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**COMMISSION STAFF WORKING PAPER**

***First Annual Report on Immigration and Asylum (2009)***

***accompanying the***

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**First Annual Report on Immigration and Asylum (2009)**

{COM(2010) 214}

## COMMISSION STAFF WORKING PAPER

### First Annual Report on Immigration and Asylum (2009)

#### **Main actions undertaken at EU level and main actions undertaken and developments planned at Member State level for each of the commitments made in the Pact**

This paper summarises the main actions taken at both EU and Member State level, the latter including the most significant developments planned, for each of the commitments made in the European Pact on Immigration and Asylum. The reporting period is from the adoption of the Pact in October 2008 until the end of 2009. Reference is also made to some EU-level developments that have taken place in the first part of 2010.

The summaries of developments at national level have been prepared notably on the basis of factual information provided by Member States and by Annual Policy Reports from National Contact Points of the European Migration Network (EMN NCPs). For ease of reference the phrase “Member States reported” is used in the paper to refer to both sources of information.

The EMN adapted the specifications for its Annual Policy Reports in order to cover 26 of the 36 commitments of the Pact, and brought forward the timing so that they could provide information on activities at Member State level for this first Commission Annual Report. The input provided by the EMN NCPs has been invaluable for drawing up this paper. However, one should note that the summaries in this paper are the responsibility of the Commission staff; the EMN will under its own responsibility produce the EMN Annual Policy Report 2009.

Some Member States and some EMN NCPs took the opportunity to provide information not only about developments within the reporting period, but also about relevant ongoing Member State policies. It was decided to summarise both types of information in this paper, where possible identifying the specific developments within the reporting period, given that this is the first reporting exercise since the Pact was adopted. Moreover, the information provided by Member States and EMN NCPs gave varying levels of details.

This paper should, therefore, not be treated as an exhaustive identification of all relevant Member State activity in relation to each commitment. In particular, the fact that a Member State is not identified in relation to a certain activity or policy does not mean that it did not or does not pursue that activity or policy but rather that there were no specific developments during the reporting period.

In line with its Communication of June 2009<sup>1</sup>, the Commission will review the reporting process with a view to its improvement for next year’s report.

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<sup>1</sup> COM(2009) 266 final of 10 June 2009.

## I. LEGAL IMMIGRATION – INTEGRATION

***Main commitment: Organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration***

*Commitment: I. (a) to invite Member States and the Commission to **implement policies for labour migration**, with due regard to the *acquis communautaire* and Community preference, bearing in mind potential human resources within the EU, and using the most appropriate resources, which take account of all the needs of the labour market of each Member State, pursuant to the conclusions of the European Council of 13 and 14 March 2008;*

At EU level, implementation of the 2005 Policy Plan on Legal Migration<sup>2</sup> continued during the reporting period. The first directive stemming from this Plan was adopted in June 2009 (the so-called EU Blue Card Directive, see I.(b) below), discussions continued in the Council as regards the Framework Directive<sup>3</sup> and the Commission pursued its preparation of proposals for the three remaining Directives (seasonal workers, intra-corporate transferees and remunerated trainees). Presentation of the proposals was postponed, taking notably into account the change of legal basis resulting from the Lisbon Treaty.

Closely linked to this objective of managing migration in the best interest of national labour markets is the Commission's initiative on New Skills for New Jobs<sup>4</sup> which proposes measures aiming at better matching workers' skills and the needs of the EU employment market. Alongside upgrading skills of the EU labour force and better matching the internal labour supply and the demand of skills, the employment and geographical mobility of third-country workers can help reduce skills mismatches and ensure that their skills can be used at the optimal level.

Actions developed in the framework of the Global Approach (see chapter V below) are also relevant.

At national level, most Member States reported on labour migration policies to address labour shortages at national level (BE, BG, CZ, DE, IE, EE, EL, ES, FR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, RO, SI, FI, SE, UK).

To ensure that labour migration meets the various needs of the labour market, several Member States referred to a labour immigration system that was predominantly employer-led and demand driven, whereby it was up to the individual employer to demonstrate a vacancy could not be filled by national or EU labour force and therefore called for the recruitment of a third-country national (BG, CZ, EE, EL, ES, MT, NL, FI, SE, UK). This system is independent of their country of origin or of the number of work permits already issued (i.e. quota).

Other Member States drew up, or drew up in addition, a list of professions and/or sectors where labour shortages existed (IE, ES, FR, IT, LT, PT, SI, UK), or were considering to do so (MT). In PL regional authorities may draw up such lists. The recruitment of third-country

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<sup>2</sup> COM(2005) 669 final of 21 December 2005.

<sup>3</sup> Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, COM (2007) 638 final of 23.10.2007.

<sup>4</sup> COM(2008) 868 final of 16 December 2008.

nationals to work in these listed professions or sectors was facilitated as their application would not be subjected to an individual labour market test (ES, FR, IT, SI (but see below for changes resulting the economic crisis)) or would be prioritised (LT, UK). LT reported that an occupation was added to the list when the demand for labour was twice as high as the existing labour supply for a specific occupation and work places had remained unfilled for three months. Annual quotas for work permits based on evaluations of the labour market are set by at least SI and RO. According to the UK Points Based System, a third-country national needed sufficient points to enter or remain in the UK; points were scored for attributes predicting a migrant's success in the labour market and/or for factors relating to whether they were likely to comply with the conditions of their stay.

Furthermore, to address the labour shortages identified in the set list of professions and sectors, some Member States established quota for labour migration based on an assessment of the quality of cooperation offered by third countries under bilateral agreements (IT) defined a maximum number of job vacancies per year (EL) or identified source countries which were eligible for a work permit/visa (CZ, LT).

PL identified a group of neighbouring countries, as well as the Republic of Moldova and Georgia, the citizens of which were eligible for work up to six months without a work permit.

EE, PL and SE set wage thresholds in relation to labour migration. EE stated that the offer made to third-country nationals was to include earning a quarter more than the average salary. PL examined if wages of migrant workers were not worse than those offered to local employees. SE examined in each case whether employment conditions – including wages, social insurance coverage and other terms of employment – were equivalent to conditions that applied to employees already resident in Sweden.

Improvements to the governance of legal migration were reported, including the adoption of new policy concepts (e.g. CZ – Green Card system), better coordination of government agencies or set up of new bodies to implement policies (BE, DE, LV, LU, FI, SE, UK), the development of comprehensive strategies (FR, HU, LT), and the simplification and shortening of procedures (BE, CZ, EE, EL, ES, HU, LT, NL, PL, SE, UK). For example, BE launched the Economic Migration service to facilitate and speed up the visa delivering process for third-country nationals with an “economically interesting” project and to avoid that third-country nationals working in Belgium were hampered in their professional activities by administrative delay for which they were not responsible. Measures to refine the identification and matching of labour market needs were put forward by some, including the establishment of centres, committees and/or agencies with the right economic and labour market expertise (DE, LU, FI, UK), and planned for the near future by others (HU, MT). For example, in Germany, the Federal Ministry of Labour and Social Affairs created an alliance to advise the Federal government concerning the demand for labour (“alliance for labour”). Its aim was to develop measures to close gaps and effectively prevent a lack of skilled labour in the future, such as steering migration flows.

With regard to the principle of Union preference, several Member States reported on action undertaken to ensure that the labour demand could not be covered by national and EU manpower or by non-EU manpower lawfully resident on a permanent basis in that Member State (BG, DE, IE, EE, ES, IT, CY, LV, LT, LU, HU, MT, AT, PL, PT, SE, SK, UK). Some stated that the job vacancy was advertised with the national Public Employment Service (PES) and sometimes EURES for a reasonable period of time (IE, LT, LV, LU, MT, SE, UK). Others referred to an individual labour market test (AT) or to a requirement for employers to

ask permission to recruit a third-country national from the government agency dealing with unemployment (EE). EL, IT and PT reported that this principle was taken into account when the annual quotas for issuing work and/or residence permits or the annual number of job vacancies for third-country nationals were set.

Due to the economic crisis, a few Member States had tightened entry or permit renewal criteria (CZ, IE), quota (IT, PT, SI) or reduced professions eligible for work permits (IE). In the case of ES and LT, the number of occupations included in the 'Catalogue of Shortage Occupations' (ES) or the 'list of occupations in demand' (LT) was reduced (e.g. LT: from 60 occupations in 2007 to 7 occupations in 2009). SI in March 2009 abolished the procedure of issuing permits for professions in short supply without an individual labour market test and in June 2009 introduced new rules prohibiting employment in certain sectors or from certain regions. These restrictive measures in relation to labour migration were generally meant to be of a temporary nature. One Member State considered similar measures for the foreseeable future (BG), while others claimed that their demand-driven labour migration systems were sufficiently flexible to adjust to labour market dynamics (DK, ES, MT, AT, LT, FI, SE, UK). The latter were portrayed as self-regulatory, resulting in less vacancies, fewer applications and more rejections / fewer permits issued. IE introduced a scheme that allows migrant workers made redundant to remain for a period to search for a new job and, once alternative employment is found, exempts their application for a work permit from the standard individual labour market test.

As to statistics, some Member States reported on the number of applications for work permits (EL, ES, LT, FI), of decisions taken (EE, UK), or of permits issued (EL, ES, HU, LT, LU, MT, PL, RO, SI), rendering comparisons between Member States difficult at this stage. However, a decrease in the number of applications for work permits (BE, ES) or permits granted (CY, LT, MT, RO) and of annual quota for work permits (SI) was an emerging trend across the EU, which may be related to the economic crisis.

<i>Commitment: I.(b) to increase the attractiveness of the EU for <b>highly qualified workers</b></i>
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At EU level, the Council adopted the so-called EU Blue Card Directive<sup>5</sup> (2009/50/EC) to facilitate the admission of highly qualified workers and their families by establishing a fast-track admission procedure and by granting them equal social and economic rights as nationals of the host Member State in a number of areas. The Directive also facilitates the movement of EU Blue Card holders to a second Member State for the purpose of highly qualified employment. Member States have until June 2011 to transpose the Directive into national law.

At national level, many MS reported having taken steps to increase the attractiveness of the EU for highly qualified workers (BE, CZ, DE, ES, FR, IT, LT, LU, NL, AT, PT, SE, UK). With regard to the transposition of the Blue Card Directive, some Member States reported that they were in the process of transposing the Directive; others had undertaken preparatory work for transposition or planned to do so in 2010. UK and IE did not opt into the Directive, but the UK reported that it provided attractive labour migration opportunities for highly qualified third-country nationals under Tier 1 of its Points Based System.

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<sup>5</sup> Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17.

Measures were aimed at simplifying, and hereby accelerating, procedures and relaxing conditions for entry or renewal of permits (DE, IE, ES, IT, LT, LU, AT, SK). Hereto, some Member States introduced a “one-stop-shop” admission procedure (AT) or new types of permits (e.g. FR: “Skills and talents” permit and “Exceptional economic contribution” permit). An overview of the steps that Member States undertook to improve the governance of legal migration is at I.(a) above. Some Member States specified who benefited from measures put in place (BE, DE, ES, SK, UK), for example: individuals with university degrees from third countries (DE), senior staff members (e.g. CEO) (BE), those active in particular sectors or professions (ES) (see the second part of I.(b) below for further details).

As to the results of the measures undertaken, a few Member States reported an increase in permits granted to highly qualified migrants (DE, FR). For example, a 45 % increase in permits granted was reflected in the figures provided by DE (from 473 in 2008 to 689 in 2009) and FR (from 1 664 “workers on assignment” in the first 11 months of 2008 to 1 954 in the same period in 2009). The effects of the economic crisis on the numbers of highly-skilled workers were mixed: some reported little change to the numbers of permits (CY) while others reported a reduction in the numbers of application (ES, NL). As to the simplification and acceleration of procedures, ES reported that the average time for processing an application in 2008 was 12.93 days; in 2009 it fell to 11.21 days. LT reported that the aim was to issue documents to highly-skilled workers within 3-4 weeks, compared to a normal period of two months for skilled workers.

*and take new measures to further facilitate the reception of **students and researchers** and their movement within the EU;*

At EU level, the Commission launched the procedures to commission external transposition studies for the Students Directive<sup>6</sup> and Researchers Directive<sup>7</sup> with a view to preparing implementation reports on the directives as well as, where relevant, proposals for their amendment in order further to enhance the attractiveness of EU as a centre of excellence for studies and research. The mobility of researchers was also facilitated by more organisations that employ or fund researchers committing themselves to the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers which spell out the roles, responsibilities and rights of researchers as well as of their employers and funders; by the end of 2009 there were 144 signatories representing some 1000 individual institutions.

At national level, two Member States put forward proposals for future changes to this policy area (IE, HU). IE published a set of proposals for reform of non-EEA student immigration and launched a public consultation. The proposals contained more than 20 discussion items including capping the length of time a person can spend in Ireland as a student at no more than five years or two years in further education or English language classes; introducing a two-tier system to facilitate the targeting of incentives towards the upper end of the academic spectrum; a stronger inspection process; possible changes in respect of visas; and new guidelines on work placement or internship. HU’s 2009 Strategy focused in particular on facilitating international mobility and employment of researchers and scientists.

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<sup>6</sup> Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, OJ L 375, 23.12.2004.

<sup>7</sup> Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, OJ L 289, 3.11.2005, p. 15.

As to students, a few Member States reported modifying the procedures for the admission of third-country nationals wishing to study in the Member State during the reporting period (LV, LT, NL, PL, UK). LV, for example, no longer required candidates to interact with, and visit, its embassies, which was costly in time and financial resources, but allowed higher educational establishments to directly submit the third-country national's documents relating to their application for a residence permit to the Office of Citizenship and Migration Affairs. The UK announced a policy review which would consider introducing mandatory pre-entry English language testing for some courses and changing the rules on part-time work by students.

In 2009, PT adopted a decree expanding the social rights available to students in higher education to foreign students who held a permanent residence permit or who benefited from the status of long-term resident.

In 2009, a few Member States also facilitated access to the labour market for third-country nationals who graduated from education establishments in the Member State (CZ, IE, FR, IT, LV, LU, PL, AT) and SK planned to do so in the near future. IT introduced the possibility for doctorate or postgraduate students to convert a residence permit for reason of study into a work permit, as some other Member States already had (ES). FR required that, in order to grant this facilitation, the revenue offered to the third-country national graduate was at least 1.5 times the national minimum revenue.

FI mentioned measures to facilitate the naturalisation of graduates.

As to researchers, BE removed the requirement for a work permit. AT amended legislation to allow the “residence permit – researcher” to be issued for two years (instead of one year). After two years of residence it is possible to change this for the “settlement permit – unrestricted” which grants free access to the labour market.

Some German universities established “Welcome Centres”, giving advice on work, studying, living and family issues to foreign researchers, with the aim of strengthening their international competitiveness and attractiveness. RO made available in English and French on an official website its admission requirements for students.

Several Member States provided data as to the number of researchers and/or students that were issued a permit in 2009 (BG, DE, EE, EL, FR, LT, HU, MT, PL, FI) or in the academic year 2008-9 (RO). These ranged from 3 “research residence permits” for employment specifically concerned with research in LT to 2 330 “long-stay scientific visas” for researchers in FR and from 110 permits for study purpose in EL to 63 571 “long-stay students visas” for students in FR.

*Commitment: I.(c) to ensure, in encouraging temporary or circular migration, pursuant to the conclusions of the European Council of 14 December 2007, that those policies **do not aggravate the brain drain**;*

At EU level, the concept of circular migration has been further developed in a way not to contribute to brain drain. The Commission contributed to the further development of circular migration at the third Global Forum on Migration and Development in Athens in November 2009. A conference in March 2009 on circular migration and labour matching reviewed initiatives that assist migrants in better accessing labour markets abroad as well as finding employment in the source country upon return. Support to diaspora networking and diaspora

involvement in efforts to enhance development in countries of origin has included support to temporary return – “brain circulation” – of the highly skilled as a way to mitigate brain drain. Circular migration with a view not to aggravate brain drain has also been incorporated in several of the inter-regional cooperation processes (see V.(f) below). Furthermore, work has continued on the implementation of the programme for EU action to tackle the critical shortage of health workers in developing countries (2007-2013) to avoid unacceptable brain drain in sectors that are critical for development. The EU Blue Card Directive (see I.(b) above) incorporates provisions to facilitate circular migration with a view to avoid brain drain.

