



Directorate F: Social statistics
Unit F-2: Population and Migration

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**TECHNICAL GUIDELINES FOR THE DATA COLLECTION
UNDER ART. 5 AND 7 OF REGULATION 862/2007 –
ENFORCEMENT OF IMMIGRATION LEGISLATION
(EIL) STATISTICS**

VERSION REVISED IN 2018

**Preface to the revised Technical Guidelines for the collection
of the Enforcement of Immigration Legislation (EIL) data from reference year 2014 onwards**

This revision is based on the decision of the 2017 Asylum and Managed Migration Working Group (AMM WG) to collect, on voluntary basis, additional statistics on returns. For this purpose, "Annex 4" was added to the present EIL guidelines to collect quarterly statistics on third country nationals, who are subject to an obligation to leave and those who have actually left the territory. In addition, this annex introduces voluntary data collection on "Age" and "Sex" breakdowns. Following these changes, a new Y3 data template¹ will be provided to the countries, allowing creation of the required CSV files for the data transmission to Eurostat (see details in Annex 4).

Important clarifications of recently introduced changes:

- The chapter on "third country nationals, who are subject to an obligation to leave and those who have actually left the territory" is providing the reference guidelines for quarterly statistics on returns covered by Annex 4 (note that the same definitions applied in the ETG and Annex 4).
- After the introduction of quarterly data collection, the obligation to send Annual data on returns remains in force with accordance with Article 7 of the Regulation 862/2007.
- Annual data templates and categories will remain the same for 2017 reference period. Therefore, 2017 data structure will be as for 2016 reference period.
- In accordance with the agreement of the AMM WG 2017 the new Age and Sex breakdowns are introduced for the quarterly data since Q1 2018 reference period.
- Age and Sex breakdowns will be added to Annual data collection only since 2018 reference period (i.e. data to be provided in 2019).

Currently EIL Technical Guidelines are undergoing a methodological review. The finalised ETG will incorporate the above mentioned Annex 4. Details about new ETG will be available during 2018. However, the aim is that the new ETG will be applied since 2019 with 2018 first reference year.

¹ The term "templates" refers bellow to the XLS/XLSM files with the predefined structure provided by Eurostat and to the new CSV format used for data transmission. The CVS technical details are available on [CIRABC \(CircaBC/ESTAT/asylum1/Library/EIL statistics/Collection templates\)](http://CircaBC/ESTAT/asylum1/Library/EIL_statistics/Collection_templates).

Introduction

These guidelines are intended to explain the templates for the EIL data collection, according to the Regulation 862/2007, hereafter called: the "Statistical Regulation".

The aim is to describe the requested variables, definitions used and disaggregations required by the legislation.

The approach followed is meant to enhance the comparability of the data, to facilitate the production of statistical data from administrative systems and to make possible the use of the same data formats.

General aspects concerning all three EIL tables (for annual data collection²)

- Periodicity: Annual (= calendar year).
- First reference year: 2008.
- Data delivery:
 - Within 3 months of the end of the reference year.
 - Therefore, the first EIL data relating to the year X are expected by 31 March of the year X+1, at the latest.
- Data format:
 - The CSV is the accepted data format for data transmission.
 - The details related to the CSV files will be provided and updated by Eurostat.
- Subject:
 - The requested statistics relate to **third country nationals** only, defined as "any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty, including stateless persons" (Article 2.1(i) of the Statistical Regulation).
 - Within any one calendar year, each person should be counted **once** only in any table. For example, a person refused at the frontier several times in one year should only appear once in the Y1 table.
 - It was stressed in the Task Force of 19 June 2007 and on several occasions since that each table refers to the number of persons, not to the number of administrative decisions or acts.
 - During the previous year, it has been found that, in a number of Member States, the same person may have been recorded more than once during the reference period.
 - Nevertheless it is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data, as one of the first preconditions for data quality.
- Citizenship codes:
 - The Eurostat Citizenship codes list has been compiled from the ISO 3166 code list (using Alpha-2), with minor adaptations.

² See Annex 3 for additional information on quarterly data

From 2011 onward, a new country has been included in the citizenship list: the Republic of South Sudan (SS). The code for the country from which it has been separated remains unchanged: Sudan (SD).

