and empower marginalised women, increasing their civic and democratic participation, participation in the workplace, and challenging socio-cultural norms.

4.4. NON-DISCRIMINATION ACTIONS

Ten Member States[207] and Norway implemented measures to combat discrimination, with Belgium and Norway adopting new legislation related to non-discrimination. In Belgium, federal legislation combatting xenophobic delinquency as well as legislation for positive action for disadvantaged groups in employment was introduced. Additionally, the legal base for the 'National Human Rights Institution' was established, with the aim to bundle the issues regarding protection and promotion of human rights.

New policies and practices were most commonly aimed at raising awareness of discriminatory practices and providing training to those working with third-country nationals, for example, in Ireland (see the box below). Latvia implemented an information campaign to raise public awareness of issues of discrimination, tolerance and inequality, with a focus on third-country nationals and other people of different ethnic background or origin and similarly, Portugal launched several projects to counter discrimination, focusing on ethnicity, religion or gender. Italy's National Office Against Racial Discrimination published a new handbook called 'Silence Hate! An operational handbook to educate and tackle hate' addressed to educators, teachers and researchers. In Spain, the Prosecutor's Office drafted the interpretation guidelines for hate crimes as criminal offences, thus providing orientation to the Prosecutors to combat them efficiently.

199 https://www.gov.uk/government/publications/home-office-indicators-of-integration-framework-2019
200 AT, BE, CY, CZ, DE, EE, EL, FR, IT, LU, LV, MT, NL, PT, SE, SK, UK.
201 AT, BE, CY, CZ, EE, HR, FR, IT, PT, NL, UK.
202 https://www.unhcr.org/publications/brochures/5cc9c7ed4/tapping-potential-guidelines-to-help-british-businesses-employ-refugees.html
203 AT, CY, FR, PT.
204 AT, BE, EE, FR.
205 AT, CY, CZ, DE, EE, HR, FI, FR, LU, LV, MT.
206 BE, FR, IT, LU, LV, MT, NL, SK.
207 BE, CY, EL, ES, FI, IE, LV, PT, SE, SK.

Box 4.2: Addressing racism and hate crime in Ireland

Ireland established an anti-racism committee, including membership from both State and non-State actors, to include a public sector strand to examine how public sector organisations can further implement anti-racism measures and an expert strand to consider how to develop a clear understanding of the nature and prevalence of racism in Ireland and how to combat it. A consultation on hate speech was launched as part of a review of the existing law in this area, and *An Garda Síochána* (the national police force) published its Diversity and Integration Strategy 2019 – 2021, which also included an emphasis on "enhancing the identification, reporting, investigation and prosecution elements of hate crime".[208]

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

The importance of promoting integration at the local level is reflected in a high number of Member States[209] and Norway reporting on policy and practice developments in this area, and additionally, Norway reported new legislative measures. In some cases,[210] policy recommendations or guides and other support activities were developed for municipalities or local authorities. Belgium, for example strengthened cooperation between Unia, an independent public institution that combats discrimination and promotes equal opportunities, and employer representatives, on issues related to discrimination and the promotion of diversity in the workplace. Ireland provided total funding of €526 000 to 124 locally run projects to promote integration in local communities under its Communities Integration Fund; and in Luxembourg, municipalities were supported to develop local integration initiatives and plans.

Some Member States[211] focussed on measures promoting inclusion. Austria put in place new structures at the local level for inclusion of third-country nationals; Latvia organised inter-cultural communication and dialogue trainings for professionals who are in contact with third-country nationals. Malta set up the Interfaith Integration Forum with IOM, focussing on religion and/or belief-integration related matters. Poland launched various integration activities, such as a helpline for third-country nationals operating 24/7, information provision to third-country nationals through the 'Advisory Centre for Foreigners' free of charge, and specific support for citizens of Belarus, Ukraine and Russia through the 'Centre for Supporting Foreigners'.

A few Member States[212] focussed on tackling polarisation of communities. For example in Flanders (Belgium) a database was launched containing ideas to provide solutions to local authorities to prevent or tackle polarisation, accessible to different groups of the population. The Czech Republic reported on the 16th anniversary of the project 'Family Next Door', which aims to provide direct contact between third-country nationals and citizens. The municipal office in Bratislava (Slovak Republic) fostered active communication with civil society organisations working in the field of migrant integration.

4.6. AWARENESS RAISING ON MIGRATION IN THE HOSTING (MEMBER) STATE

Almost half of the Member States[213] reported on new policies and practices aimed at raising awareness and engaging the host community. The majority of measures entailed the publication of information material targeted at specific groups and several information campaigns to raise awareness about migration and integration issues were implemented.[214] In Estonia, the government launched a new migration and integration action plan, targeting partners and the general public with fact-based information, whilst Italy developed training for journalists. In Latvia and the Slovak Republic, film and theatre events were organised. In Belgium, the Flemish Integration and Civic Integration Agency provided support to local administrations in information provision and addressing concerns among local residents about newly established reception centres.

208 An Garda Síochána (October 2019) *An Garda Síochána Diversity and Integration Strategy 2019 – 2021*, p. 5. Available at: www.garda.ie
209 AT, BE, CY, CZ, EE, EL, FR, IE, LU, LV, MT, NL, PT, SK, UK.
210 BE, CY, EE, IE, SK.
211 AT, CZ, LV, PL, PT.
212 AT, BE, CZ, SK.
213 BE, CY, CZ, EE, FR, IT, LT, LU, LV, PL, PT, SK.
214 EE, IT, LV, PT, SK.

4.7. INTEGRATION MEASURES IN THE COUNTRIES OF ORIGIN AND/OR INVOLVING DIASPORA COMMUNITIES

Nine Member States[215] reported on developments related to pre-departure measures for migrants, and integration measures involving countries of origin and diaspora.

4.7.1. Pre-departure integration measures in countries of origin

Most pre-departure measures focussed on informing potential migrants about the host country,[216] such as the campaign 'Next Stop the Czech Republic' or 'Living in France', which both provided practical, legal and administrative information. The campaign 'Training Orientation Family Reunion' in Italy provides pre-departure measures for third-country nationals seeking to enter Italy under family reunification. Other practices included modification of exemption of basic civic integration examinations abroad[217] or the organisation of orientation sessions abroad.[218]

4.7.2. Integration measures involving the diaspora communities in Member States

Activities with regard to diaspora communities involved mainly the granting of subsidies to local associations (such as in the Czech Republic) and the hosting of festivities to celebrate different cultures,[219] such as the national summit of diasporas in Italy, focussing on migrant entrepreneurs and their projects on international development. Ireland reported on a consultation in relation to the International Decade for People of African descent, to involve stakeholders in the design of a programme to mark the decade.

215 CY, CZ, FR, IE, IT, NL, PL, PT, SE.
216 CZ, FR, IT.
217 NL.
218 PT, SE.
219 IT, PT, IE.

5. CITIZENSHIP AND STATELESSNESS

KEY POINTS:

- Member States introduced substantial legislative changes in terms of categories who are able to acquire citizenship as well as technical legislative changes, including those related to language, or other requirements for the acquisition of citizenship.
- A Member State expert group was established by the European Commission to improve transparency and good governance around Investor Citizenship and Residence Schemes.
- Regarding statelessness, following Malta's accession in December 2019, 25 Member States and Norway now accede to the 1954 Convention on statelessness. Additionally, Member States reported on smaller developments such as policy changes regarding residence permits and assistance for stateless persons.

5.1. DEVELOPMENTS AT EU LEVEL

It is for each Member State, having due regard to international and EU law, to lay down the conditions for acquisition and loss of nationality. Nevertheless, citizenship has an important EU dimension, as citizens of a Member State enjoy the rights of EU citizenship.

A number of new developments regarding the acquisition of citizenship and statelessness took place at EU level during the year. Following the publication of the Report on 'Investor Citizenship and Residence Schemes in the European Union' by the European Commission in January 2019,[220] outlining the citizenship acquisition of investors and the potential risks (e.g. security, money laundering, corruption, circumvention of EU rules and tax evasion), the Commission published follow up steps on monitoring such schemes,[221] and a group of experts from the Member States was set up to look at the specific risks, to develop a risk management process and to address transparency and good governance in the implementation of the schemes. The expert group is set to continue its work in 2020.[222] Additionally, the European Commission conducted a stakeholder consultation meeting in May 2019 with civil society and industry representatives regarding the issues raised in the 2019 report.

Regarding statelessness, the EMN's Platform on Statelessness continued its work on raising awareness in regards with statelessness and connecting relevant stakeholders.[223] A new EMN Inform 'Statelessness in the EU' was developed updating the first Inform published in 2016, and outlining issues with regard to statelessness, such as granting a 'stateless' status and issuing a residence permit.[224]

5.2. ACQUISITION OF CITIZENSHIP

Ten Member States[225] and Norway reported on substantial legislative changes in relation to the acquisition of citizenship. The changes focussed on extending the eligible groups (Austria, the Czech Republic and Poland); removal of previous requirements (United Kingdom); specific legislation for minors[226] and for dual citizenship (Norway).

220 https://ec.europa.eu/info/files/report-commission-european-parliament-council-european-economic-and-social-committee-and-committee-regions-investor-citizenship-and-residence-schemes-european-union_en
221 https://ec.europa.eu/info/investor-citizenship-schemes_en
222 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/eu-citizenship/activities-group-member-state-experts-investor-citizenship-and-residence-schemes_en
223 https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/expert-groups_en/platform-statelessness_en
224 EMN Inform (2020). Statelessness in the European Union. Brussels: European Migration Network. Accessible at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf
225 AT, BG, CZ, EE, EL, FI, FR, LV, PL, UK.
226 EE, FI, FR, LV.

Austria, Poland and the Czech Republic extended the categories of individuals eligible for acquiring citizenship. In October 2019, Austria issued the Federal Act amending the Citizenship Act 1985, allowing direct descendants of individuals persecuted under National Socialism to acquire Austrian citizenship under simplified conditions from 1 September 2020. Simplifications in place for immediate victims of persecution (e.g. exemption from application charges, no requirement for prior knowledge of German or minimum stay) will now also apply to descendants. Additionally, the eligibility of immediate victims of persecution (among others, former Austrians, and stateless persons whose main residence was previously in Austria) and the temporal scope (cut-off date) were extended. The Czech Republic extended the possibility to apply for citizenship to second and third generation descendants of Czech (Czechoslovak) citizens. Poland revised the 'Act on the Polish Card' to enable all persons with Polish roots living abroad to obtain the Card. Eligibility was extended to third-country nationals who did not have permanent residence in Poland and to stateless persons.

Three Member States[227] eased citizenship acquisition for minors. Latvia for example, passed new legislation in October, providing for an automatic grant of Latvian citizenship to children born after 1 January 2020, unless the parents had agreed to grant the citizenship of another country to the child.[228] Conversely, France reported tightening the rules on citizenship acquisition for minors born in Mayotte, a French overseas department, to foreign parents.

Five Member States[229] and Norway reported on technical changes in their legislation on citizenship acquisition. For example, in Norway, as part of the New Integration Act, the government proposed to raise the requirement for skills in oral Norwegian from level A2 to B1 for citizenship acquisition. France also increased the level of French language proficiency required for naturalisation candidates to B1 oral and written (as opposed to B1 oral previously). Changes in the Slovak Republic included measures to reduce administration on the side of the applicant.

Three Member States[230] reported on other changes regarding requirements for citizenship acquisition, which in some cases resulted in fewer administrative obligations for third-country nationals (Slovak Republic), but in other cases introduced stricter requirements. For instance, the Croatian government removed the obligation of having full legal capacity, but at the same time introduced additional obligations regarding government fees and security requirements when applying for citizenship.

Finland and Norway amended their legislation on dual citizenship. While Norway's amendment introduced legislation to allow for dual citizenship (which was not possible prior to 2019), in Finland a legislative amendment placing restrictions on dual citizens being appointed to military posts entered into force in July 2019.

France and Luxembourg identified good practices in their procedural aspects of citizenship acquisition. France published an action plan in June to improve the efficiency of the network of platforms providing access to French nationality, including also a project to digitalise the entire procedure. Luxembourg introduced an online version of the oral comprehension part of the language test ('*Sproochentest*') necessary for obtaining Luxembourgish citizenship, and a digital pilot exam took place in the second semester of 2019/2020.

5.3. STATELESSNESS (DETERMINATION, STATUS AND RIGHTS)

Regarding statelessness, new developments were reported by nine Member States[231]. At the international level, Malta acceded to the 1954 Convention relating to the Status of Stateless Persons on 11 December 2019. Sweden withdrew two reservations – one relating to article 8 on exceptional measures and one on article 24.1b on labour legislation and social security, as well as the corresponding reservations in the 1951 Refugee Convention.

National level developments included legislative[232] and policy changes.[233] For example, France issued two decrees with regard to residence permits and assistance respectively. From February 2019, multi-year residence permits were granted to stateless persons and their family members, and a legal representative may now accompany applicants for the stateless person status during interviews to obtain this status. Through amendments to the Law on Foreigners in the Republic of Bulgaria, stateless persons who did not meet the requirements for permanent or long-term residence are now able to obtain a permission for one-year prolonged stay. In terms of policy / practice changes, Lithuania and the Netherlands introduced new developments in their respective municipalities to advise stateless persons on citizenship procedures and to support them in the registration process.[234]

227 EE, FI, LV.
228 This Law applies to children of non-citizens of Latvia.
229 FR, LU SE, SK, UK.
230 HR, IE, SK.
231 BG, CZ, FR, LT, LV, MT, NL, SE, UK.
232 BG, CZ, EE, FR.
233 LT, NL, UK.
234 There are no national procedures regarding proving a stateless status in the Netherlands yet. Municipalities introduced initiatives within their own powers because of the lack of a national procedure.

6. BORDERS, VISA AND SCHENGEN

KEY POINTS

- In October 2019, the European Commission considered that, based on the results of the Schengen evaluation process, Croatia has taken the necessary measures to meet the standards for admission to the Schengen area. Cyprus submitted the application to become part of the Schengen area in September and entered a period of technical evaluation from the EU.
- The new European Border and Coast Guard regulation (2019/1896) came into force, strengthening the mandate of the Agency by further supplying it with technical equipment and human resources.
- The Interoperability Regulation (2019/817) which provides for an interoperability framework between EU information systems in the field of border and visas was also adopted.
- Member States and Norway worked towards increasing the effectiveness of border management by developing their national strategies for integrated border management, enhancing cooperation between border authorities and customs at national level and/or joint operations with third countries.
- Six Member States and Switzerland established a working group aiming to compare, exchange and streamline visa outsourcing practices. In the same vein, several Member States implemented changes to facilitate visa application procedures either via external service providers or via representation by another Member State.

6.1. DEVELOPMENTS AT EU LEVEL

During the year, under the supervision of the Commission, the European Border and Coast Guard Agency (Frontex) pursued an effective presence of patrolling assets at sea, thereby contributing to saving people in distress and fighting against irregular migration and cross-border crime.

A major step forward to strengthen the protection of the external borders was made in December 2019, with the entry into force of the Regulation on the European Border and Coast Guard.[235] The Agency is being strengthened in terms of staff and technical equipment, and the Commission facilitated the successful inter-institutional negotiations. The new Regulation makes the European Border Surveillance System (EUROSUR) the 'backbone' of the European Border and Coast Guard system, bringing together Frontex and the Member States' authorities responsible for European Integrated Border Management. The new standing corps will be ready for deployment from 2021, and will then gradually reach its full capacity of 10 000 border guards.

Close cooperation with third countries is essential to better protect the EU's external borders, to manage irregular migration and to enhance security. An important milestone was achieved in May 2019, when the "Status Agreement" between the European Union and Albania entered into force, followed by the immediate deployment of European Border and Coast Guard teams with executive powers and equipment (e.g. vehicles, thermo-vision vans) by Frontex to the border of Albania with Greece. Thereafter a status agreement was initialled in January with Bosnia and Herzegovina, adding to the one initialled in 2018 with North Macedonia. In addition, status agreements were signed in October with Montenegro and in November with Serbia.

The above actions aimed to reinforce the controls at external borders and reflect the commitment to preserve freedom of movement within the Schengen area while ensuring the security of citizens. However, the decision to introduce border controls at internal borders belongs to the Member States, and some[236] decided to prolong internal border controls until May 2020.

235 Regulation (EU) 2019/1896 on the European Border and Coast Guard (OJ L 295, 14.11.2019).
236 AT, DE, HU, SE, SI and NO.

Based on the results of the Schengen evaluation process, performed by DG HOME, the Commission reported in October that Croatia had taken the measures needed to ensure that the necessary conditions for the full application of Schengen rules and standards were met. In December, the Schengen evaluation of the Slovak Republic marked the successful completion of the first five-year multiannual evaluation programme (2015-2019) of the Schengen Member States, managed by the Commission.

An update to the Visa Code (2019/1155) was adopted in June 2019.

During 2019, two Interoperability Regulations (2019/817 and 2019/818) were adopted which provided for an interoperability framework between EU information systems respectively in the field of border and visas as well as in the field of police and judicial cooperation, asylum and migration.