At national level, many Member States reported on measures to prevent or not aggravate the brain drain (BE, BG, CZ, DK, EE, ES, FR, CY, LT, LU, NL, AT, PT, SE, UK). These included allowing migrants to return temporarily to the country of origin through, for example, multiple entry visas (see also I.(d) below), hereby creating a sense of security that they had the option to return to the EU and the opportunity for co-nationals to benefit from the migrant’s skills and knowledge gained from the job (training) in the EU (BE, PT, SE).

The link between migration and development, in general, and the need to maximise the positive contribution of migrants and migration to the development of third countries, in particular, was mentioned by many Member States (BE, BG, CZ, ES, FR, NL, AT, PT, SE, UK) (see also information under V.(d) and V.(e) below). Some Member States set up co-development projects tied to circular or temporary migration programmes or pilot projects to promote the skills and knowledge transfer to local people (BE, ES, NL, PT). Others referred to development programmes or projects to support the education system (AT) or the public health service of third countries (SE, UK), with the aim of rendering the labour market in the country of origin more attractive to existing or potential migrants. A few opted for restricting the issuing or renewal of work permits for those originating from countries or professional sectors which were the specific target of development projects or programmes (FR, UK). BG and CY referred to actions in the framework of the Mobility Partnership with the Republic of Moldova (see V.(a) below). SE also referred to the importance of setting up portable social benefits (e.g. pensions) for temporary migrants working in the EU.

In relation to the objective of not aggravating the brain drain, a few Member States referred to legislative measures limiting the duration of work permits issued to third-country nationals to two years (LT, LU) or four years (CY) and, upon the expiry of the work permit, obliging third-country nationals to return to their country of origin (LT) or only allowing them to take up a new position after a waiting period of minimum one month (LT). RO referred to a legislative provision that temporary residence may be extended only for the same purpose as that for which it had previously been granted or extended.

*Commitment: I.(d) to **regulate family migration** more effectively by inviting each Member State, in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take into consideration in its national legislation, except for certain specific categories, its own reception capacities and families' capacity to integrate, as evaluated by their resources and accommodation in the country of destination and, for example, their knowledge of that country's language;*

At EU level, the Commission adopted a report<sup>8</sup> on the implementation in Member States of the Family Reunification Directive<sup>9</sup>. The Directive sets out the conditions under which legally residing third-country nationals have the right to be joined by their non-EU family members. The report identified possible problems in Member States' transposition legislation and, while giving recommendations for a better application of the Directive, showed that the impact of the Directive remains limited with its low-level binding character leaving Member States with much discretion. As follow-up, the report announces a wide consultation in the form of a Green Paper on the future of the family reunification regime.

At national level, several Member States documented changes to existing policies during the reporting period (BE, EL, ES, IT, LT, LU, NL, AT, PL). These included modifications to the (set of) conditions for family reunification, to the categories of persons exempted from fulfilling these conditions for family reunification, and to the procedures for applying for or renewing residence permits within the framework of family reunification.

As to the (set of) conditions for family reunifications, Member States presented the following as elements of existing regimes. In order to better take account of families' capacity to integrate when considering applications for family reunification, many Member States stipulated that sponsors were required to have a stable and regular income to support the family member(s) (BE, BG, DK, ES, FR, IT, LT, LU, NL, AT, PL, PT, FI, UK), suitable accommodation (BE, BG, DK, ES, FR, IT, LU, AT, UK) and/or a previous period of residence (ES). Some demanded that family members were to attain a specific level of language proficiency (DK, NL, PT), some after issuance of a residence title (AT), and/or sign an integration contract or agreement (AT). BE undertook steps to negotiate agreement protocols with the Communities, i.e. the entities competent for the integration of foreign nationals, with the objective of tying the issuance of a residence permit for family reunification to a commitment to integrate and/or integration in the host society. IT recently adopted legislation providing for an integration agreement, which will be implemented shortly. AT set in certain cases quota regarding family reunification with the aim of respecting its national reception capacities.

Some of these elements were added to national regimes during the reported period. For example, previous to 2009, BE required sponsors to have a health insurance and sufficient accommodation. However, legislation was amended to include sufficient, stable and regular income as a precondition for family reunification. SE put forward proposals to introduce a support requirement. In light of the economic crisis, PT reduced by half the means of subsistence that third-country nationals require in order to apply for family reunification. New legislation concerning security issues adopted by IT in 2009 stipulated that accommodation was to comply with health standards and to be certified by municipal authorities. The growing emphasis on integration commitments (e.g. through contract) also reflected Member State concerns (BE) about integration of family members.

Some Member States reported on legislative changes introducing exemptions concerning categories of persons who did not have to fulfil conditions set for family reunification (EL, LT, LU, AT, PL). Enhanced protection of family unity, of children and of those granted international protection seemed to be at heart of this. ES approved a reform of its legislation

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<sup>8</sup> COM(2008) 610 of 8 October 2008.

<sup>9</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12.

on family reunification stipulating that only long-term residents can apply for the reunification of ascendants and granting direct access to the labour market for reunited spouses and children from the age of 16. CY amended legislation so as to facilitate family reunification for third-country nationals working for foreign companies. LT facilitated family reunification for highly qualified workers, for third-country nationals who arrive to lecture or perform an internship at national research and study institutions and for persons who have invested substantially in projects of importance to the State. RO facilitated admission for business development and for study including by allowing family reunification.

A number of Member States referred to the need to step up action against marriages of convenience (BE, FR, IT, LT, NL, AT). BE reported that legally registered partnerships could be introduced in the Aliens Act (i.e. the core of Belgian immigration legislation). This would imply that, if there are serious doubts on the genuine nature of the relationship, the legally registered partnership would only be concluded, and the first temporary residence permit only issued, once the stable and sustainable nature of the relation had been investigated and verified. In 2009, BE also put measures in place to promote better cooperation between the different actors involved, such as the production of a “road book on marriages of convenience” targeting all official authorities involved in the issue (e.g. the Immigration Department, municipalities, the judiciary) and the creation of a federal database to be used by local authorities (i.e. civil servants in charge of marriages). In both BE and LT, a higher number of investigations into (potential) marriages of conveniences were opened. CY reported preparation of draft legislation. NL reported that fraud and abuse were being tackled vigorously, including by way of checks on the relationship’s genuineness each time an application is received from a partner in a third country. In FR there was consideration of the problem of marriages of convenience, which were coined “grey marriages” highlighting the potential exploitation by one of the parties involved.

*Commitment: I.(e) to strengthen **mutual information on migration** by improving existing instruments where necessary;*

At EU level, the various instruments available at EU level for the mutual exchange of information on migration continued to be used, though to varying degrees. The European Migration Network through its Studies (e.g. on unaccompanied minors) and Ad-Hoc Queries (89 in 2009 alone with each query having 19+ Member States responding) to request information on a broad range of asylum and migration related topics showed a clear need for information exchange, including by the Commission, for supporting policy development at EU and national levels. An evaluation<sup>10</sup> of the Mutual Information Mechanism indicated that its practical functioning did not meet expectations, with a relatively small number of contributions received on an infrequent basis (by end of 2009, 47 from 16 Member States). Elsewhere, an assessment of CIREFI<sup>11</sup> concluded that it remained a useful platform covering all areas of illegal immigration, but that a necessary level of synergy should be found in order to avoid redundancy and duplication of work by other European bodies (e.g. the planned FRONTEX Information System). Following the entry into force of the Lisbon Treaty, the future of CIREFI was discussed in connection with the overall restructuring of Council working structures. It was decided to abolish CIREFI by mid-2010. The allocation of its tasks between FRONTEX and relevant Council working groups will be decided in the first half of

<sup>10</sup> COM(2009) 687 final of 17 December 2009.

<sup>11</sup> Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration. See OJ C 274, 19.9.1996, p. 50.

2010. On ICONet<sup>12</sup>, developments included the possibility that this may be taken over by FRONTEX and an amendment to the ILO (Immigration Liaison Officer) Regulation<sup>13</sup> to support the use of ICONet by ILOs. In the field of asylum, the activities of European Asylum Support Office (EASO – see IV.(a) below) will result in better coordination of the exchange of information.

At national level, all Member States except CY were active in the European Migration Network, although RO was unable to provide an annual policy report. Some Member States reported strengthening their National Contact Point (LU), or creating (PT) or strengthening (HU) their national network. CY reported on actions being taken to remedy its lack of sufficient participation, including the hiring of new personnel.

In addition to references to the Mutual Information Mechanism, Member States also mentioned exchange of information within Council and other EU bodies as well as participation in GDISC<sup>14</sup> (EL, IT) and the National Contact Points on Integration (see I.(h) below). The UK reported exploring possible overlaps and synergies between different mutual information mechanisms including EASO, GDISC and the Inter-governmental Consultations on Migration, Asylum and Refugees (IGC). The UK also reported on how it aims to overcome its current difficulties in supplying certain data required under the Statistics Regulation<sup>15</sup>.

*Commitment: I.(f) to improve **information on the possibilities and conditions of legal migration**, particularly by putting in place the instruments needed for that purpose as soon as possible;*

At EU level, the Commission continued its development of the EU Immigration Portal with a view to its official launch in 2010. The Portal will be a globally accessible, objective and reliable source of information on the possibilities and conditions of legal immigration to the EU. The Portal will also provide information on the dangers and consequences of irregular immigration into the EU.

At national level, most Member States reported that information on the possibilities and conditions of legal migration was available on the official websites of ministries and/or employment agencies (BG, CZ, DE, IE, EE, EL, ES, FR, IT, LV, LT, LU, MT, NL, AT, PL, PT, RO, SK, FI, SE, UK) or would be available (CY). For example, the Residence Wizard, implemented by the Dutch Immigration and Naturalisation Service, provides information on staying in the Netherlands and on residence permits. The client can customise their application to their particular case, in order to find out whether they are eligible and to learn about the specific conditions and requirements that apply. LT also reported that legislative acts concerning “Aliens” and “Citizenship” were translated into Russian and English.

Some also referred to the websites of welcome or business centres (DE, NL) or meetings with representatives of the foreign business environment (RO). Other measures for disseminating relevant information included brochures or other informational material (CZ, EL, ES, CY, LT,

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<sup>12</sup> ICONet is a secure web-based information and coordination network for Member States’ Migration Management Services, OJ L 83, 1.4.2005, p. 48.

<sup>13</sup> Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network, OJ L 64, 2.3.2004, p. 1.

<sup>14</sup> General Directors of Immigration Services Conference.

<sup>15</sup> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection, OJ L 199, 31.7.2007, p. 23.

AT, PL, RO, SI), manuals (EL, IT) available in different languages, or the use of cultural mediators (PT). Several Member States set up projects to raise awareness in third countries (BG, CZ, ES, IT, LT, LU, PL, PT, UK). For example, LU set up the project “Migrate with eyes open” in Cape Verde in 2006, extended into 2009 and 2010, with the aim of enabling Cape Verdeans to decide whether to migrate or not, being aware of the legal conditions to do so. The “CAMPO - Centre to Support Immigrants in their Country of Origin Project”, which has been running since 2008, was established by PT for similar reasons. ES includes information about legal migration and prevention against the risk of the illegal immigration in all its bilateral agreements with countries of origin on migratory issues.

*Commitment: I.(g) to invite Member States, in line with the common principles approved by the Council in 2004, to establish ambitious policies, in a manner and with resources that they deem appropriate, to **promote the harmonious integration** in their host countries of immigrants who are likely to settle permanently; those policies, the implementation of which will call for a genuine effort on the part of the host countries, should be based on a balance between migrants' rights (in particular to education, work, security, and public and social services) and duties (compliance with the host country's laws). They will include specific measures to promote language-learning and access to employment, essential factors for integration; they will stress respect for the identities of the Member States and the EU and for their fundamental values, such as human rights, freedom of opinion, democracy, tolerance, equality between men and women, and the compulsory schooling of children. The European Council also calls upon the Member States to take into account, by means of appropriate measures, the need to combat any forms of discrimination to which migrants may be exposed;*

At EU level, in October 2008 the Commission published its Report to the 2008 Ministerial Conference on Integration entitled *Strengthening actions and tools to meet integration challenges*<sup>16</sup>. The third European Ministerial Conference on Integration took place in November 2008 in Vichy and Conclusions of the Council and the Representatives of the Governments of the Member States on integration policies in the European Union were adopted at the JHA Council of 27/28 November 2008. After the end of the reporting period, the Commission published a Report<sup>17</sup> to the fourth Ministerial Conference on Integration held in April 2010 in Zaragoza.

During the reporting period the Commission adopted 100 programming documents of the European Fund for the Integration of Third-Country Nationals, including all the multiannual national programmes 2007-2013 and all annual programmes for 2007, 2008 and 2009. Concerning Community Actions, the 2008 annual work programme was adopted in October 2008 and the call for proposals published in December leading to selection of nine projects. The 2009 annual work programme was adopted in September 2009 and the call for proposals published in December 2009.

As regards action against discrimination, the Commission continued infringement procedures against certain Member States to ensure correct transposition of the Racial Equality Directive<sup>18</sup> and the Employment Equality Directive<sup>19</sup>. The European Parliament and Council

<sup>16</sup> SEC(2008) 2626 of 8 October 2008.

<sup>17</sup> SEC(2010) 357 of 19 March 2010.

<sup>18</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22.

<sup>19</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, p. 16.

continued legislative discussions on the Commission proposal for a new Directive prohibiting discrimination outside employment based on religion or belief, age, disability or sexual orientation. The Council adopted the Framework Decision on Racism and Xenophobia<sup>20</sup> which contributes to the fight against discrimination by obliging Member States to make punishable by criminal penalties *inter alia* public incitement to violence or hatred against a group of persons or a member of such a group, defined by reference to race, colour, religion, descent or national or ethnic origin. Member States have until November 2010 to implement the Framework Decision.

The Commission also contributed to combating discrimination by providing financial support through the Progress Programme and the Specific Programme on Fundamental Rights and Citizenship.

At national level, many Member States reported on a national strategy or plan on integration (BG, CZ, DE, IE, EE, ES, IT, LU, HU, NL, PT, RO, SK, SE, UK). Others reported that this national strategy was in the course of being revised (BE, FR, SE), or developed (CY, AT, PL). Legislation amended in Wallonia (BE) allowed for the set up of local integration plans. SI reported that its implementation in 2009 of recent legislation established an overall system of integration where previously only beneficiaries of international protection had benefited. As to institutional changes, the set up or better coordination of centres and agencies concerned with integration was mentioned by a few (BE, CZ).

Most Member States reported having measures in place to enable migrants to learn the language of the host country (BE, BG, CZ, DK, DE, EE, EL, ES, FR, IT, CY, LV, LT, LU, MT, NL, AT, PT, RO, SI, FI, SE, UK) and to acquire knowledge of the host society's history and culture (BE, BG, EL, ES, FR, IT, LV, LT, LU, MT, NL, SI, FI, SE, UK). Several Member States also referred to support services to enhance migrants' access to employment (DK, EE, ES, FR, IT, LV, LU, MT, AT, PT, RO, FI, SE), including skills assessment (FR), job orientation (ES, IT, PT), qualification measures and mentoring programmes (AT, PT), projects to promote immigrant entrepreneurship (PT) and partnerships with industries (FR, AT). SE undertook steps to boost migrants' personal motivation to learn the Swedish language and find a job through a bonus system, ultimately speeding up the "social introduction of migrants". Some Member States mentioned general integration programmes (DE, IT, NL, PL, PT), some of which ended with an integration test. IT reported on specific efforts to promote integration of nomadic communities.

