Ad-Hoc Query on National Offices dealing in a complex manner with asylum, citizenship, residence and integration of foreigners

Requested by SK EMN NCP on 5th January 2011

Compilation produced on 27th April 2011

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (21 in Total)

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1. Background Information
Migration Office of the Ministry of Interior of the Slovak Republic is considering the establishment of the Immigration and Naturalisation Office in the Slovak Republic. Such an Office would deal with the issues of asylum, citizenship as well as residence and integration of the foreigners in a complex manner. Thus we would appreciate information from MS on the structure of such similar Offices if any in their respective countries which in a complex manner deal with the issue of asylum, citizenship and residence and integration of foreigners. We would be also interested in the main tasks and responsibilities of such Office and the positives and/or negatives of its functioning.

Keywords: organisational structure

Glossary: Asylum, Citizenship, Foreigner, Integration, Migration, Residence Permit
**EMN Ad-Hoc Query: National Offices**

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1. Do you have in your MS such an Office which in a complex manner would deal with the issue of asylum, citizenship and residence and integration of foreigners?

2. If yes, what are the main tasks and responsibilities of such an Office?

3. What are the positives and/or negatives of such an Office from the point of view of your MS?

## 2. Responses

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<tbody>
<tr>
<td>Austria</td>
<td>No</td>
<td>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</td>
</tr>
</tbody>
</table>
| Belgium      | Yes                  | 1. No, there is not such an office. Competences on asylum, residence, citizenship and integration are in Belgium shared on different levels and executed by different institutions: Immigration Department (Federal).

   - The Immigration Department is responsible for the management of the entry of foreign nationals to the Belgian territory, their stay, their settlement and the removal of (a.o. irregular) foreign nationals from the Belgian territory. The main tasks of the Immigration Department, in relation to migration policy are:
     - To manage migration flows and decide on the validity of applications (such as family reunification and short term stay)
     - Adapt and implement national legislation to comply with European law;
     - Enhance the struggle against human traffickers in collaboration with other services involved.
     - Apply the Dublin-II Regulation; the registration of the asylum seekers’ applications and the management of the applicants’ residence requirements throughout the asylum procedure.
     - Organise the return of foreigners who do no longer/not comply with the entry- and residence conditions.

   - Office of the Commissioner General for refugees and stateless people (CGRS) (Federal)

   The CGRS, an independent administrative instance, is the only instance with the competence to examine asylum cases. The CGRS is the competent instance to either grant or refuse the refugee status and to either grant or refuse subsidiary protection.

   Others

   The Aliens Litigation Council and the Council of State also have their role as appeal bodies within the asylum and migration procedures.

   Federal Agency for the Reception of Asylum seekers (Fedasil)

   Fedasil falls under the competence of the PPS Social Integration. The agency is responsible for the humane reception of asylum seekers in Belgium. The reception of asylum seekers must be organised efficiently so as to respond in a flexible way to the arrival of newcomers. |
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<tr>
<td>Czech Republic</td>
<td>Yes</td>
<td>No</td>
<td>Not applicable</td>
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<tr>
<td>Estonia</td>
<td>Yes</td>
<td>1. All procedural matters of asylum, citizenship and residence are dealt by the Police and Border Guard Board (Department of Citizenship and Migration). The responsible authority for elaborating policies in respective fields is Ministry of the Interior. The Ministry of Culture is in charge of integration. It coordinates the work of the Estonian Integration Program 2008-2013 and is in charge of the European Fund for the Integration of Third-country nationals 2007-2013. The Ministry works together with the Integration and Migration Foundation Our People (MISA) with the aim of initiating, supporting, and coordinating projects designed to promote integration in the Estonian society.</td>
<td>See reply to question no 1.</td>
<td></td>
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1. As part of the inception phase of developing an integrated migration organization the Government of Hungary established the Office of Immigration and Nationality (hereinafter: OIN) on January 1, 2000. The OIN - based on the Government Decree No. 162/1999 (XI. 19.) - is an independent central authority. Legal harmonisation and institutional development were part of Hungary's preparation for EU accession. In order to achieve these goals on May 29, 2001, the Hungarian Parliament adopted a new Act regulating the entry and stay of foreigners in Hungary and amended the Act CXXXIX of 1997 on Asylum. This removed the legislative barriers from the way of developing an unified migration organisation. The amendment made to the Government Decree 162/1999 (XI. 19.) on the Office of Immigration and Nationality enabled the Government to set up the OIN's regional branches, the so-called Regional Directorates. the Office acts under the direction of the Ministry of the Interior, and in point of simplify naturalization procedures under the direction of the Ministry of Public Administration and Justice.

The OIN is an independent budgetary organisation. Its budget is shown separated within the budget of the Ministry of Interior. The Director General, supervised by the Minister of Interior directs the Office.

