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REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

on the Development of the European Migration Network

{SWD(2012) 240 final}

I. INTRODUCTION

Four years after the adoption of its legal basis,[1] it is now timely to take stock of the progress made by the European Migration Network (EMN) and consider how it should evolve, including in the context of the next multiannual financial framework beyond 2013.

Council Decision 2008/381/EC formally established the EMN,[2] its purpose being to provide up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN does this via a multilevel network co-ordinated by the European Commission, with the support of two Service Providers, in co-operation with EMN National Contact Points (EMN NCPs) established in each Member State[3] plus Norway,[4] who in turn develop national networks comprising of a wide range of relevant stakeholders. More recently, Croatia now participates as an observer.[5] The EMN also networks at EU level via collaborations with other relevant EU/international bodies. Political guidance on the activities of the EMN is provided by a Steering Board, chaired by the European Commission and consisting of one representative from each participating Member State plus Observers from Denmark, Norway and the European Parliament.

II. EMN ACTIVITIES

The EMN undertakes a wide-range of activities in order to fulfil its objectives, all within the framework of an annual work programme approved by the EMN Steering Board and adopted by the Commission.[6] These currently include:

- **Annual Policy Reports**, informing policymakers on the most significant political and legislative (including EU) developments, as well as public debates in the area of migration and asylum, including, to the extent possible, relevant statistics. They also serve to inform the Commission's Annual Reports on Immigration and Asylum;[7]

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1 Council Decision 2008/381/EC of 14 May 2008. This Report also serves to satisfy the obligation in Article 13 of this decision.

2 The EMN has existed since 2003 when it began as a Pilot Project and then a Preparatory Action. Extensive information on the EMN and its numerous outputs is available at http://www.emn.europa.eu.

3 Denmark did not participate in the adoption of this Council Decision but is informally involved in the EMN as an observer.

4 Commission Decision C(2010)6171 of 13 September 2010 established the basis for administrative cooperation between the European Commission and the Ministry of Justice and the Police of the Kingdom of Norway for the participation of Norway in the European Migration Network. The Working Arrangement entered into force on 15 November 2010.

5 Following signature of the Accession Treaty with Croatia on 9 December 2011, Croatia participates in the EMN in accordance with Commission Decision C(2011) 9005 of 8 December 2011 on internal implementing arrangements for the interim period before formal accession.

6 For example, the EMN Work Programme 2012 was adopted as Commission Decision C(2012) 1771.

7 See, for example, COM(2012) 250 final and SWD(2012) 139 final.

- **Ad-Hoc Queries**, which are a responsive tool for collecting comparative information quickly on a specific, topical issue. They can be launched by the Commission or an EMN NCP with a typical response rate of up to four weeks;[8]

- **Studies** on policy relevant themes, each year typically including both a **main study**, giving a detailed compilation and analysis on a topic of medium- to longer-term relevance, including identifying possible upcoming issues, and up to three **focussed studies**, in order to address more immediate, short-term policy needs;[9]

- **EMN Informs**, which provide the key findings in a succinct manner on a specific topic from, for example, studies or Ad-Hoc Queries in a format intended for policymakers;

- **EMN Bulletin Reports**, providing up-to-date, topical information, to policymakers in particular, on current and recent developments at EU and Member State level, including also latest published statistics, primarily from Eurostat;[10]

- **EMN Glossary and Thesaurus**, with the glossary comprising 300+ terms with translations based on EU *acquis* and serves *inter alia* to improve comparability between Member States through the use and common understanding of the terms and definitions contained therein, and the thesaurus providing a coherent, structured means by which to catalogue and search for comparable documents on a specific topic;

- **EMN Status Reports**, for the European Parliament, the Council, the Commission, the Economic and Social Committee and the Committee of the Regions concerning the ongoing activities of the EMN and the key findings of its various outputs;[11]

- **EU Immigration Portal**[12] **updates**, in order to ensure that information on Member States' immigration policies and procedures[13] is kept up-to-date. The EMN, owing to its links with and understanding of the legislative bodies in the

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8 To give an indication of the extent and range of EMN Ad-Hoc Queries, in 2011 a total of 76 individual queries were launched with each one, on average, receiving 17+ Member State responses equivalent to over 1 300 individual responses. Topics covered range from Borders, to Economic Migration, EU *Acquis*, Family Reunification, Irregular migration, Integration, Protection, Residence, Return, Students, Trafficking and Visas.