From 2014 reference period onwards, Croatia (with the code “HR”) is excluded from the citizenship list

- Evolution of the Schengen area:
 - Since end 2008, the Schengen area of free movement of persons covers all EU28 Member states, with the exception of the Bulgaria, Ireland, Croatia, Cyprus, Romania and United Kingdom.
 - It includes also Iceland, Liechtenstein, Norway and Switzerland.
 - This evolution is particularly important for the definition of the external (land) border.
- Single entry point:
 - In June 2005, Eurostat adopted the principle of a **Single Entry Point (SEP) for data sent to Eurostat**. In May 2006, the **Statistical Program Committee (SPC) endorsed the SEP strategy**. This decision has been implemented in **eDAMIS** (electronic Data files Administration and Management Information System) which is an integrated environment of data transmission tools.
 - eDAMIS is installed in all the National Statistical Institutes (EU28+ main Partner Countries) and in several other organisations (ministries, agencies, central banks...). Data senders who do not have an eDAMIS installation at their disposal can connect to the **eDAMIS Web Portal** on Internet and upload their data in the Single Entry Point.
 - For all regular data transmissions, including the EIL data collection, only Single Entry Point can be used for supplying data to Eurostat.
- Publication of EIL data by Eurostat:
 - Under the Council Regulation on Community Statistics (Regulation 322/1997) and the European Statistics Code of Practice, aggregate statistical data supplied to Eurostat are intended to be published. Eurostat has a duty to treat users impartially and to ensure equality of access – that all users can access the data under the same terms and conditions. The EIL data will therefore be published in the Eurostat on-line dissemination database, on web pages (Statistics Explained article)³ and in printed publications.
- Single contact point:
 - It is highly recommended that, if possible, the national data suppliers should have only one single contact point in their relations with Eurostat for the three EIL tables.
- Data Quality

³ http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation

- From 2015 a new standard data quality file (ESQRS - ESS Standard for Quality Reports Structure) will be created on the Eurostat website for each Member State in which each country will provide the national metadata information directly to the Eurostat's data users. This information should be updated by the Member State (it is the responsibility of the Member States to update this information in relation to the data sent).
- A Quality Questionnaire will be sent to the Member States when there is an exercise for collecting specific quality information and the Member States are obliged to provide the quality information in the period established in the questionnaire's announcement.

Particular aspects for the individual tables

Table EIL Y1 (based on article 5.1.a of Regulation 862/2007) Third country nationals refused at the (land, sea, air) border by citizenship and by grounds for refusal (Annex 5 of the Schengen Borders Code)

Article 5.1a) of Regulation 862/2007 requires that Member States shall supply data on third country nationals refused entry to the Member States at the external border.

The definitions and disaggregations used for table Y1 are based on the Regulation (EC) No 399/2016 – the (Schengen Borders Code).

External border refers to the definition specified in article 2.2 of the Schengen Borders Code:

"Regulation (EC) No 399/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)"

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

1. "internal borders" means:

- (a) the common land borders, including river and lake borders, of the Member States;
- (b) the airports of the Member States for internal flights;
- (c) sea, river and lake ports of the Member States for regular ferry connections;

2. **"external borders" means the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders.**"

According to the Schengen Borders Code, internal borders do not change even when temporary controls are reintroduced (e.g. on the occasion of international political summits or sports contests). It is the definition of internal and external borders which counts as well for the External Borders Fund, independently from the controls temporarily reintroduced.

For Member States that are not bound by Regulation 399/2016 (Schengen Borders Code, SBC), reference is made to art.2.4 of Regulation 862/2007. In practice, this will mean that for non-Schengen countries, the external border will be the same as the international border.

Furthermore, article 5.1.a) of the Migration Statistics Regulation requires that statistics under this point "shall be disaggregated in accordance with article 13(5) of Regulation (EC) No 562/2006⁴" (Schengen Borders Code).

Art. 13(5):

"Member States shall collect statistics on the number of persons refused entry, the **grounds for refusal**, the **nationality of the persons refused** and the **type of border** (land, air or sea) at which they were refused entry. Member States shall transmit those statistics once a year to the Commission. The Commission shall publish every two years a compilation of the statistics provided by the Member States."