6.2. ENHANCED BORDER MANAGEMENT AT THE EXTERNAL BORDERS

6.2.1. Border control measures/management

Over half of Member States[237] reported on the implementation of new technical measures aiming to reinforce border control and management of the external borders. For more streamlined and efficient border checks, some Member States upgraded existing or acquired additional technical equipment such as document readers,[238] fingerprint scanners,[239] and automated border control systems, based on biometric identification.[240] In the United Kingdom, the use of ePassport gates at airports across the UK became available to a number of non-EU nationalities.

Particular attention was given by some Member States to the improvement of surveillance either by upgrading technical equipment such as video surveillance system,[241] thermo/night vision cameras,[242] or by changing surveillance methods. In Estonia, the Police and Border Guard Board abandoned inspections based on risk analysis and started inspections on all cargo ships from third countries, while Portugal reported mobile border checks on board cruise ships to manage port resources better.

The United Kingdom reported that its Counter-Terrorism and Border Security Act 2019 received Royal Assent which, *inter alia,* introduced powers to stop, question, search and detain an individual at a port or border area in order to determine whether they were, or had been, involved in hostile state activity. Austria reported the institutional reorganisation of the border protection units in each provinces' police administration, established in 2018, due to increased challenges in border controls, faced in recent years. In accordance with Directive (EU) 2016/681,[243] a Passenger Information Unit was established in Finland; and Belgium and Ireland reported to have used the Advance Passenger Information system increasingly to monitor extra-EU flights.

6.2.2. Activities to improve the effectiveness of controls at external borders

Increasing the effectiveness of border controls was a priority for most Member States and Norway. Finland, Italy and Latvia adopted legislative measures to improve such controls further. Specifically, following a legislative amendment, the Finnish Border Guard obtained more powers regarding border security, technical surveillance and stakeholder cooperation. In Italy, the Minister of the Interior was given the power to restrict or prohibit the entry, transit or stopping of ships in territorial waters, with the provision of administrative sanctions in case of non-compliance. In Latvia, legislative developments increased the maximum penalty for violation of state border crossing regulations since the previous maximum fine was considered insufficient to act as a deterent.

Other measures in this regard concerned the reinforcement of border control staff through the recruitment of new staff to cope with the increased number of passengers and controls more efficiently.[244] In Austria, a training of 24 new border police assistants to carry out border checks at the Vienna International Airport was completed, following an amendment to the Border Control Act according to which employees outside the public security service could be empowered to issue orders and exercise force at Austria's international borders. More than one-third of Member States implemented additional staff training[245] or targeted exercises[246] during the year. Notably, Finland and Croatia reported that 70 border police officers from each respective Member State, participated in 52 profile training workshops / meetings organised by the Frontex Training Unit. Sweden and Norway focused their efforts on the development of training strategies for border control.

Five Member States reported developments concerning their national strategy for integrated border management: Germany, Croatia, France, the Slovak Republic and Norway introduced new strategies while Finland updated their existing strategy to fulfil EU requirements. The Finnish

237 AT, BE, CZ, DE, EE, ES, FR, HR, HU, IE, LU, LV, PL, PT, SI.
238 BE, EE, ES, HR.
239 BE.
240 ES, FI, FR, IE.
241 HR, HU, LT, LV, SI.
242 HR, HU, LV.
243 Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.
244 AT, FI, FR, SE, SI.
245 CZ, ES, FI, HR, HU, LV, PT, SK, SI.
246 EE, SK.

Border Guard also drafted an operational concept and a blueprint of the architecture of land and sea border surveillance, updating and practising national contingency plans regarding irregular migration.

A few Member States[247] reported reinforced cooperation between border and customs authorities at a national level to enhance border control effectiveness.

6.2.3. Reinforced cooperation with third countries in the area of border management

In 2019, six Member States[248] cooperated with third countries in the area of border management to improve the effectiveness of border control. Compared to the previous year, fewer cooperation agreements with third countries were reported as established.

The United Kingdom and Switzerland signed an agreement committing to continue their work in tackling cross-border crime and terrorism after Brexit. Other Member States reported bilateral or multilateral agreements mainly with countries in the Balkans (Albania, North Macedonia and Serbia), Africa (in the Sahel region) and east of the EU external borders (Moldova, Ukraine) as well as Georgia and Uzbekistan. For instance, Spain organised joint patrols with the National Gendarmerie of Mauritania, developed under the Memorandum of Understanding between the two countries in order to improve the surveillance of air, land and sea borders. Cooperation activities promoted by Member States aimed mainly to combat irregular migration, smuggling and trafficking in human beings, and to exchange information and experience. Such activities included, among others, training for border guards on border checks, and detection of fraudulent documents; joint patrols for border surveillance improvement; and official meetings and events, as for example the ministers' conference organised in the framework of the Salzburg Forum Central European Security Partnership.

6.3. VISA POLICY

More than half of the Member States[249] and Norway reported on new developments in relation to visa policies, including the Visa Code and the Visa Information System (VIS).

Notably, several Member States, Norway and Switzerland established a working group during the year, aiming to compare, exchange and streamline visa outsourcing practices (see Box 6.1). In addition, the Czech Republic, Poland, Latvia and Lithuania employed external service providers to facilitate visa application procedures in several countries without consular representation. Bulgaria introduced amendments to the Law on Foreigners, abolishing the requirement for a national long-term visa for students of Bulgarian origin who were admitted to Bulgarian Universities as regular students.

Box 6.1: Visa Outsourcing Working Group

Following the initiative of the Dutch Minister of Foreign Affairs, a new Visa Outsourcing Working Group was launched, bringing together Member States dealing with relatively small volumes of visas, and working with external service providers. The Working Group's purpose was to compare, exchange and streamline visa outsourcing practices, and members comprised Austria, Belgium, Estonia, Finland, the Netherlands, Sweden, Norway and Switzerland. Meetings during the year took place in the Hague (January), Brussels (June) and Dubai (November).

As in 2018, a number of Member States adopted consular cooperation agreements within and beyond the EU in the form of changes in legislation [250] or practice.[251] One third of the Member States[252] agreed to be represented by other Member States in third countries. In Austria, several annexes to agreements stipulating mutual representation in procedures for granting visas were amended either to cease, or to agree on further representation in third countries.

In Finland, the responsibility and decision making regarding administrative review procedure of Schengen visa appeals were transferred from consulates to the Ministry of Foreign Affairs in order to reduce human resource costs abroad and to align with recent legislative changes.

Legislative changes regarding visa policies were implemented in one third of the Member States.[253] The Czech Republic and Poland amended their respective foreign national acts. The former introduced amendments to implement into national law the ruling of the Court of Justice of the European Union[254] requiring Member States to guarantee the possibility of bringing cases concerning a final decision refusing a visa, before a court. The Polish Act on Foreigners was amended in order to provide for solutions regarding the entry and stay of foreigners for the purposes of internship and participation in volunteering as part of the European Voluntary Service program.

Two Member States made changes to their visa requirements: the Czech Republic revised its national list of airport transit visa requirements, resulting in lifting or introducing visa requirements for specific categories of third-countries nationals, whilst Ireland[255] abolished the re-entry visa system for visa-required third-country

247 EE, LT, PT, SK.
248 AT, ES, HR, LT, LV, UK.
249 AT, BE, BG, CZ, DE, EE, ES, FI, HU, IE, LT, LU, LV, NL, PL, SE.
250 AT, IT, PT.
251 CZ, ES, HU, LV, SE.
252 BE, CZ, EE, HU, IT, MT, LU, LT, PT (part of the information based on findings from the Spanish national report).
253 AT, CZ, DE, EE, FI, HU, LU, NL, PL.
254 CJEU case C-403/16 El Hassani.
255 Ireland does not participate the border aspects of the Schengen acquis.

nationals who were legally residing in Ireland and holding an Irish Residence Permit card.

Furthermore, some Member States reported on developments with regards to the Visa Code. For example, Estonia and Hungary amended their visa code manual and visa code respectively, whilst the Netherlands drafted an action plan for the implementation of the visa code.

6.4. SCHENGEN GOVERNANCE

In 2019, eight Member States[256] and Norway reported on legislative, policy or practice-related changes around Schengen governance. In October 2019, the European Commission reported that Croatia had taken the measures to ensure that the necessary conditions for the application of all relevant parts of the Schengen acquis were met. Cyprus has filed an official request to join the Schengen area in 2019 and the technical evaluation started in November 2019.

Austria introduced border controls along the EU internal borders with Hungary and Slovenia initially until November 2019 and then until 14 May 2020 due to concerns over secondary movements, terrorism risks and the volatile migration situation in Greece, Turkey and Syria. In accordance with the Schengen Borders Code, Sweden and Norway also reintroduced internal border controls.

Similarly, Germany reported on the continuation of temporary internal border controls at the German-Austrian land border due to the persisting migratory and security circumstances.

All Member States worked towards the implementation of the new EES and the new European Travel and Authorisation System (ETIAS),[257] with some Member States reporting on the process applied,[258] for example, Hungary reported amendments to their national law for alignment with the Regulation while the Slovak Republic reported the gradual introduction of new European Information Systems into their national system.

256 AT, CY, DE, HR, LU, LV, SE, SK.
257 Regulation (EU) 2018/1240 and Regulation (EU) 2018/1241 of the European Parliament and of the Council.
258 AT, BE, CZ, DE, FR, HU, LU, SK.

7. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

KEY POINTS

- 141 846 illegal border crossings into the EU were detected in 2019, representing a 4.9 % decrease compared with the number of detections recorded in 2018. This decrease occurred primarily due to fewer detections on the Western and Central Mediterranean routes.
- A few Member States reported an increase in the number of persons refused entrance at the border from visa-free countries. To target the misuse of legal migration channels, a number of Member States reinforced checks on visa-free country nationals and increased cooperation with countries of origin.
- Some Member States also reported having adopted practical and legislative measures to reduce the misuse of work-related migration channels, educational residence permits and family reunification migration channels. Those measures primarily included legislative changes and the organisation of awareness raising activities.
- Several Member States provided training to police officers and border guards in relation to combatting the fraudulent use of false travel documents. Technologies to analyse travel documents were also introduced or upgraded.
- Member States stepped up efforts to prevent and fight irregular migration and migrant smuggling. The measures and initiatives included awareness raising campaigns and capacity building activities in third countries, reinforcement of bilateral and multilateral cooperation in migration and security issues, deployment of liaison officers, cooperation with Frontex and EUROPOL and strengthening sanctions against the facilitation of irregular migration and illegal stay.

7.1. DEVELOPMENTS AT EU LEVEL

In 2019, 141 846 illegal border crossings into the EU were detected, representing a 4.9 % decrease compared with the number of detections recorded in 2018 and a 92 % decrease compared with the 1.8 million detections in 2015, at the height of the migration crisis.[259] This decrease in 2019 occurred primarily due to fewer detections on the Western and Central Mediterranean routes. However, migratory pressure continued to increase on the Eastern Mediterranean route and in the Western Balkans during the year. The demand for facilitation services remains high.

During 2019, the Commission continued to provide a comprehensive approach to combat migrant smuggling, based on its EU Action Plan 2015-2020, which is based both on the European Agenda on Migration and the European Agenda on Security.

During 2019, Europol, through its European Migrant Smuggling Centre, provided support to Member States in investigating migrant smuggling cases. Europol supported 56 action days, which led to 598 arrests. It also supported the exchange of information and provided assistance in 104 priority criminal cases.

In 2019, the Regulation on the European network of immigration liaison officers entered into force. The Commission has started its implementation through setting-up the Steering Board for the network and preparing the draft work programme for 2020-2021.

In July 2019, the then European Commission's President-designate Ursula von der Leyen announced a New Pact on Migration and Asylum, involving a comprehensive approach to external borders, asylum and return systems, the Schengen area of free movement and the external dimension. The Pact will announce a new Action Plan against migrant smuggling for 2021-2025, identifying priority actions within the EU as well as with priority third countries along the migratory routes to the EU.

259 European Border and Coast Guard Agency, Risk Analysis for 2020 consulted at https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf

Information and awareness raising campaigns are an important tool to prevent irregular migration and combat migrant smuggling. In order to support further collaboration between Member States as well as exchange of knowhow and information, during 2019 the European Migration Network INFO working group was created and held its first meetings (on 5 February and 15 October 2019).

With regard to financial support, the Commission awarded funding through the Internal Security Fund Police to a consortium of Member States that will set up common operational partnerships with third countries in Africa in order to support investigations and information exchange in combating migrant smuggling. Through the Asylum, Migration and Integration Fund, two information campaigns were selected to work with Senegalese diaspora communities in order to warn potential Senegalese migrants against the risks of irregular migration. Through the external instruments of the Union, support was provided for common operational partnerships as well as the Africa-Frontex Intelligence Community.

7.2. PREVENTING AND TACKLING OF MISUSE OF LEGAL MIGRATION CHANNELS

7.2.1. Irregular migration as a result of visa liberalisation

Several Member States reported an increase in the number of persons refused entrance at the border from visa-free countries, including from Georgia and Ukraine.[260] An increase in irregular migration by nationals from Moldova was also observed in the Czech Republic.

In order to address the rise in the number of Georgian nationals who were refused entrance at the border or who were found to have misused stay permits, some Member states adopted practical measures to reinforce the checks on these nationals.[261] For example, as part of the joint operation "Coordination Points Air 2019", border guards from various Member States were deployed to Kutaisi Airport in Georgia to provide advisory services during the pre-checks before departure. In the same context, Latvia decided to establish a State Border Guard liaison officer's unit in Georgia (that will only be operational in 2020) and France signed an agreement with that country for the deployment of liaison officers in both countries. Cyprus and Lithuania also reinforced checks at first line for visa liberalisation citizens (including Georgians) and Belgium launched an awareness-raising campaign in social media targeting *inter alia* visa-free nationals (i.e. Albanians and Georgians). France for its part, also amended the Schengen Manual to require all third-country nationals (including visa-free countries) to be in possession of a valid medical insurance to avoid the misuse of residence for the purpose of medical care.

Box 7.1: France – "PROMETHEUS" project

The PROMETHEUS project delivered concrete actions to prevent illegal immigration from Georgia, in particular through low-cost flights from Kutaisi, as part of a multilateral framework of Mobility Partnership Facility programme (MPF), managed by the International Centre for Migration Policy Development (ICMPD), with the financial support of the EU. In light of the evolution of migration pressures from Georgia, and through Georgia's Internal Security Service (ISS), France has proposed to take the lead in this project, which is intended to be implemented over a 13-month period. The project will include the provision of operational training at Georgian airports and study missions carried out by Georgian police officers at the French airports more impacted by Georgian migration.

7.2.2. Irregular migration as a result of misuse of legal migration channels

Several Member States[262] have adopted practical or legislative measures to reduce the misuse of legal migration channels by third-country national workers in 2019. Four Member States[263] reported developments to prevent the misuse of the legal migration channel for students and researchers and two Member States[264] did so to prevent the misuse of the channel for family reunification.

Measures adopted by Member States to reduce the misuse of work-related migration channels varied from one Member State to another. Some Member States[265] took legal initiatives to prevent third-country nationals from misusing work-related channels. For example, Latvia drafted a law to better identify cases of misuse of legal migration routes by third-country workers who were employed in the construction sector and introduced new internal procedural rules for border guards to better control work-related residence permits. Luxembourg amended its Immigration Law in order to harden the sanctions foreseen for entering the territory under false pretences, or by the use of false or incorrect documents, including an increase in prison terms and fines.[266] Lithuania reinstated the requirement to obtain a work permit for third-country

260 CZ, EE and LV. DE and LT reported an increase in the number of entry refusal and unauthorised residence of Georgian and Ukrainian nationals since Visa liberalisation. BG also experienced a slight increase of the number of Ukrainian citizens who stay illegally in their territory since visa liberalisation. PL noticed the phenomenon of Ukrainian citizens possessing at the same time several different travel documents to bypass the re-entry ban after receiving the decision on obligation to return or after using the permissible period of stay based on visa-free travel regulations. SK on the other hand, experienced a decrease in the number of entry refusals and unauthorised residence of Ukrainian nationals in 2019.
261 CZ, CY, LT, LV.
262 DE, EE, HU, LT, LU, LV, MT.
263 BE, LT, LV, MT.
264 CY, HU.
265 LT, LU, LV, MT.
266 The sanctions were increased from 1 month up to 2 years to 1 month up to 3 years of imprisonment and/or from a fine of €251 up to €3 000 to a fine of €251 up to €12 500

nationals posted by an enterprise established in a foreign state other than an EU Member State or EFTA State. Hungary also modified its legal framework to establish that residence permits could only be renewed if the applicant was present in the country for more than 90 days in a period of 180 days and Malta passed a law creating a Reporting Unit that was tasked to monitor illegally staying and illegally employed third-country nationals as well as third-country nationals enrolled in educational establishments.