9 In 2012, the EMN is undertaking a main study on *The Immigration of International Students to the EU* and focussed studies on *Misuse of the Right to Family Reunification*, to inform the Green Paper (COM(2011) 735) on this topic; *Challenges and practices for establishing applicants' identity in the migration process*; and *Intra-EU Mobility of Third-Country Nationals.*

10 See first edition announced on DG Home Affairs Twitter site (@EUHomeAffairs), at http://t.co/FDBAbFuO.

11 The EMN Status Report 2011 accompanies this Report as SEC(2012)240. For previous years see SEC(2010) 1006 and SEC(2011) 1273.

12 http://ec.europa.eu/immigration/

13 This information is available under the headings 'What do I need before leaving?' and 'What do EU countries do?'

Member States, is well-placed to provide updates quickly to ensure the EU Immigration Portal remains topical;

- **Networking**, which takes place at EMN level, notably through regular meetings of the EMN NCPs; at national level, with EMN NCPs developing national networks representing all relevant stakeholders, including national policymakers; and at EU/international level, in order to develop consistency and co-ordination with relevant EU instruments and structures in the area of migration and asylum plus having strategic co-operative relationships with other (non-EU) European organisations, institutions and networks pursuing similar objectives;

- **Communication and Dissemination** of EMN outputs, notably via the aforementioned EMN Informs and Bulletins, plus via dedicated websites (EMN[14] plus national), an annual EMN Conference[15] and presentations at relevant (inter)national events.

The EMN used to produce *Annual Reports on Migration and International Protection Statistics*,[16] analysing data primarily from Eurostat in accordance with Regulation (EC) 862/2007. Whilst the quality of these reports was high, they suffered from a lack of topicality, owing also to the timeframe in which annual data became available.[17] Consequently, it was decided to stop this activity and to instead present the latest available published data primarily via the EMN Bulletin report.

All EMN products are made publicly available, principally via its website, as well as in dedicated publications by both EMN NCPs and the Commission. For reports/studies, the methodology followed is to develop common specifications or templates, in order to ensure better comparability, which are then used by each EMN NCP to produce a National Report or Contribution, normally via "desk research." On the basis of these (typically 24 individual national responses),[18] a Synthesis Report is then produced, bringing together and analysing the main findings and placing them within an EU perspective, e.g. by relating to recent policy initiatives.

III. EXTERNAL EVALUATION

In order to inform the further development of the EMN, an independent, external evaluation of the EMN was undertaken in the latter half of 2011.[19] This evaluation addressed several aspects of the EMN and its functioning and the Table below gives an overall summary assessment of the EMN's performance.

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14 http://www.emn.europa.eu

15 The EMN Conference 2011 was held in Warsaw under the auspices of the Polish Presidency of the European Union on the topic of irregular migration.

16 The last report covered the year 2009 and was completed in April 2012.

17 Whilst asylum data is provided on a monthly basis, data on immigration, emigration, residence permits and citizenship only becomes available, in accordance with Regulation (EC) 862/2007, up to 15 months after the end of a reporting year (e.g. 2010 data were available in Spring 2012).

18 Whilst an EMN NCP exists in each Member State (except DK) and Norway, some of them do not yet have the personnel resources necessary to contribute to all EMN activities.

19 This evaluation was undertaken by the Centre for Strategy & Evaluation Services (CSES) and the evaluation report is available from http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?directoryID=249.