Art. 13 (2) of the SBC refers to "precise reasons for refusal, as set out in Annex V, part B"

13(2) Entry may only be refused by a substantiated decision stating the precise reasons for the refusal. The decision shall be taken by an authority empowered by national law. It shall take effect immediately. The substantiated decision stating the precise reasons for the refusal shall be given by means of a standard form, as set out in Annex V, Part B, filled in by the authority empowered by national law to refuse entry. The completed standard form shall be handed to the third-country national concerned, who shall acknowledge receipt of the decision to refuse entry by means of that form.

Annex V, part B of the SBC (see also annex 1 of this document) lists 9 precise reasons for refusing entry at the border, for a person that:

- (A) has no valid travel document(s)
- (B) has a false/counterfeit/forged travel document
- (C) has no valid visa or residence permit
- (D) has a false/counterfeit/forged visa or residence permit
- (E) has no appropriate documentation justifying the purpose and conditions of stay
- (F) has already stayed for 90 days in the preceding 180-day period on the territory of the Member States of the European Union
- (G) does not have sufficient means of subsistence to the period and form of stay, or the means to return to the country of origin or transit
- (H) is a person for whom an alert has been issued for the purposes of refusing entry
- (I) is considered to be a threat to public policy, internal security, public health or the international relations of the Member States of the EU

There are three sub templates to cover the supply of annual data on refusals (EIL Y1):

- Y1.1 Refusals at the (external) LAND border
- Y1.2 Refusals at the (external) SEA border
- Y1.3 Refusals at the (external) AIR border

Each of these 3 sub templates will be broken down for the 9 "grounds of refusal" detailed above, abbreviated in the templates with the letters (A) to (I).

This approach has the considerable advantage that the collection of these data is now based on an existing and well defined administrative document, already in use in (most of) the Member

⁴ Replaced by the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders.

States. It covers in a clear way all cases for Refusal, and is likely to stay unchanged over the coming years.

EIL Y.1 statistics are also **disaggregated by citizenship**.

For reasons of transparency, in the metadata of the EIL Y1.1 template on Refusals at the external land border, an identification of the **concerned external land borders** will be asked.

Within any one calendar year, each person should be counted **once** only in any table. A Person refused at the frontier several times in one year should only appear once in the Y1 table.

It was stressed in the Task Force of 19 June 2007 and on several occasions since that each table refers to the number of persons, not to the number of administrative decisions or acts. During the previous year, it has been found that, in a number of Member States, the same person may have been recorded more than once during the reference period. Nevertheless it is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data, as one of the first preconditions for data quality.

Member States are responsible for validating data reported in the templates. Internal consistency and data coherence should be checked according to the validation rules listed in Annex 2.

Further remarks regarding EIL Y.1 templates:

- ✓ a total per border type is maintained in the template as a check for the sum of the grounds for refusal
- ✓ a general total, as the sum of the three border types, will be generated automatically by the Eurostat's EIL data base.
- ✓ multiple grounds for Refusal:
- ✓ Although it is possible that a person is refused entry on more than one ground for refusal, the experience of the previous reference years data collections showed a very limited extend of the use of multiple grounds for refusal. Therefore the principle of "one ground per refused person" is highly recommended. In case of multiple grounds for refusal the "higher" ground overrules the "lower" ground for refusal.

The approach of "one ground per refused person" offers also extra possibilities for validation and further statistical analysis.

Table EIL Y2 (based on article 5.1.b of Regulation 862/2007)

Third country nationals found to be illegally present by citizenship, disaggregated by age and sex

Disaggregation by **citizenship**.

Disaggregation by **sex**: males, females and unknown

Disaggregation by **age**: the four required age groups are: 0–13, 14–17, 18–34, +35 and unknown

These 5 age groups breakdowns are in line with the categories used for other domains covered by the migration statistics regulation.

Within any one calendar year, each person should be counted **once only** in any table. It was stressed in the Task Force of 19 June 2007 and on several occasions since that each table refers to the number of persons, not to the number of administrative decisions or acts.

During the previous year, it has been found that, in a number of Member States, the same person may have been recorded more than once during the reference period.

Nevertheless it is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data, as one of the first preconditions for data quality.