Additionally, Latvia and Estonia implemented information and awareness-raising campaigns targeting employers in the construction sector and employers applying for short-term employment permits, respectively. Finland for its part, introduced changes to their information systems to increase the officials' capacity to detect cases of irregular migration and started to implement a pilot project to allow for the use of information from open sources to analyse residence permit applications. Additionally, the interview templates for residence permits in that country were also reviewed in 2019.

Regarding international students and researchers, two Member States organised information and awareness-raising campaigns on entry requirements and the consequences of misusing educational residence permits.[267] A specific issue in Latvia was that nationals from India, Uzbekistan and Sri Lanka were found to be misusing educational migration channels with the purpose of obtaining employment under the cover of a student/researcher residence permit. In order to tackle this issue, the Riga Technical University opened representative offices in those countries, to provide information and select students on-site. Lithuania introduced an amendment to establish among other things that international students enrolled in a university/research institution programme would need to accumulate a minimum number of credits in order to be able to renew/be granted their temporary resident permit.

In order to reduce the misuse of the family reunification migration channel, Hungary modified its legal framework to allow the competent national authority to issue a voluntary departure decision in less than seven days where, among other things, the foreigner had established a family relationship only for the reason of obtaining resident rights. Cyprus reported that in 2019 the phenomenon of convenience marriages increased steeply and thus, a new policy to accelerate the investigation of such cases was introduced.

7.2.3. False travel documents

About half of the Member States[268] as well as Norway took practical, legal or policy initiatives to more effectively prevent, detect and/or investigate the fraudulent acquisition and use of false travel documents. In particular, in 2019, a number of Member States[269] and Norway provided training to law enforcement and immigration authorities on the detection of false travel documents. Additionally, some Member States[270] and Norway also purchased additional technical equipment for the analysis of travel documents or renewed or upgraded the existing ones. Special structures/teams for the identification of false travel documents were also established at some border crossing points in some Member States.[271] Moreover, Belgium,[272] Germany[273] and Hungary,[274] deployed document verification experts to third countries.

In addition to the above, three Member States[275] also adopted legal measures to counter the use of false travel documents by improving the exchange of information among national authorities or establishing measures to deter the use of false travel documents. For example, the Police President of the Czech Republic issued an instruction setting up a central system for the collection of information on irregular documents.[276] Luxembourg also amended its Immigration Law to increase the sanctions for the use of false travel documents by third country nationals (see under 7.2.2). Hungary introduced a new legal provision stating that the use of forged or fraudulent document cannot obstruct the implementation of a refusal of entry or return decision.

With regard to policy developments to combat the use of false travel documents, in 2019, the Latvian Border Guard developed methodological guidelines specifying the procedure for marking a forged travel document or a document containing forged Schengen stamps whenever removal of the travel documents was not possible. In Belgium, the Judicial Police is currently developing a policy to combat document fraud aimed at forgers and resellers of stolen, counterfeit or falsified identity documents.

Box 7.2: France – ProfID project: A new tool for document fraud analysis

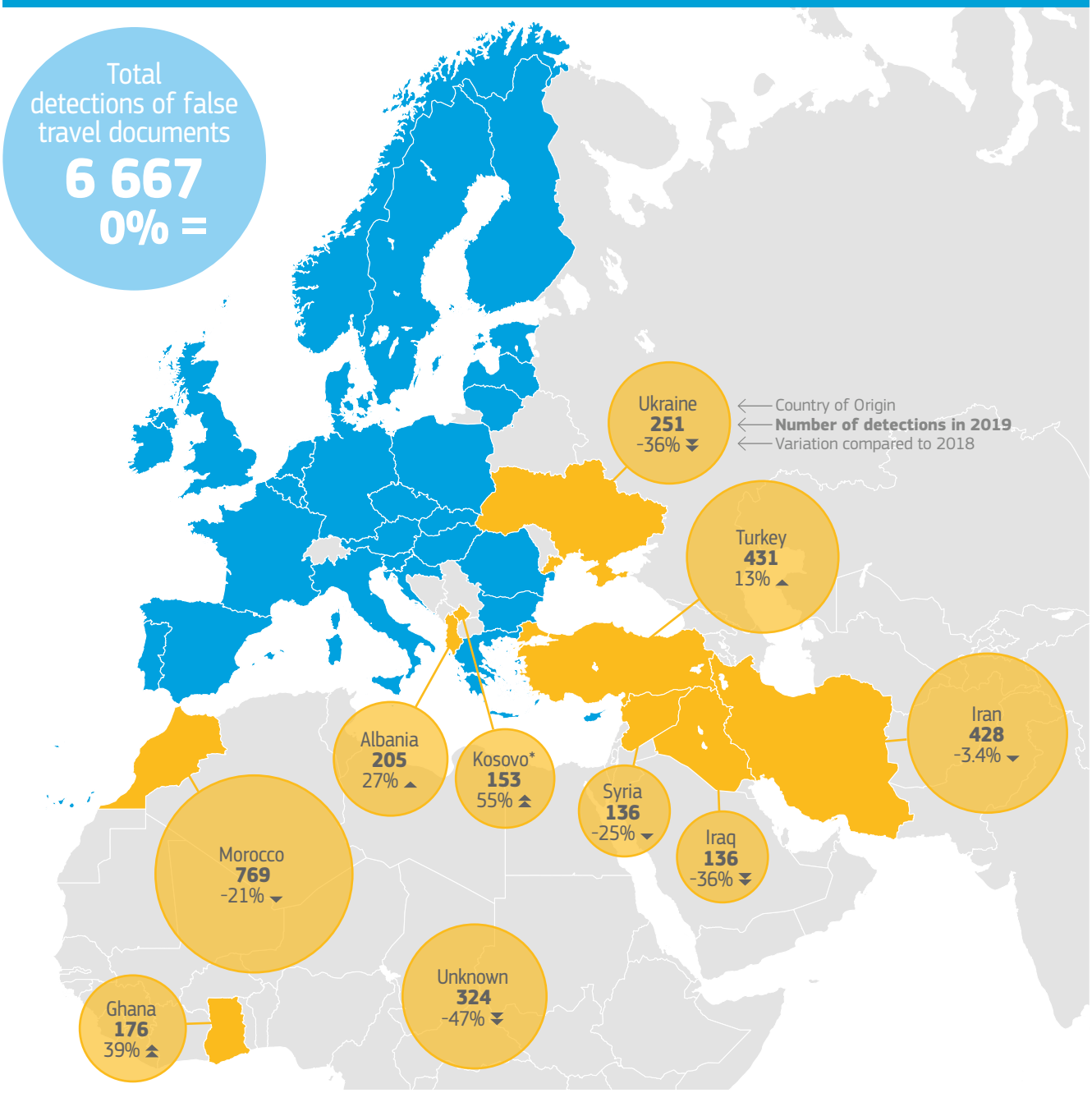
In 2019, France led the Horizontal Expert Group on Document Fraud. In the context of this group, France launched the test phase of the ProfID project in 2019.

ProfID is a tool developed by the University of Lausanne that enables the creation of a profile for each false document identified in a similar way to fingerprints or DNA. This tool can be used for the early detection, identification and tracking of international criminal networks that use false documents. By using this tool, France profiled more than 260 documents and created 30 series covering 40% of the recorded documents.

Austria, Finland, Germany, the Netherlands, Romania, the United Kingdom and Norway will participate in the second test phase of the project, which will be implemented in 2020. Cyprus, the Czech Republic, Estonia, Greece, Ireland, Poland, Portugal and Spain will support ProfID.

267 BE, LV.
268 AT, BE, BG, CY, CZ, EE, FI, FR, HU, LT, LU, LV, SK.
269 AT, BE, CY, FI, FR, HU, IT, LT, LV, SK.
270 BG, CY, EE, SK.
271 BE, LV.
272 Belgium deployed documents verification officers to Pakistan and Kenia.
273 Germany deployed document and visa advisers to several transit countries and countries of origin.
274 Hungary deployed a document expert officer to Egypt and another one to Nigeria. Currently there are four of these officers deployed to third countries: Istanbul, Abuja, Ho Si Minh and Cairo.
275 CZ, HU, LU.
276 This system enables the recording and analysis of information on false travel documents and its transfer to the border police at international airports, and to the National Central Unit for Combating Organised Crime and other relevant actors.

Figure 7.1 – Detection of false travel documents. Top ten nationalities detected on entry at external borders.



*This designation is without prejudice to position on status, and is in line with UN Security Council Resolution 1244/99 and the International Court of Justice Opinion on the Kosovo declaration of independence.

Source: Frontex Risk Analysis for 2020

7.3. THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING') AND PREVENTION OF IRREGULAR STAY

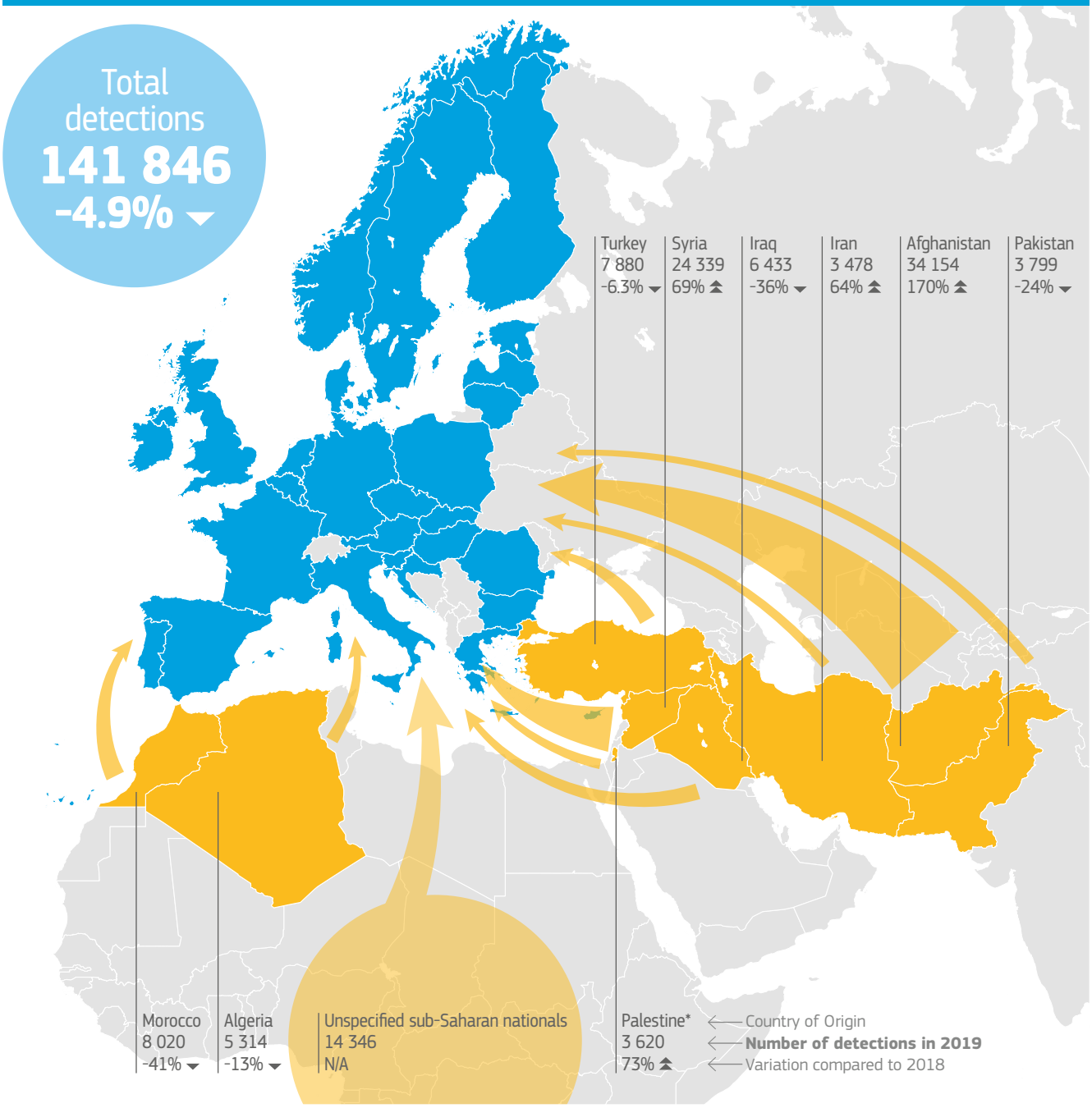
7.3.1. Combatting facilitation of irregular migration (smuggling)

In 2019, several Member States[277] increased efforts to curb the facilitation of irregular migration by implementing new measures and initiatives shaped to their specific national contexts.

Overall, cooperation with Frontex and EUROPOL for combating the facilitation of irregular migration continued in 2019. In particular, several Member States[278] highlighted their participation in Frontex coordinated operations as an instrument to combat migrant smuggling and irregular migration. Additionally, the Netherlands deployed two advisers to Greece to support the Greek authorities

277 AT, BE, CY, CZ, LT, LU, NL.
278 AT, BE, CY, CZ, FR, HU, LT, NL.

Figure 7.2 – Detection of irregular border-crossing between border crossing points. Top ten nationalities detected at the external borders.



*The designation of Palestine shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.
Source: Frontex Risk Analysis for 2020

in recognising and intercepting forged documents at Athens Airport. Hungary deployed police officers to several borders (Greece, Albania, Macedonia and Serbia) to reinforce border surveillance and prevent irregular migration. Austria organised a meeting with representatives from Afghanistan as part of the EU-funded project SILK ROAD[279] to enhance detection of criminal networks and improve border controls, through collaboration among criminal police forces and training programmes. Belgium reported that the migratory pressure posed by migrants who use facilitation services to reach the United Kingdom increased in 2019. France and the United Kingdom concluded a joint action plan on combating illegal immigration involving small boats crossing the Channel.

Some Member States[280] also adopted legislative measures to combat migrant smuggling. For instance, Luxembourg amended its Immigration Law to increase the fine to airlines transporting third-country nationals without adequate documentation.[281] Belgium adopted new guidelines for judges interpreting and applying the provisions related to the facilitation of irregular migration and irregular stay contained in the Belgium Immigration Law. Moreover, Belgium also updated its national action plan against migrant smuggling. It focussed on

279 See: https://www.bmi.gv.at/news.aspx?id=5068596863644D2B6148633D.
280 BE, CZ, LU.
281 Fines were increased from a maximum amount of €4 000 to a fixed amount of €5 000 per passenger.

the identification of migrant smuggling cases through monetary flows and money laundering as well as on the continuation of control activities with a particular focus on international cooperation and the provision of training to law enforcement authorities.

7.3.2. Prevention of irregular migration

For the prevention of irregular migration, several Member States launched new information and awareness-raising campaigns in third countries.[282] These information campaigns aimed mostly at discouraging irregular migration and provided information on legal alternatives as well as on the possibilities of return for those who were already in the countries of destination. For instance, Belgium launched an awareness campaign on the internet and social media to inform potential migrants about the risks of irregular migration, and the chances of being granted international protection or a residence permit in Belgium.[283] The campaign also aimed to inform third-country nationals already in Belgium on the possibility of return. Estonia (in cooperation with IOM) organised several information events targeting universities, employers and embassies to distribute information on legal entry into Estonia as well as departure from Estonia in case of unlawful stay. Austria organised a simulation on irregular migration to discuss flows of funding and financing models used in migrant smuggling, and to better understand irregular migration routes in order to prevent their use.

Additionally, some Member States[284] financed awareness campaigns run by IOM, including a programme in Libya in the context of the Migrant Resource and Response Mechanism (MRRM)[285] and the programme "Promotion of Migrant Women's Social Inclusion in Public Policies in Central America and the Dominican Republic" run by IOM's Regional Office for Central America, North America and the Caribbean that aimed to address some of the root causes of irregular migration such as gender-based violence and socio-economic inequalities. Luxembourg also funded a project managed by the NGO ECPAT targeting the smuggling and sexual exploitation of children.

Other practical measures adopted by Member States to prevent irregular migration included the improvement of the exchange of information among national authorities,[286] the organisation of capacity building activities in third countries[287] and the posting of police liaison officers to other Member States or third countries[288] to collect information on irregular migration routes and prevent irregular migration and secondary movements.

In 2019, some Member States also adopted legislative measures to strengthen existing sanctions against irregular migration by, for instance, imposing criminal sanctions (i.e. imprisonment)[289] and increasing the amount of administrative fines imposed on activities related to the facilitation of irregular migration.[290] The Czech Republic established in 2019 airport transit visas for nationals from Armenia to discourage them from filing manifestly unfounded asylum applications. Italy, for its part, passed a law stating that the Ministry of Interior may limit or ban the entry, transit and stop of ships in the territorial sea for reasons of public order and national security and establishing an administrative penalty in case of violation.

Box 7.3: The Netherlands – Information campaigns involving returning migrants

As part of a series of information campaigns implemented to discourage irregular migration, the Netherlands launched an initiative in Nigeria, Guinea, Côte d'Ivoire, Liberia, Senegal, Sierra Leone and The Gambia, employing returning migrants, who themselves started the journey to enter Europe irregularly, to warn potential irregular migrants against similar journeys.