A few Member States also reported on measures to facilitate migrants' access to public and social services (IE, EL, ES, FR, IT, PT, UK), such as access to online website resources (EL, IE), cultural mediators (EL, ES, IT, PT), a project to familiarise parents with the national school system (FR, ES), support services for the integration of immigrant students in schools (CY, EL), interventions to sensitise and advise teachers, students and parents and to establish a network of partners (psychological support group) to support students and their families (EL) and a funding mechanism for local public services to manage the transitional impacts and pressures of migration (UK). In 2009, PT launched a circular stipulating that access to the national health service by regular and irregular immigrants was a fundamental human right. Others referred to civic orientation courses as helping migrants in accessing public and social services (see paragraph above).

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<sup>20</sup> Framework Decision 2008/91/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328, 6.12.2008, p. 55.

Some Member States indicated that these activities, projects or programmes received funds from the European Fund for the Integration of Third-Country Nationals (BE, BG, EE, ES, FR, IT, CY, LV, LT, LU, HU, AT, PT, SK, UK) or the European Social Fund (ES, MT).

Expectations were that, through the measures put in place, migrants would gain a particular level of language proficiency in a set time period (CZ, FR, IT, AT, PT, FI) and/or of knowledge of, and respect for, national values (FR) or common/fundamental values (BG, DK, DE, EE, EL, ES, FR, IT, CY, NL, AT, FI, SE). Respect for human rights (BG), rule of law (IT, NL), gender equality (BG, DK, DE, ES, FR, FI), democracy (DK, NL, FI), freedom of opinion (DK, FR), compulsory education (EL, FR, FI), religious diversity (DE) or other “basic values of Europe” (EE) were the main fundamental values reported by Member States.

A few Member States drew up integration contracts or agreements to lay down the conditions for integration in the host society and to ascertain the migrant’s commitment to, and active participation in, the integration process (DK, EL, FR, IT, AT), or planned to do so (LU). Others referred to language tests as a condition for acquiring long-term EC residence status (CY, EL) or permanent residence (CZ, LT). A few Member States developed a guide for migrants on their rights and duties, available in several languages (EL, SK, UK), or launched projects with that aim (BG, HU, SK). In general, the balance between migrants’ rights and duties featured in many national policies promoting integration of migrants (BG, CZ, DK, DE, EL, ES, FR, IT, LU, HU, NL, AT, FI, SE, UK).

Many Member States reported on measures to combat discrimination to which migrants may be exposed (BE, BG, CZ, DK, EE, EL, ES, FR, IT, CY, LT, LU, HU, MT, NL, AT, PT, RO, FI, SE). These predominantly included anti-discrimination legislation (BE, BG, CZ, IE, EE, EL, ES, MT, AT, PT, RO, SE), awareness raising campaigns (BG, CZ, EE, EL, ES, CY, LV, LU, HU, MT, PT, FI), training of personnel dealing with the target group (EL, CY, MT, PT) and the set up or further development of an equality body (BE, DK, IT, AT). In LU, the mission of the Office for Reception and Integration was widened to include the fight against discrimination. FR established a Diversity Charter and a Diversity Label that could be attributed to companies and EL plans to undertake a research on discrimination issues. FR also started an experiment of using anonymous CVs. PT organised competitions, such as the “Posters Against Discrimination Competition” and the “Award for Journalism, Human Rights and Integration”, which recognises the contribution of media professionals in promoting tolerance and integration and combating all forms of racism and discrimination.

DK, DE, EE, FR and FI referred to developing indicators for assessing integration policy results.

*Commitment: I.(h) to promote **information exchange on best practice** implemented, in line with the common principles approved by the Council in 2004, in terms of reception and integration, and on EU measures to support national integration policies.*

At EU level, seven meetings of National Contact Points on Integration took place in the reporting period. The text of the third edition of the *Handbook on Integration for policy-makers and practitioners* was finalised for publication in April 2010. In April 2009, the Commission launched the European Web Site on Integration ([www.integration.eu](http://www.integration.eu)) and organised in cooperation with the European Economic and Social Committee the first meeting of the European Integration Forum. The Forum provides opportunities for dialogue with civil society; its second meeting in November 2009 brought together over 80 organisations.

At national level, most Member States promoted information exchange on best practices implemented in terms of reception and integration (BE, BG, DK, DE, EE, EL, ES, FR, IT, LV, LT, LU, HU, MT, NL, AT, PT, SK, SI, FI, SE, UK).

Several Member States established or further developed (BG, EL, LV, HU, AT, UK) or started preparing (SI) national websites enabling the exchange on integration matters, often within the framework of the European Fund for the Integration of Third-Country Nationals (EIF). Stakeholders in four Member States had the opportunity to meet each other in inter-institutional working groups to discuss integration (BG, IT, HU, AT). Some Member States organised events (e.g. conferences, seminars) (EL, ES, AT, SK), dialogue initiatives (BE, EE, LU, SE), consultations with Muslim representatives (DE) or awareness raising campaigns (AT, EE, ES) with integration as topical focus. Others issued newsletters or quarterly journals (IT, AT, PT, SE), and/or funded knowledge institutes that had as objective to collect and disseminate information on integration (NL, PT). LT referred to the development of a manual on intercultural communication and training courses on cultural diversity, as well as other activities in the area of integration, undertaken in cooperation with IOM.

In addition, several Member States reported on their participation in the National Contact Points on Integration, the European Website on Integration and the European Integration Forum. Bilateral meetings or cooperation in relation to integration took place between FR and DE, and NL and BE. CY reported it would organise a Mediterranean Forum for the exchange of views and best practices.

## II. ILLEGAL IMMIGRATION

***Main commitment: Control illegal immigration in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country***

<i>Commitment: II.(a) to use <b>only case-by-case regularisation</b>, rather than generalised regularisation, under national law, for humanitarian or economic reasons;</i>
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At EU level, a “Study on practices in the area of regularisation of illegally staying third-country nationals in the Member States of the EU” was published in January 2009. The study, produced by ICMPD<sup>21</sup> subsequent to the Commission’s Communication on policy priorities in the fight against illegal immigration of third-country nationals<sup>22</sup>, presents evidence on issues related to regularisations in order to inform policies in this area.

At national level, many Member States reported that they had used case-by case regularisation during the reporting period (BE, DE, EE, EL, ES, FR, IT, CY, LT, LU, NL, AT, PT, FI). Several other Member States indicated that they had not undertaken any form of regularisation (BG, CZ, DK, IE, HU, MT, RO, SK, SE).

The reasons reported for regularisation varied. In some Member States the reasons for regularisation were of humanitarian nature (BE, EL, CY, AT) whilst in others the reasons were linked to the economy and employment (BE, FR, IT), or both (DE, PT). Several Member States used grounds such as close ties to the Member State, study and integration

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<sup>21</sup> International Centre for Migration Policy Development.

<sup>22</sup> COM (2006) 402 final of 19 July 2006.

reasons, health reasons or extraordinary reasons justified by a competent authority (DE, EE, EL, ES, LT, NL, PT).

BE and IT described that in 2009 new regularisation schemes were undertaken. BE introduced measures with regard to long lasting asylum procedures and urgent humanitarian situations taking into consideration current practice related to international conventions and the ECHR. IT had launched a large-scale regularisation process for those irregularly employed in the area of domestic work or in activities related to the care for the sick and/or disabled. Almost 300 000 applications were received (180 408 for domestic workers and 114 336 for assistants to the sick/disabled), the main nationalities represented being from Ukraine and Morocco.

DE indicated that it was not taking any measures to legalise the residence of immigrants staying illegally and that it continued to look at this critically in light of the current economic crisis. However, the Residence Act provided that third-country nationals who were subject to an enforceable obligation to leave the country, but who had resided in the Federal territory for several years on grounds of a exceptional leave to remain (“Duldung”) and who had integrated themselves, could – under specific circumstances – be granted a permanent perspective in Germany.

*Commitment: II.(b) to conclude readmission agreements at EU or bilateral level with those countries with which this is necessary, so that each Member State has the legal instruments to ensure that illegal immigrants are expelled;*

At EU level, in November 2008 the Commission presented recommendations to Council to negotiate readmission agreements with Georgia and Cape Verde, following which in June 2009 Council authorised the Commission to negotiate in line with negotiations directives. The negotiations with those countries are ongoing. A readmission agreement with Pakistan was signed (October 2009) and is in the process of ratification by both Parties. Two negotiation rounds (January and October 2009) were held with Morocco during which certain progress was noted which brought the negotiations process to a final stage. Following several contacts at technical and political level the negotiations with Turkey (blocked since 2006) were re-launched. Further efforts were undertaken at various levels in order to launch the talks with China and Algeria.

In addition to EU readmission agreements negotiations on Partnership and Cooperation Agreements (PCA) were continued with Vietnam, Philippines, Iraq, Brunei, Singapore, Malaysia, Libya and Republic of Korea. The revision of the Cotonou Agreement aiming *inter alia* at clarifying readmission obligations contained therein was launched in May 2009.

At national level, some Member States reported that bilateral readmission agreements with third countries were concluded or entered into force in 2009 (BE, DE, LU, HU, SK, FI). Other Member States referred to bilateral agreements in general (BG, CZ, DK, IE, EE, EL, ES, FR, IT, LV, LT, PL, SE, UK). DK highlighted its May 2009 readmission agreement with Iraq. Many Member States also stated that they were in the process of negotiating one or more bilateral readmission agreements with third countries (BE, BG, CZ, DK, EE, EL, FR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, RO, FI, UK). FR also referred to non-legally binding procès-verbaux that it had agreed or was negotiating with third countries for the delivery of laissez-passer documents, as well as to its Agreements related to Concerted Management of Migration Flows (see V.(a) below). LU referred to earlier cooperation with third countries in the field of readmission through, for example, a memorandum of understanding with Nigeria.

Several Member States also referred to EU readmission agreements with third states (BE, BG, CZ, DK, DE, EE, EL, FR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, FI). Within the framework of these EU readmission agreements, some Member States reported that they concluded or were in the process of negotiating the required implementation protocols with countries such as Albania (EL, FR, IT, HU, MT, PL, PT, SK), Armenia (PT), Bosnia-Herzegovina (EE, MT, NL, PT), the former Yugoslav Republic of Macedonia (EE, IT, HU, LV, LT, NL, PT, SK), Hong Kong (MT), Macao (MT), Republic of Moldova (EE, EL, IT, LV, HU, MT, NL, PL, PT, RO, SK), Montenegro (IT, HU, MT, PT), Serbia (EE, EL, FR, IT, LV, LT, HU, MT, NL, PT, RO, SK), Russia (EE, EL, FR, IT, CY, LV, LT, HU, MT, NL, PL, PT, RO, FI), Sri Lanka (MT) and/or Ukraine (EE, HU, MT, NL, PL, PT, SK). For BG, it was of prime importance to conclude and implement a readmission agreement with Turkey; similarly, CY strongly believed that the EU should intensify efforts to conclude readmission agreements with key countries of origin and transit such as Turkey.

In order to ensure readmission by third countries, FR drew upon the practice of consular 'laissez-passer' and to readmission clauses adopted in agreements related to Concerted Management of Migration Flows.

*the effectiveness of EU readmission agreements will be evaluated;*

At EU level, meetings of the joint readmission committees were held with the crucial third countries with which the EU has concluded readmission agreements (in particular with all Western Balkans countries and Ukraine in November-December 2008 and with Russia in November 2008 and June 2009). The Commission gathers regularly the information from Member States on the application of all EU readmission agreements in force.

*negotiating directives that have not succeeded should be reviewed;*

At EU level, discussions on the negotiations that are underway were held regularly in both thematic and geographic Council working groups.

*Member States and the Commission will consult closely when future EU readmission agreements are negotiated;*

At EU level, Member States were regularly involved in the preparation of negotiations directives for new EU readmission agreements and in the subsequent outcome of negotiation sessions. All drafts of agreements (in particular in relation to Morocco, Georgia, China, Cape Verde) were discussed with Member States. Similar consultations were organised with regard to negotiations directives for, and/or drafts to be discussed in the framework of, PCA negotiations.

At national level, MT reported that it had submitted a non-paper to the Member States on EU-Libya Cooperation on Readmission, highlighting the importance of concluding an EU-Libya readmission agreement, possibly within the context of the EU-Libya Framework Agreement currently under negotiation.

*Commitment: II.(c) to ensure that the **risks of irregular migration are prevented** within the framework of the modalities of the policies for the entry and residence of third-country nationals or, where appropriate, other policies, including the modalities of the framework for freedom of movement;*

At EU level, the EU Blue Card Directive<sup>23</sup> (see I.(b) above) limits the occupational mobility of a third-country highly qualified worker for the first two years of employment in a Member State in order to avoid abuse of this specific scheme.

As regards the right of free movement of EU citizens and their family members, the Commission assists Member States in implementing Directive 2004/38/EC on the right to move and reside freely within the territory of the Member States. It issued a Communication on guidance for better transposition and application of Directive 2004/38/EC<sup>24</sup>. These guidelines include a section on the measures to tackle abuse and fraud (such as marriages of convenience). In addition, the Commission promotes exchange of information on abuse and fraud among Member States in the framework of its expert group on free movement of EU citizens and their family members.

At national level, Member States provided relevant information on other commitments of the Pact (see I.(d) above and II.(g) and III.(e) below).

In BE a Bill modifying the Aliens Act was being elaborated in order to give a legal ground to the introduction of individual data on third-country nationals, who are the subject of a restrictive measure, for the purpose of entry refusal or refusal of issuing a residence permit. DK reported on actions it takes to prevent possible abuse of the right of free movement of EU citizens and their family members. CY reported that when a permit expires the third-country national is notified that they have to depart; if there is no record of departure a deportation order is issued. RO reported that it posted specialists to Romanian consulates to check for false documents in applications. SI referred to regular risk analyses including in the field of abuse of residence permits, prohibiting certain employment of third-country nationals (a measure introduced also in response to the economic crisis, see I.(a) above) and a database upgrade allowing checking between records of residence permits and of work permits.

*Commitment: II.(d) to develop **cooperation between Member States**, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants (biometric identification of illegal entrants, joint flights, etc.);*

At EU level, FRONTEX co-ordinated from October 2008 until the end of 2009 in total 37 joint return flights with a total number of around 1 900 returnees. Nineteen Member States (CZ, DE, IE, EL, ES, FR, IT, CY, LV, LU, MT, NL, AT, PL, RO, SK, FI, SE, UK) and three Schengen associated countries (CH, IS, NO) participated in these flights. Countries of return were Albania, Armenia, Cameroon, Columbia, Cote d'Ivoire, Ecuador, Gambia, Georgia, Kosovo, Mongolia, Nigeria, Pakistan, Togo and Vietnam. Of the 30 joint operations FRONTEX co-financed 21, 2 of which with EU funding from the Return Preparatory Actions.

Furthermore, the Commission launched under the Return Fund Community Actions 2009 a call for proposal for supporting joint return operations with around €2.2 million and for supporting the cooperation of two or more Member States with third-country consular authorities and immigration services in order to facilitate return with €1 million.

At national level, many Member States made positive experiences with joint return operations and co-operation in the field of identification and documentation of returnees. The co-

<sup>23</sup> Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17.

<sup>24</sup> COM (2009) 313 final of 2 July 2009.

financing possibilities for these kinds of activities offered under the European Return Fund as well as the added value of FRONTEX coordination were broadly appreciated.

More particularly, several Member States (BE, CZ, DE, EL, ES, FR, IT, CY, LU, HU, MT, AT, RO, UK) reported on joint flights organised by FRONTEX and/or joint flights organised by other Member States. Following an initiative of HU, the possibility to also carry out FRONTEX-coordinated joint return operations by land was actively considered and first preparatory steps were taken.

Some Member States (DE, FR, CY, HU, MT, PL, UK) highlighted participation in joint projects aimed at facilitating the identification of illegally staying third-country nationals and issuing travel documents in preparation of their return. MT reported on its difficulties in identifying migrants arriving illegally by boat, further complicated by factors including lack of cooperation from the migrants themselves and from certain countries of origin, and therefore considered joint action – through FRONTEX – in this field a top priority. In this context express support for FRONTEX joint operation Attica was expressed by DE, EL. Emphasis was also given to the added value of Immigration Liaison Officers cooperation in this field (HU, FI). Some Member States (EE, LV) underlined that the transposition of the Return Directive will facilitate increased cooperation between Member States in this field in the future.