Member States are responsible for validating data reported in the templates. Internal consistency and data coherence should be checked according to the validation rules listed in Annex 2.

Remarks:

- general totals, as the sum of males and females by age group, will be generated automatically by the Eurostat's EIL data base. It is therefore essential that all breakdowns by sex and age are provided.

NOTE

Certain linguistic versions of the Statistics Regulation, for instance the French and Dutch translations, do not refer to "third-country nationals found out to be illegally present" but to "third-country nationals in an irregular situation" (*FR: qui se trouvent en situation illégale, NL: aantal onderdanen van derde landen dat op grond van de nationale immigratiewetgeving illegaal op het grondgebied van de lidstaat verblijft*).

It is clearly not the purpose of the Regulation to require Member States to provide an estimate of the population of third-country nationals who are in irregular situation in their territories. Only those third-country nationals who have been found /apprehended/been the object of a security or ID check/etc. should be included in this table.

The Commission has assessed the extent of this problem and undertake a linguistic correction procedure.

Table EIL Y3. Third country nationals, who are subject to an obligation to leave (article 7.1.a of Regulation 862/2007) and those who have actually left the territory (article 7.1.b) following a decision or an act under article 7.1.a, by citizenship

1) Third country nationals, who are subject to an obligation to leave (article 7.1.a of Regulation 862/2007)

Article 7.1.a of the Migration Statistics Regulation specifies the category of Third country nationals subject to an obligation to leave as:

"the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State, disaggregated by citizenship of the persons concerned"

It is important to underline here that this category refers to all decisions (so not only removals to a third country). In statistical terms this is the TOTAL of all removal decisions (without Dublin cases), as these decisions or acts refer only to an obligation to leave the (national) territory, and do not specify a reference to a possible destination country.

Are also to be included: administrative or judicial decisions or acts stating or declaring that their stay is illegal and imposing an obligation to leave the territory for those third country nationals who are still staying legally on the territory for the limited period until the moment that the administrative or judicial decision or act on removal enters into force, within the same calendar year.

These statistics are also the required as the "Removal decisions" category for the Return Fund.

Article 7.3 of the Statistical Regulation adds:

"The statistics referred to in paragraph 1 shall not include third-country nationals who are transferred from one Member State to another Member State under the mechanism established by Regulations (EC) No 343/2003 and No 1560/2003."

Therefore, Dublin cases should not be included. These are covered by a different data set (see article 4.4 of the Statistics Regulation).

These statistics are disaggregated by **citizenship**.

Within any one calendar year, each person should be counted once only in this category. In the Task Force of 19 June 2007, it was stressed that it is the purpose to count the persons (even with multiple orders) per year, and not the number of decisions. Therefore, a person should normally be counted once only in the table, even if they receive several orders to leave.

During the previous year, it has been found that, in a number of Member States, the same person may have been recorded more than once during the reference period.

Nevertheless it is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data, as one of the first preconditions for data quality.

Member States are responsible for validating data reported in the template. Internal consistency and data coherence should be checked according to the validation rules listed in Annex 2.

2) Third country nationals who have actually left the territory (art 7.1.b) following a decision or an act under art 7.1.a, by citizenship

Article 7.1.b specifies this category as:

"the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, as referred to in point (a), disaggregated by the citizenship of the persons returned."

So: this category refers to the TOTAL of all the Removals, who have in fact left the (national) territory.

As with the previous category, Dublin cases should not be included.

This category should cover: forced returns and assisted voluntary returns. Unassisted voluntary returns may be included where these are reliably recorded. These statistics are disaggregated by **citizenship**.

Within any one calendar year, each person should be counted **once only** this category. It was stressed in the Task Force of 19 June 2007 and on several occasions since that each table refers to the number of persons, not to the number of administrative decisions or acts. During the previous year, it has been found that, in a number of Member States, the same person may have been recorded more than once during the reference period. Nevertheless it is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data, as one of the first preconditions for data quality.

Member States are responsible for validating data reported in the template. Internal consistency and data coherence should be checked according to the validation rules listed in Annex 2.