In 2019, an evaluation report was published about an earlier phase of this project, which evidenced that this method had been effective in Senegal, where, some months after the campaign started, the intention to depart was reduced by 20%.

7.3.3. Prevention of illegal stay

In 2019, a few Member States[291] adopted legal policy and practical measures to prevent the illegal stay of third-country nationals. Cyprus and Hungary reinforced their controls throughout their respective territories to detect cases of illegal stay. The Netherlands launched a pilot project to set up national immigration facilities in several cities that aimed to seek sustainable solutions for migrants in an irregular situation in the country including return, transfer to another country and regularisation of their situation. For its part, the Czech Republic amended the Residence of Foreign Nationals Act to include the possibility to accelerate the removal of repeatedly convicted foreign nationals who were found to be illegally present in the territory. The main change was made in view of the severity of specific violations of this law.

Box 7.4: Belgium – "Reach Out" project

This project was launched on 1 October 2019 by the Federal Agency for the reception of asylum seekers (Fedasil) in collaboration with the French *Office français de l'immigration et de l'intégration (OFII)* and with the support of the European Return and Reintegration Network (ERRIN) and EUROCITIES, a network of major European cities.

The Reach Out project aimed to:

- Reach out to undocumented and homeless migrants (especially migrants in transit) to establish a relationship of trust and inform them about their rights in terms of access to the asylum procedure, reception, support and about the possibility of voluntary return.

282 BE, EE, IT, NL.
283 Special attention was given to Moroccans, Palestinians, Afghans, Guineans, visa free nationalities like Albanians and Georgians, and migrants in transit in Belgium.
284 LU, NL.
285 NL.
286 BE, EE.
287 NL.
288 DE, FR, NL.
289 FI.
290 IT.
291 BE, CY, CZ, FR, HU, IE, NL.

For this purpose, the project recruited one coordinator and four outreach workers (two each in Belgium and France) who meet once a week to organise outreach activities (alternating between Belgium and France).

■ Create a community of practice where cities can exchange information and good practices on outreach to and return of undocumented migrants. The following cities are part of this community of practice: Ghent (BE), Antwerp (BE), Utrecht (NL), Amsterdam (NL), Milan (IT) and Newcastle (UK). This community was established in cooperation with EUROCITIES. The 'kick-off' for this component was held in Amsterdam on 14 November 2019. The project received funding from AMIF.

7.3.4. Cooperation with third countries to prevent irregular migration

In 2019, cooperation between Member States and third countries for the prevention of irregular migration continued. The type of measures adopted by Member States varied depending on the region.

On the one hand, cooperation with Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) focused mostly on the organisation of meetings and study visits,[292] joint operations[293] and training activities.[294] Similarly, with the Western Balkans countries (i.e. Albania, Bosnia and Herzegovina, Kosovo*, Macedonia, Montenegro and Serbia), Member States prioritised the reinforcement of bilateral cooperation in migration and security[295] as well as the deployment of liaison or police officers[296] and border guards to reinforce border control. Additionally, some Member States also carried out capacity building activities[297] to reinforce border management in those countries. France, in cooperation with the United Nations Office on Drugs and Crime (UNODC), organised a seminar in Bosnia and Herzegovina to address issues related to irregular migration.

On the other hand, cooperation with Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestine*, Syria and Tunisia) varied from the organisation of information campaigns[298] and capacity building activities[299] to the reinforcement of police cooperation to prevent irregular migration.[300] As an example of the latter, the Spanish migratory policy of mutual support with Morocco reduced the number of total irregular arrivals to Spain by 46.9% in 2019. Spain also organised joint patrols with the National Gendarmerie of Mauritania, developed under the Memorandum of Understanding between the two countries in order to improve the surveillance of air, land and sea borders. In the framework of existing agreements with Tunisia, France installed automated fingerprint identification systems in several Tunisian consulates in France. Moreover, several Member States[301] also funded projects that aimed to address the root causes of irregular migration by improving living conditions in countries of origin and transit. For example, the Czech Republic provided financial support to several programmes providing health care and educational support to Syrian refugees in Jordan as well as to a health facility serving Malian refugees in Mauritania.

With regard to cooperation with Countries in the African Atlantic coast (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Ivory Coast etc.), Member States mostly focused on the delivery of training, capacity building and provision of technical equipment to reinforce border security.[302] For instance, Germany and the Czech Republic provided new equipment to border authorities in Gambia and the former also contributed with technical equipment for the provision of training in document verification to Nigeria. France, for its part, provided Senegal with new equipment to detect document fraud. Additionally, France signed a new agreement with Niger to extend the deployment of three liaison officers in the country and funded a joint investigation team initiative in the context of the regional conference of general directors and senior commanders of security forces in charge of combating migrant smuggling that took place in Côte d'Ivoire in 2019. Italy also signed an agreement for the provision of funding to UNODC to strengthen judicial and police instruments in the fight against irregular migration and trafficking in human beings in Niger. Additionally, Italy also set up a fund under the Ministry of Foreign Affairs devoted to funding cooperation measures with a particular focus on the readmission of irregular migrants. The UK funded a programme in Nigeria and Niger that aimed to strengthen collaboration amongst law enforcement officials to address people smuggling and human trafficking. As part of an EU funded project, Spain and France also supported the work of a team to combat irregular migration in Mali. Spain finalised the Blue Sahel project, which included carrying out training courses on illegal immigration in all the countries associated with the project (Mauritania, Mali, Senegal, Cape Verde, The Gambia, Guinea-Bissau and Guinea Conakry), to strengthen the protection of migrants' rights, with particular regard to asylum seekers, victims of trafficking in human beings, unaccompanied minors, apprehended irregular migrants and migrants in vulnerable situations, training on cross border patrols, inland waterway surveillance courses in Senegal river.

Box 7.5: The Netherlands – Contribution to the 'Gaps and Needs Assessment of the Ghana Immigration Service' project

The Netherlands contributed to the 'Gaps and Needs Assessment of the Ghana Immigration Service' Document Fraud Expertise Centre (DFEC). This contribution was embedded in a larger project: 'Strengthening Border and Migration Management in Ghana,' which is supported by the Embassy of

292 AT, EE, FI, LV, SK.
293 LV.
294 DE.
295 AT, CZ, SI.
296 CZ, HU.
297 CZ, DE.
298 FI.
299 DE, NL.
300 AT, DE, ES, FR, SK.
301 FI, CZ, SK.
302 BE, CZ, DE, FR, NL.

Denmark and is being implemented by the ICMPD (International Centre for Migration Policy Development). The Dutch in-kind contribution consisted of involvement of the Immigration Liaison Officer (ILO) Back Office (Immigration and Naturalisation Service). ILO Accra provided training in document investigation for 60 staff members of the Ghana Immigration Service (GIS). In addition, the ILO Back Office facilitated a source investigation in the Netherlands (with external DOC2-training) for the 10 high potentials, and a 'Training of Trainers' programme will take place in 2020.

Source: NL national report

Box 7.6: Finland - Information campaign to address the root causes of migration

The Finnish Ministry for Foreign Affairs is running migration information campaigns which aim at tackling root causes of irregular migration. In 2019, there were information campaigns in Afghanistan and Iraq, which were aimed at youth and underlined peace making and reconciliation. The goal of the campaign was to prevent or at least alleviate issues that cause marginalization, radicalization and a sense of having no future prospects among youth. This, in turn, would prevent them from turning to illegal means such as human smuggling or joining extremist organizations. The project aimed at promoting peace, conflict resolution and strengthening youth's belief in their agency and political participation as well as strengthening their media literacy and offer opportunities for international networking.

7.3.5. Monitoring and identifying irregular migration routes

Just a few Member States reported new developments with regard to identifying, monitoring and aggregating information on irregular migration routes in 2019.[303] For example, Belgium set up a rapid alert system to monitor new trends in irregular migration that allows the immigration office to immediately share the information collected with the relevant authorities in order to tackle those new trends. In the same vein, Germany developed a new risk analysis product similar to Frontex Common Integrated Risk Analysis Model that produces reports on existing threats on a quarterly basis. Slovenia further developed an application that stores the personal data of migrants crossing the border in order to improve the state's response to migratory flows.

303 BE, CY, DE, FR, LV, SI.

8. TRAFFICKING IN HUMAN BEINGS

KEY POINTS:

- In 2019, the European Commission started the data collection phase for the Third progress report in the fight against trafficking in human beings (THB). The need to step up efforts to bring THB perpetrators to justice and to protect children against THB remained high in the EU agenda to combat THB.
- The majority of Member States introduced new legal and policy measures to revise their national strategic approach on THB, either by adopting new legislation to step up the fight against THB, adopting or drafting new national strategies or plans to fight THB — including the protection of child victims — or by nominating new contact points/national coordinators for THB.
- Several Member States increased cooperation on the provision of assistance to victims at national level also by issuing new guidelines and by improving communication among national stakeholders.
- Several Member States strengthened their national cooperation mechanisms to improve the identification of THB victims by organising networking events or implementing structural changes. A number of Member States also sought to foster cooperation in the fight against THB at EU level by organising multilateral events and participating in joint investigations and joint action days.
- Some Member States reported on developments to enhance cooperation with third countries to combat THB. Most of the reported developments focused on the delivery of capacity building and awareness-raising activities.

8.1. DEVELOPMENTS AT EU LEVEL

An EU-wide data collection and preparations for the Third progress report in the fight against trafficking in human beings (THB)[304] of the European Commission was launched in 2019 in close cooperation with relevant national authorities, civil society organizations and EU agencies. The biennial exercise is based on Article 20 of the EU Anti-Trafficking Directive,[305] which is the key legislative document to fight THB.

On the occasion of the 13th Anti-trafficking day, the European Commission called for Member States to step up efforts to bring THB perpetrators to justice. In 2019, the European Union Agency for Criminal Justice Cooperation (Eurojust) assisted Member States in around 400 THB cases with transnational nature and supported more than 60 Joint Investigation Teams and four Action Days focusing on THB cases.[306]

In 2019, the protection of children against THB remained high in the EU's agenda to combat THB. The EU Agency for Fundamental Rights (FRA) published a Guide to enhance child protection with a focus on child victims of trafficking that focuses on transnational cooperation among Member States, including law enforcement and judicial cooperation.[307] The guide was developed in close cooperation with the Office of the EU Anti-trafficking Coordinator and responded to the priorities set forth in the 2017 Communication on Stepping up EU action against trafficking in human beings[308] and in line with the 2018 EU Agencies' Joint Statement of commitment to address trafficking

304 Trafficking in human beings (THB) is a violation of fundamental rights, explicitly prohibited under Article 5 of the EU Charter of Fundamental Rights and a serious form of organised crime, with references in Art. 83 (organised crime) and Art.79 (irregular migration) of the Treaty on the Functioning of the European Union (TFEU).
305 Directive 2011/36/EU of the European Parliament and of the Council of 5th April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2011:101:TOC, last accessed on 22 April 2020.
306 Eurojust, Annual Report 2019, http://www.eurojust.europa.eu/doclibrary/corporate/eurojust%20Annual%20Reports/Annual%20Report%202019/AR2019_EN.pdf, last accessed on 22 April 2020.
307 See: https://fra.europa.eu/en/news/2019/10-ways-protect-children-deprived-parental-care-and-combat-child-trafficking
308 European Commission, 'Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions', 2017, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/20171204_communication_reporting_on_follow-up_to_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf, last accessed on 22 April 2020.

in human beings signed by ten EU agencies.[309] In the context of the 30th anniversary of the UN Convention on the Rights of the Child, the European Parliament issued a Resolution stressing *inter alia* the importance for Member States to take actions to ensure accountability towards children victims of THB.[310] Additionally, in 2019 the Council of the EU published several conclusions related to THB, including those on combating sexual abuse of children[311] and on victims' rights.[312]

With regard to financial support, under the AMIF 2019 Funding Call, the Commission committed to providing funding to projects aiming at helping third-country national victims of trafficking gaining access to and realising their rights.[313] Similarly, through the Internal Security Fund Police (ISF Police) 2019, the Commission published a call for proposals on joint actions against THB to address impunity.[314] Additionally, in 2019, the EU, in cooperation with UNODC, also launched a three-year project aimed at dismantling migrant smuggling and human trafficking criminal networks operating in North Africa.[315]

8.2. NATIONAL STRATEGIC POLICY DEVELOPMENTS

In 2019, most Member States revised their national strategic policies in the field of THB.[316] Several Member States[317] adopted new legislation or policy measures aiming at stepping up the fight against human trafficking[318] or improving the protection of trafficking victims.[319] In particular, those legal measures addressed child trafficking and exploitation in Hungary, work exploitation and unlawful employment in Germany, financial investigations in cases of human trafficking in Luxembourg, an increase in the sanctions for human trafficking-related offences in Cyprus and an improvement of victims' access to social services and benefits in the Slovak Republic. Bulgaria amended its Law on Combating Trafficking in Human Beings to establish *inter alia* a recovery and reflection period of minimum 30 days for victims of trafficking. Additionally, two Member States also adapted their national legal frameworks to comply with some of the obligations set in different international conventions linked to the fight against THB including the Council of Europe Convention against Trafficking in Human Organs[320]and the Council of Europe Convention on actions against THB.[321] Ireland ratified the International Labour Organisation (ILO) Forced Labour Protocol[322] in February 2019.

From a policy perspective, ten Member States[323] adopted or were in the process of drafting new national strategies or plans to fight THB. In addition, Germany and France published a national strategy on protecting children victims of trafficking and Luxembourg launched its second national promotion program of sexual and emotional health that aims to prevent sexual exploitation through education. Some Member States implemented structural changes or created national contact points, national coordinators, working groups or special units for combating THB.[324] Several Member States[325] also developed new policies and protocols for the prevention, identification and protection of trafficking victims.[326] For instance, Cyprus developed a new referral form to identify and refer potential victims of trafficking and Germany launched a handbook for law enforcement authorities on combating human trafficking, labour exploitation and forced labour.

In practice, some Member States also increased their capacity to assist trafficking victims by opening new facilities and centres to host these individuals (i.e. male victims,[327] children,[328] female victims[329] and victims with special care needs[330]). Ireland was in the process of negotiating an agreement with an NGO to guarantee long term independent accommodation for victims of trafficking.

309 European Commission, 'Joint Statement of commitment to working together against trafficking in human beings', 2018, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_agencies_joint_statement_of_commitment_to_working_together_to_address_thb.pdf, last accessed on 22 April 2020.
310 European Parliament, European Parliament resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child (2019/2876(RSP)), 2019, https://www.europarl.europa.eu/doceo/document/TA-9-2019-0066_EN.pdf
311 Council, Council conclusions on combating the sexual abuse of children, 2019, https://data.consilium.europa.eu/doc/document/ST-12862-2019-INIT/en/pdf, last accessed on 22 April 2019.
312 Council, Draft Council Conclusions on Victims' Rights, 2019, https://data.consilium.europa.eu/doc/document/ST-14056-2019-INIT/en/pdf, last accessed on 22 April 2020.
313 See: https://ec.europa.eu/migrant-integration/news/amif-2019-funding-call-support-to-victims-of-trafficking-in-human-beings
314 See: https://ec.europa.eu/home-affairs/content/call-proposals-joint-action-against-trafficking-human-beings-addressing-culture-impunity_en.
315 See: http://www.unodc.org/unodc/en/frontpage/2019/August/the-european-union-and-unodc-launch-15-million-euro-project-to-dismantle-migrant-smuggling-and-human-trafficking-criminal-networks-in-north-africa.html.
316 AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, IT, LV, LU, MT, NL, PT, SI, SK.
317 BE, BG, CY, DE, FI, HU, LU, PT, SK.
318 CY, FI, HU, SK.
319 BG, EE, FI, HU.
320 BE, PT.
321 BE.
322 P029: Protocol of 2014 to the Forced Labour Convention, 1930
323 BG, CY, ES, FI, FR, HU, IT, MT, SI, SK.
324 DE, ES, FI, LU, NL, SK.
325 EE, NL, LV, PT, SK.
326 In Portugal it targeted children victims of trafficking.
327 LU, PT.
328 PT.
329 LU.
330 NL.

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

8.3.1. Provision of information on assistance and support to third-country national victims

In 2019, a majority of Member States[331] adopted legal, policy or practical measures consisting of the delivery of training and a reinforcement of national and EU cooperation to better support trafficking victims.

Thus, in order to continue improving the provision of assistance to victims, most Member States[332] organised awareness-raising campaigns. The awareness-raising campaigns consisted mostly of the distribution of brochures in several languages to NGOs, law enforcement authorities and (potential) trafficking victims[333], the display of billboards/posters in key locations,[334] social media campaigns,[335] the preparation of videos,[336] the launch of new websites[337] to raise awareness on THB as well as seminars[338] and training courses[339]. Malta for its part launched a national education campaign ("Human, Like You") to raise awareness on human trafficking and indicators of exploitation that included television adverts, education material for schools and a photography exhibition. In cooperation with former trafficking victims, the Netherlands developed a toolkit with guidelines for staff and volunteers when providing asylum seekers with information on trafficking in human beings and how to access assistance. The United Kingdom organised training for frontline staff working with victims of THB who were homeless.