The OIN consists of central and regional – 7 Regional Directorates - organisational units:
1. Regional Directorate of Budapest and Pest County
2. Regional Directorate of North Plain
3. Regional Directorate of North Hungary
4. Regional Directorate of South Plain
5. Regional Directorate of South Transdanubia
6. Regional Directorate of Middle Transdanubia
7. Regional Directorate of West Transdanubia

The Hungarian legislation was completely reformed when on 18th December 2006; the Parliament of Hungary adopted two new legislative acts in the field of migration which implemented the relevant EU directives. Act I of 2007 on the Entry and Stay of Persons Enjoying the Right of Free Movement (hereinafter referred to as Free Movement Act) and Act II of 2007 on the Entry and Stay of Third-Country Nationals (hereinafter referred to as new Aliens Act) replaced the previous Aliens Act.

According to both of them the competent regional directorates of the OIN play an important part in line with proceeding of right to residence. Competences of the competent regional directorates of the OIN are based on the Government Decree 114/2007, as well as Government Decree 113/2007.

2. The OIN with a national competence is responsible for:
   - In accordance with the provisions of law on nationality discharging all the duties related to nationality falling in the line of duty of the Minister of Public Administration and Justice Executing.
   - The tasks related to the home registration activity carrying out all the aliens policing tasks in the capacity of a central aliens policing authority:
     - local border traffic permits affairs,
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<td>Italy</td>
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In Italy there isn’t an ad hoc office as described in the introductory text to the present ad hoc query, as all competencies are entrusted to the Ministry of Interior. For a general overview, it could be useful to read the EMN national study on the Organization of policies on immigration and asylum.
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| Latvia    | Yes      | 1. An Office which in a complex manner deals with the issue of asylum, citizenship and residence in Latvia is the Office of Citizenship and Migration Affairs (the OCMA) which is a state institution under the supervision of the Ministry of Interior.  
2. The OCMA is responsible for issuance of identity documents and travel documents, maintenance of the Population Register, implementation of the state migration policy, including development and implementation of repatriation and asylum policy as well as naturalization procedure. Starting from the 1st of June, 2011 the OCMA will also be the responsible institution for the implementation of the integration policy for foreigners.  
3. From the political point of view existence of one office which in a complex manner deals with the issues of asylum, citizenship, residence and integration of foreigners, makes it easier to notice interconnections between these fields. It also allows to deal with problems in a complex manner, decisions can be made faster as well as it is easier to develop most appropriate procedures taking into consideration needs of foreigners and other clients of institution. |
| Lithuania | Yes      | 1. No. Currently, these functions are dispersed between different institutions:  
- Ministry of the Interior responsible for the overall state regulation on migration,  
- Migration department, responsible for residence permits, asylum applications, admission, citizenship etc.,  
- Ministry of Social Security and Labour responsible for labour market access (via Labour exchange office) and integration of refugees,  
- Police, responsible for removals and control over legal stay  
- State border guar service, responsible for border control and removals.  
2. Not applicable  
3. Not applicable |
| Luxembourg| Yes      | 1. In Luxembourg, there is no office or authority that holds combined competences in the fields of asylum, citizenship, residence and integration of non-nationals and deals with them in an integrated manner. Instead, the competences for immigration, asylum and integration are distributed among several ministries and administrations.  
   The Directorate for Immigration is charged with the formulation and implementation of the immigration and asylum policy, the granting of refugee status and complementary protection status as well as the issuance of work and residence permits. Since 2009, the Directorate is placed under the responsibility of the Minister of Labor, Employment and Immigration, while remaining, from an administrative point of view, part of the Ministry for Foreign Affairs.  
   The Luxembourg Reception and Integration Agency (‘Office luxembourgeois de l’accueil et de l’intégration’, OLAI) is a public agency under the auspices of the Ministry for Family and Integration. It is mandated to implement and coordinate the reception and integration policy; facilitate the integration process of non-nationals; fight against discrimination; observe migration flows; provide support to applicants for international protection (social counselling, accommodation, social and financial support) and to manage accommodation services. |
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centers for applicants for international protection.

The Ministry of Justice is responsible for citizenship matters (acquisition of the Luxembourg nationality).

The Ministry for National Education and Vocational Training is responsible for the educational integration of non-national children.

2. Not applicable.

3. The present Government, constituted after the legislative elections of 9 June 2009, did not consider the idea of bringing together the competences of immigration, asylum and integration in one single ministry. Furthermore, based on the principle that integration policy is cross-sectional and concerns therefore several ministries, the Government of Luxembourg did not want to allocate the set of respective competences to one single ministry or administration and opted instead for a closer coordination.