3) Returns to a third country: third country nationals who have actually left the territory to a third country following a decision or an act under art 7.1.a, by citizenship

This is a sub-category of item 2. above, covering those persons who are recorded as having returned to a third country following an order to leave. The provision of these data is not obligatory under Regulation 862/2007, but is included here as being important for the statistical users and policy makers.

This table should not include third-country nationals who are to be returned by a Member state to another Member State, in particular pursuant to Council Regulation (EC) N° 343/2003... (= Dublin cases).

These statistics are disaggregated by **citizenship**.

For reasons of transparency, in the Metadata of the EIL Y.3 template regarding the effected Returns, an identification of the concerned categories will be asked for

These categories are:

- forced returns;
- assisted voluntary returns;
- unassisted voluntary returns if reliably recorded;
- Other (to be specified).

Within any one calendar year, each person should be counted **once** only this category. It was stressed in the Task Force of 19 June 2007 and on several occasions since that each table refers to the number of persons, not to the number of administrative decisions or acts. During the previous year, it has been found that, in a number of Member States, the same person may have been recorded more than once during the reference period. Nevertheless it is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data, as one of the first preconditions for data quality.

Member States are responsible for validating data reported in the template. Internal consistency and data coherence should be checked according to the validation rules listed in Annex 2.

4) Additional voluntary disaggregation to the statistics on third-country nationals who have actually left the EU territory;

Please see Annex 3

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Annexes:

Annex 1: Reference to Annex V, Part B of the Schengen Borders Code Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders

Annex 2: Validation rules at the level of the Member State.

Annex 3: Additional voluntary disaggregation to the statistics collected based on Art. 7.1.b of Regulation 862/2007

Annex 4: Quarterly statistics on third country nationals, who are subject to an obligation to leave and those who have actually left the territory

Annex 1: Reference to Annex V, Part B of the Schengen Borders Code Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders

PART B

Standard form for refusal of entry at the border

Name of State Logo of State (Name of Office) _____ _____	
(1)	
REFUSAL OF ENTRY AT THE BORDER	
On _____ at (time) _____ at the border crossing point _____ We, the undersigned, _____ have before us:	
Surname _____ First name _____ Date of birth _____ Place of birth _____ Sex _____ Nationality _____ Resident in _____ Type of identity document _____ number _____ Issued in _____ on _____ Visa number _____ type _____ issued by _____ valid from _____ until _____ For a period of ____ days on the following grounds: _____	
Coming from _____ by means of _____ (indicate means of transport used, e.g. flight number), he/she is hereby informed that he/she is refused entry into the country pursuant to (indicate references to the national law in force), for the following reasons:	
<input type="checkbox"/> (A) has no valid travel document(s) <input type="checkbox"/> (B) has a false/counterfeit/forged travel document <input type="checkbox"/> (C) has no valid visa or residence permit <input type="checkbox"/> (D) has a false/counterfeit/forged visa or residence permit <input type="checkbox"/> (E) has no appropriate documentation justifying the purpose and conditions of stay. The following document(s) could not be provided: _____	
<input type="checkbox"/> (F) has already stayed for 90 days in the preceding 180-day period on the territory of the Member States of the European Union <input type="checkbox"/> (G) does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit <input type="checkbox"/> (H) is a person for whom an alert has been issued for the purposes of refusing entry <input type="checkbox"/> in the SIS <input type="checkbox"/> in the national register <input type="checkbox"/> (I) is considered to be a <i>threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union (each State must indicate the references to national law relating to such cases of refusal of entry)</i> .	
Comments The person concerned may appeal against the decision to refuse entry as provided for in national law. The person concerned receives a copy of this document (each State must indicate the references to the national law and procedure relating to the right of appeal).	
<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> Person concerned	<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> Officer responsible for checks

(1) No logo is required for Norway and Iceland.

Annex 2: Validation rules at the level of the Member State

The validation rules from bellow has been endorsed by the Member Stated within the Working Group on Asylum, Residence Permit and Enforcement Statistics (Luxembourg, 10-11 March 2014) and it represents basic set of rules checking the internal consistency of the files. Eurostat may apply further validations procedures to assess the quality of the transmitted data. In case data sent by country will not fulfil quality requirements, Eurostat will contact national data provider and request corrections. Moreover, the data validation procedure at the national level should be not limited to these rules applied to the final output. The validation can be considered a permanent process (as errors can be spotted anytime by supplementary checks). Each authority that is involved in the statistical process should be aware of potential risk to involve incorrect statistics in the reporting. Each risk identified should have a set of validation procedures (checks, rules) that should diminish the presence of errors in the statistical outputs.