Moreover, a number of Member States[340] reinforced cooperation mechanisms at national level to better assist trafficking victims. Some of the policy measures taken in this context included the adoption of new guidelines for the provision of services to trafficking victims.[341] In Finland, there was a change in the legal interpretation of the assistance services' obligation to report suspected victims of human trafficking to the police in order to encourage victims to seek assistance without fear of being reported to the police. Croatia amended its protocol on the integration/reintegration of trafficking victims in order to clarify the distribution of competences and procedures to be followed.

Several Member States[342] also adopted practical measures for improving communication and cooperation among the different stakeholders involved in the provision of services to trafficking victims. For example, Lithuania established a national association against THB that sought to improve coordination in the provision of assistance to trafficking victims and the Netherlands further developed their national network of care coordinators.[343]

Additionally, Member States continued reinforcing cooperation on the provision of assistance to trafficking victims at EU level, mostly through the participation in multilateral meetings (i.e. the meetings of EU Anti-Trafficking Coordinators and Rapporteurs) or action days on this topic (EUROPOL and Eurojust Action Days) (see also 8.1).

Box 8.1: European Crime Prevention Network campaign #PREVENTHUMANTRAFFICKING

A large majority of Member States[344] participated in an awareness-raising campaign organised in cooperation with the European Crime Prevention Network (ECPN) that aimed at informing:

- (potential) victims that they could be or become a victim of THB
- victims of THB where they can find help, protection and information
- victims of THB that they have EU-wide rights: Assistance & support, Protection, Compensation, Human & labour rights, Reflection period & Residence rights and Reintegration.

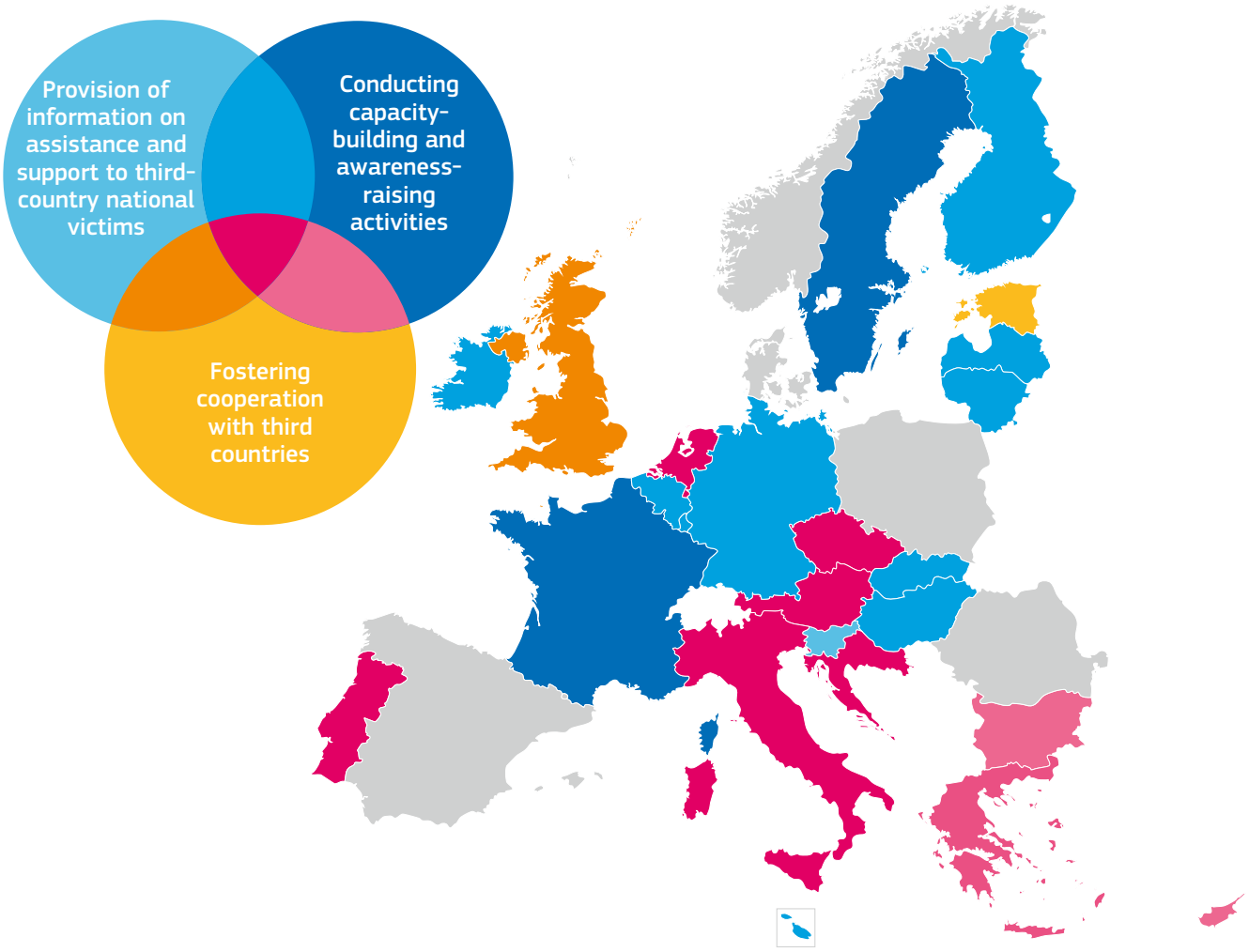
The campaign '#YouHaveRights!' was launched on 17 October 2019 and included a poster, sticker and video. The material was distributed at hot spots such as airports, borders, embassies, consular posts, public transportation, malls, fuel stations, social media etc.

Box 8.2: Agreement among Benelux countries

In 2019, the Netherlands, Belgium and Luxembourg signed a Declaration of Intent to take further steps in the cooperation against trafficking in human beings within the Benelux countries. By signing this Declaration, the Benelux countries state that they want to strengthen the identification and protection of victims of trafficking in human beings within the EU. As part of this Declaration, attention was also paid to the identification of third-country national victims who were exploited in a country other than the one where they asked for assistance.

331 AT, BE, CZ, DE, EL, FI, HR, HU, IE, IT, LV, LT, LU, MT, NL, PT, SI, SK, UK.
332 AT, BE, CY, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LU, LV, NL, PT, SI, SK, UK.
333 BE, CZ, HR, LU.
334 CZ, IE, LU, SK.
335 EE, IE, IT, LU, MT.
336 CZ, EE, IT, NL.
337 LU, MT.
338 IT.
339 FR, UK.
340 CY, EL, FI, FR, HR, HU, LT, NL.
341 FI.
342 CY, FR, LT, PT, SK.
343 A care coordinator is a specialist on the relevant procedures with specific knowledge about the available help and care for victims of human trafficking in a specific region of the Netherlands.
344 AT, BE, BG, CY, CZ, EE, EL, HR, HU, IE, LV, LT, LU, MT, NL, PL, PT, RO, SI, SK.

Figure 8.1 – Measures to improve identification and provision of information to third-country national victims of human trafficking in the Member States



Source: European Migration Network

8.3.2. Identification of victims of trafficking in human beings

In order to continue improving their capacity to identify trafficking victims, a majority of Member States[345] carried out capacity-building and awareness-raising activities (i.e. training activities, workshops, events, conferences and guidelines). Awareness-raising and training activities focused mostly on the early identification of victims and on the development of indicators of THB. Some of the organised activities also provided information on the legal framework applicable to THB and on the national referral mechanisms. Training activities targeted primarily law enforcement authorities,[346] immigration and asylum authorities[347] and healthcare professionals.[348] Other stakeholders who received training on the identification of victims of THB included social workers,[349] personnel in reception and detention centres,[350] prosecutors and Judges,[351] personnel from NGOs and victims' protection associations,[352] personnel from municipalities,[353] as well as labour inspectors,[354] diplomatic and consular staff[355] and teachers.[356] Apart from the training activities organised at national level, several Member States also highlighted their participation in EASO and/or CEPOL training activities on identification of trafficking victims in 2019.[357]

345 AT, BE, BG, CY, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PT, SE, SK.
346 BG, CY, CZ, DE, EE, FI, FR, HR, HU, IT, LT, LV, NL, PT, SK.
347 AT, CY, DE, EE, IT, LU, LV, SE.
348 BG, CY, HU, IE, IT, LU, LV, NL, UK.
349 BG, FR, HU, IT, LU, SK.
350 CY, FR, HU, IT, SE, SK.
351 BG, CZ, EE, FR, HR, HU, IT.
352 AT, BG, EE, LU, UK.
353 NL.
354 AT, CZ, EE, FR, NL.
355 BG, CZ, SE, SK.
356 SK.
357 CY, DE, HU, IT.

Member States also sought to raise awareness on the fight against THB through the organisation of conferences and events for the provision of information on indicators of THB, identification of victims and the exchange of good practices. The issue of exploitation of children continues being one of the main areas of concern for Member States. A number of projects, training and awareness-raising activities addressing this issue were organised in 2019.[358] For example, Finland published a report on trafficking of children and young persons that sought to provide information on how cases of trafficking in children can be identified and reported. Croatia organised a roundtable on trafficking for the purpose of sexual and labour exploitation of children and youth. Estonia and Ireland reinforced their cooperation with the hospitality sector to raise awareness around child trafficking and empower hotel management and staff to identify vulnerable children in order to help combat this crime.

Several Member States[359] strengthened their national cooperation mechanisms to improve the identification of victims of trafficking. A number of Member States did so through the organisation of national networking events, conferences and meetings that brought together the different stakeholders involved in the identification of and assistance to victims of trafficking (i.e. police officers, ministries, civil society organisations, labour inspectors, child protection units etc.).[360] Other Member States implemented structural changes to reinforce cooperation among national authorities (see also 8.3.1). In Bulgaria, for example, the National Commission for Combating THB launched an initiative to increase cooperation among state institutions, businesses and trade unions in combating trafficking for labour exploitation. The United Kingdom created a new unit responsible for all National Referral Mechanism decisions and Poland established a Committee for THB under the Ministry of Interior. On the other hand, a few Member States increased cooperation at national level by organising joint operations and by implementing and funding several interinstitutional projects.[361] Ireland introduced the Criminal Justice (International Cooperation) Act 2019 to better facilitate the participation of members of *An Garda Síochána* in joint investigation teams.

Reinforced cooperation among Member States was also an important element of the fight against THB in 2019. A number of conferences, meetings and workshops on THB were organised across the EU to deal with topics related to child trafficking, possibilities for international cooperation and the use of the referral mechanisms among others.[362] Activities organised in 2019 in cooperation with EUROPOL in the framework of EMPACT THB were reported by several Member States as an instrument to reinforce anti-trafficking cooperation at EU level.[363] In particular, a number of Member States participated in several EUROPOL Joint Actions days to combat specific forms of THB including labour exploitation, exploitation of children, sexual exploitation and exploitation for forced criminality.[364] Additionally, Slovak Republic and Lithuania[365] posted police officers to other Member States to increase cooperation in combating THB. Malta and Cyprus also took part in joint investigations on sexual exploitation and trafficking for the purpose of committing crimes and sham/ forced marriages respectively.

Box 8.3: Portugal – App "Acting against Trafficking in Human Beings"

The Portuguese Observatory on Trafficking in Human Beings in cooperation with the NGO "*Movimento Democrático de Mulheres*" developed a free App for smartphones named "Acting against Trafficking in Human Beings" (ACT). The main objective of this App is to act as a digital tool to support professionals on the identification and assistance to THB victims in the framework of the National Referral System as well as to act as a tool to be used by the general public and potential vulnerable groups. The App will be available in Portuguese, English, Spanish, Russian, Romanian and French and will provide information on: a) General overview of what is THB; b) Legal framework; c) Main indicators; d) Contacts for the assistance and support to THB victims; e) How to prevent; f) Main resources; g) How to denounce.

Box 8.4: Erasmus+ project – Provision of training for social workers

A new project, co-financed by the Erasmus+ programme, has enabled four European Union countries (Cyprus, France, Italy and Spain) to take part in training activities for social workers on cross-border cooperation and new technologies in the field of trafficking in human beings. This project aims at promoting, developing and strengthening the knowledge and skills of social workers in the field of identification, accompaniment and protection of victims of trafficking in human beings. Between March and June 2019, 33 professionals took part in nine cross-border training courses, organised in the four partner countries.

8.3.3. Cooperation with third countries

Ten Member States[366] reported new developments in cooperation with third countries on the prevention and fight against trafficking in human beings. The types of measures adopted varied considerably among Member States.

Nine Member States[367] organised training and awareness-raising activities with third countries. Most of those activities focused on strengthening third countries' capacity to detect and combat THB. For instance, Italy, the Netherlands and Portugal provided funding to UNODC projects to combat THB. In the case of Italy, the funding provided

358 CY, EE, FI, FR, IE, IT, LV, NL.
359 BG, CY, CZ, DE, HR, IE, LU, LV, MT, NL, PT, SE, SK, UK.
360 DE, FR, HR, MT, NL.
361 CY, CZ, HR, FR, IE, NL, SE.
362 BE, CY, DE, HR, LU, NL.
363 CY, CZ, FR, NL, HR, SK.
364 CZ, FR, HR, IE, SK.
365 Lithuania deployed a police officer to the United Kingdom.
366 AT, BG, CY, CZ, EE, EL, HR, IT, NL, PT, UK.
367 AT, CY, EE, FR, HR, IT, NL, PT, UK.

aimed at strengthening judicial and police instruments in the fight against THB in Niger. The Netherlands funded UNODC projects aiming at strengthening the national capacities of Egypt and Morocco to detect, investigate, prosecute and adjudicate crimes of human trafficking, migrants smuggling and money laundering as well as to improve the legal framework and capacity of investigative and judicial entities in the field of THB in Western African countries. In the case of Portugal, the funding provided to UNODC aimed to improve the criminal justice response to trafficking in persons and strengthen the protection of victims in Guinea-Bissau. The Netherlands also funded an IOM project in Nigeria that aimed *inter alia* to reinforce the country's capacity to prevent THB and to improve the legal framework and capacity of investigative and judicial entities in the field of THB in Western African countries. France further reinforced its cooperation with Nigeria by carrying out several field-visits to the country and implementing a project to better protect Nigerian women who are victims of trafficking in the EU. Additionally, Italy launched a project to fight THB in Niger through institutional support and the strengthening of administrative capacities. Portugal participated in a workshop in Moldova to share best practices on victims' rights to compensation and rehabilitation. Croatian law enforcement authorities participated in a training to enhance cross-border cooperation in investigations and criminal prosecution of THB organised by Bosnia and Herzegovina, France and UNDOC. The United Kingdom continued providing training and organising awareness raising activities to prevent THB in third countries (i.e. Nigeria, Albania, Vietnam, the Philippines) as part of the Home Office Modern Slavery Fund.

A couple of Member States participated in training and events on human trafficking organised by Interpol in Ukraine[368] and Serbia.[369] Additionally, three Member States[370] reported having reinforced cooperation with third countries through the setup of joint investigation teams. Bulgaria, for its part, signed a protocol on cooperation in combating trafficking in human beings and the provision of support to trafficking victims with the Republic of North Macedonia.

368 CY.
369 CY, HR.
370 AT, CY, FR.

9. RETURN AND READMISSION

KEY POINTS

- Member States introduced legislative changes with regard to the issuing of return decisions. In the majority of cases, such changes aimed to further clarify the legal basis and scope of return decisions, whilst others aimed to speed up or simplify their implementation. Amendments were also introduced to tighten national rules with regard to the issuing entry bans. Restrictions to subsequent applications by third-country nationals were also introduced.
- At the same time, Member States continued to implement a broad range of activities to further support assisted voluntary returns. National authorities further invested efforts in providing information regarding assisted voluntary returns including legal and psychological support as well as extending the scope of programmes. New or already established programmes supporting voluntary return were mostly implemented by the International Organization for Migration (IOM)[371] and funded through AMIF.
- Finally, the majority of Member States reported cooperation activities with third countries with regard to return and readmission. This included consultations and negotiations with third-country authorities, strategic visits to third countries to discuss and strengthen awareness of return priorities as well as negotiating/signing new readmission agreements. Awareness raising on return was one of the main priorities of Member States' activities, with activities being implemented both within the EU as well as directly in third countries.

9.1. DEVELOPMENTS AT EU LEVEL

9.1.1. Enhancing return migration management including cooperation among EU member states on return practices

Throughout 2019, the European Commission continued to work with third countries on the implementation of the existing 23 readmission instruments (17 agreements and 6 non-legally binding arrangements). Moreover, negotiations of new readmission agreements (with Nigeria, Tunisia, China) were advanced and a readmission agreement with Belarus was finalised.

The Commission also continued to work on improving third countries' capacity to carry out effectively readmission procedures through, for example, the development of Readmission Case Management Systems in Bangladesh, Pakistan, Sri Lanka, Ukraine and Azerbaijan and the support to practical cooperation of Member States through the European Migration Liaison Office and the European Return Liaison Officers.