*Commitment: II.(e) to step up **cooperation with the countries of origin and of transit**, under the Global Approach to Migration, in order to control illegal immigration, in particular to follow with them an ambitious policy on police and judicial cooperation to combat international criminal organisations engaged in trafficking migrants and in human trafficking,*

At EU level, Mobility Partnerships negotiated by the Commission included the three priority areas of the Global Approach to Migration (legal migration, illegal migration and migration/development). The Mobility Partnership with Georgia (see V.(a) below) supports, among other activities, information campaigns on the risks of illegal migration and reintegration of victims of trafficking. The Mobility Partnership with the Republic of Moldova (see V.(a) below) includes also several actions providing for capacity building in the area of anti-trafficking, information campaigns on the risks of illegal migration and reintegration of victims of trafficking. Also, the fight against trafficking of human beings has been identified as one of the priorities for years 2009-2010 in the framework of the Africa-EU Partnership on Migration, Mobility and Employment.

At national level, most Member States listed bilateral agreements/projects with third countries (BE, BG, CZ, DK, DE, IE, EL, ES, FR, IT, CY, LV, LT, HU, NL, AT, PL, PT, SK, FI, UK), some of which expected to conclude additional agreements in the near future (IE, CY, PL). SE reported that it had not concluded any bilateral agreements with third states during the period although it had been active at political level, not least in the course of the Swedish EU Council Presidency.

As to the focus of the bilateral agreements with third countries, Member States reported that the agreements and cooperation focused on information exchange, police and border guard cooperation, such as conducting joint crime investigations and cross-border operations against illegal immigration and human trafficking, as well as on institutional capacity building of third states (BG, DE, EL, ES, FR, IT, CY, LV, LT, HU, AT, PL, PT, SK, FI, UK). Regarding the latter, IT referred to the training of law enforcement units in Iraq and PT to capacity-

building of Brazilian federal police and consular staff. ES reported creating contacts with key African countries to achieve closer cooperation in tackling illegal immigration and human trafficking, based on cooperation agreements and memoranda of understanding. CY reported on cooperation with Syrian authorities including on the risks undergone by migrants. UK reported that it had contributed to capacity building of relevant authorities in a number of jurisdictions by helping to improve the investigation and prosecution of offences.

Some Member States also referred to close cooperation with regional and international organisations (IE, EL, FR, IT, LV, LT, SK). Some of these mentioned that they cooperated and exchanged information with Europol and/or Interpol (EL, FR, LV, LU, IT, RO, SK), whilst others (IE, FR) referred to agreements with ILO including concerning, for example, actions against forced labour, human trafficking and the elimination of child labour (IE). HU referred to its cooperation within the framework of the Söderköping process and the Budapest process. RO referred to operational cooperation with third countries' authorities and through SECI.

*and to **provide better information to communities under threat** so as to avoid the tragedies that can occur, particularly at sea;*

At EU level, information campaigns have been included as key components in numerous projects in the area of migration management in various parts of the world. Projects with such types of activities have been funded through the Thematic Programme "Cooperation with Third Countries in the areas of Migration and Asylum" and its processor, the AENEAS Programme, for example in West Africa (Benin, Cameroon, Nigeria, Senegal, Ghana, Mali), Bangladesh, India, the Democratic Republic of Congo, Morocco, Tunisia and Libya.

At national level, some Member States reported on information campaigns targeting communities under threat of illegal immigration and/or exploitation in third states (BE, EE, EL, ES, IT, PL, PT, FI, UK). The UK, in Nairobi, for example, reported that it had been working with the producers of a popular Kenyan soap opera to promote messages about the dangers of illegal immigration. BE had organised campaigns against illegal immigration in North Punjab, India by means of posters, brochures, filmed documentaries, plays, etc. It also referred to an information campaign in the Democratic Republic of Congo and one concerning Brazilian migrants under threat. ES set up an awareness campaign on illegal immigration in Senegal, during 2007, in collaboration with the IOM and the EU.

*Commitment: II.(f) to invite Member States, specifically with the support of Community instruments, to devise **incentive systems to assist voluntary return***

At EU level, Member States were encouraged to make use of the means provided by the European Return Fund and to elaborate on innovative measures improving voluntary return. Those measures are eligible for co-funding up to 75 % under the priority 3 of the Strategic Guidelines for the European Return Fund.

At national level, most Member States reported that incentive systems to assist voluntary return of illegally-staying immigrants were in place (BE, BG, CZ, DK, DE, IE, EE, EL, ES, FR, IT, LV, LT, LU, HU, MT, NL, AT, PL, PT, SK, FI, SE, UK). From the information provided, it appears that increasingly, Member States were providing reintegration assistance to ensure successful and permanent return, rather than merely focusing on repatriating the individual to his/her country of origin.

The European Return Fund was also perceived as an important instrument to finance return incentives. In this respect, several Member States reported that they set up an incentive system or implemented return activities with the assistance of the European Return Fund (BE, EL, LV, LT, HU, MT, AT, PL, PT, SK). EL, for example, reported on an ongoing programme involving collaboration between government and NGOs. IT also cooperated with NGOs as part of EU-funded projects. BE indicated that in 2010 it would with support from the European Return Fund coordinate an evaluation of the reintegration support offered by different Member States.

Several Member States (BG, CZ, IE, ES, IT, LT, LU, HU, MT, NL, AT, PL, PT, RO, SK, UK) referred to voluntary return programmes which were set up in collaboration with/carried out by IOM. Some gave details on the content of these programmes (BE, CZ, DE, IE, ES, FR, LT, LU, HU, MT, PT, AT, SE, UK). A few of these Member States indicated providing different types of incentives depending on the category of the potential returnee (BE, IE, FR, AT, SE, UK). In BE, AT, SE and the UK, persons who had applied for international protection were also eligible for reintegration grants. The UK provides assistance mainly “in kind” such as education, vocational training or job placements and offers added incentives to Iraqi and Afghan nationals specifically for rebuilding homes destroyed in conflict. FR differentiated between voluntary and humanitarian return assistance and referred to the provision of reintegration assistance. Reintegration assistance was also mentioned by LT, LU and SK. HU and SK referred to measures such as information campaigns, brochures, websites, and HU also to toll free phone numbers and capacity building of those who worked on return, whilst PL also reported on specific information measures for groups under threat of trafficking and exploitation.

CY reported on plans to establish an IOM office in Cyprus a main aim of which would be developing voluntary return programmes.

Some Member States reported on new return schemes for legally residing immigrants who lost their job (and hence their work permit) due to the current economic crisis (CZ, ES).

Two Member States reported on their budget for 2009 for return and reintegration assistance: €9 million (FR) and €185 000 (LU for a specific IOM project). As to the maximum amount of financial help that individuals could be given, FR reported on €2 000 for a single adult, €3 500 for a couple and €1 000 per minor child (€500 from the fourth child onwards) within the context of voluntary return. Within the framework of humanitarian return, the amounts were limited to €300 per adult and €100 per minor child. Reintegration assistance, in the form of financial help with the start up of a business project, was provided by FR up to €7 000. LU referred to financial help granted under the IOM project: a “reintegration stipend” (e.g. accommodation, clothing) of maximum €1 500 and an “additional reintegration stipend” of €1 500 for setting up an activity that generated revenue and of €600 for job search. BE also reported providing up to €2 000 for persons starting a small-scale self-employed activity in the country of origin.

Many Member States provided data on the number of third-country nationals who voluntarily returned with assistance through nationally organised programmes in 2009 (BG, CZ, DE, EE, ES, FR, LU, HU, PT, UK). Figures ranged from 3 voluntarily returned in EE to 5 871 in FR (first 9 months of 2009).

*and to keep each other informed on this point in order to prevent the fraudulent return to the EU of those who receive such aid;*

At EU level, no focused activities took place on this specific point.

At national level, only one Member States reported on additional national measures to prevent abuse of voluntary return programmes (FR). The Member State had set up a computer-based registration system to ensure a proper administrative and financial follow-up of return assistance, which also enabled identification of possible fraudulent returns.

*Commitment: II.(g) to invite Member States to take rigorous action, also in the interest of the immigrants, by way of dissuasive and proportionate **penalties against those who exploit illegal immigrants** (employers, etc.);*

At EU level, the Employer Sanctions Directive was adopted<sup>25</sup>. Its aim is to reduce the employment pull factor for illegal immigration by ensuring that all Member States introduce similar penalties for employers of illegally staying third-country nationals and enforce the penalties effectively. The Directive tackles exploitation in particular by making the presence of particularly exploitative working conditions one of the serious circumstances in which Member States must provide for criminal sanctions. In those criminal cases Member States will be able to grant temporary residence permits in a similar way as is already done for victims of trafficking. Member States have until July 2011 to transpose the Directive. In October 2009, the Commission organised a first meeting of a Contact Committee with Member States representatives in order to discuss the implementation of the Directive.

After the end of the reporting period and following the entry into force of the Lisbon Treaty, the Commission on 29 March 2010 presented a proposal for a Directive on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA<sup>26</sup>. The proposal, building on and replacing a proposal made in 2009, foresees reinforcement of the system of prosecution of trafficking, including more severe penalties, enhancement of protection of victims' rights, strengthening measures to prevent trafficking and establishing effective monitoring systems.

At national level, ES reported that it had transposed the Employer Sanctions Directive into national legislation. Some other Member States indicated they were preparing for its future transposition. DK does not participate in the Directive, but reported on national legislation and regular inspections of companies. The UK did not opt in to the Directive, but reported that its introduction of civil penalties in February 2008 meant that it had measures in place to deal effectively with illegal employment issues.

Some Member States reported stepping up action in this area (BG, IT, LT, AT, PL, PT). In PL, since January 2009, the Border Guards were allowed to verify the legality of foreigners' employment on the whole national territory. In IT and PT, more severe penalties were introduced for those who exploit illegal immigration. IT introduced legislation penalising those who rent property to an illegally staying immigrant. In AT, different sanctions were in force concerning exploitation of illegally-staying immigrants, human smuggling and aiding and abetting illegal immigration. CY reported on draft legislation including sanctions on persons renting housing to illegally staying migrants and EL on legislation in force regarding sanctions on carriers and smugglers.

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<sup>25</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168, 30.6.2009, p. 24.

<sup>26</sup> COM(2009) 136 final of 25 March 2009/COM(2010) 95 final of 29 March 2010.

A few Member States (EL, FR, LV, LT, PL, PT) provided data relating to enforcement. As to the number of businesses checked for the employment of illegally-staying third-country nationals, 628 inspections were reported by LV and 1 700 by PL for 2009. In LT, 15 cases of employing third-country nationals illegally were detected in 2009. With regard to the number of employers or entities that had been sanctioned for the employment of illegally-staying third-country nationals, 10 were given administrative penalties in LV. In PT, 791 entities were penalised administratively for employing third-country nationals in an irregular situation. FR mentioned the submission of 17 lawsuits against employers over the period of October 2008–October 2009 and the issuing of one fine. UK referred to over 2 700 fines worth over £ 27 million having been issued.

*Commitment: II.(h) to put into full effect the Community provisions pursuant to which **an expulsion decision taken by one Member State is applicable throughout the EU**, and, within that framework, an alert for such a decision entered in the Schengen Information System (SIS) obliges other Member States to prevent the person concerned from entering or residing within their territory.*

At EU level, the Commission organised in the course of 2009 three Contact Committee meetings with Member States representatives in view of preparing the upcoming implementation of the Return Directive<sup>27</sup> which must be transposed into national legislation by 24 December 2010. At these meetings, the Commission expressly encouraged Member States to enter alerts related to entry bans issued in accordance with the Return Directive in the SIS in order to give full effect to the European dimension of entry bans issued under the Return Directive. The Commission also reiterated its intention to use the review of the SIS II, envisaged under the review clause of Article 24(5) of Regulation (EC) No 1987/2006, to propose a formal obligation to register in the SIS entry bans issued under the Return Directive.

At national level, some Member States reported that they entered all expulsion decisions in SIS (FI, IT, HU, MT, ). Other Member States indicated that they only entered part of their decisions (EE, EL, FR, LT, AT, PT, SK, SE). FR, for example, reported that their system was more elaborated, as it included five categories of expulsion decisions (to date, two expulsion decisions were entered in SIS, one concerning deportation decree and another one concerning a judicial territory ban). EL reported that about 20 % of its expulsion orders were entered into SIS (13 452 out of 65 339 expulsion decisions taken were entered during the first eleven months of 2009) as they only entered data of persons whose identity they had been able to determine. The majority of persons were arrested without identity documents or a verifiable identity.

Several Member States reported that they were planning to make better use of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (BE, BG, CZ, EL, FR, IT, PL). A few Member States, however, expressed their concerns with regard to the validity and consequences of expulsion decisions entered in SIS (SE, UK). The UK, which is party to the law enforcement element of SIS, indicated that it assessed the individual situation (and any recent changes to it) of the person when Member States called upon it to enforce expulsion decisions. SE changed its criteria for entering expulsion decisions

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<sup>27</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

in SIS, due to the potentially serious consequences for the individual concerned tied to entering expulsion decisions in SIS.

A few Member States reported on the transposition of the Return Directive (BG, ES, FR, NL, RO, SK, SE).

Several Member States (BG, EE, EL, FR, LV, LT, LU, PT) reported on the number of expulsion decisions they had taken during the reporting period, ranging from 22 in LV (2009) to 65 339 in EL.

### III. BORDER CONTROL

#### *Main commitment: Make border controls more effective*

*Commitment: III.(a) invite Member States and the Commission to mobilise all their available resources to ensure **more effective control of the external land, sea and air borders**;*

At EU level, the Commission has engaged in discussions with Member States with a view to presenting the necessary legislative proposals in 2010. These proposals will enhance the existing provisions regarding the coordination by FRONTEX of operational activities conducted by Member States, the establishment of an EU Entry/Exit System and an EU Registered Traveller Programme. In order to clarify the rules applicable to FRONTEX operations at sea and therefore to encourage Member State participation to these operations, the Commission presented to the Schengen Borders Code Committee a draft for a Decision establishing guidelines for FRONTEX operations at sea; a proposal for a Council decision on such guidelines has been agreed. After the end of the reporting period, the Commission on 24 February 2010 presented a legislative proposal to amend the FRONTEX Regulation<sup>28</sup>.

At national level, most Member States (BE, BG, CZ, IE, EE, EL, ES, FR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, UK) reported to have increased their efforts to ensure more effective border controls. At least two Member States explicitly linked these efforts also to increased illegal immigration (EL, HU). Whilst very few referred to an increase in financial resources (EE, FR), several described increases in the number of staff employed (EL, ES, FR, IT). ES, for example, reported a 53.4 % increase in the number of police officers dealing with immigration and border control between 2003 and 2008. In April 2009, the UK launched the UK Border Agency, with 25 000 staff and a presence in 135 countries, bringing together the workforce at the border and increasing the number of officers dealing with immigration at the border.

Several Member States implemented measures to increase the capacity of existing staff working at the external borders (BE, BG, FR, IT, LV, LT, NL, PT, SI, SK, FI) through training. Such training was provided in different formats (e.g. ad-hoc, workshops, basic training), including both theoretical and practical components. The focus of the training ranged from 'general' training covering all aspects of border control to training on very specific topics, including detection, detention, use of (new) equipment and software, alien legislation, professional quality standards. The beneficiaries of the training included border guards, detention staff, immigration officials, police officers and other relevant personnel.

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<sup>28</sup>

COM(2010) 61 final of 24 February 2010.

LV, for example, tested the practical skills and capacity of the State Border Guard to organise border guard services and control, including detection and detention method and techniques, as well as the level of cooperation between territorial units.