In this perspective, the Inter-Ministerial Committee for Integration – composed of representatives of several Ministries – is mandated to coordinate the measures taken by the different ministerial departments in the field of integration of non-nationals. The Committee has, under the auspices of the OLAI, contributed to the elaboration of the National Action Plan for Integration and Fight against Discrimination 2010-2014 provided for in the Law of 16 December 2008 on the Reception and Integration of Foreigners in the Grand Duchy of Luxembourg. This Plan, adopted by the Government on 26 November 2010, represents the main instrument for a strategic and operational coordination of cross-sectional integration policies.

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| Malta       | Yes      | 1. Malta does not have such an office. Citizenship and residence permits fall under the Citizenship and Expatriates Affairs within the Ministry of Foreign Affairs while asylum seekers’ welfare is covered by AWAS, an agency under the Ministry for Justice and Home Affairs. Asylum applications are made with the Office for the Refugee Commissioner.  
2. Not applicable.  
3. Not applicable. |
| Netherlands | Yes      | 1. No. The issue of asylum, citizenship and residence falls under de responsibility of the Dutch Immigration and Naturalization Service (INS) which is an agency of the Ministry of Interior. Integration falls under the responsibility of amongst others the municipalities in cooperation with the Directorate Integration. This directorate is part of the Ministry of Interior. Although asylum, citizenship and residence, and integration are dealt with by different offices, these are all part of the Ministry of Interior. The issue of asylum, citizenship and residence, and integration fall under one Ministry, namely the Ministry of Interior. The political responsibility is thus not divided.  
The INS, being an agency, is responsible for the execution of the policies set by the Ministry. In that way, the INS can focus on its executive functions and the directorates within the Ministry can focus on policy making which can ameliorate the efficiency. The issue of integration however, is divided between the Integration Directorate of the Ministry and the municipalities. Although the |
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| Poland  | Yes    | 1. No. The issues of asylum, citizenship, residence and integration are dealt by different institutions. Referring to asylum, the Head of the **Office for Foreigners** is the central governmental authority competent with regard to granting and withdrawing refugee and subsidiary protection status, tolerated stay status (national protection measure) and national asylum status. All determination procedures are carried out in the Office, including cooperation under Dublin II Regulation. Among its responsibilities, there are also organization and management of reception centres for asylum seekers.  

Granting of the Polish citizenship belongs to the powers of the President of the Republic of Poland. Moreover, he expresses his consent to renounce thereof. Applications are examined first by the local authority (in case of foreigners residing abroad - by a consul), then by the respective department at the Ministry of Interior and Administration. In case of recognition of foreigner or stateless person as the Polish citizen and in case of confirmation of having Polish citizenship, the I instance decisions are made by the local authority (voivod), supervised by the Minister of Interior and Administration (acting as the II instance authority). The entry (border crossing) phase of migration to Poland is controlled by the Border Guards. Applications for legal residence of foreigners in Poland (as well as conditions for issuing a work permit to a foreigner), are examined by the local authorities (voivods). The Head of the Office for Foreigners coordinates, as a higher instance organ, the activities related to residence of foreigners carried out by them.  

As for the returns, several institutions might be involved, depending on the type of return (assisted voluntary – Border Guards, Head of the Office for Foreigners, IOM –International Organization for Migration – Warsaw Bureau; obligatory – Border Guards, Police; expulsion decisions– primarily voivod and the Head of the Office for Foreigners).  

Referring to integration, the **Ministry of Labour and Social Policy** has its statutory competency in the field of labour, family and social security. The Ministry is responsible for the integration of foreigners in Poland, including coordination of assistance provided within the framework of annual integration programmes (implemented as a social security task) targeting recognised refugees and persons granted subsidiary protection. Integration programmes are offered at the local level (powiat).  

2. Not applicable.  
3. Not applicable. |
| Portugal | Yes    | 1. Portugal does not have an Office of this nature. Therefore competences on asylum, residence, citizenship and integration are shared by different institutions, as follows: |
EMN Ad-Hoc Query: National Offices

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<td>Slovak Republic</td>
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<tr>
<td>Slovenia</td>
<td>Yes</td>
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1. The Slovak Republic does not have such an Office so far.
2. Not applicable.
3. Not applicable.