Table 1: Overall Summary – EMN Performance

Positive	Less Positive
• Quality of EMN outputs (mostly up-to-date, objective, reliable and comparable) with Ad-Hoc Queries especially highly valued; • Positive influence on policy-making, especially at the EU level, but also in relation to many Member States; • Intensity of networking between EMN NCPs and their commitment to the EMN; • Quality and quantity of outputs compared with level of financial and human resources.	• Time-lags in producing information and limited comparability, especially when not all EMN NCPs make an input; • In relation to the wider public, very limited impact and uncertainty as to the EMN's role; • Relatively low visibility of EMN (e.g. low number of website hits and newsletter registrations) and weak national networks in some countries; • Lack of resources at EU level to support EMN's development.

Overall, the EMN was considered to be performing well, providing useful information to support policymaking at the EU and Member State level. Less positive were the limited readability of the information it produced (e.g. too long) for policymakers and the lack of visibility or awareness of the EMN amongst other practitioners as well as policymakers, particularly within the EU institutions.

Some thirty recommendations to improve further the functioning of the EMN were identified. Indeed, even whilst the evaluation was underway, the EMN took on board several recommendations in the development of its annual work programme for 2012, in particular in relation to ensuring that information provided was more relevant, up-to-date and with concise summaries of findings for policymakers in particular.

IV. FUTURE DEVELOPMENT OF THE EMN

Whilst the EMN is now firmly established in the landscape of asylum and migration and is highly regarded, it is appropriate to consider how it could even better meet its objectives. This section thus outlines how the Commission sees the further development of the EMN within the context also of the Asylum and Migration Fund,[20] although some of the changes proposed can be implemented before this Regulation would enter into force.

The EMN has already demonstrated its flexibility to evolve and adapt to better meet the expectations of policymakers in particular. A key factor in this respect is the pro-active involvement of and strong partnership between the Commission and the EMN NCPs, as nominated by their respective Member State, who constitute the essential building blocks upon which the EMN is built.

The continuation of the EMN, along with its objectives and tasks, is set out in Article 23 of the proposed Asylum and Migration Fund Regulation, with Council Decision 2008/381/EC then repealed. The objectives would be:

(a) to serve as an Union advisory council for migration and asylum through co-ordination and cooperation at both national and Union level with representatives of Member States, academia, civil society, think-tanks and other Union/international entities;

[20] COM(2011) 751 final

(b) to meet the migration and asylum information needs of Union institutions and of the Member States by providing up-to-date, objective, reliable and comparable information on migration and asylum, in order to support policymaking in the European Union in these areas;

(c) to provide the general public with the information referred to in point (b).

Article 23 also outlines the EMN's activities to meet these objectives; the need to ensure coherence with EASO[21] and Frontex;[22] the composition of the EMN; and the financial assistance to be provided.

The following sub-sections will address in turn each objective outlined above, providing in more detail the Commission's vision for the EMN.

IV.1 THE ROLE OF THE EMN

The development of a common EU migration policy increasingly requires comparative, factual information in order to develop and inform policy approaches based on reliable evidence and analysis covering a wide range of perspectives. Whilst there is an array of extensive information available, and not only from the EMN, most often it is in a format which is difficult for policymakers to digest and also not sufficiently accessible to meet their immediate needs.

Clearly, it would be advantageous for there to be a common European source where policymakers, both nationally and from the EU institutions, could access or request reliable information, including statistics, in a factual, user-friendly, objective manner in order to inform their deliberations. There is also a need to consider longer-term perspectives in order to anticipate potential challenges that the EU will have to address.

The EMN is ideally placed to meet this need and to fully meet the expectations of policymakers. It has demonstrated that it has extensive analytical expertise available at both Member State and at EU level and the ability to fully understand and contextualise the information coming from relevant national government Ministries, as well as other national sources through the extensive networks that have developed. The strength of the networking between EMN NCPs also serves to demonstrate that a common culture of knowledge has developed whereby the situation in one Member State can be understood in others and within the Commission.