Other Member States reported on the acquisition of new equipment (ranging from ICT equipment and detection devices to aircrafts and vessels) and the use of new technologies (BE, BG, CZ, EE, FR, LT, MT, PL, SI, SK, FI, UK), as well as on the renewal of the current border control system and the development of new systems (IE, EE, LT, PT, SK). SK, for example, described the development of the RALEN system, which is used to detect humans at railway and motorway border crossing points. NL continued the Port-Related Supervision of Foreign Nationals, established in 2008, to detect illegal entries in and round docks in the harbour and on the coastline. Many Member States referred to the use of the External Border Fund in increasing their capacity and know-how with regard to border control (BE, CZ, EE, HU, LT, PL) and to their participation in FRONTEX operations (BE, CZ, DK, EE, EL, FR, CY, LV, LT, LU, HU, MT, AT, PL, SK, UK). RO referred to projects being developed through the Schengen Facility. Other actions of interest launched by the Member States to reinforce external border controls include the continued involvement of BG in the Black Sea Border Coordination and Information Centre (BSBCIC) and the reorganisation of the Border Police in FR.

*Commitment: III.(b) generalise the issue of biometric visas as from 1 January 2012 at the latest, as a result of the Visa Information System (VIS),*

At EU level, the technical development of the central Visa Information System (VIS) and of its biometric components entered the second of four testing phases in April 2009. The main development contractor encountered a series of technical problems during this testing phase mainly related to the performance of the system. Therefore, it was no longer feasible to start operations on 21 December 2009 as initially foreseen. A delay of approximately ten months should be anticipated. An updated project plan of the central VIS was presented by the Commission in January 2010.

At national level, one Member State has reported significant contractual problems with the development of their national visa system. These problems will not allow this Member State to be ready before September 2010. Therefore, the VIS cannot start operations before that date. Two Member States have also encountered delays of less significant nature with the development of their national systems. The Council agreed in 2005 that the VIS would be rolled-out on a progressive regional basis. Member States committed to endeavour completing the VIS roll-out worldwide within 24 months from the start of operations in the first region. The draft decision determining the first regions for the VIS roll-out (North Africa, Near East, Gulf region) was adopted by the Commission in December 2009.

Several Member States confirmed that they would implement the registration of biometric data for the issuing of visas in the near future (BE, CZ, EL, IT, HU, LT, LU, MT, NL, AT, PL, PT) or were in some third countries already doing so (BG, FR). Many indicated that the relevant systems should be in place in 2010 and confirmed that they were focusing on the first regions mentioned in the draft decision. Some Member States referred to preparatory measures, including pilot tests of the system, being planned or undertaken (BE, DK, IT, CY, LT, NL, AT, PL, PT, SE).

At least three Member States described the successful testing and implementation of biometric visas within their own national systems (FR, FI, SE, UK). France reported that,

through the VISABIO programme which covered 160 out of the 194 French consulates authorised to deliver visas, as well as 389 border points (representing 80 % of total entry/exit traffic), at the end of 2009, 50 % of visas issued were expected to be biometric. While the UK does not participate in the VIS, it had a global visa biometric programme in place since the end of 2007 which had so far enrolled over 4 million sets of fingerprints and detected over 4 000 false identities: all visa applicants (save a few who were exempt) had to provide fingerprints and a digital photograph. SE reported a complete implementation of VIS within the national system including biometric equipment, being fully prepared for the VIS roll-out.

Finally there have been two pilot projects of Common Visa Application Centres led by BE in Kinshasa (Congo) and PT in Praia (Cape Verde).

*immediately **improve cooperation between Member States' consulates,***

At EU level, by allowing new forms of cooperation between Member States for the reception of visa applications Member States are to assess (Article 40 of the Community Code on Visas<sup>29</sup>) the possibility of having recourse to these different forms of cooperation before outsourcing the collection of visa applications to an external service provider.

At national level, several Member States reported on increased and improved consular cooperation (DE, EL, CY, LV, LT, AT, PL, FI). In addition, HU and PL referred to the development of a VIS pilot project also with SI in Turkey and Thailand, possibly expanding such cooperation to other Member States in the near future.

*pool resources as far as possible and gradually set up, on a voluntary basis, **joint consular services for visas;***

At EU level, the Common Consular Instructions provide the necessary rules for the setting up of Common Visa Application Centres to be established by Member States. Financial support can be obtained from the External Borders Fund Community Actions for such projects.

At national level, Member States reported on a high number of visa representation agreements signed with the purpose of issuing Schengen visas on behalf of other Member States (DE, EE, FR, LV, LT, HU, AT, PL, FI), or of having other Member States issuing such visas on their behalf (DE, EE, FR, LV, LT, LU, HU, MT, PL, FI, SE). Some Member States confirmed that these had been concluded in 2009 or are being negotiated (DE, EE, LV, LTSK, SE).

EE indicated, for example, that it had concluded visa representations with 11 Schengen Member States (DE, ES, FR, LV, LT, HU, NL, AT, PL, SI, FI) to represent EE in 79 third countries. The country issued visas on behalf of NL, PL, SI and FI. LV described that it was represented by 38 diplomatic and consular representations of five Member States. At the same time, LV itself represented six other Member States in eight of its diplomatic or consular representations. FI, in turn, was being represented by other Member States in 57 representations, whilst it represented other Schengen countries in a total of 16 places. Visa representation agreements were mainly signed with other Nordic countries. FR indicated that it was represented by nine Member States in 17 cities, and that it represented 20 other

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<sup>29</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1.

Member States in the world. DE indicated that it had concluded 233 Schengen representation agreements with 18 Member States.

Some Member States also referred to future plans to sign visa representation agreements (CZ, DE, EE, LT, MT, SE). BG was examining the possible recourse to such arrangements. CZ mentioned that it had approached other Member States with diplomatic or consular representations in third countries where CZ itself did not have a presence, to negotiate possible representation agreements. DE indicated that agreements with two Member States were about to be concluded. EE referred to consultations with FR, PL and SK. CY referred to a joint office with MT and discussions with HU and SI.

*Commitment: III.(c) give the **Frontex agency**, with due regard for the role and responsibilities of the Member States, the resources to fulfil its mission of coordinating the control of the external border of the European Union, to cope with crisis situations and to undertake, at the request of Member States, any necessary operations, whether temporary or permanent, in accordance, in particular, with the Council conclusions of 5 and 6 June 2008. In the light of the results of an evaluation of the agency, its role and operational resources will be strengthened and a decision may be taken to create specialised offices to take account of the diversity of situations, particularly for the land border to the East and the sea border to the South: creating such offices should on no account undermine the unity of the Frontex agency. Ultimately, the possibility of setting up a European system of border guards may be examined;*

At EU level, the Commission pursued its preparation of a legislative proposal to amend the FRONTEX Regulation<sup>30</sup>. A workshop with all Member States took place in September 2009 to discuss possible improvements to the current Regulation. The Commission undertook consultations with interested stakeholders with a view to adopting a proposal in the beginning of 2010. As required by the Regulation, the FRONTEX Management Board commissioned an independent external evaluation on the implementation of the Regulation to examine how the work of the Agency could be improved. The Management Board thereafter issued recommendations regarding changes of the Regulation. After the end of the reporting period, the Commission in February 2010 presented a legislative proposal (see III.(a) above). The current legal framework of the FRONTEX Agency foresees the creation of specialised branches of FRONTEX. In February 2010 the FRONTEX Management Board decided to launch a pilot project of an operational office in Piraeus.

At national level, all Member States reported on their participation in and contributions to all kinds of FRONTEX-related activities. Many Member States (BE, EL, CY, LU and, within the limits of its involvement, UK) expressly highlighted the joint responsibility of all Member States to assure effective control of external borders in a spirit of solidarity.

More particularly, Member States reported that they made resources available to FRONTEX in the context of CRATE (Centralised Records of Available Technical Equipment) (CZ, DK, DE, EE, EL, CY, PL, PT, RO, FI, UK) or deployed staff. AT, for example, delegated officers to the FRONTEX Focal Point Offices. SE and UK also confirmed that they had, and were still ready to deploy personnel to work on the activities of the agency. NL, SK and UK provided

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<sup>30</sup> Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 349, 25.11.2004, p. 1.

staff for the delivery of training courses, for example in relation to document analysis and return policy. Member States indicated that they had provided equipment, such as an aircraft (DE, LT, LU, PL, SK, FI), vessels (DE, MT), freight detection equipment (UK) and other equipment (DE, LT, NL). Some Member States (IE, NL, UK) also referred to having led the implementation of joint operations, such as joint return flights, or (EL, CY) actively participated in Joint Support Teams. Others reported on financial resources provided to FRONTEX (SK, UK). BG, FR and UK referred to their contributions to risk analyses as part of the agency.

Many Member States reported on their other forms of participation in the different activities and operations of FRONTEX, including the Joint Support Teams, the joint return flights and the joint operations including Nautilus, Saturn, Poseidon and the RABITs (Rapid Border Intervention Teams). MT reported that it hosted the joint operation Nautilus but that participation by other Member States was limited, and it considered that future operations would benefit from wider participation.

Support was expressed for the following changes: a reinforced obligatory use of CRATE (DE, AT); creation of specialised branches for the land border to the East (DE, LV) and the sea border to the South (EL, CY, LV, MT); continuous evaluation of personnel involved with RABITs and Joint Support Teams (EL); more effective maritime borders management in the framework of joint European operations (EL) and elaboration of Guidelines relating to FRONTEX operations at sea (DE).

*Commitment: III.(d) give fuller consideration, in a spirit of solidarity, to the **difficulties of those Member States subjected to disproportionate influxes of immigrants** and, to that end, invite the Commission to submit proposals;*

At EU level, a pilot project was launched, consisting in the relocation to other Member States of beneficiaries of international protection currently present in Malta: see IV.(c) below.

At national level, in addition to the pilot project further described under IV.(c) below, several Member States (CZ, DK, DE, EL, IT, MT, NL, SK, UK) reported on other initiatives taken. To put in practice the principle of solidarity and burden sharing, EL, IT, CY and MT presented common initiative combating illegal immigration in the Mediterranean which recommended actions to put an end to loss of life at sea, to tackle illegal immigration and to provide international protection to those who need it. CZ, NL and UK referred to a working group for tackling the particular pressures of illegal migration and other activities within the framework of GDISC. DE, LU, HU, MT, SK and UK referred to FRONTEX operations, such as Nautilus, which involved the provision of equipment and the secondment of staff. DK referred to assisting EL, CY and MT with exchange of experience on managing mixed migration flows.

*Commitment: III.(e) deploy **modern technological means** to ensure that systems are interoperable and to enable the effective integrated management of the external border, in line with the conclusions of the European Council on 19 and 20 June 2008 and of the Council on 5 and 6 June 2008.*

At EU level, the Commission continued its preparation of proposals on the establishment of an EU Entry/Exit System and an EU Registered Traveller Programme providing for modern technological means which shall be interoperable with existing and future large scale IT systems.

At national level, many Member States referred to the deployment of modern technological means (described below), in particular in view of the EU Entry/Exit System and the EU Registered Traveller Programme, but also to implement national initiatives aimed at rendering border control systems effective and interoperable (BG, IE, EE, EL, FR, CY, LV, NL, AT, PT, RO, FI, SE).

EE, for example, reported that it had set up an ICT agency to improve exchanges between relevant national agencies. IE mentioned that, in order to renew its border control system, new technological equipment had been purchased and put in place. NL, as part of their Border Management Renewal Programme, indicated that it was implementing a project on Passenger Related Data Exchange (the PARDEX project), to enable quicker and improved collection, analysis and dissemination of passenger data. BG, as part of a pilot project, set up a Single Information System in one of its ports, to track in and outgoing ships and to verify their accompanying documents. PT, which had been equipped with an automatic border control system (RAPID) based on the recognition of biometric data of passengers (facial) and cross-referencing these with their biographical data, extended it in 2009 to border posts of two airports in the Azores. ES, which closely followed the implementation of the EUROSUR integrated surveillance system for external borders, deployed significant human and material resources to extend an effective system for external border control at the national level, known as the Integrated External Surveillance System (SIVE), to other areas of the Mediterranean. Also as part of EUROSUR, RO reported on the Integrated Surveillance System of the Sea Border (SCOMAR) which surveys the Black Sea. FI developed automatic border checks at Helsinki airport and started automated border checks as a pilot project at Vaalimaa border crossing point in the eastern land border. FI also acquired new fingerprint and passport readers. Other Member States (EL, FR, LV, LT, LU, AT, SI, SK, SE) referred to a range of technological devices and equipment acquired for checks at border crossing points, including equipment for scanning and storing fingerprints, hand-held scanners, etc. FR, for example, installed readers to control and verify the identity of persons, which also facilitated consultation of national databases and international police records (Interpol). LV introduced an automated fingerprint identification system.

*From 2012, depending on the Commission's proposals, the focus should be on establishing electronic recording of entry and exit, together with a fast-track procedure for European citizens and other travellers;*

At EU level: 1. After concluding the technical feasibility study on the EU Entry/Exit System and EU Registered Traveller Programme, the Commission presented a consultation paper to Member States describing technical implementation scenarios for the systems. Industry was also consulted in two working groups of the European Innovation and Research Forum (ESRIF).

An expert meeting was organized regarding the Registered Traveller Programme. Entry/Exit was discussed with Member States in the Council on the basis of two questionnaires prepared by French and Czech Council Presidencies. In order to have a comprehensive assessment of the impacts of establishing an Entry/Exit System, a data collection exercise was carried out at all external border crossing points, between 31 August and 6 September 2009, with collection of the number of border crossings by EU citizens and third-country nationals, visa holders and non visa holders.

At the end of 2009 an additional study was launched by the Commission to analyse and estimate the development and maintenance costs of the Entry/Exit System and Registered Traveller Programme.

2. The Commission launched a study under the European Borders Fund to analyse the feasibility, the practical implications and the impacts of a EU-wide electronic system for travel authorisation (ESTA), applicable to third-country nationals not subject to the visa requirement before their entry into the Schengen Area.

At national level, several Member States made reference to preparations relevant to the future Entry/Exit System and the Registered Traveller Programme (CZ, IE, EE, ES, FR, IT, HU, NL, AT, SK, FI, UK). In a number of cases, they also reported on the development of automated border crossing points, also often called 'e-borders', which should facilitate the implementation of the two EU initiatives.

FI confirmed that it was preparing for the introduction of the future EU Entry/Exit System although it has had a national entry/exit system in place for a long time. Two other Member States (CZ, HU) indicated that they were currently examining how to establish the Entry/Exit system. Some Member States (EE, FR, SK) referred to the data collection exercise which was carried out at all external border crossing points.

As to the Registered Traveller Programme, one Member State (NL) reported on a pilot project called FLUX, launched in 2008. The project consisted of the creation of a group of 'bona fide' frequent travellers, US and Dutch nationals, who, following registration of personal details and biometric characteristics, as well as a background check, should benefit from facilitated crossing of the border points. FI confirmed that the Border Guards Strategy on automated border checks already took into account the future implementation of the fast-track procedure and registered travellers programs.

Some Member States (ES, FR, HU, PT, FI, UK) reported on the implementation of automated border crossing points or e-borders, which in the future could support the Entry/Exit System and fast-track procedures. E-borders were reported to be in place in three Member States, namely FR, FI and UK (since 2005). In FR, for example, since November 2009, 15 specific control points have been set up for EU citizens in Roissy and Orly airports. Twelve more will be added in provincial airports in 2010. Other Member States (ES, HU) were in the process of developing such systems. NL, with a project entitled NO-Q included in their Border Management Renewal Programme, used ICT to allow for automated border crossings of EU citizens via the national airport, Schiphol. ES aimed to introduce a national automated border control system for EU citizens with a biometric passport, while HU examined the possibility of an e-gate at the Budapest airport.

EE referred to its participation in EU working groups on ESTA. RO referred a national system managing information on third-country nationals entering/exiting the country. IE described a similar national measure, namely their Border Information System which would ensure that all passenger information collected by carriers prior to travel was sent to an Irish Border Operations Centre (I-BOC) for screening. The UK, finally, indicated that it collected and processed Passenger Name Records (PNR) through its e-Borders programme, which was considered to be similar to the Entry/Exit System. It also referred to its Automated Clearance System in place, which allowed eligible passengers (adult British and EEA citizens, who held new biometric e-Passports) to pass through immigration controls via a secure automated gate.