The updated Visa Code was adopted by the EU Council in June 2019. The latter, inter alia, introduced a provision (art. 25 a) linking visa policy to readmission cooperation.

Throughout 2019, the European Border and Coast Guard Agency (Frontex) was strengthened in terms of staff and technical equipment. It was also given a broader mandate to support Member States' activities, including on return and cooperation with third countries. Finally, negotiations on the revised Return Directive were advanced. The aim of the proposed new rules is to speed up return procedures, prevent absconding and secondary movements, and increase the rate of returns.

9.1.2. Summary of the EMN REG return and reintegration activities developed during 2019

In 2019, the EMN Return Expert Group (REG) continued to connect key stakeholders, including from Member States, representatives of EU funded programmes and other stakeholders on issues relating to return.

Established in 2013 as a part of the EMN, the REG functions as a platform for practical cooperation and the

371 BE, CY, CZ, EE, HR, LV, NL, PT, SK.

sharing of good practice and expertise on return, providing a structure for planning, follow-up and monitoring of return activities in the EU. The REG is chaired by the European Commission and is divided in two constituencies, a practitioner and a wider group.

Over the course of 2019, the REG met three times in both its constituencies, allowing its members to share and validate the information collected not only with Frontex, EASO, Eurostat, the JRC, ERRIN (European Return and Integration Network), EURINT (European Integration Return Management Initiative) and European Return Liaison Officers (EURLO), but also with a broad range of international and non-governmental organisations active in the field of return. These organisations included: Caritas international, the International Organization for Migration (IOM), International Returns and Reintegration Assistance (IRARA), Detention in Action, PICUM- Platform for International Cooperation on Undocumented Migrants, Save the Children, UNICEF and Red Cross.

Moreover, the group cooperated throughout the year discussing different aspect of return information, outreach and counselling. The findings collected during plenary meetings and a series of thematic focus groups were compiled in two publications used by the European Commission DG Home to draft non-binding guidelines for Member States on the design and management of return counselling programmes.

Finally, the REG elaborated a tool for practitioners to share information about national assistance to return and reintegration.

9.2. MAIN NATIONAL DEVELOPMENTS IN THE FIELD OF RETURN

9.2.1. Swift, sustainable and effective return

9.2.1.1. General policy developments in the area of return

In line with the EU priority to adopt new and stronger rules to increase the effectiveness of return policies,[372] Member States introduced new measures to increase return rates and speed up return procedures, as well as prevent absconding and unauthorised secondary movements.

Nine Member States[373] passed new legislation, mainly to speed up and improve the enforcement of return decisions. For example, in the Czech Republic, a legislative amendment[374] was introduced to simplify the return procedure and accelerate removals (see section 9.2.1.2 below). Estonia introduced the possibility to make an agreement with suspected, accused or sentenced third-country nationals with regard to their departure from the country. In Finland, amendments to the Aliens Act aimed to speed up the enforcement of return decisions,[375] and at the same time introduced restrictions to subsequent applications by third-country nationals subject to an earlier negative decision on their admission or stay.[376] The German Act on Orderly Returns, adopted as part of the Migration Package[377] in June 2019 aimed to improve the identification of third-country nationals required to leave the country, by tightening requirements to obtain identity documents from their countries of origin, and to reduce the risk of absconding. New legislation entered into force in France[378] in January 2019 which aimed to increase the surveillance of third-country nationals (see section 9.2.1.5) and improve the effectiveness of house arrest following a return decision.

Italy[379] introduced legislative changes to simplify return procedures for citizens from safe third countries of origin. The procedure for repatriation of an applicant for international protection from one of the 13 countries on the list of "safe third countries" must now be completed within four months from the decision (compared to 180 days for third-country nationals not on the 'safe' list). In Hungary, an amendment was introduced [380] to speed up the return procedure in cases where the third-country national was the subject of a criminal investigation or imprisoned. The law also contained a time-limit for contesting a return decision, set at 24 hours from the communication of the order.

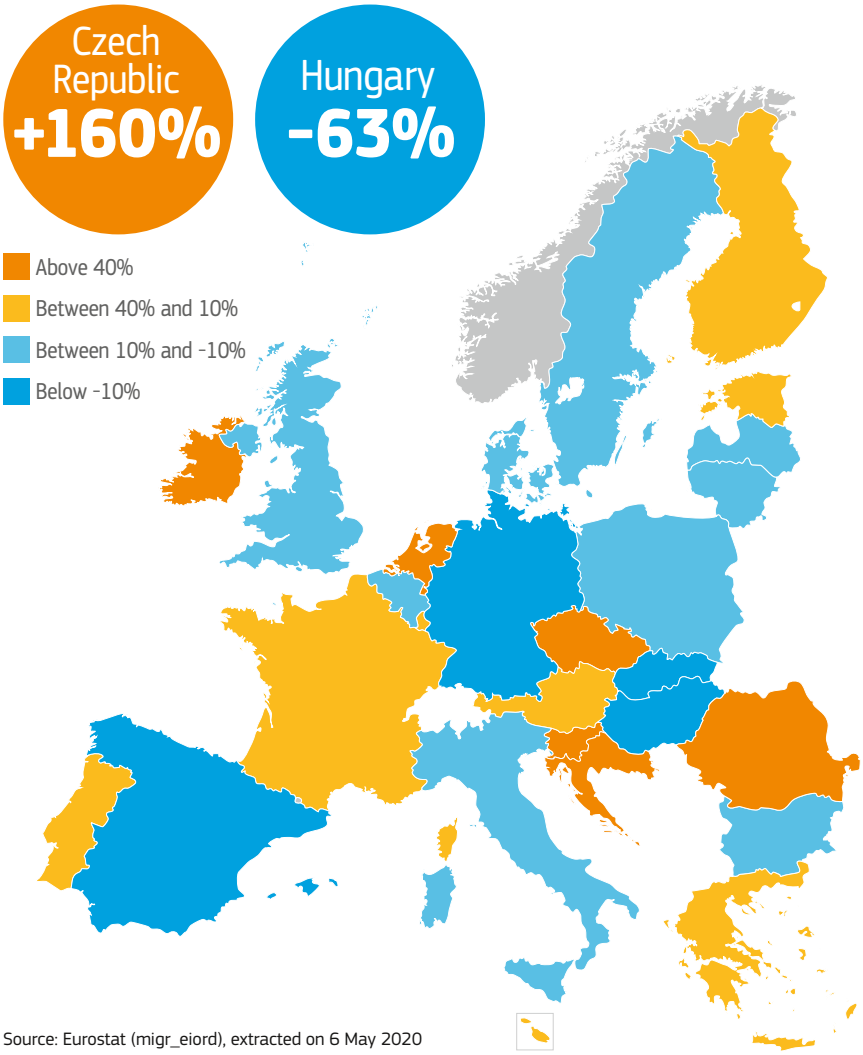
Legislative changes were also introduced in Luxembourg, clarifying the scope and definition of removal measures.[381] The latter included, *inter alia*, measures to determine the nationality and identity of the person subject to return in view of obtaining the documents required for the removal, as well as taking digital fingerprints and photographs. Furthermore, in order to facilitate the removal of third-country nationals, the Police is now able to access the place of residence of the latter, after being duly authorised by the First Instance Administrative Court, in cases when the foreigner or the owner of the property refuse access to the premises.

Policy changes were implemented in two Member States. In the Netherlands, a "return track" system was put in place to prioritise cases where documents for return were available and the third-country national was within a reception centre. Sweden established new enforcement

372 September 2018, European Commission, "A stronger and more effective European return policy"
373 CZ, EE, EL, FI, FR, DE, IT, HU, LU.
374 Amendment to Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic.
375 Certain removal decisions related to public order and security can now be enforced after 30 days from serving the decision.
376 From June 2019, subsequent applications do not prevent the enforcement of an earlier decision on denial of admittance/stay, if the subsequent application does not fulfil admissibility criteria and has been submitted only for the purpose of preventing/delaying return.
377 Including the Act on Orderly Returns.
378 Law No. 2018-778 of 10 September 2018 on controlled immigration, effective asylum and successful integration.
379 October 2019, Repatriation Decree of the Ministry of Foreign Affairs and International Cooperation adopted in agreement with the Ministry of the Interior and the Ministry of Justice,
380 Amending Act II of 2007.
381 Law of 4 December 2019 amending the Immigration Law.

Figure 9.1 – Third-country nationals ordered to leave in 2019

Variation of third-country nationals ordered to leave in 2019 compared to 2018

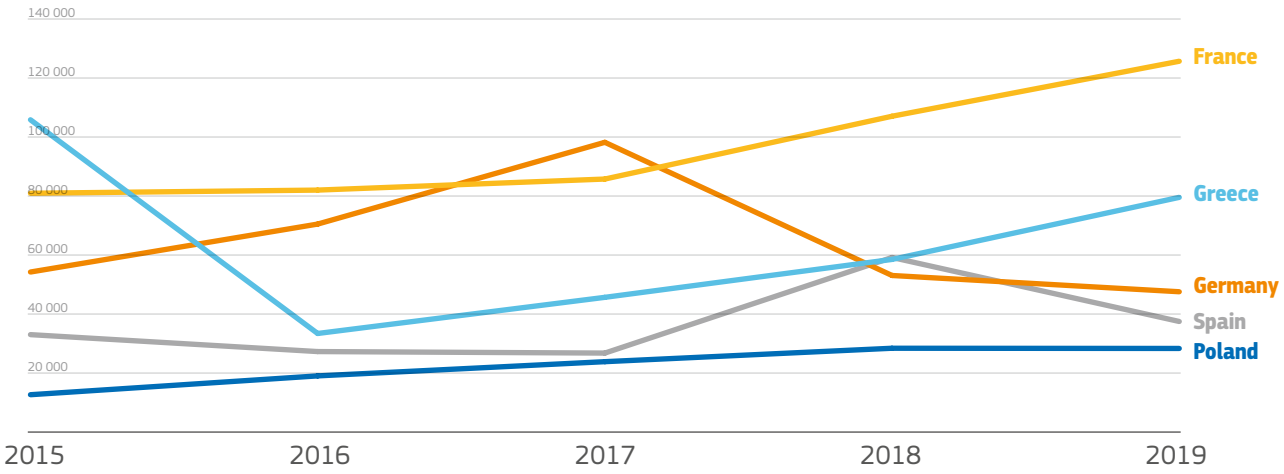


Source: Eurostat (migr_eiord), extracted on 6 May 2020

Numbers of third-country nationals ordered to leave by country

	2018	2019	Variation
Austria	10 690	13 960	30,6%
Belgium	24 160	22 010	-8,9%
Bulgaria	1 305	1 245	-4,6%
Croatia	6 350	15 510	144,3%
Cyprus	1 595	1 300	-18,5%
Czech Republic	3 445	8 955	159,9%
Denmark	4 155	3 920	-5,7%
Estonia	875	1 190	36,0%
Finland	5 435	7 395	36,1%
France	105 560	123 845	17,3%
Germany	52 930	47 530	-10,2%
Greece	58 325	78 880	35,2%
Hungary	8 650	3 235	-62,6%
Ireland	1 385	2 535	83,0%
Italy	27 070	26 900	-0,6%
Latvia	1 540	1 615	4,9%
Lithuania	2 475	2 320	-6,3%
Luxembourg	850	1 070	25,9%
Malta	515	620	20,4%
Netherlands	17 935	25 435	41,8%
Poland	29 375	29 305	-0,2%
Portugal	4 590	5 980	30,3%
Romania	2 080	3 325	59,9%
Slovak Republic	2 500	1 905	-23,8%
Slovenia	1 290	2 060	59,7%
Spain	59 255	37 890	-36,1%
Sweden	22 310	21 260	-4,7%
United Kingdom	21 490	22 275	3,7%

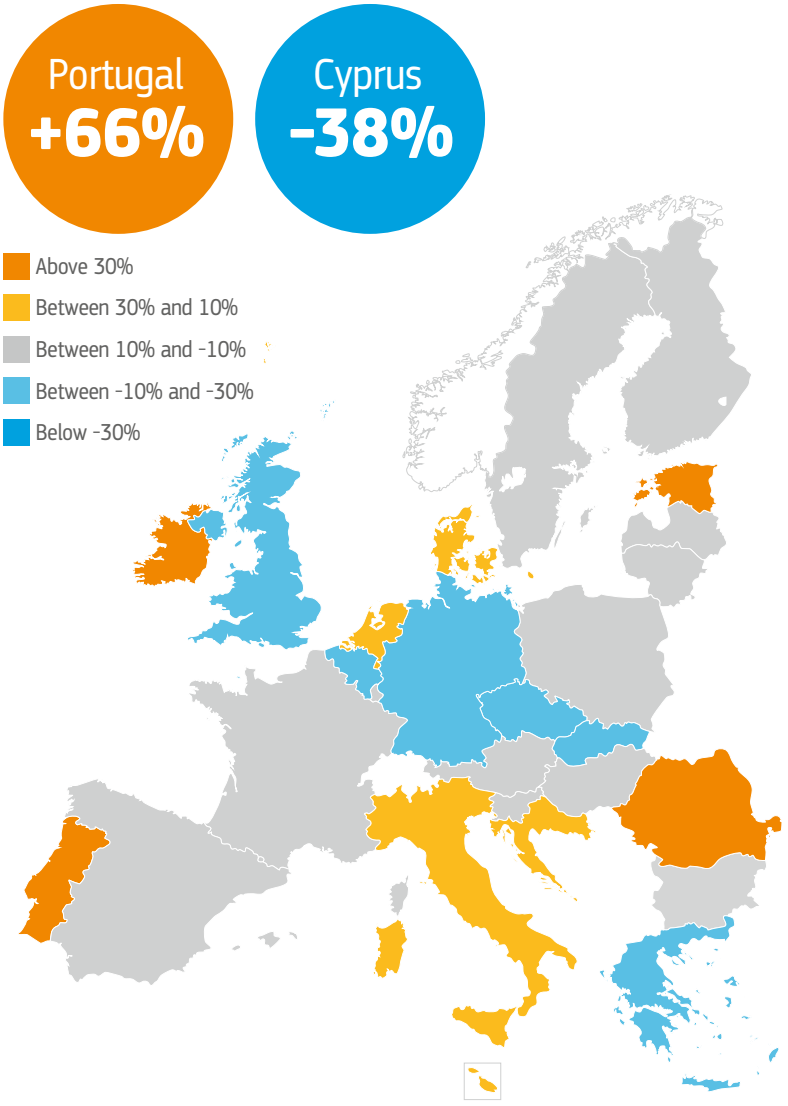
Countries reporting the highest numbers of third-country nationals ordered to leave (2015-2019)



Source: Eurostat (migr_eiord), extracted on 6 May 2020

Figure 9.2 – Third-country nationals returned to a third country following an order to leave

Variation of third-country nationals returned to a third country following an order to leave in 2019 compared to 2018

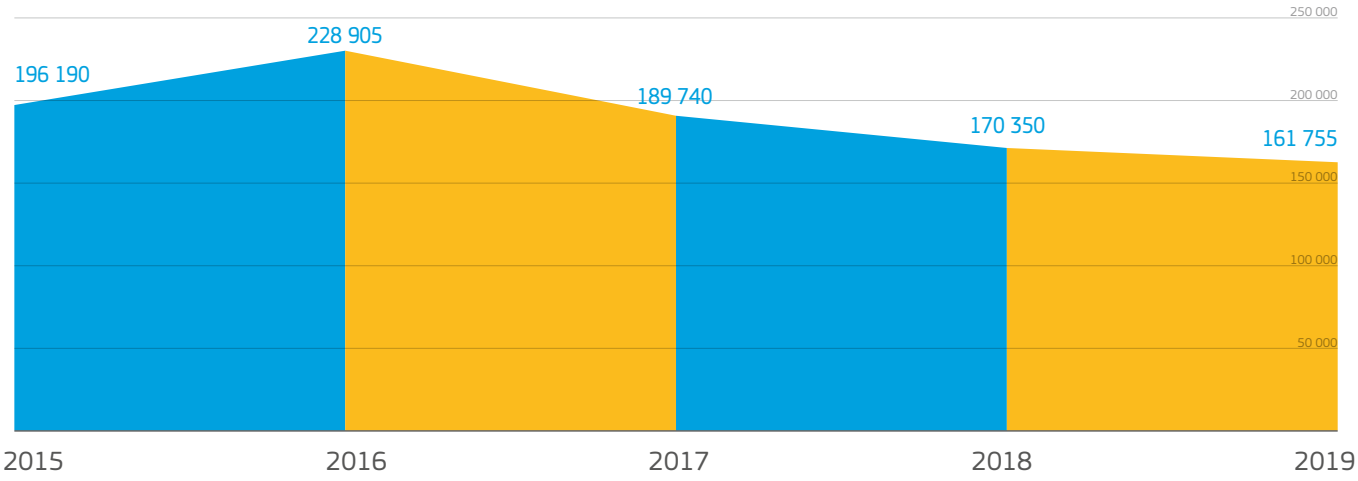


Source: Eurostat (migr_eirtn), extracted on 19 May 2020

Third-country nationals returned to a third country following an order to leave

	2018	2019	Variation 2018-2019
Belgium	4 585	3 940	-14,1%
Bulgaria	610	595	-2,5%
Czech Republic	720	580	-19,4%
Denmark	1 165	1 460	25,3%
Germany	29 055	25 140	-13,5%
Estonia	710	1 050	47,9%
Ireland	310	470	51,6%
Greece	12 465	9 650	-22,6%
Spain	11 800	11 525	-2,3%
France	15 445	15 615	1,1%
Croatia	2 165	2 390	10,4%
Italy	5 615	6 470	15,2%
Cyprus	730	455	-37,7%
Latvia	1 465	1 565	6,8%
Lithuania	2 110	2 015	-4,5%
Luxembourg	275	270	-1,8%
Hungary	875	810	-7,4%
Malta	530	600	13,2%
Netherlands	8 830	11 055	25,2%
Austria	6 805	6 800	-0,1%
Poland	25 700	25 895	0,8%
Portugal	280	465	66,1%
Romania	1 705	2 355	38,1%
Slovenia	150	155	3,3%
Slovak Republic	2 095	1 580	-24,6%
Finland	2 850	2 990	4,9%
Sweden	6 850	6 425	-6,2%
United Kingdom	24 455	19 435	-20,5%
TOTAL EU28	**170 350**	**161 755**	**-5,0%**

Third-country nationals returned to a thrid country following an order to leave - EU28 (2015-2019)



Source: Eurostat (migr_eirtn), extracted on 19 May 2020

measures to implement return, intended to improve the flexibility and effectiveness of the whole return process.