What then are the changes required of the EMN? Firstly, it should extend its scope of information sources in two respects: through its national networks and through its links to other relevant EU/international bodies. This would require the role of the EMN NCPs to be enhanced further so that they are each able to act as the national hub for information gathering and analysis.

Many EMN NCPs have made extensive efforts to develop a national network consisting of a wide-range of stakeholders, not only, for example, from government Ministries. More emphasis has also been placed in meetings of these national networks to address (topical)

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[21] European Asylum Support Office, established by Regulation (EC) 439/2010

[22] European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, established by Council Regulation (EC) 2007/2004.

issues of national/EU policy relevance and to involve (national) policymakers. Indeed, via these national networks, the EMN has facilitated information provision and exchange of views between, for example, (national) policymakers; government officials, including from different Ministries; international organisations; researchers; think tanks and other policy advisors; NGOs; and civil society. In some Member States, such a wide gathering of stakeholders was previously unheard of. Another aspect is through the development of the various national websites which serve as a (national) focus for asylum and migration information including, in some cases, databases of relevant legislation, case law, etc.[23]

Consequently, national networks should be recognised as one of the constituent elements comprising the EMN and thereby promoted still further to the extent of, for example, involving national network members more in providing input, even on an ad-hoc advisory basis, when there is an identified need for information.

There are a plethora of different entities addressing various aspects of asylum and migration analysis and research, at national, EU and international level.[24] Each performs a certain role with a particular audience. In order for policymakers to also benefit from the extensive information produced, the EMN can strengthen its cooperation and collaboration with these various bodies to exchange information and mutually complement each other's activities, as well as to avoid any overlap. Whilst this would be formally assured within the Commission (notably with DGs Eurostat, Research and Innovation, Development and Cooperation, plus Employment and Social Affairs) and with EU bodies like EASO, Frontex, FRA[25] (See Section IV.4), liaisons with other bodies, such as *inter alia* other EU institutions, and the African, Caribbean and Pacific (ACP) Observatory on Migration, GDISC, IGC, NORFACE, IOM, UN, Migration Policy Centre, OECD, etc.[26] could typically be in the context of specific topics or studies. This would also serve to provide, when deemed relevant, a rest of the world or outside the EU (regional) perspective on a specific topic, as well as a link to the migration dimension of EU development policies, so that coherence and synergies, in particular with regard to defining cooperation with priority countries under the external dimension of EU migration policy, could be ensured.

The EMN should also put more effort into improving its "mining" of the information published by these various entities, although this would necessitate more resources. There is good previous experience of this, such as the EMN's study on *Satisfying Labour Demand through Migration* which involved contributions from and collaboration with Eurocities and the IOM.

In a similar vein, even though Denmark is not formally required to participate in the EMN, efforts have nevertheless been undertaken to involve them and they have taken part in some EMN activities and meetings. Further steps should be taken to explore how Denmark might

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23 See, for example, the national jurisprudence database (http://194.88.246.195/WD160AWP/WD160Awp.exe/CONNECT/EMN_JURISPRUDENCES) developed by the LU EMN NCP, which permits searching of recent decisions of administrative courts in Luxembourg and is freely accessible to the general public, as well as scientific and legal experts.

24 An extensive list of other relevant entities is given at http://www.emn.europa.eu under "Useful Links".

25 European Union Agency for Fundamental Rights, established by Council Regulation (EC) 168/2007.

26 GDISC (General Directors of Immigration Services Conference); IGC (Inter-Governmental Consultation on Migration, Asylum and Refugees); NORFACE (New Opportunities for Research Funding Agency Co-operation in Europe); IOM (International Organization for Migration); UN (United Nations, in particular its Population Statistics Division); OECD (Organisation for Economy Co-operation and Development).

more actively participate, on the basis of the experience of incorporating Norway into the EMN.