*Commitment: III.(f) intensify **cooperation with the countries of origin and of transit** in order to strengthen control of the external border and to combat illegal immigration by increasing the European Union's aid for the training and equipping of those countries' staff responsible for managing migration flows;*

At EU level, the European Commission invited in July 2009 both Turkey and Libya to establish a dialogue and cooperation aimed at jointly managing mixed migration flows transiting through their territories, including with the aim of preventing them from reaching the EU borders in the Mediterranean and of providing relief to the Member States located in that region, which are exposed to disproportionate influxes of migrants. The specific offers of cooperation made by the Commission to Libya have not yet been accepted by the authorities of the latter for discussion. The dialogue with Turkey has started, thanks in particular to the visit jointly carried out in Ankara on the 5 November 2009 by the Commission Vice-President responsible for migration and the Swedish Minister for Migration and Asylum Policy representing the Council Presidency, as a result of which Turkish authorities agreed to intensify their cooperation with the EU to meet the common challenge of managing migration flows and to tackle irregular migration in particular, and to resume the negotiation of the readmission agreement.

Under the Thematic Programme (TP) "Cooperation with Third Countries in the areas of Migration and Asylum" the EU supports several projects, which started in 2009, aiming at providing assistance in the fight against illegal migration, including through training of the competent authorities in third countries. In particular, project "MIEUX" aims at providing third-country authorities with short-term technical assistance to improve their capacities to fight against illegal migration.

At national level, Member States have also developed agreements, and other forms of bilateral and multilateral cooperation, with third countries of origin and of transit in order to strengthen the external border and to combat illegal immigration.

Some agreements focussed exclusively on border control and illegal immigration, while in others, these aspects were embedded in wider cooperation agreements, projects and other measures (BG, EL, FR, IT, LV, NL, AT, SE, UK), for example as part of readmission agreements, the activities of Immigration Liaison Officers (FR, NL, SE), EU-funded projects such as AENEAS (EL), joint operations with third countries (BG, SK), development aid (AT) and participation in international and EU networks and platforms, such as TAIEX and the EU Border Assistance Mission (e.g. EE, LV, LT). These, at the same time, also covered issues such as human trafficking, cross-border and organised crime, administrative capacity building, international protection, rescue operations and development. PT emphasised its cooperation with Portuguese-speaking countries in different aspects of migration management and border control, providing technical assistance and training trainers. EL referred to the need to be able to exchange information in real time (24/7) with authorities of third countries.

Agreements and other forms of cooperation focusing exclusively on border control and illegal immigration included bilateral cooperation agreements with third countries (BG, EE, CY, HU, SK), joint projects and operations (CZ, LT, PT, FI, UK), twinning (HU, SI, FI, UK), technical services and support (FR) and contacts (DK). Measures included in these agreements and other forms of cooperation primarily covered capacity building of border control and surveillance authorities and their operational staff in countries of origin and transit (BG, ES, FR IT, HU, NL, AT, RO, UK). IT, for example, reported on training of Libyan officials and on mutual training between Italian and Algerian police forces. NL referred to the provision of

advice and sharing of experiences on border control with relevant authorities in third countries. UK referred to the training of border guards and provision of technical equipment in Ethiopia. ES established specialised cooperation teams. Some Member States also deployed resources (IT) such as dogs, trucks, patrol boats and ICT equipment or provided other forms of technical support (CZ, PT). LT reported on a development cooperation project concerning the training of Georgian border police members and their dogs.

Two multilateral forms of cooperation were mentioned. FR referred to the Conference of Interior Ministries of Occidental Mediterranean (CIMO), which included the participation of ES, FR, IT, MT, PT. CIMO aimed to exchange operational information on illegal migration and organised crime among border staff operating in the harbours of the Mediterranean. BG reported on the Black Sea Littoral States Border/Coast Guard Cooperation Forum, in which countries also exchanged experiences. The Seahorse project, undertaken with FRONTEX, was also highlighted by some Member States (ES, FR, PT, SK).

*Commitment: III.(g) improve the modalities and frequency of the **Schengen evaluation process** in accordance with the Council conclusions of 5 and 6 June 2008.*

At EU level, the Commission proposed on 4 March 2009 a Regulation and a Decision on the establishment of an evaluation mechanism to verify the correct application of the Schengen acquis<sup>31</sup>. While the Council welcomed the proposal in general, questions on the competences of the Member States within a modified evaluation mechanism were raised. The European Parliament rejected the proposals as they did not foresee the adoption in co-decision. These proposals need to be reassessed in the light of the entry into force of the Lisbon Treaty.

At national level, all Member States acknowledge that the Schengen evaluation process is an important review mechanism which needs to be not only maintained but also strengthened. Many Member States participated actively in the discussion of the Commission proposal in 2009 and hope was expressed that it will be possible to achieve agreement on the basis of an amended Commission proposal in 2010.

EL emphasised that any Schengen evaluation must go hand in hand with flanking support to those Member States which are faced with particular difficulties at their borders, based on the spirit of solidarity, and that exchange of know-how and best practice should be promoted

As regards Member States not yet part of the Schengen area, BG noted that its evaluations had so far been successful, CY reported on preparations it has undertaken for future Schengen evaluations and RO also reported on its priority to achieve accession to the Schengen area.

#### **IV. ASYLUM**

##### ***Main commitment: Construct a Europe of asylum***

*Commitment: IV.(a) establish in 2009 a **European support office** with the task of facilitating the exchange of information, analyses and experience among Member States, and developing practical cooperation between the administrations in charge of examining asylum applications. That office will not have the power to examine applications or to take decisions*

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<sup>31</sup> COM(2009) 102 final and COM(2009) 105 final of 4 March 2009.

*but will use the shared knowledge of countries of origin to help to bring national practices, procedures, and consequently decisions, into line with one another;*

At EU level, the Commission adopted a proposal for a Regulation establishing the European Asylum Support Office (EASO) on 18 February 2009<sup>32</sup>. Political agreement on the text was reached by Council and Parliament in November 2009. EASO will coordinate and step up practical cooperation on asylum between Member States, so helping to harmonise different national practices in complement of legislation.

The Office will support Member States in their efforts to implement a more consistent and fairer asylum policy, for example by helping to identify good practices, organising training at European level and improving access to accurate information on countries of origin. It will also be responsible for coordinating support teams made up of national experts that will be deployed at the request of Member States faced with particular pressures. It will also provide scientific and technical assistance for the development of asylum policy and legislation.

The Office will be set up in the form of an agency, an independent European body. The Commission and the Member States will be represented on the Management Board, which will be the Office's governing body. The Office will work closely with the authorities responsible for asylum in the Member States and with the Office of the United Nations High Commissioner for Refugees. There will also be a Consultative Forum for dialogue with civil society organisations.

The Regulation creating the EASO will be formally adopted in 2010, and the Office will therefore be set up in the course of 2010. Its headquarters will be established in Valletta, Malta.

At national level, Member States strongly supported the establishment of the EASO, a support which was essential quickly to reach a political agreement between Council and Parliament. SE organised a seminar in October 2009 to reflect on the future tasks and objectives of the EASO. Many Member States, notably through the GDISC network, engaged in projects which prepared the ground for future EASO activities: the Temporary Desk on Iraq, the European Asylum Curriculum, the European Country of Origin Sponsorship, etc.

*Commitment: IV.(b) invite the Commission to present proposals for establishing, in 2010 if possible and in 2012 at the latest, a **single asylum procedure** comprising common guarantees and for adopting a **uniform status** for refugees and the beneficiaries of subsidiary protection;*

At EU level, the Commission adopted proposals to amend the Qualification Directive<sup>33</sup> and Asylum Procedures Directive<sup>34</sup> on 21 October 2009<sup>35</sup>. The aim is to offer a higher degree of protection to victims of persecutions and to further harmonise and consolidate substantive and procedural standards of protection across the Union.

<sup>32</sup> COM(2009) 66 final of 18 February 2009.

<sup>33</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304, 30.9.2004, p. 12.

<sup>34</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326, 13.12.2005, p. 13.

<sup>35</sup> COM (2009) 551 final and COM (2009) 554 final of 21 October 2009.

The proposal for the revised Qualification Directive is expected to simplify and consolidate substantive standards of protection and lead to enhanced coherence between EU asylum instruments, thus improving efficiency of the asylum process. In particular, the proposal clarifies certain legal concepts used to define the grounds for international protection. By reducing room for uncertainty and administrative error, by clarifying the legal concepts and thus simplifying their application, the proposal strengthens the capacities of the authorities to deal with cases of unfounded and abusive applications and more generally to process claims more rapidly while reaching solid decisions at first instance. To ensure a greater uniformity of protection, it eliminates the differences in the level of rights granted to refugees and beneficiaries of subsidiary protection which can no longer be considered as justified, such as the duration of residence permits, access to social welfare, health care and the labour market. The specific integration challenges faced by beneficiaries of international protection are addressed by facilitating the recognition of their qualifications, their access to vocational training as well as to integration facilities.

The proposal for the revised Asylum Procedures Directive aims at improving the coherence between EU asylum instruments and at simplifying and consolidating procedural arrangements across the Union. The proposal explicitly provides for a single examination procedure, reduces exceptions to and develops further common procedural guarantees, and reinforces the capacity of asylum authorities to deliver robust decisions within the prescribed time limits. The envisaged list of common guarantees includes reinforced arrangements on personal interviews, better access to free legal assistance, and additional guarantees for applicants with special needs, such as victims of torture or unaccompanied minors. By frontloading services, expertise and advice, the proposal is expected to improve the quality of asylum decision making, thus leading to better defendability of first instance determinations and reduced recourse to appeals and subsequent applications. These measures are also instrumental in discouraging abuse, improving applicants' compliance with procedural obligations and increasing the overall efficiency of the asylum process.

It is expected that discussions on the two proposals in the Council and the European Parliament will take approximately two years.

*Commitment: IV.(c) establish procedures, in the case of crisis in a Member State faced with a **massive influx of asylum-seekers**, to enable the secondment of officials from other Member States to help that State and the demonstration of effective solidarity with that State by mobilising existing EU programmes more rapidly.*

At EU level, the European Asylum Support Office basic regulation (see IV.(a) above) provides for a separate chapter devoted to the coordination by the Office of asylum support teams made up of asylum experts who will provide operational support to Member States subject to strong pressures on their asylum systems. These teams should in particular provide expertise about interpreting services, information on the countries of origin and knowledge of the handling and management of asylum cases.

At national level, several Member States (BE, LV, LU, NL, UK) reported having set up or taken part in initiatives to help other Member States facing a massive influx of asylum seekers. These included establishing specific procedures for such assistance (UK), the provision of support through FRONTEX operations (LU, UK) and participation in the High Level Working Group on Particular Pressures within the framework of the GDISC (BE, CZ, NL, UK). Member States involved in the GDISC Working Group referred to the development of a Catalogue of Services which described the different types and methods of practical

support, both onsite and from a distance, which members of this working group could offer to EU Member States facing particular pressures. One Member State (NL) indicated that services offered within the GDISC framework ranged from an interpreters' pool to training and advice on the reception modalities and asylum procedure.

Two Member States (NL, UK) mentioned that they had already provided practical support to Member States facing a massive influx of asylum seekers in 2009 (EL, CY, MT). Within the GDISC framework, NL and UK participated in a pilot project on particular pressures in MT. NL provided expertise and training with regard to medical advice, age testing, language analysis (to identify cases of possible 'nationality swapping'), return and document analysis. UK delivered training in language analysis. MT reported that this project offered a relevant form of assistance. UK, in cooperation with NL, also seconded two quality assurance officers to EL to provide training to the national police on asylum decision-making and on language analysis. In addition, CY and NL reported on a project in CY which provided advice on the reception of asylum seekers and on the organisation of the asylum application procedure. NL reported that discussions were taking place to launch a similar project in EL. LV indicated that it had not yet used the national existing procedure put in place for this purpose.

Another Member State (AT) mentioned its involvement in practical cooperation with other Member States' asylum authorities by means of working visits, exchange of information and through institutionalised networks such as Eurasil.

*For those Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, solidarity shall also aim to promote, on a voluntary and coordinated basis, better reallocation of beneficiaries of international protection from such Member States to others, while ensuring that asylum systems are not abused. In accordance with those principles, the Commission, in consultation with the Office of the United Nations High Commissioner for Refugees where appropriate, will facilitate such voluntary and coordinated reallocation.*

At EU level, the Commission launched in June 2009 the idea of a pilot project consisting of the relocation to other Member States of beneficiaries of international protection currently present in Malta. The June European Council supported the project, given the particular situation in that Member State.

In mid-July Commission officials visited Malta to meet all the stakeholders and learn from past and current experiences (notably a project between France and Malta that led to the relocation to France of 95 beneficiaries of international protection). The United Nations High Commissioner for Refugees (UNHCR) participated in this mission.

In mid-September some Member States declared their intention to relocate beneficiaries of international protection from Malta. The Commission reported to the September JHA Council on this matter and asked for more Member States to get involved. The European Council conclusions of 30 October 2009 noted the launch of the pilot project and urged more Member States to participate in the project. By the end of 2009, ten Member States (DE, FR, HU, LU, PL, PT, RO, SI, SK, UK) had declared their intention to join the pilot project and to relocate about 255 beneficiaries of international protection.

In parallel to the pilot project, a research study had been launched to look at all the implications and impacts of relocation at EU level. Results should be available in the summer of 2010.

At national level, some Member States reported that their asylum systems were under particular pressure (EL, CY, MT). Another Member State (BE) reported a saturation of its reception centres for asylum seekers due to a structural lack of capacity. The common initiative of EL, IT, CY and MT on combating illegal immigration in the Mediterranean (see III.(d) above) urged other Member States to consider relocating beneficiaries of international protection from Member States facing specific and disproportionate pressures due to their geographical or demographic circumstances. CY recalled its support for relocation but indicated it had no agreements or contacts with other Member States as regards relocation.

In 2009, DE and FR provided support to MT by voluntarily relocating beneficiaries of international protection. DE relocated 11 beneficiaries of international protection as part of a bilateral agreement, while FR relocated 95 beneficiaries of international protection, as part of a project co-financed by the European Refugee Fund Community Actions.

As regards the intra-EU relocation pilot project to be implemented in 2010 concerning beneficiaries of international protection currently in Malta, in addition to the ten participating Member States (indicated above) other Member States (BE, BG) reported that their participation in the pilot project was being discussed. MT reported that the participation of ten Member State was welcome but that wider participation would have given it a more truly European dimension and considered that further intra-EU relocation, beyond the pilot project, is required.

DK stated that it does not support relocation between Member States, considering that this might constitute a pull factor; instead it considered solidarity should take place through FRONTEX, the EASO (see IV.(a) above), other practical cooperation and the solidarity funds; LT supported that position.

*Specific funding under existing EU financial instruments should be provided for this reallocation, in accordance with budgetary procedures;*

At EU level, the relocation pilot project with Malta to be implemented in 2010 could be financed with resources from the European Refugee Fund (ERF) Community Actions (2009 budget). The 2008 budget of the ERF Community Actions provided about €700 000 for the French project which led to the relocation to France of 95 beneficiaries of international protection in July 2009.

At national level, Member States also referred to the usefulness of accessing EU funding for relocation projects. FR in particular mentioned that its 2009 relocation project under the ERF Community Actions received up to 90 % co-financing.