Figure 1 Validation rules approved by the Working Group on Asylum, Residence Permit and Enforcement Statistics (Luxembourg, 10-11 March 2014)

#	Rule	Severity of error	Applied to the table
1	Use only the latest template provided by Eurostat for EIL statistics. XLS or CSV templates	ERROR	All datasets
2	Use only the parameters (technical details) provided by Eurostat related to the templates	ERROR	All datasets
3	Provide all mandatory statistics within each dataset	ERROR	All datasets
4	Select properly file's parameters in the eDamis application: dataset and reference year	ERROR	All datasets
5	Provide only integer positive numbers as statistics	ERROR	All datasets
6	Keep the integrity of the codes and category name provided in the templates by Eurostat	ERROR	All datasets
7	Assure the consistency of the totals	ERROR	All datasets
7.1	TOTAL = All TCN-s recorded	ERROR	All datasets
7.2	TOTAL = TOTAL CITIZENSHIP	ERROR	All datasets
7.3	TOTAL = TOTAL GROUND	ERROR	Y1.1, Y1.2, Y1.3
7.4	TOTAL = TOTAL SEX	ERROR	Y2
7.5	TOTAL GROUNDS = A + B + C + D + E + F + G + H	ERROR	Y1
7.6	TOTAL AGE = Y0_13 + Y14_17 + Y18_34 + Y35 + UNK	ERROR	Y2
7.7	TOTAL SEX = TOTAL M + TOTAL F + TOTAL UNK	ERROR	Y2
7.8	TOTAL = TOTDECISION	ERROR	Y3
7.9	TOTAL = TOTRETURNED	ERROR	Y3
7.10	TOTAL = RET3RDCOUNTRY	ERROR	Y3
8	Assure the consistency between the "third country nationals subjects to an obligation to leave", "third country nationals who actually left the MS territory" and "third country nationals who returned to a Third Country"	WARNING	Y3
8.1	Total Y3.1 ≥ Total Y3.2 ≥ Total Y3.3	WARNING	Y3
8.2	Total by citizenship Y3.1 ≥ Total by citizenship Y3.2 ≥ Total by citizenship Y3.3	WARNING	Y3

Additionally, please perform the following checks before data transmission:

– for table Y2: *Third country nationals found to be illegally present by citizenship, age and sex*: Compare the amount of cases related to adults and those related to minors. If the majority of cases relates to minors further information should be provided.

– Validation checks for the same table over time:

Verify that the tables supplied for period X+1 are different than the table of period X.

Verify the growth rates per table over the available time periods and check possible atypical evolutions linked to the specific situation at the national level.

A new automated validation system will be implemented at Eurostat level in January 2015. Eurostat highly recommend you to use the same validation system at national level (online version) for data validation before data transmission. The technical details and the rules applied for the new automated validation system will be provided by Eurostat on CIRCABC ([CircaBC/ESTAT/asylum1/Library/EIL statistics](http://CircaBC/ESTAT/asylum1/Library/EIL_statistics)).

The full list with the validation rules applied and the codes list will be updated when it is required and it is provided by Eurostat to the Member States on CIRCABC ([CircaBC/ESTAT/asylum1/Library/EIL statistics](http://CircaBC/ESTAT/asylum1/Library/EIL_statistics)).

Annex 3: Additional voluntary disaggregation to the statistics collected based on Art. 7.1.b of Regulation 862/2007

LEGAL REFERENCES

The present Annex refers to the data collected on voluntary basis for statistics on third-country nationals who have actually left the EU territory (which in this document is understood to be the territory of the EU 28 + Schengen Associated States) following a decision or an act to leave the EU territory issued by a Member State or a Schengen Associated Member State. These statistics are collected within the framework of Enforcement of Immigration Legislation (EIL) Statistics (data collection under Art. 5 and 7 of Regulation 862/2007).