IV.2 INFORMATION PROVISION TO INFORM POLICYMAKING

Secondly, the EMN should further improve the relevance and manner in which it provides information. The external evaluation noted that whilst the relevance, quality and added value of EMN outputs is high, there is still scope for improvement, including in respect to its synthesis reports. Specifically the synthesis reports should be less descriptive and more analytical with key messages and policy implications highlighted more clearly for the target group(s). Flexibility to be able to select a topic for a study during a year, in light of topical political developments, is also important.

The EMN should thus continue to provide up-to-date, objective, reliable and comparable information, but also needs to continue the steps already taken to be flexible and adaptive to even better meet the needs of policymakers. Whilst a positive evolution has been for the EMN to undertake studies of direct relevance and need to policymakers, with the role of the EMN Steering Board being crucial in this respect, nevertheless two obstacles, namely timeliness and conciseness of information presented, need to be addressed still further.

Indeed, the EMN has already taken on board these recommendations in its 2012 work programme, with a number of changes to its *modus operandi*, such as increased emphasis on mining of the extensive information already available within the EMN; the introduction of focussed studies;[27] the production of EMN Informs,[28] intended to provide policymakers in particular with the key findings of a particular activity; and the introduction of EMN Bulletin reports.

IV.3 INFORMING THE WIDER PUBLIC

A further change required by the EMN concerns the manner in which it presents its outputs to inform the wider public. Migration is today a widely debated and sometimes contentious issue in the EU, with polemics sometimes based on incorrect or misleading information. There are a number of good practices at Member State level of presenting information in a user-friendly, objective, impartial manner,[29] some developed with the involvement of their respective EMN NCP. This is currently missing at EU level and the EMN should thus take on this role too by, for example, using modern communication means (e.g. via social media, interactive website) to give concisely the factual situation on a particular theme targeted at the media and other information multipliers. National network members would also be expected to contribute to the dissemination of information.

This is entirely consistent with the EMN's path towards providing more targeted outputs, as part of being an advisory council, including developing and then promoting its EMN and national websites to be user-friendly reference sources of information. Another facet in this respect would be for the EMN to provide timely factual updates enabling the Commission and Member States amongst others to reinforce their evidence base.

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27 See Footnote 9.

28 Circulated and also published on the EMN website under "EMN Informs."

29 See, for example, the UK's *Migration Observatory* (http://www.migrationobservatory.ox.ac.uk) and LT's *Migration in Numbers* (http://123.emn.lt/).

IV.4 STRENGTHENED LINKS WITH EU AGENCIES

By its very nature, asylum, immigration and integration are highly interlinked, being elements of the whole field of migration. The EMN's strength in this respect is its ability to analyse a particular migration-related topic, calling on a wide-range of expertise in the Member States. It can therefore usefully support other EU entities, notably agencies.

Given that EASO also analyses the situation of asylum in the EU, collaboration should be strengthened to avoid duplications, ensure coherence and complementarity and thereby increase the capacity of both bodies. For example, and based on the experience with the FRA, the EMN and EASO could jointly undertake a study on an asylum-related topic[30] addressing different but complementary components. Another possibility could be for EASO to provide input to the EMN as part of the Annual Policy Report, and in particular information for the preparation of the Commission's Annual Report on Immigration and Asylum.

In a similar vein, relations with Frontex should be developed further. Promoting synergies between the EMN and Frontex could potentially close the gap between border management considerations and socio-economic considerations by bringing together a wide range of experts with different but complementary specialisations. This would ensure a comprehensive coverage of migration and asylum issues. To illustrate this further, Frontex's Risk Analysis Network (FRAN) produces, on a quarterly basis, an analysis of migratory trends at the EU external borders.[31] The EMN could more fully utilise this information as part of, for example, an in-depth analysis of irregular migration or a broader analysis of migration flows.