*Commitment: IV.(d) strengthen **cooperation with the Office of the United Nations High Commissioner for Refugees** to ensure better protection for people outside the territory of EU Member States who request protection, in particular by:*

- *moving, on a voluntary basis, towards the resettlement within the EU of people placed under the protection of the Office of the UNHCR, particularly as part of regional protection programmes;*

At EU level, the Commission adopted on 2 September 2009 a proposal for the establishment of a Joint EU Resettlement Programme<sup>36</sup>. This proposal consisted of a Communication and a proposal for a Decision of the European Parliament and the Council amending Decision 573/2007/EC establishing the European Refugee Fund. The aims of the Joint EU Resettlement Programme are (1) further to strengthen the humanitarian impact of the EU by ensuring that it continues to give greater and better targeted support to international protection of refugees through voluntary resettlement, (2) to enhance the strategic use of resettlement by ensuring that it is properly integrated into the Union's external and humanitarian policies generally, and (3) to better streamline the EU's resettlement efforts so as to ensure that the benefits are delivered in the most cost-effective manner. The Programme will primarily consist of a mechanism which allows for the setting of common annual priorities on resettlement and more effective use of the financial assistance available through the ERF "pledging" exercise. This will be complemented by strengthened practical cooperation, enhanced effectiveness of external asylum policies and a regular evaluation of the Joint Resettlement Programme.

The Joint EU Resettlement Programme will also consist of strengthened practical cooperation with respect to resettlement within the EU. This will involve both the governments of Member States, as well as NGOs and will be carried out in close cooperation with UNHCR. The European Asylum Support Office basic regulation (see IV.(a) above) contains separate provisions providing for practical cooperation on resettlement.

At national level, an increasing number of Member States reported having resettled refugees from different regions of the world, nearly in all cases in cooperation with UNHCR. Particular importance was attached to the resettlement of Iraqis after the Council agreed in November 2008 to resettle about 10 000 of them in the EU. In 2008 and 2009, BE, DK, DE, EI, IT, FR, LU, NL, PT, FI, SE and UK resettled Iraqis. RO set up with UNHCR an Evacuation Transit Facility, and SK temporarily hosted refugees to be resettled elsewhere. Some Member States established for the first time resettlement programmes (RO, PT, FR) or started a reflection on establishing them (HU, SK).

Some Member States reported having resettlement programmes in place in cooperation with UNHCR (CZ, DK, IE, FR, LU, NL, FI, SE, UK). BE established a pilot project for the resettlement of refugees in 2009 and HU planned to run one in 2010 within the framework of its Annual Program 2010 of the European Refugee Fund.

The size of the annual quota of persons accepted for resettlement varies from one Member State to another (e.g. on an annual basis, SE resettles about 1900 persons, DK resettles about 500 persons, IE accepted 200 persons, FR dealt with hundreds of cases and FI and UK each referred to 750 resettled persons). Some Member States (e.g. BE and IE) indicated that they favoured the resettlement of particular categories of vulnerable refugees in line with the UNHCR resettlement criteria (e.g. BE referred to women at risk and FI mentioned refugees with medical needs).

As to future measures, a few Member States indicated that they were considering their potential involvement in resettlement activity (BG, PL), while others stated that they did not plan to take part in resettlement activities in the near future (EE, LV, AT). BE and HU both reported that they were considering taking further steps for the establishment of a national resettlement programme, on the basis of the results of the pilot projects in which they were

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<sup>36</sup> COM(2009) 447 final and COM(2009) 456 final of 2 September 2009.

currently participating (BE) or which they were planning (HU). CY and MT indicated that the specific and disproportionate pressures in their own systems meant they were for the time being only in a position to participate as observers in EU efforts.

– *inviting the Commission, in liaison with the Office of the UNHCR, to present proposals for cooperation with third countries in order to strengthen the capacities of their protection systems;*

At EU level, the Commission informed the Member States on the results of an external evaluation of the Regional Protection Programmes (RPPs) and put forward a first set of recommendations for their improvement. As an overall assessment of RPPs, the evaluation report concludes that, based on the evidence and stakeholder views, the concept of a RPP has constituted a first and successful step towards establishing a mechanism to increase the capacity of areas which are close to regions of origin, or which are areas of transit, to protect refugees through the three durable solutions, namely Repatriation, Local integration and / or Resettlement. The evaluation has also proposed some improvements for the implementation of RPPs, which relate mostly to the management of RPPs, the available resources, the engagement of authorities of third countries and, finally, the strengthening of resettlement to Europe. The Commission has proposed to continue the current RPPs in Tanzania and Ukraine/Belarus/Republic of Moldova and to extend RPPs to two new regions, namely North Africa (Egypt, Libya, Tunisia) and the Horn of Africa (neighbouring countries of Somalia, namely Kenya, Djibouti and Yemen).

The Commission has started discussions with UNHCR on the possible components of these RPPs. The authorities of the beneficiary countries will be involved in these discussions at an early stage as well. Within the context of the High Level Working Group of the Council, an EU mission visited Kenya in December 2009, inter alia to discuss how RPPs can contribute to strengthen the asylum capacity in Kenya.

The EU also supports through the Thematic Programme (TP) “Cooperation with Third Countries in the areas of Migration and Asylum” several other projects, which also started in 2009, proposed and implemented by other international organisations, as well as non-governmental organisations, which aim at improving the legal and social protection of asylum seekers and refugees, at monitoring safe and dignified return and at strengthening reception capacities. Support to actions in the area of asylum and refugee protection remains a priority in the TP call for proposals 2009-2010.

At national level, Member States considered that this commitment was the responsibility of the Commission. Some of them (UK) reported on how they supported Regional Protection Programmes in third countries such as Ukraine.

*Commitment: IV.(e) invite the Member States to **provide the personnel responsible for external border controls with training** in the rights and obligations pertaining to international protection.*

At EU level, FRONTEX has provided training to Member States’ border guards with regard to human rights and refugee law. In its proposal for a Council decision as regards the surveillance of the sea external borders in the context of FRONTEX coordinated operations<sup>37</sup>

<sup>37</sup>

COM(2009) 658 final of 27 November 2009.

the Commission proposed that border guards participating in FRONTEX maritime operations should be trained with regard to relevant provisions of human rights and refugee law. The Schengen Catalogue updated by the Council in March 2009 recommends the development of specialized and advanced courses for border guards on human rights and dealing with asylum seekers.

At national level, almost all Member States confirmed that they were providing training to personnel responsible for external border control on international protection and protection sensitivity (BE, CZ, DK, DE, IE, EE, EL, ES, FR, IT, LV, LT, HU, MT, NL, AT, PL, PT, SK, FI, SE, UK) or had prepared a training plan (BG, RO).

With regard to the categories of staff trained, most Member States referred to training of border officials (BE, CZ, EE, EL, FR, IT, LV, LT, HU, MT, NL, AT, PL, PT, SK, FI, UK). Others mentioned the training of other officials involved in field of asylum and immigration (FR, IE, MT, AT, SK, SE), such as immigration officers (IE), immigration police (MT), national police (SE), detention centre staff (FR, MT, SK) and asylum department staff (SK). Other groups mentioned included NGOs, social workers and lawyers (EL). One Member State (ES) stated that all public employees and others working with applicants for international protection, refugees and beneficiaries of subsidiary protection should receive proper training, as stipulated in national asylum law. The content of the training varies, covering issues such as rights and obligations under international protection (FR, NL, PT), fundamental rights (DE, LT, HU, MT, PT, SE, UK), asylum law (FR, IT, LT, HU, PT, SK), detention (SK), reception conditions (EL), profiling and risk analysis when conducting border monitoring (LT) and cooperation with representatives of the third sector (SK). Several Member States referred to the involvement of UNHCR in the delivery of training (BE, DE, IE, LT, HU, PT, SK), while two Member States (BE, DE) referred to FRONTEX Border Guard training programmes. FI has implemented fully the European Common Core Curriculum (CCC) for border guards in its training programs. CCC includes all necessary aspects of fundamental rights and international protection.

BG reported on a tripartite memorandum of understanding between the Chief Directorate “Border Police” of the Ministry of Interior, the UNHCR Office in Bulgaria and the Bulgarian Helsinki Committee.

## V. GLOBAL APPROACH TO MIGRATION

***Main commitment: Create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development***

***Commitment: V.(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing, as appropriate, clauses on the opportunities for legal migration adapted to the labour market situation in the Member States, the control of illegal immigration, readmission, and the development of the countries of origin and of transit;***

At EU level, the Mobility Partnership with Georgia was signed on 30 November. 16 Member States participate: BE, BG, CZ, DK, DE, EE, EL, FR, IT, LT, LV, NL, PL, RO, SE, UK. The Partners support information campaigns on the ways of legal entry and stay to the EU and its Member States. Several Member States also support labour migration programs. The ongoing Mobility Partnership with the Republic of Moldova (signed by BG, CZ, DE, EL, FR, IT, CY, LT, HU, PL, PT, RO, SI, SK, SE) includes several actions on facilitation of legal migration,

most notably the flagship project led by SE with 12 Member States, which provides capacity building to National Employment Agency, provides for information campaigns on the ways of legal entry and stay to the EU and its Member States. Several Member States also support labour migration programs.

The ongoing Mobility Partnership with Cape Verde (signed by ES, FR, LU, NL, PT) contains several actions aiming at the facilitation of legal migration. One of the initiative aims at reinforcing the Centre on Migration Information and Reintegration (CAMPO) in order *inter alia* to provide information on legal migration possibilities and promote return of migrants to Cape Verde. Other initiatives include improving security of travel documents and promoting the role of diaspora. Some Member State (FR, PT) participating in the Mobility Partnership have signed bilateral agreements that include provisions on labour migration.

At national level, several Member States reported on their participation in the Mobility Partnership with the Republic of Moldova (BG, CZ, DE, EL, IT, CY, LT, HU, PL, PT, RO, SI, SK, SE), Georgia (BE, BG, DK, EE, FR, LV, SE) and Cape Verde (ES, LU, PT). As to future measures, one Member State (LT) also mentioned its intention to participate in the Mobility Partnership with Georgia.

Two Member States mentioned the setting up of new, more comprehensive and integrated agreements regulating legal migration, the fight against illegal immigration, cooperation to development and integration (ES: Framework Agreements for Cooperation on Immigration; FR: Agreement related to Concerted Management of Migration Flows). These agreements included provisions concerning the movement of persons and students, labour migration, the fight against illegal immigration (i.e. readmission provisions and police cooperation) and development (i.e. social and economic reintegration, development projects with underdeveloped regions). ES had signed these new agreements with six countries (Cape Verde, Gambia, Guinea-Bissau, Guinea, Mali and Niger), while FR had concluded these with nine countries (Gabon, Benin, Congo, Senegal, Tunisia, Mauritius, Cape Verde, Burkina Faso, Cameroon) and was negotiating with three other countries (Mali, Egypt, Equatorial Guinea).

RO referred to a series of agreements with the Republic of Moldova that it has signed (on local border traffic) or would like to sign (on cooperation on immigration and asylum, on protocol for the EU readmission agreement and on a Joint Contact Centre).

Under this commitment, many Member States referred to bilateral agreements with third countries which, however, did not necessarily reflect the concept of an integrated and comprehensive approach, such as readmission agreements (BE, EE, FI, IT, CY, LU, AT, UK), police cooperation agreements (AT), visa facilitation agreements (AT), memorandum of understanding on labour mobility (DK), agreements on labour migration (BG, IT), agreements to combat illegal immigration (CY, HU) and/or agreements or pilot projects related to temporary migration (LT, PT). PT reported on a 2009 protocol proposal for admitting Cape Verdeans for temporary or permanent subordinate professional activities, as well as professional internships, within the framework of the Mobility Partnership with Cape Verde. EL reported on its involvement in an AENEAS project focusing on readmission and reintegration in Albania. DE reported on a draft framework agreement on cooperation in migration issues with Ghana.

*the European Council invites the Member States and the Commission to inform and consult each other on the objectives and limits of such bilateral agreements, and on readmission agreements;*

At EU level, In September 2009, Commission issued its Staff Working Document on the evaluation of the pilot Mobility Partnerships. The Member States were consulted in the process of preparation of the document during two expert meetings.

At national level, DK reported that it provides general information. CY reported that it informs other Member States and the Commission including during Schengen evaluation procedures. RO note that it had sent its draft local border traffic agreement with the Republic of Moldova to the Commission for an opinion.

*Commitment: V.(b) encourage Member States, as far as they are able, to offer the **nationals of partner countries to the East and South of Europe opportunities for legal immigration adapted to the labour market situation in Member States, enabling those nationals to acquire training or professional experience and accumulate savings that they can use for the benefit of their home countries.***

At EU level, the Mobility Partnerships negotiated by the Commission include the three priority areas of the Global Approach to Migration (legal migration, illegal migration and migration/development). The Mobility Partnership with Georgia (see V.(a) above) includes support for information campaigns on the ways of legal entry and stay to the EU and its Member States. Several Member States also support labour migration programs. The ongoing Mobility Partnership with the Republic of Moldova (see V.(a) above) also includes several actions on facilitation of legal migration, most notably the flagship project led by SE with 12 Member States, which provides capacity building to the National Employment Agency, and information campaigns on the ways of legal entry and stay to the EU and its Member States. In this framework circular migration and planned return migration is promoted. Social remittances are also the focus in the programme of special training for Moldovan workers abroad. Several Member States also support labour migration programs.

At national level, to ensure that nationals of partner countries to the East and South of Europe had opportunities for legal migration, two types of approach were identified amongst the Member States reporting on this commitment (BG, DK, DE, EL, ES, FR, IT, LT, HU, PL, SE). One group of Member States referred implicitly to and/or repeated their national labour policy, as described under I.(a) above, as offering specific opportunities for citizens from countries in East and South Europe (EL, ES, FR, IT, PL, SE). One Member State (IT) reported on the establishment of preferred entry quotas for citizens from certain countries of East and South Europe (e.g. Republic of Moldova, Albania) and another (EL) mentioned agreements favouring labour migration of seasonal workers (e.g. Albania and Egypt). Other Member States reported on their labour migration policy which facilitated the recruitment and work possibilities of foreigners in general (DK, SE) and from specific countries (i.e. Ukraine, Belarus, Russian Federation, Republic of Moldova) (PL) on their territory. One Member State (LT) reported on the existence of policy guidelines which gave priority to highly-skilled workers from source countries (i.e. Belarus, Ukraine, Republic of Moldova and South Caucasus countries).

A second group of Member States referred to initiatives and/or projects developed within the framework of the Mobility Partnership with the Republic of Moldova (BG, DE, HU), which

encouraged the legal migration of Moldovans by providing them with information on opportunities for legal migration (HU).

FR also reported on the negotiation of agreements related to mobility of young people and labour migration with countries of East and South Europe (e.g. the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Russia). ES mentioned the signature of Agreements regulating and managing Employment Migration Flows (e.g. with Morocco, Mauritania, Ukraine) which offered seasonal and stable legal migration opportunities. Finally, HU referred to trans-border cooperation to favour legal migration of ethnic national communities living in adjacent countries.

*The European Council invites Member States to encourage in this context forms of temporary or circular migration, in order to prevent a brain drain;*

At EU level, under the Thematic Programme “Cooperation with Third Countries in the areas of Migration and Asylum” the EU supports several projects, which started in 2009, aiming at promoting circular migration schemes, including a project fostering the bonds between the Ghanaian diaspora and their communities of origin, by making their remittances more effective and promoting circular migration for the development of the private sector in Ghana. Support to circular migration schemes remains a priority in the Thematic Programme’s call for proposals 2009-2010.

At national level, several Member States set up projects and/or agreements encouraging temporary or circular migration (ES, FR, NL, PT) or indicated that they were planning to do so (SE, UK). IT reported that it has for several years has addressed this issue by providing significant quota of seasonal workers (80 000 in 2009).

Two Member States (ES, FR) referred to the new, more comprehensive and integrated agreements (see V.(a) above) which favoured temporary and circular migration, including a commitment to return. FR provided the example of specific provisions aimed at facilitating entry of young nationals from signatory countries, offering them the possibility to have their first professional experience in France in view of increasing their employability in their country of origin once returned.

In addition, NL mentioned the launch of a pilot project on circular migration aimed at encouraging trained labour migrants from Indonesia and South Africa to work and learn in the Netherlands for a maximum of two years. The project included, for example, measures to facilitate the recognition of skills and competences acquired in the Netherlands, in order to favour return and reintegration in the home countries. EE also indicated the simplification of legal requirements to work in Estonia as a short term temporary migrant. PT referred to a pilot project which offered Ukrainian citizens the opportunity to work for six months in Portugal in very specific sectors of the economy (i.e. hotel, agriculture and restaurant) on a temporary visa. The project included reintegration support measures for those migrants returning to Ukraine, such as the set up of professional projects.