1. We established Directorate for migration and integration od 1.3.2009, before this issues were managed in Directorate for administrative affairs.
2. Not applicable.
3. For now I can only tell you positive aspects:
   - More money spent from the EU funds
   - Better implementation of the legislation
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<th>National Office</th>
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<tr>
<td>Spain</td>
<td>Yes</td>
<td>In Spain, we do not have an Office which deals with the issues of asylum, citizenship as well as residence and integration of the foreigners.</td>
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| Sweden          | Yes    | 1. The Swedish Migration Board is responsible for all the issues mentioned except integration which is the responsibility of the Ministry of Labour and the County Administrative Boards (with practical implementation by the municipalities).  
2. The Swedish Migration Board:  
   • Grants residence permits to foreigners who wants to come to Sweden, including students, family reunification, labour migrants.  
   • Process applications for asylum from investigation to decision making.  
   • Responsible for voluntary return and repatriation.  
   • Responsible for the Swedish resettlement programme.  
   • Responsible for the practical reception of asylum seekers, including providing housing and reception centers.  
   • Grants aliens’ passports and travel documents  
   • Responsible for issues regarding Swedish citizenships.  
   • Produces information and prognoses concerning migration for international need and domestic decision makers and authorities.  
   • Participates in international cooperation concerning migration.  
In Sweden the advantages are seen to be substantial:  
   1. Expertise on migration in one authority.  
   2. Easy for the applicants with only one authority responsible for the whole process.  
   3. A lot of connections between different migration issues which are easier dealt with within the same agency.  
   4. Possible to move resources to where they are needed the most at different points in time |
| United Kingdom  | Yes    | 1. Yes, the UK Border Agency deals with asylum, citizenship, residence and integration of foreigners.  
2. The UK Border Agency deals with applications for asylum, citizenship, and other residence permits. Details regarding these processes are available on the UK Border Agency website at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk/). The Agency's main tasks in regard to integration are more varied. Examples of some integration projects and programmes are given below. The Agency uses the European Integration Fund (EIF) to promote third country legal migrant integration through delivery of English for Speakers of Other Languages (ESOL) courses, life skills courses, IT training, mentoring schemes, ‘life in the UK’ classes and community events to promote contact and understanding between communities. Applicants for permanent residence and citizenship need to demonstrate English language competence and knowledge of UK society. The UK Border Agency has produced the ‘Life in the UK: A Journey to Citizenship’ booklet, which gives information about living in the UK, UK history and engagement with UK society. Applicants are tested on their UK knowledge and English competence through a multiple-choice computer test. Those with less well-developed English skills may instead take the 'English
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<th>Norway</th>
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1. The Norwegian Directorate of Immigration (UDI), under the Ministry of Justice and the Police, is responsible for all the issues mentioned except integration, which is the responsibility of the Directorate of Integration and Diversity (IMDi) under the Ministry of Children, Equality and Social Inclusion (with practical implementation by the municipalities).

2. Based on applications received directly, by the Norwegian foreign service missions, or the local police authorities UDI:
   - Grants residence permits to foreigners who wants to come to Sweden, including students, family reunification, labour migrants
   - Process applications for asylum from investigation to decision making, following registration by the police immigration unit.
   - UDI is also responsible for voluntary return and repatriation.
   - Responsible for the Norwegian resettlement programme.
   - Responsible for the practical reception of asylum seekers, including providing housing and reception centres.
   - Grants aliens’ passports and travel documents
   - Responsible for issues regarding Norwegian citizenships.
   - Produces statistics, projections and other information concerning migration, to international partners and for domestic decision makers and authorities as well as for the general public and an informed public discussion.
   - Participates in international cooperation concerning migration. The Immigration Appeals Board (UNE), an independent judiciary body, is responsible for handling appeals.

3. In Norway the advantages are seen to be substantial:
   - Expertise on migration in one authority.
   - Easy for the applicants with only one authority responsible for the whole process.
   - The connections between different migration issues are easier dealt with within the same agency.

for Citizenship’ course. Information about work, housing, access to healthcare, education and other topics that migrants might need to assist their early integration can be found on the UKBA website at [http://www.ukba.homeoffice.gov.uk/while-in-uk/rightsandresponsibilities](http://www.ukba.homeoffice.gov.uk/while-in-uk/rightsandresponsibilities). Those granted refugee status are provided with integration support through the Refugee Integration and Employment Service (RIES). This provides support to new refugees with short term critical needs as well as longer term integration goals. This includes assistance with registration for mainstream benefits and services (including housing), English language provision and preparation for employment. Provision of the RIES service will finish at the end of September 2011. European Refugee Fund (ERF) funded projects include the Gateway Protection Programme (the UK’s resettlement programme), projects assisting with providing general and specific sector based employment information, advice and guidance, employment related training, English language provision, mentoring of young refugees and providing complementary services in the mainstream secondary education of refugee children. More information about integration practices in the UK can be found on the European Integration Website: [http://ec.europa.eu/ewsi/en/info_sheet.cfm?ID_CSHEET=21](http://ec.europa.eu/ewsi/en/info_sheet.cfm?ID_CSHEET=21)

3. Having the determination of permanent residence, citizenship and asylum, and the management of the European Integration Fund (EIF) and European Refugee Fund (ERF) within the UK Border Agency makes for efficiency and sharing of good practice.
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- Possible to move resources to where they are needed the most at different points in time