There are already strong relations with FRA which have developed over a number of years. The different roles and responsibilities of the two bodies means that there is often high complementarity in their respective activities and regular attendance of a FRA representative at EMN meetings ensures that the two are mutually informed of each other's work. Examples of this complementarity are the parallel undertaking of studies on unaccompanied minors/separated children[32] and on irregular migration.[33]

IV.5 STRUCTURE REQUIRED TO MEET THESE NEW CHALLENGES

The EMN functions as a true European network comprising the Commission and Member States plus Norway, albeit with no legal identity. Whilst this atypical structure has created some difficulties, notably in terms of financing of the EMN NCPs, it has nevertheless ensured a closer link with the policy agenda of the Commission. It also works very well in practice. There is thus no need to consider any modification of the EMN's current structure.

Similarly, a strong feature of the EMN, also identified by the external evaluation, is its heterogeneity. Article 5(1) of the Council Decision establishing the EMN required each Member State (except Denmark) to designate the entity that would act as its EMN NCP. Although most EMN NCPs come primarily from the relevant Ministry in their Member State

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30 For example, in 2011 the EMN undertook a study on *Non-EU Harmonised Protection Statuses*.

31 See http://frontex.europa.eu/publications?c=risk-analysis

32 *Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors* (EMN, May 2010) and *Separated, asylum-seeking children in European Union Member States* (FRA, November 2010). Both reports served to inform the Action Plan on Unaccompanied Minors (COM(2010) 213.

33 *Practical Measures for Reducing Irregular Migration* (EMN, April 2012) and *Fundamental rights of migrants in an irregular situation in the European Union* (FRA, November 2011).

responsible for asylum and migration policy, some come from research institutes or the national offices of the IOM, albeit with strong collaborative links with the relevant Ministry. The experience with such a composition leads to the conclusion that this should not change. What should change, however, is that sufficient resources are made available in the Member State for any EMN NCP who currently is not able to fully participate in and contribute to all EMN activities.

There are certain aspects of the EMN Steering Board which should be adapted. Whilst it has demonstrated its usefulness in more closely linking the activities of the EMN to the needs of policymakers, a number of improvements can be made. Principal amongst these is for the Steering Board to focus more on providing strategic guidance to further ensure that the EMN's activities are of direct relevance to policymakers. This could be assured, for example, by relevant stakeholders (e.g. EU Presidency Trios, Member States, European Commission, European Parliament) outlining their strategic priorities and Steering Board members being sufficiently high-level to provide the necessary policy guidance. The European Parliament plus Denmark and Norway should continue to have observer status on the Steering Board. There should also be a clearer separation of Steering Board members from their respective EMN NCP[34] so that no potential conflict of interest exists and the Steering Board can more actively request a Member State(s) to strengthen their capacities for under- or non-performing EMN NCPs, identified on the basis of common performance indicators.[35] In addition, the Steering Board should do more to promote the link between research and policymaking by, for example, highlighting the implications of EMN findings for current and future migration policies and practices.

V. CONCLUDING REMARKS

The EMN has proven itself to be an increasingly useful instrument to support policymakers. With the perspective also of the next multiannual financial framework, the further enhancements identified in this report would enable the EMN to perform its important role even better. Building on the solid base established so far, the Commission has every confidence that the EMN will once again adapt to meet these new challenges.

The Commission looks forward to debating the further development of the EMN, notably with the other EU institutions and the Member States and on the basis of this report.

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34 Currently, some 12 Member State members of the Steering Board also act as the EMN NCP for their Member State.

35 These might include: Inputs to studies and reports, number of responses to Ad-Hoc Queries; the extent to which national networks and dissemination activities have been developed; the intensity of EU-level networking (e.g. as reflected in attendance at meetings, replies to Ad-Hoc Queries) and other aspects of work plans.