As to future measures, LU reported on a provision related to circular migration within the framework of the Mobility Partnership with Cape Verde and on the possibility to activate it in the future. SE mentioned the creation of a parliamentary committee to explore and propose measures to facilitate circular migration. UK indicated its intention to develop the concept of circular migration.

*Commitment: V.(c) pursue policies of cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration, **in particular by capacity-building** in those countries;*

At EU level, a number of projects in third countries aim to support capacity building in the fight against irregular migration, funded both under thematic and under geographic instruments. One such example is the project Seahorse Cooperation Centres, which promotes and encourages interregional cooperation (Maghreb-Sub-Saharan Africa), collaboration and dialogue on the management of migratory flows, including transit and migration, by networking Immigration Authorities. Another example is the project MIEUX, a facility aiming to provide short-term technical assistance to third countries to help them prevent and manage illegal migration. Assistance to third countries in the fight against illegal migration remains a priority in the Thematic Programme's call for proposals 2009-2010.

At national level, several Member States reported that they supported capacity building in third countries, including countries of origin and/or countries of transit (BE, BG, DK, DE, EL, ES, FR, IT, CY, HU, MT, NL, AT, PL, PT, RO, FI, SE, UK). Some of the reported capacity building and cooperation measures with third countries included assistance to border control authorities, which have been listed under III.(f) above.

*Commitment: V.(d) **integrate migration and development policies** more effectively by examining how such policies may benefit the regions of origin of immigration, in coherence with other aspects of development policy and the Millennium Development Goals.*

At EU level, the Commission published in September 2009 a Communication on Policy Coherence for Development - Establishing the policy framework for a whole-of-the-Union approach<sup>38</sup> with an accompanying report that included a chapter on the coherence of migration policy with development policy. The Council adopted Conclusions on how to enhance synergies between migration and development on that basis in November 2009.

At national level, several Member States stressed the importance of integrating migration into development policies (BE, BG, DE, FR, IT, MT, NL, PT, SK, FI, SE, UK).

DK and DE reported that they played active roles in the EU cooperation platform on migration and development in Ethiopia. FR referred to its new, more comprehensive and integrated agreements (see V.(a) above), to an agreement with the African Development Bank to set up a fund to improve transfers to and investments in migrants' countries of origin and to the Rabat action plan and the development of a three-year operational cooperation programme for 2009-2011, which included various measures to enhance the synergies between migration and development. UK referred to its policy guidelines of 2007, which included guidance on remittances, and its general policy on reducing poverty in developing countries through enhancing the link between migration and development.

BE, BG, DK, HU, AT, SK, FI, SE and UK indicated that their development framework / strategies took into account the migration and development nexus. BE, PT and FI reported on the importance of enhancing the synergies between migration and development and of their active role in the Global Forum on Migration and Development (GFMD). In this respect, BE organised the first GFMD in 2007 and EL the third GFMD in 2009. FI reported that it

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<sup>38</sup> COM (2009) 458 final of 15 September 2009.

seconded its first liaison officer to the Finnish embassy in Addis Ababa, Ethiopia in 2009, whose terms of reference included migration and development issues. RO reported that its national development assistance budget include co-financing of projects in the field of migration.

Some Member States reported that they planned to integrate migration further into their development cooperation policies (NL, ES). NL, for example, reported that it was interested in further developing cooperation with third countries on circular migration, whilst ES was including migration issues into the strategies of its decentralised development agencies.

*The European Council invites Member States and the Commission in this context to focus, within the sectoral priorities identified with the partner countries, on **solidarity development projects** that raise the living standards of citizens, for example in the areas of nutrition, health care, education, vocational training and employment;*

At EU level, the EU delivers over a half of development assistance in the world, thus contributing to address the root causes of migration. The Commission aims in particular to insert migration issues in its cooperation programmes with third countries as well as through specific instruments such as the Thematic Programme “Cooperation with Third Countries in the areas of Migration and Asylum” as well as through geographical instruments such as the EDF and the ENPI. Through the Thematic Programme in particular, the EU funds numerous projects fostering the links between migration and development such as an EU-UN Joint Migration and Development Initiative, managed by UNDP and aiming at building the capacity and providing a platform to facilitate stronger networking and knowledge sharing among small size actors working on migration and development issues and at facilitating the development and dissemination of global best practices in migration and development, a project with the World Bank aiming at supporting the establishment of the Africa Remittances Institute, which will have as its core objective the capacity building of Member States of the African Union, remittance senders and recipients, private sector, universities, and other stakeholders, to develop and implement strategies to use remittances as development tools, as well as a project whose overall objective is to promote an effective management of migration flows of doctors and nurses between Latin American and the EU.

At national level, several Member States referred to solidarity development projects with third countries (BG, DK, ES, FR, IT, LU, MT, PT, FI, SE). Some of these projects related to health care (FR, LU, SE) and water and sanitation (FR, MT), while other projects focused on education (ES, LU, MT), vocational training (ES, FR, LU), employment (LU, FI) and local development (LU). CY reported that its development assistance focused on health, education, nutrition and employment. ES reported on other solidarity cooperation projects in the field of strengthening institutions in third countries and providing support to vulnerable groups. DK referred to its Region Of Origin Initiative.

*Commitment: V.(e) **promote co-development actions** that enable migrants to take part in the development of their home countries.*

At EU level, under the Thematic Programme “Cooperation with Third Countries in the areas of Migration and Asylum” the EU supports several projects, which started in 2009, aiming at promoting co-development actions, including a targeted project on migration and development of €15 million, a project supporting the creation of businesses in Morocco by members of the Moroccan diaspora in Europe and a project which supports the investment of Senegalese migrants in Italy in their country of origin. Support to the involvement of

diasporas in the development of their country of origin remains a priority in the Thematic Programme's call for proposals 2009-2010.

At national level, several Member States reported on their involvement in co-development actions aimed at enabling migrants to take part in the development of their home countries (DE, ES, FR, IT, LU, HU, AT, PT).

Some Member States (DE, AT) referred to their involvement in research studies and projects aimed at maximising the investment of remittances in the development of countries of origin, such as creating and strengthening small and medium-sized enterprises. ES also financed projects in Latin America, the Caribbean and Africa focusing on the effective use of migrant remittances as an instrument for generating employment and promoting local development and social integration. Other Member States (ES, FR) mentioned their cooperation, for example through co-development projects, with migrant associations in order to help improving living conditions in the region and/or countries the latter represented. LU referred to cooperation with certain Balkan states and regions to enable rejected asylum-seekers and returned persons to take part in the development of their own countries.

In addition, two Member States (DE, HU) referred to projects developed within the framework of the Mobility Partnership with the Republic of Moldova, aimed at strengthening the link between the Moldovan diaspora and its home country and promoting co-development projects. RO reported school and university scholarships for Moldovan citizens. Two other Member States (LU, PT) mentioned projects developed within the framework of the Mobility Partnership with Cape Verde, aimed at developing the sector of micro-finance by mobilising savings of the Cape Verdean diaspora and/or by involving, in a more general way, the diaspora in the development of its country of origin.

*The European Council recommends that Member States support the adoption of specific financial instruments for **transferring migrants' remittances** securely and more cheaply to their countries for the purposes of investment and welfare insurance;*

At EU level, under the Thematic Programme "Cooperation with Third Countries in the areas of Migration and Asylum" the EU is co-funding several projects, which started in 2009 and which aim to contribute to improved capacities of immigrant associations from Sub-Saharan countries based in the EU to actively support the development of their countries of origin and to enable micro-finance institutions to facilitate the transfer of migrant remittances to their countries of origin in a safer and cheaper manner. Support to actions aiming at facilitating the transfer of migrant remittances to their countries of origin remains a priority in the Thematic Programme's call for proposals 2009-2010.

At national level, several Member States developed initiatives aiming at facilitating the transfer of migrants' remittances to their country of origin (DE, EL, ES, FR, IT, NL, PT, UK).

Some Member States helped to establish websites to improve clarity and transparency of information on remittances. These websites allow migrants to identify which financial institution offers the most favourable conditions for the transfer of money to their respective home countries (DE, FR, IT, NL, PT, UK). At least one Member State (ES) signed agreements of intention with banks to reduce the costs of sending remittances.

In addition, FR, IT and UK reported on their participation in global initiatives on remittances, such as those of the G8 and the World Bank. FR referred to its agreement with the African

Development Bank to set up a fund to improve transfers to and investments in migrants' countries of origin. In the context of a November 2009 conference organised under its presidency of the G8, IT indicated its intention to reduce costs of remittances from the current 10 % to 5 % within 5 years (the so-called 5 x 5).

As to future measures, one Member State (SE) indicated that it planned to address the issue of cheaper and safer transfer of remittances as part of its national policy for global development. It envisaged organising a series of hearings with key stakeholders.

*Commitment: V.(f) firmly implement the **partnership between the EU and Africa** agreed in Lisbon in December 2007, the conclusions of the first **Euro-Mediterranean ministerial meeting** on migration held in Albufeira in November 2007 and the **Rabat action plan** and to that end call on the second Euro-African ministerial conference on migration and development in Paris in autumn 2008 to decide on practical measures;*

At EU level, under the Thematic Programme “Cooperation with Third Countries in the areas of Migration and Asylum” the Commission supports a number of actions in the areas included the EU-Africa Partnership on Migration, Mobility and Employment (MME) and the Rabat Action Plan and Paris Cooperation Programme. In addition, the Commission has earmarked €3 million to support the political dialogue in the framework of these processes. As far as the MME Partnership is concerned; three meetings of the joint Informal Expert Group took place and a series of priority actions has been identified and their implementation discussed. A Senior Official Meeting should be organised during the second half of 2010 to prepare the next EU-Africa Summit of Heads of States and Governments.

At national level, the Rabat process has a *Comité de Pilotage* which promotes the work for preparing the Dakar Ministerial Meeting in 2011 with the participation at Member State level of BE, ES, FR and IT. FR indicated that it had organised the second Euro-African ministerial Conference on migration and development where the three-year cooperation programme (2009-2011) was approved. ES reported that it was an active promoter of the Global Approach to Migration which was the main driver of the Rabat Process and that it had promoted from the beginning of this dialogue the link for friendship and cooperation between the members of the Process. IT reported on projects implemented with various African countries. PT participates actively in the EU/Africa Strategy, in particular the MME Partnership, with the measures developed and implemented in this context being contained in the Partnership Scoreboard. In line with the conclusions of the first Ministerial Euro-Mediterranean meeting on Migration which took place in Albufeira in November 2007, PT developed and created a website with information on the transfer of remittances.

*develop, in accordance with its conclusions of June 2007, the **Global Approach to Migration to the East and South-east of Europe**, and, in this respect, welcome the initiative of a ministerial conference on this topic in April 2009 in Prague;*

At EU level, The Commission supported the Czech Council Presidency in the project “Building Mobility Partnerships” through funding from the Thematic Programme “Cooperation with Third Countries in the areas of Migration and Asylum” and by participating in preparatory and follow-up workshops. The initiative brought together representatives from 49 governments and focused on strengthening cooperation in migration management, and developing principles and elements for close migration partnerships between the participant countries.

At national level, Some Member States (BG, CZ, HU, PL, PT, RO) reported their participation in the Building Migration Partnerships project by hosting or participating in workshops, seminars and senior officials meetings and facilitating the implementation of the Prague Ministerial Conference Joint Declaration signed in April 2009 with the aim of strengthening the implementation of the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union. In line with the Declaration's pragmatic and operational approach, several introductory missions were launched within the framework of the Building Migration Partnerships project.

*continue to make use of the existing political and sectoral dialogues, particularly with the countries of Latin America, the Caribbean and Asia, in order to consolidate mutual understanding of what is at stake in the field of migration and intensify current cooperation;*

At EU level, the EU-Latin America and Caribbean (LAC) Structured Dialogue on Migration was launched on 30 June 2009 with the objective to identify common challenges and areas for mutual cooperation as well as building a stronger evidence base for EU-LAC migration in order to better understand its realities, based on the principle of shared responsibility, strengthening our commitment and willingness to discuss issues on migration and development, regular and irregular migration. The first EU-LAC High Level Migration Meeting was organised in Brussels on 25 September 2009 to exchange experiences and best practices on migration and development and on remittances. After the end of the reporting period, the second EU-LAC High Level Migration Meeting was organised in Madrid on 17-18 February 2010 on education, health and migration, and the third meeting in Madrid on 15-16 March 2010 families, vulnerable groups and migration.

In relation to Asia, the annual meeting EU-ASEM of Directors General on Migration was held was held in Goa on 2 December 2009. Back-to-back with the EU-ASEM meeting an EU-India bilateral meeting on migration was organised on 3 December.

At national level, Member States have shown interest in strengthening EU relationships on migration with Latin America and the Caribbean (through the EU-LAC Structured Dialogue on Migration and also bilaterally with Peru through the mission on migratory issues) and Asia (through the ASEM and bilateral contacts with countries such as India, Pakistan, China and Central Asian countries).

*Commitment: V.(g) speed up the deployment of the key tools of the Global Approach to Migration (migration profiles, cooperation platforms, mobility partnerships and circular migration programmes), to ensure a balance between the migration routes from the South and those from the East and South-east and take account of the lessons learned in these matters when negotiating EU and bilateral agreements on migration and readmission with countries of origin and of transit, as well as pilot Mobility Partnerships;*

At EU level, the Building Migration Partnerships initiative, launched in April 2009, aimed to bring a greater balance between the EU initiatives focusing on the migration routes from the south and those that target migration routes from the east and south-east. In addition to migration profiles that were prepared during the programming exercise of the 10<sup>th</sup> EDF for ACP countries, the Commission has co-funded a number of migration profiles, including 10 in Western Africa and 17 for the Eastern and South-eastern European countries that are party to the Building Migration Partnerships initiative. The Commission also promoted in the framework of the GFMD in Athens in November 2009 circular migration as well as migration profiles and their usefulness as a tool for policy coherence between migration and

development. Further progress through various meetings was made on the cooperation platform in Ethiopia, and the one in the Republic of Moldova linked to the EU-Moldova Mobility Partnership. A circular migration programme between Portugal and Ukraine received co-funding from the Thematic Programme “Cooperation with Third Countries in the areas of Migration and Asylum”. In September 2009, Commission issued a Staff Working Document on the evaluation of the pilot Mobility Partnerships<sup>39</sup>. The Member States were consulted in the process of preparation of the document at two expert meetings. December 2009 Council Conclusions confirmed the value of Mobility Partnerships as a key tool of the Global Approach.

At national level, several Member States have reported their participation in the Mobility Partnerships with the Republic of Moldova (BG, DE, EL, IT, CY, HU, PL, PT, RO), Cape Verde (LU, PT), and Georgia (BE, EE, IT), the Cooperation Platform in Ethiopia (DE, SE, UK) and in Black Sea (BG, PT, RO), and migratory missions to Armenia, Tanzania, Belarus and Kenya.

*Commitment: V.(h) ensure when implementing these various actions that they are **consistent with other aspects of the EU's development cooperation policy**, particularly the European Consensus on Development of 2005, and other policies, particularly the neighbourhood policy.*

At EU level, Council Conclusions on Migration for Development adopted in November 2009 highlight that the Global Approach to Migration provides a balanced and global framework to take into account development concerns in the EU approach to migration. The Conclusions also underline the need generally to continue the implementation of the migration and development agenda of the Global Approach but also further to facilitate circular migration schemes, the temporary and permanent return of migrants as well as their reintegration.

At national level, most Member States defend the necessity to take into account and strengthen synergies between migration and development, with special attention to the EU Policy Coherence on Development. PT created an informal internal network for policy coherence for development alongside the Interministerial Commission for Cooperation, which the existing formal body for interministerial coordination.

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<sup>39</sup> SEC(2009) 1240 of 18 September 2009.