9.2.1.2. Issuing Return decisions

2019 marked an increase of 7.4 % of the number of return decisions compared to 2018. According to Eurostat data, 513 470 third-country nationals were ordered to leave in 2019. Despite the increase, the number of third-country nationals returned to a third country following an order to leave in 2019 was 5 % lower than in 2018 reaching the lowest number of returns in over a decade.[382]

Eight Member States introduced legislative changes with regard to the issuing of return decisions.[383] In the majority of cases, such changes aimed to further clarify the legal basis and scope of return decisions, whilst others aimed to speed up or simplify their implementation. For example, in May 2019, Belgium approved a law[384] to draw a clearer distinction between the legal basis for refusing, cancelling or withdrawing the stay of third-country nationals on the one hand, and for issuing an order to leave the country, on the other. In Bulgaria, restrictions concerning the appeal process were introduced by reducing the time limits for lodging appeals as well as by limiting the possibility to reconsider certain types of return decisions (for example decisions issued on the grounds of public order or security).

Several legislative changes were introduced in the Czech Republic [385] to simplify the return decision procedure, including by making the non-refoulement check redundant in cases where the return decision was issued to a person from a safe country of origin, except in cases where specific safety concerns for the individual were identified. The amendment also introduced a requirement to specify, within the return decision, whether the latter entailed an obligation to leave the European Union or only the territory of the Czech Republic.

In Hungary, legal measures were introduced to reduce the time limit prescribed for communicating the return decision to the third-country national, from at least 36 hours prior to the removal procedure, to just before its execution.

Ireland and Luxembourg introduced new procedural safeguards into their legislation. In Ireland, these changes[386] aimed to further strengthen the provisions related to *non-refoulement*. In Luxembourg, the amendment[387] provided additional clarifications on the role and composition of a consultative commission competent to evaluate the best interest of the child in the return decision-making process.

Lithuania introduced a legislative change which determined that, as of July 2010, the State Boarder Guard Service would become the second competent authority to issue return decisions [388], in addition to the Migration Department.

Policy changes were introduced in the Netherlands with the aim to further streamline the administrative procedures and accelerate the return process. More specifically, policy guidelines[389] were amended, adding new grounds for authorities to deny the departure period of 28 days to third-country nationals whose asylum application was rejected as manifestly unfounded.

9.2.1.3. Issuing Entry bans

Four Member States[390] tightened their rules with regard to issuing entry bans. In the Czech Republic, a legislative amendment[391] revised the levels of seriousness of specific breaches to the Foreign Nationals' Residence Act, for which entry bans might be issued to third-country nationals. For example, offences such as "unauthorised stay" or "stay without a valid travel document" were moved from the "less serious" type of offences to "more serious" offences, for which an entry ban could be issued for up to five years (instead of three years). In Finland, the breach of an entry ban has since 2019, been listed as an offence within the Criminal Code of Finland. Therefore, entry in the Member State despite a valid entry ban is considered as a criminal offence and punishable with a fine or a prison term of at least one year. Before this amendment, entry-ban infringements were considered as violations of the Aliens Act, punishable exclusively with a fine.

In Germany, an unlimited ban on entry and residence for third-country national repeat offenders was introduced with the Act on Orderly Returns of August 2019. Following legislative changes introduced in Lithuania,[392] the State Border Guard Service has been entrusted with issuing entry bans (together with the Migration Department (see also section 9.2.1.2 above), provided that the Service issued a return decision for the same individual. Moreover, additional grounds for issuing travel bans (such as withdrawal of the residence permit following a marriage of convenience or fake adoption, etc.) were introduced.

In March 2019, the national policy guidelines[393] were amended in the Netherlands as a result of new case law: in line with the CJEU Ouhrami ruling,[394] the Administrative Jurisdiction Division determined that as an entry ban becomes effective as soon as the third-country national leaves the territory of the EU, the national provisions in the Alien act linked to the entry ban would also not take effect until the third-country national has left the EU. As a result, the third-country national can remain legally in the Netherlands prior to leaving the Netherlands, where previously this would have been cancelled by the entry ban.

382 Eurostat (migr_eiord)/(migr_eirtn), extracted on 19 May 2020
383 BE, BG, CZ, EL, IE, HU, LT, LU,
384 Amending Articles 7, 21, 22 and 24 of the Law of 15 December 1980 on access to the territory, residence, establishment and removal of foreign national (also called the Immigration Law).
385 Act No. 176/2019 Coll., amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals.
386 Amending Section 3(1) of the Immigration Act 1999.
387 Amendments to Article 103 of the Immigration Law.
388 Law on the Legal Status of Foreigners.
389 The Aliens Act Implementation Guidelines were amended on 28 June and 29 November 2019.
390 CZ, DE, FI, LT.
391 Act No. 176/2019 Coll., amending Act No. 326/1999 Coll., on the Residence of Foreign Nationals.
392 Law on the Legal Status of Foreigners.
393 Aliens Act Implementation Guidelines.
394 CJEU, Case C-225/16, Mossa Ouhrami, Judgment of the Court of 26 July 2017, ECLI:EU:C:2017:590.

9.2.1.4. (Assisted) voluntary return

Throughout 2019, 13 Member States[395] reported on a broad range of activities implemented to further support assisted voluntary return. Cyprus, Finland and France invested further efforts to provide third-country nationals with support packages for voluntary return. Finland increased both in-kind assistance and direct financial support, whilst France increased lump-sum allowances provided to Iraqi, Afghan and Iranian nationals (to euro 1 850 until 31 December 2019, including a complementary allowance of euro 1 200 in addition to the euro 650 already available).

The Commission's 2017 Communication on a more effective return policy in the EU noted that improving the dissemination of information on voluntary return in particular to irregular migrants was essential to ensure that they remained well informed on the opportunities for return. In this context, five Member States[396] further invested efforts in providing information regarding assisted voluntary returns including on legal and psychological support. In Lithuania, legislative changes which entered into force in July 2019[397] imposed an obligation on the Migration Department and State Border Guard Service, to inform third-country nationals about the possibility to lodge an application for voluntary return. Moreover, third-country nationals, who illegally entered or were illegally staying in Lithuania, could also apply for voluntarily return provided that they cooperated with the competent authorities throughout the return process.

In the Czech Republic, legislative amendments widened the target groups eligible to take part in voluntary return programmes, including third-country nationals whose residence status was cancelled or not renewed and visa "over-stayers" whilst France passed a law which extended the scope of assisted voluntary return to irregular third-country nationals in detention.

Ten Member States[398] reported on the implementation of new or already established programmes supporting voluntary return. In most cases, activities were implemented by the International Organization for Migration (IOM) [399] and funded through the Asylum, Migration and Integration Fund (AMIF).[400]

9.2.1.5. Use of (alternatives to) detention in return procedures

The 2017 Communication on a more effective return policy in the EU also called on Member States to make more efficient use of detention to the completion of return procedures. In this context, 11 Member States[401] adopted changes to their use of detention in return procedures. Four Member States[402] added or clarified their criteria for placing third-country nationals pending return in (alternatives to) detention to minimise the risk of absconding. In Germany, for example, the conditions for (preventive) detention were formulated more systematically and the grounds for detention expanded. In the Netherlands, discussions took place to further amend legislation to allow for the preventive detention of minor third-country nationals, in an effort to prevent them from going missing or becoming victims of exploitation.

Legislative changes in France aimed to improve the effectiveness of 'house arrest' in particular through increased detention capacity, and required third-country nationals under house arrest to remain at home at specific times of the day to be subject to checks. Following the implementation of the new law, more home visits were requested, granted and completed in 2019 compared to the previous year. Similarly, in the Czech Republic, third-country nationals could be required to remain in a location specified by the Police, and to be present in that location during residence checks.

The Swedish Migration Agency implemented measures to increase the number of returnees staying in the Agency's designated return centres, and the definition of the type of returnees that should stay within such centres was temporarily expanded. The new procedure led to an increase in the number of returns (45% of third-country nationals returned after a stay at the return centres in 2019 compared to 38% in 2018).

In Finland, discussions took place on the adoption of new rules concerning the technical monitoring of rejected third-country nationals in a less restrictive and more appropriate way, and on alternatives for detaining children over 15 years of age. As of 2019, citizens of the Republic of Lithuania or foreigners lawfully residing in Lithuania could be appointed as guardians of third-country nationals even in cases where no family ties existed. In Belgium, following requests made by various human rights associations, the Council of State decided to suspend the detention of families with children. The reason invoked was that the Royal Decree did not preclude the possibility to detain children in places where they were likely to be exposed to airport nuisance. In Luxembourg, an amendment to the Immigration Law introduced a systematic verification of the conditions for prolonged detention periods beyond four months by the First Instance Administrative Court. Reforms to immigration detention were introduced in the UK, resulting in a higher ratio of staff to detainees in removal centres and a 30% reduction in the number of people in detention.

9.2.1.6. Recording of entry bans in the SIS and exchange of information

Six Member States[403] reported new developments with regard to recording entry bans in the SIS and facilitating the exchange of information on entry bans. From 2019, the fingerprints of third-country nationals subject to entry bans were encoded in the SIS by the Lithuanian and Swedish authorities. Amendments were introduced in Belgium and Estonia to further transpose the SIS II Regulation into national legislation and policy.

395 BE, CY, CZ, FI, FR, IT, LT, LU, MT, NL, PL, PT, SK.
396 CY, IT, LT, PT, SK.
397 Amendments to the Law on the Legal Status of Foreigners.
398 CY, CZ, HR, IT, LT, LU, NL, PL, PT, SK.
399 BE, CY, CZ, HR, LT, LV, NL, PL, PT, SK.
400 CY, CZ, IT, LV, LT, LU, PT, SK.
401 BE, CZ, DE, EE, FI, FR, HU, LT, LU, SE, UK.
402 DE, EE, HU, LT.
403 BE, EE, NL, LT, LU, SE.

9.2.1.7. Operation of a national forced return monitoring system

Pursuant to the Return Directive, Member States must establish national return management systems to ensure that timely information is available on the identity and legal situation of every person to be returned. Five Member States[404] and Norway reported on progress in establishing such systems or related monitoring activities. In Cyprus, with AMIF funding, the Cyprus Commissioner for Administration and Human Rights (Ombudsman) set up a monitoring mechanism to ensure that the fundamental rights of third-country nationals were being respected throughout the return procedure, from the transfer to the airport to arrival in the country of destination. Croatia also allocated AMIF funding for monitoring, and implemented the project "Monitoring of forced removal" where some 64 forced returns were monitored during 2019. Following an evaluation covering the national monitoring system for forced return conducted in 2019, the national Migration Agency in Sweden increased the numbers of operations and monitoring missions covering reception within countries of return. In Norway, the legal basis for the establishment of a forced return monitoring system was drafted and published for public consultation. Finally, both Sweden and the Slovak Republic increased their participation in the European Border and Coast Guard Agency (Frontex) pool of forced-return monitors.

Italy developed a platform for the management of return operations, which was to form the basis of the national system of management of return cases (called RECAMAS) and to date accelerated and improved the exchange of information amongst competent authorities.

9.2.1.8. Other actions related to swift, sustainable and effective return

In 2019, the mandate of Frontex was expanded to provide technical and operational support to Member States in all areas of return. The Czech Republic and Croatia reported to have intensified cooperation with the Agency throughout 2019 while Belgium made use of Frontex for the first time to carry out voluntary return operations. In December 2019, Ireland led a Frontex Joint Return Operation in cooperation with Belgium and Iceland.[405] Czech Republic also joined the Videoconferences for Identification (VCI), a project which aims to create and support national and European videoconferencing network covering return, asylum and residence procedures.

Return of rejected asylum seekers

As mentioned in section 9.2.1.2, in order to better link the asylum and return procedures and improve coordination between the responsible authorities, Estonia introduced legislative changes to simplify the administrative processes. For third-country nationals receiving a negative decision on their asylum application, a return decision and an entry ban are now issued at the same time, but these will come into force after the final asylum decision has been made Similarly, following legislative amendments in France, a return decision can now be issued following a negative asylum decision, together with a house arrest order or a detention order for the rejected asylum applicant. The new legislation ended the automatic suspensive nature of appeals before the National Court of Asylum.

Three Member States[406] provided additional safeguards for rejected asylum seekers facing return or to further support them in finding sustainable solutions. For example, in November, the Belgian Federal Agency for the reception of asylum seekers (*Fedasil*) issued a new instruction on the implementation of the return process for rejected applicants with serious medical issues. Fedasil can decide that the return process is carried out in the reception structure where the persons concerned receive continuous medical support.

In Finland, the police temporarily suspended the return of rejected asylum seekers who were not suspected of committing a crime, after a decision from the European Court of Human Rights, which found Finland guilty of violating Articles 2 and 3 of the European Convention on Human Rights in the case of an Iraqi man who was denied asylum in 2017, deported to Iraq and was killed a few weeks later. Following the ruling, the Police Board and the Finnish Immigration Service discussed the implementation of an operating model to assess a proposed returnee's specific circumstances.

Finally, the Netherlands began piloting five National Immigration Facilities (LVVs), which provide shelter and counselling, located within municipalities. The LVVs were intended for asylum seekers who had exhausted all legal means in the asylum procedure, did not have the right of residence but had not left the country because they were unable to return to their country of origin[407]. The objective of this national programme was not only to provide shelter, but also to try and find a sustainable solution, mostly by offering counselling (on return or residence options) as well as a stable environment. The pilot phase is planned to continue until 2021, when a decision is to be taken on the possibility to implement the programme more structurally in a network of eight LVVs with national coverage.

9.2.2. Return of irregular migrants

Irregular migrants were also targeted by several Member States in their return-focussed activities. In 2019, France and the United Kingdom agreed on an action plan to tackle irregular migrants crossing the Channel in small boats. As part of the plan, actions were taken to increase returns and prevent further Channel crossings. In March 2019, Belgium and France launched the "Reach Out" project under the ERRIN facility. The project aimed to inform irregular migrants about their rights both in terms of reception and social support as well as the available possibilities of return. In Poland, Frontex "Scheduled Flight" project supported the organisation of forced returns (by air) of apprehended irregular migrants.

404 CY, HR, IT, SE, SK.
405 As the Frontex Regulation (2019/1896) constitutes a development of the Schengen acquis in which Ireland does not participate, Ireland is not bound by the Regulation. However, in accordance with Article 70, Frontex may facilitate operational cooperation with Ireland and the United Kingdom in specific Frontex activities.
406 BE, FI, NL.
407 Such third-country nationals are not eligible for reception by the government and therefore does not end up in facilities provided for by existing legislation

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

In Belgium, an interim report evaluating the policy of voluntary return and forced removal of third-country nationals was provided to the Minister for Asylum and Migration, which showed that progress had been made in improving safeguards for third-country nationals but also with regard to the efficiency of the return policy, in particular due to shorter procedures. The recommendations stressed the need to tackle the issue of subsequent applications introduced to hamper the implementation of a return procedure. However, this report was also criticized (e.g. by non-governmental organisations). While the impact of the newly-introduced measures on the effectiveness of return was not assessed in the other Member States, Austria and France reported an increase in the number of forced removals (+13% and +10% respectively).