DATA COVERAGE

The requested statistics relate to third-country nationals who have actually left the EU territory (art 7.1.b of Regulation 862/2007) following a decision or an act to leave the EU territory issued by a Member State or a Schengen Associated Member State.

Each person should be counted only once during the reference period.

Third-country national is defined as "any person who is not a citizen of the Union within the meaning of Article 17.1 of the Treaty" (Art 2 (a) Directive 2011/98/EU).

TABLES AND CATEGORIES

These statistics are disaggregated by **citizenship**.

I. Table Y4.1 Third-country nationals effectively returned by type of return and citizenship

Type of return categories:

1. **Voluntary Return** refers to the situation in which the third-country national complies voluntarily with the obligation to return (i.e. no enforcement procedure had to be launched) and this departure is confirmed by the information from eg. the border authority or the consulate authorities in the country of origin or other authorities such as IOM or any other organisations implementing a program to assist migrants to return to a third-country. (Definition based on Art 3.8 Directive 115/2008/EC).
2. **Enforced return**, removal refers to the situation in which the third-country national is subject to the enforcement of the obligation to return (the enforcement procedure has been launched). (Definition based on Art 3.5 and 3.8 Directive 115/2008/EC).
3. **Other concluded return** refers to the situation in which one can reasonably presume that the third country national was returned based on some assumptions (some information are missing and the departure is not confirmed by the information from the border authority).

II. Table Y4.2 Third-country nationals effectively returned by type of assistance received and citizenship

Type of assistance:

1. **Assisted Return** refers to the situation in which the third-country national was assisted to return. He/she is the beneficiary of a national or EU MS cooperative program to encourage return and to provide reintegration assistance. The TCN received (i) an in-kind assistance prior to departure (e.g. purchase of plane tickets) and/or (ii) in-cash allowances at the point of departure/upon arrival and/or (iii) an in-kind or in-cash reintegration assistance. Please note that beneficiaries of assisted return programs are mostly TCN who voluntarily return but some may also have been

returned by force (Definition based on Art 3.8 Directive 115/2008/EC and Asylum and Migration Glossary 2.0).

2. **Non-Assisted Return** refers to the situation in which the third-country national is recorded with departure and he/she does not receive a support and assistance from the national authorities.
3. **Unknown** refers to the situation in which the third-country national is recorded with departure but the information related to the support and assistance received from the national authorities, in this context, is missing.

III. Table Y4.3 Third-country nationals returned to a third country by type of agreement procedure and citizenship

Readmission agreement refers to the situation where an international agreement exists between the reporting country and the country of return (of the third country national returned) under which the readmission procedure is set out.

Type of agreement procedure:

1. **Returned under EU Readmission Agreements (EURA)**
2. **Returned under other readmission agreement (s)**
3. **Returned without existing a readmission agreement**
4. **Unknown – This category is used when the information is missing**

IV. Table Y4.4 Third-country nationals returned to a third country by destination country and citizenship

Destination country categories:

1. **Country of Citizenship**
2. **Transit country** refers to the the country that is considered intermediary destination of the TCN returned on the way to the country of Citizenship
3. **Other third country**

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Annex 4. Quarterly statistics on third country nationals, who are subject to an obligation to leave and those who have actually left the territory

INTRODUCTION

The present annex is following the decision of the 2017 Asylum and Managed Migration Working Group (AMM WG) to collect quarterly statistics on returns with age and sex breakdowns on a voluntary basis.

DATA COVERAGE AND STATISTICAL UNIT

The requested statistics relate to **third country nationals** only, defined as:

"any person who is not a citizen of the Union within the meaning of Article 17 (1) of the Treaty, including stateless persons" (Article 2.1 (i) of the Statistical Regulation).

Unit of measure: "individual person"

EXCLUSION OF DOUBLE COUNTING

For quarterly data collection:

Within any reference quarter, each person should be counted only once in each Y3 quarterly table. It is necessary to avoid cases of double counting in order to guarantee the accuracy and comparability of the data.

NOTE: A certain level of inconsistency is expected between Annual and Quarterly data collection due to the rule of reporting individuals only once in each reference period (i.e. quarter or year respectively). Eurostat will take appropriate measures to ensure that Quarterly data will be distinct from the Annual data in the online database and will provide methodological explanation of the potential inconsistency between Quarterly and Annual data.

FIRST REFERENCE PERIOD

The first reference period of the additional return quarterly data is January – March (Q1) 2018 for the Quarterly data including new age and sex breakdowns (data to be provided by the end of May 2018).

DATA FREQUENCY

As agreed at the 2017 AMM WG, since 2018 the statistics on returns are collected with the following frequency:

- Quarterly data collection (voluntary provision with Age and Sex breakdowns)
- Annual data collection (mandatory provision of the current breakdowns and voluntary provision of new Age and Sex breakdowns since 2018 reference year)

DATA DELIVERY

Separate tables are collected for Quarterly and Annual reference periods.

Quarterly data should be sent within 2 months after the end of the reference quarter. For example, Q1 2018 data should be sent to Eurostat by the end of May 2018.

Annual data should be sent within 3 months after the end of reference year.

In case a national data provider can assure sufficient level of data quality (including sufficient data accuracy and completeness) an earlier provision of data to Eurostat is strongly encouraged.

COLLECTED DISAGGREGATIONS/CATEGORIES

The tables presented above refer to the following collected disaggregations:

- **Return categories:**

- Return decisions (mandatory provision)

- Total returns (mandatory provision)

- Returns to a 3rd Country (voluntary provision)

- **Citizenship** (mandatory provision)

- **Age:** 0–13, 14–17, 18–34, equal or greater than 35 and Unknown (voluntary provision)

Eurostat recommends the reported age of third country nationals to be considered the age of the person in the moment of the recorded event: date of issuing decision in case of the orders to leave data and date of return in case of effective return data.

Please note that another practice can be accepted by Eurostat with prior agreement and with subject of delivery of a description of the method applied in the national metadata file (e.g. in case of database limitations).

- **Sex:** Males, Females and Unknown (voluntary provision)

- **COLLECTED TABLES**

The following 4 sub-tables are used in the XLSM template for the provision of the EIL statistics on Return⁵:

- Q_Y3 EIL Quarterly data on third country nationals, who are subject to an obligation to leave and those who have actually left the territory

1. Table 1. Q_Y3

- Quarterly data on third country nationals, **who are subject to an obligation to leave** (Article 7.1.a of Regulation 862/2007) by citizenship - "RETURN DECISIONS"
- Quarterly data on third country nationals **who have actually left the territory** (art 7.1.b) following a decision or an act under art 7.1.a, by citizenship - "TOTAL RETURNS"

⁵ These sub-tables are included in one CSV file to be transmitted to Eurostat

- Quarterly data on third country nationals **who were returned to a third country** by citizenship - "RETURNS TO A THIRD COUNTRY"
- 2. Table 2. Q_Y3.1 Quarterly data on third country nationals, **who are subject to an obligation to leave** (Article 7.1.a of Regulation 862/2007) by citizenship, age and sex- "RETURN DECISIONS"
- 3. Table 3. Q_Y3.2 Quarterly data on third country nationals **who have actually left the territory** (art 7.1.b) following a decision or an act under art 7.1.a, by citizenship by age and sex - "TOTAL RETURNS"
- 4. Table 4. Q_Y3.3 Quarterly data on third country nationals **who were returned to a third country** by citizenship, age and sex - "RETURNS TO A THIRD COUNTRY"

National data providers which cannot provide additional breakdowns by age and sex can still use the 2016 data collection template (Table 1. Q_Y3) for quarterly and annual data provision (XLS and CSV templates).

Countries providing age and sex breakdowns need to provide a different CSV file structure with columns related to age and sex categories (according to Eurostat CSV specifications).

XLSM quarterly data template will contain:

- a similar table as for current annual data collection (see above Table Q_Y3). This table is optional if all other quarterly tables with age and sex breakdowns are provided
- three tables for collecting age and sex categories for each indicator (see above Q_Y3.1, Q_Y3.2 and Q_Y3.3)

For the provision of CSV files, Eurostat provides two possible options:

- Providing same structure as for 2016 annual data collection see above Table Q_Y3 (simplified CSV file)
- Providing one table with a new structure provided by Eurostat, including age and sex categories/columns (one CSV file for tables Q_Y3, Q_Y3.1, Q_Y3.2 and Q_Y3.3 together).