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

9.3.1. Involvement of third countries in return measures

A total of 16 Member States[408] and Norway reported cooperation activities with third countries with regard to return and readmission. This included consultations and negotiations with third-country authorities, strategic visits to third countries to discuss and strengthen awareness of return priorities as well as negotiating/signing new readmission agreements. Awareness raising on return was one of the main priorities of Member States' activities, with activities being implemented both within the EU as well as directly in third countries. Negotiations with third countries on return and readmission were a priority for most Member States as shown in the table below. Italy, established a specific fund for return policies (allocating a total of two million euro for 2019) in order to strengthen cooperation with third countries and advance bilateral agreements for the readmission of irregular third-country nationals.

The geographical coverage of cooperation with third countries of origin and transit on return was also very broad, as shown in the table below. Cooperation on readmission included drafting and signing implementation protocols, preparing Memoranda of Understanding, participating in the electronic readmission platform, etc. to ensure implementation of EU readmission agreements to their full effect.

Table 9.1 - Developments regarding return and readmission activities implemented in cooperation with third countries

Member State	Third country	Cooperation coverage
Austria	**Afghanistan, Burkina Faso, Cameroon, the Democratic Republic of the Congo, Côte d'Ivoire, Gabon, India, Iran, Mali and Togo**	**Awareness raising on return, illegal migration, etc. and negotiations/consultations on return and readmission**
	Albania and Georgia	**Readmission**
Belgium	**Rwanda, Niger*, Burkina Faso* and India***	**Readmission**
Cyprus	**Sri Lanka**	**Readmission case management system**
Czech Republic	**Armenia, Georgia and North Macedonia**	**Readmission**
Estonia	**Azerbaijan, Kazakhstan*, Kyrgyzstan*, Tajikistan* and Uzbekistan***	**Readmission**
France	**Albania, Armenia, Azerbaijan, North Macedonia, Bosnia, Herzegovina, Georgia, Montenegro, Russia, Serbia, Sri Lanka and Ukraine**	**Readmission**
Latvia	**Vietnam, Bangladesh and Georgia**	**Readmission**
Lithuania	**Vietnam and Serbia***	**Readmission**
Luxembourg	**Serbia, Armenia, Ukraine**	**Readmission**
Malta	**Bangladesh***	**Readmission**
The Netherlands	**Mongolia* and Sri Lanka***	**Readmission**
Sweden	**Ethiopia and Ukraine**	**Readmission**
Slovak Republic	**Sri Lanka and Vietnam**	**Return and readmission**
Norway	**Ethiopia**	**Return**
	Bangladesh and Ethiopia	**Readmission**

*Ongoing negotiations

408 AT, BE, CY, CZ, EE, EL, FR, IT, LV, LT, LU, MT, NL, PL, SE, SK.

9.3.2. Reintegration measures

According to the Return Directive, Member States should enhance assistance for returnees, including with support for their reintegration in the country of origin. In this context, ten Member States[409] reported on new reintegration measures in third countries. In eight Member States,[410] reintegration activities for voluntary returnees were implemented through projects funded under AMIF and realised by the IOM.

Moreover, Germany and France reinforced cooperation for reintegration assistance in Armenia. Third-country nationals who returned voluntarily to Armenia, received individual assistance to support their permanent reintegration. In Luxemburg, since January 2019, citizens from Georgia were no longer eligible to the reintegration assistance. Sweden reported further activities under the European Return and Reintegration Network (ERRIN) to promote the durable and efficient reintegration of returnees in third countries. In addition, in 2019 the French Office for Immigration and Integration (OFII) started, via ERRIN, new reintegration schemes in Nigeria and Ethiopia. In Poland, as of 10 May 2019, as part of assistance in voluntary return, foreigners can apply for reintegration assistance.

409 AT, CZ, DE, FI, IT, HU, NL, PL, PT, SE.
410 BG, CZ, EL, IT, HU, NL, PT, SK.

10. MIGRATION AND DEVELOPMENT

KEY POINTS

- The EU and its Member States continued to foster links between migration and development. This was often done within international and EU-wide frameworks, such as the United Nations Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Approach to Migration and Mobility (GAMM).
- Fourteen Member States and Norway concentrated national funded actions on three main areas: supporting refugees in third countries, strengthening and engaging with the diaspora, as well as encouraging regular/labour mobility and fostering labour market skills.
- Jordan, Syria, Egypt, Ethiopia and Morocco were the countries most targeted by national actions.

10.1. EU MOBILITY PARTNERSHIPS AND COMMON AGENDA ON MIGRATION AND MOBILITY

Mobility Partnerships and Common Agendas on Migration and Mobility (CAMMs) are important tools of the GAMM as they provide the overall framework for managing legal movement between the EU and third countries.[411] As shown in Figure 10.1, four Member States[412] reported on new developments in this context in 2019 within one of the four priority themes of the GAMM, whereby a particular focus laid on projects related to the labour market.[413] Belgium and Italy noted the implementation of a new project for a mobility partnership within the area of Maximising the Development Impact of Migration and Mobility, while Finland contributed to a mobility partnership within the area of Better Organising Legal Migration and Fostering Well-Managed Mobility. Italy also supported an action implemented in the framework of the CAMM between the EU and Nigeria to prevent and combat irregular migration and eradicating trafficking in human beings. As part of a Mobility Partnership, Poland participated in a programme to support Georgia in building the capacity of national migration services in all aspects of migration management, in cooperation with the International Centre for Migration Policy Development (ICMPD).

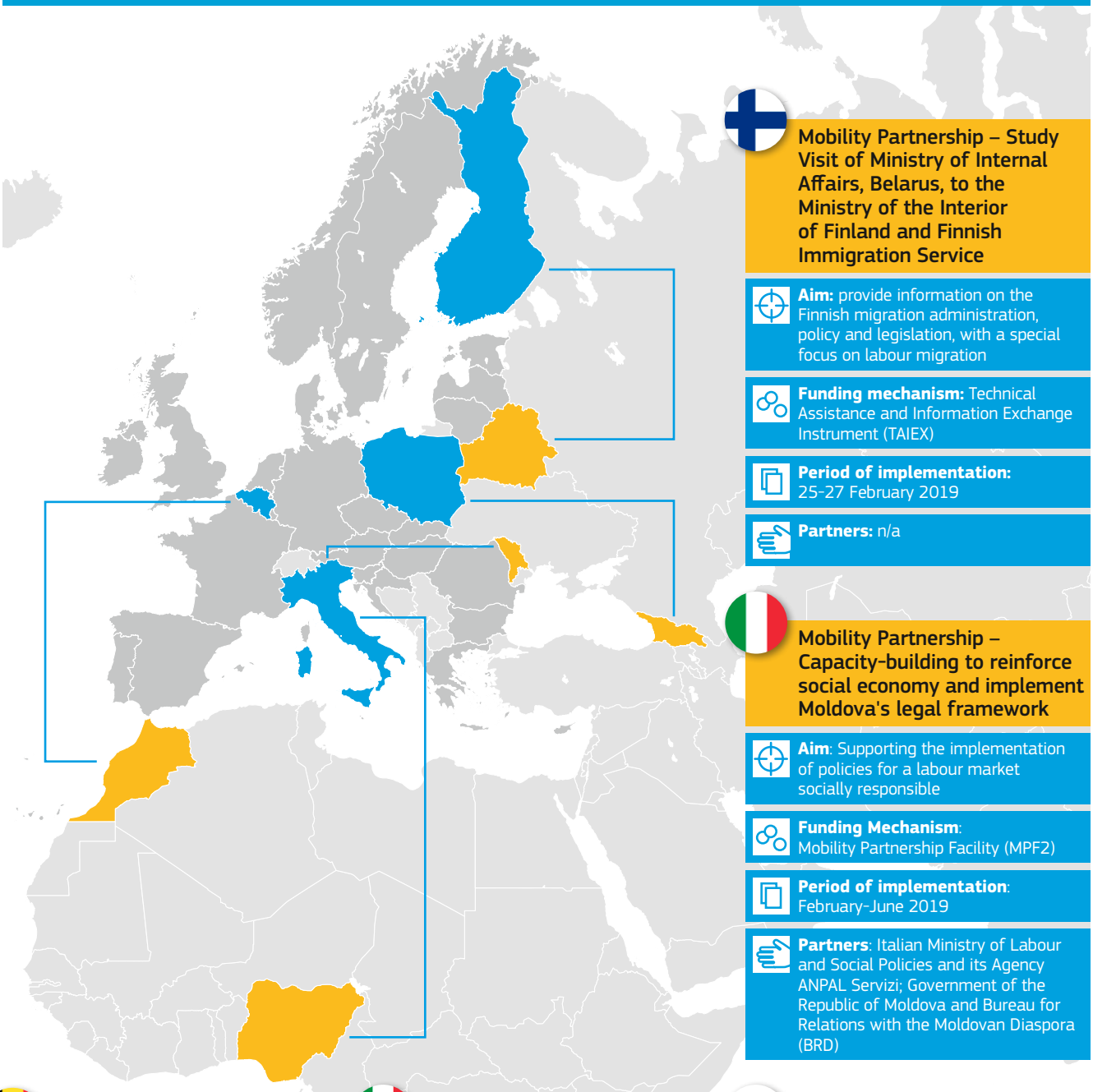
10.2. NATIONAL ACTIONS TO SUPPORT MIGRATION AND DEVELOPMENT

Fourteen Member States[414] and Norway reported on national actions implemented with national funding concerning three main areas: supporting refugees in third countries,[415] strengthening and engaging with the diaspora,[416] as well as encouraging regular/labour mobility and fostering labour market skills.[417]

Ten Member States[418] and Norway used national funding to facilitate migration and development in third countries. Most of the actions came in the form of projects,

411 See EMN Glossary Version 6.0 (https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/mobility-partnership_en)
412 BE, FI, IT, PL.
413 The four priority themes of the GAMM are as follows: 1) Better organising legal migration and fostering well-managed mobility; 2) Preventing and combatting irregular migration and eradicating trafficking in human beings; 3) Maximising the development impact of migration and mobility; and 4) Promoting international protection and enhancing the external dimension of asylum. See: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en
414 AT, BE, CZ, DE, EE, FI, FR, IE, IT, LT, MT, NL, PL, SE and NO.
415 AT, CZ, EE, IE, MT, NL, SE, SK and NO.
416 DE, FR, IE, IT, NL.
417 BE, DE, EE, IE, LT, PL, SK.
418 AT, CZ, DE, FR, IE, IT, LT, MT, NL, SE.

Figure 10.1 – EU Mobility Partnership and Common Agenda on Migration and Mobility actions launched in 2019



Mobility Partnership – Study Visit of Ministry of Internal Affairs, Belarus, to the Ministry of the Interior of Finland and Finnish Immigration Service

Aim: provide information on the Finnish migration administration, policy and legislation, with a special focus on labour migration

Funding mechanism: Technical Assistance and Information Exchange Instrument (TAIEX)

Period of implementation: 25-27 February 2019

Partners: n/a

Mobility Partnership – Capacity-building to reinforce social economy and implement Moldova's legal framework

Aim: Supporting the implementation of policies for a labour market socially responsible

Funding Mechanism: Mobility Partnership Facility (MPF2)

Period of implementation: February-June 2019

Partners: Italian Ministry of Labour and Social Policies and its Agency ANPAL Servizi; Government of the Republic of Moldova and Bureau for Relations with the Moldovan Diaspora (BRD)

Mobility Partnership – Identification of labour markets needs at origin (Morocco) and end (Belgium)

Aim: Establishing a talent pool based on labour market needs of Morocco and Belgium to avoid brain drain.

Funding Mechanism: Mobility Partnership Facility (MPF2)

Period of implementation: March 2019 – ongoing

Partners: National Agency for Employment and Skills Promotion (ANAPEC), Public Employment Service Flanders (VDAB), Federal Agency for the reception of asylum seekers (FEDASIL)

CAMM action – Building capacity to deal with human trafficking and transit routes in Nigeria, Italy and Sweden (INSigHT)

Aim: Increasing the capacity of key local stakeholders in Italy, Nigeria and Sweden to tackle human trafficking and deal with its evolving dynamics, trends, forms and modus operandi.

Funding mechanism: EU funding

Period of implementation: April 2019 – September 2020

Partners: ICMPD, University of Venice, Nigerian Women Association, Pathfinders Justice Initiative, Equality ATI and Associazione 2050

Mobility Partnership – Supporting Georgia's migration management

Aim: Building capacity and analytical capabilities of Georgian migration services in all aspects of migration management, including the organisation of commercial circular migrations and diaspora management

Funding mechanism: National

Period of implementation: 2019-2020

Partners: International Centre for Migration Policy Development (ICMPD)

Source: European Migration Network

although Ireland, the Netherlands and Norway noted new policy developments. New legislation was reported only by Bulgaria, entailing a bilateral agreement on labour migration with Georgia, which entered into force in November 2019. The new policy developments in Ireland and the Netherlands *inter alia* reconfirmed the countries' commitment to support efforts to protect refugees, displaced persons and people on the move. In Ireland, this was done in the framework of its international development strategy 'A Better World', published in February 2019, which made particular reference to the Global Compact on Refugees and the Global Compact on Safe, Orderly and Regular Migration.[419]

In addition, Ireland launched a new Africa strategy in November 2019, strengthening their political partnership with African countries and doubling by 2025 the number of places on the Africa Fellows Schemes, which brings postgraduate students from Africa to Ireland. In the Netherlands, the government's development cooperation results area 'improving prospects for refugees and host communities in the region' became a regular part of the national Foreign Trade and Development Cooperation (BHOS), thereby having access to resources of € 128 million annually. In this framework, instruments were development, *inter alia* entailing an innovative model to shape a development-oriented approach to the long-term refugee crisis in partnership with UNHCR, UNICEF, ILO, etc. Norway joined the Global Compact for Migration in 2019 to help strengthen the capacity of host and transit countries to deal with mass migration.

Member States funded several projects to support migration and development[420] and, in some cases, were directly involved in their implementation.[421] Seven Member States reported on projects aimed at supporting refugees in host communities.[422] For example, Austria invested € 5 million in ongoing waterworks projects in Uganda and Lebanon to improve living conditions for refugees and their host communities. Within the Regional Development and Protection Programme for North Africa, led by Italy, projects were launched in 2019 in Libya, Niger, Tunisia, Morocco, Algeria, Egypt, Mauritania and Chad, mainly focused on the development component; the Czech Republic provided support to a number of these projects.

Projects entailing diaspora engagement were also commonly reported,[423] among others by Germany, which set up a Migration and Diaspora Programme in 2019 to drive forward social and economic development in partner countries (i.e. Albania, Ethiopia, Jordan, Kosovo* and Senegal). In France, a feasibility study was carried out in preparation for a project which, in 2020, aims to facilitate remittances, savings and investments by diasporas in their countries of origin. As Chair of the Rabat process[424] for one year since June 2019, France has prioritised the topics of diaspora remittances and sustainable development through dedicated workshops. In the field of remittances, Italy launched the project "Savings without borders" targeted at Tunisia. The service, created by the Deposits and Loans Fund, is aimed to facilitate the transfer of funds from Italian postal saving books to African ones.

Projects related to labour mobility and the enhancement of labour market skills of persons in their countries of origin were reported by three Member States.[425] Lithuania and Estonia, for example, both implemented actions to encourage local women in Ivory Coast and Ukraine respectively, to start a business. Among other national projects, Poland supported Ethiopia in developing its legal and labour migration policies and Tunisia in managing migrant education issues.

419 However, it should be noted that the aspect of migration was only developed to a very limited extent in this strategy.
420 AT, MT, SE.
421 DE, LT, NL.
422 AT, CZ, IE, MT, NL, SE, SK.
423 DE, FR, IE, IT, NL.
424 Euro-African Dialogue on Migration and Development (Rabat Process) is a regional migration dialogue, bringing together countries of origin, transit and destination of the migration routes linking Central, West and Northern Africa with Europe.
425 DE, EE, LT.

* This designation is without prejudice to position on status, and is in line with UN Security Council Resolution 1244/99 and the International Court of Justice Opinion on the Kosovo declaration of independence.

Keeping in touch with the EMN

EMN website www.ec.europa.eu/emn

EMN LinkedIn page https://www.linkedin.com/company/european-migration-network/

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EMN National Contact Points

Austria www.emn.at

Belgium www.emnbelgium.be

Bulgaria www.emn-bg.com

Croatia www.emn.hr

Cyprus www.moi.gov.cy

Czech Republic www.emncz.eu

Denmark https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en

Estonia www.emn.ee

Finland www.emn.fi

France https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM

Germany www.emn-germany.de

Greece http://emn.immigration.gov.gr

Hungary www.emnhungary.hu

Ireland www.emn.ie

Italy www.emnitalyncp.it

Latvia www.emn.lv

Lithuania www.emn.lt

Luxembourg www.emnluxembourg.lu

Malta https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx

Netherlands www.emnnetherlands.nl

Poland www.emn.gov.pl

Portugal http://rem.sef.pt

Romania www.mai.gov.ro

Slovak Republic www.emn.sk

Slovenia www.emm.si

Spain http://extranjeros.empleo.gob.es/en/redeuropeamigracion

Sweden www.emnsweden.se

United Kingdom https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/united-kingdom_en

Norway www.emnnorway.no