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DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY
Directorate B : Immigration and Asylum
Unit B1 : Immigration and Integration

MIGRAPOL
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EUROPEAN MIGRATION NETWORK
SPECIFICATIONS FOR
ANNUAL REPORT ON MIGRATION AND
INTERNATIONAL PROTECTION STATISTICS

2008

FINAL Version: 17th March 2010

Subject: These specifications relate to the production of the *Annual Report on Migration and International Protection Statistics 2008*, which focuses primarily on the analysis of the statistics in this year and which shall be the first year with data provided according to the Migratory Statistics Regulation 862/2007.

Action: EMN NCPs are now requested to undertake this activity according to the Timetable given on Page 5. This means that your **Final National Report** and **Tables of Data** shall be provided by **17th September 2010**.

I. INTRODUCTION

The following specifications should help EMN NCPs to describe the statistical trends on migration, international protection, refusals, apprehensions, residence permits and return for the reference year 2008 in their Member State, and facilitate comparisons and interpretations pertaining to migratory trends on the European level, as well as in the international context. Sections 1 to 7 are compulsory, whilst Section 8 is *optional* and depends on the availability of additional data from other sources.

The specifications have been developed in light of experience with previous years reports, following the outcomes of a statistics workshop held on 10th September 2009 and in particular with respect to data in 2008 having been produced in accordance with the [Migratory Statistics Regulation 862/2007](#)¹ (See in [Annex](#)). Whilst these specifications have used the Regulation as a template, an attempt at maintaining some comparability with previous year's reports is also made.

The Table below provides an overview on when certain data should become available according to the Regulation and the expected data release from the Commission (Eurostat). On this basis, all asylum and migration data for a particular year should be available after 12 months in the following year (e.g. 2008 data in end 2009 and 2009 data in end 2010). Whilst asylum data are produced on a monthly basis, it is migration, population and citizenship data, owing in part to the definitions used, that become available only after 12 months. Consequently, with the completion of the 2008 Report during the course of 2010, the EMN will have completed its "catch-up" exercise as all data for 2009 shall become available only from the end of 2010.

Regulation 862/2007	Periodicity	Data for a Reporting Period available after:	Data for a Reporting Period released from Commission (Eurostat) after:	Availability of 2008 Data in
Article 3: International Migration	Annual	12 months	15 months	June 2010
Article 4: Asylum and Dublin	Monthly	2 months	2 months	December 2009
	Quarterly		9 months	
	Annual	3 months		
Article 5: Prevention of illegal entry and stay	Annual	3 months	12 months	April 2010
Article 6: Residence Permits	Annual	6 months	12 months	February 2010
Article 7: Returns	Annual	3 months	12 months	April 2010

¹ Available in all Member State languages from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0862:EN:NOT>.

Using the above table, this means that, for example, Article 3 data for 2008 should be provided by the national data providers to the Commission (Eurostat) in early 2010 with the data then becoming available from the New Cronos database (<http://epp.eurostat.ec.europa.eu>, then select "Statistics Database" then in Navigation Tree go to *Population and social conditions/Population (t_popula)/ International Migration and Asylum (t_migr)*) in April 2010. However, provision of Article 3 data for 2008 is likely to be delayed, and it is estimated that it will be available in June 2010. The data for Articles 4, 5, 6 and 7 should be available as indicated above.

II. STATISTICS WORKSHOP

The initial suggestion for such a workshop was raised at the 34th EMN NCP meeting in June 2009 and discussed further (and finally agreed on) at the 35th EMN NCP meeting in July 2009. A number of EMN NCPs supported holding such a workshop, considering that this would be important since a number of EMN NCPs were not national data providers to the Commission (Eurostat). It was also considered useful to have an in-depth discussion on the production of the EMN's Annual Reports with relevant experts from the Commission (Eurostat), from national data providers, researchers and EMN NCPs.

The purpose of the workshop was thus to better understand how data are provided/processed and also as a forum for EMN NCPs to share their experiences/difficulties encountered in producing an Annual Report. In this way, the workshop served not only to better understand the role and activities of the different actors, but also to consider how such reports might be produced sooner.

A number of useful aspects arose, which are summarised here:

- If not already existing, establish closer links with national data providers. This would permit, for example, data to be provided to an EMN NCP at the same time as it is sent to the Commission (Eurostat), including any subsequent updates.
- The EMN NCPs could act as a "feedback" or "intermediary" between national data providers and the Commission (Eurostat) alerting the former of any inconsistencies in Commission (Eurostat)'s database. A national data provider could then, using the established procedure, provide the Commission (Eurostat) with updated data.
- In a similar vein, to organise such a workshop on an annual basis involving various relevant actors: Commission (JLS and Eurostat); EMN NCPs; national data providers; Ministries, including policymakers.
- Likewise, EMN NCPs who are not already a national data provider might consider participating in Commission (Eurostat) Task Forces on a specific aspect of migratory statistics.
- A related aspect is to develop links with Commission (Research and Eurostat) supported projects like PROMINSTAT, MIMOSA. For example, consideration to incorporating or linking the PROMINSTAT inventory of statistical datasets (<http://www.prominostat.eu/prominostat/database/>) to the EMN's Information Exchange System might be considered.
- The specific sections on statistics of National and/or Synthesis Reports from EMN Studies might be added to the "Tables of Data" folder on the EMN website.
- Assess whether the information provided is as needed by policymakers and whether (and if so which) additional data (not recorded for the Regulation) is also

required. Work elsewhere should also be taken into consideration in this respect, e.g. Commission (Eurostat)/OECD's development of indicators for integration.

- Use of more graphics (including in colour) in both National and Synthesis Reports to better illustrate trends and/or findings.
- Consider how EMN's detailed and complete, yet "out-of-date" (i.e. not of immediate use for policymakers) report complements those produced by the Commission (Eurostat) (e.g. Statistics in Focus/Data in Focus (quarterly) reports²) and the OECD's Annual SOPEMI Reports.³
- Consider a re-formulation of the EMN's Reports in order to provide more timely analysis of (certain) statistics.
- Consider asking the Service Provider to produce a summary report based on the series of EMN's statistics reports, analysing trends over a longer-time period.

III. STEPS TO BE FOLLOWED IN PRODUCTION OF REPORT

An EMN NCPs National Report and the data should focus primarily on third-country (i.e. non-EU-27) nationals. This also now means, following accession on 1st January 2007, that nationals of Bulgaria and Romania are to be considered as EU nationals. If relevant, information and data on intra-EU mobility (i.e. movement of EU nationals from one Member State to another) may be included.

a) Data

Note that the EMN is not responsible for the collection of statistical data, as this falls within the responsibility of the Commission (Eurostat), unless it is of data additional and complementary to those produced by the Commission (Eurostat). Instead the role of the EMN is to analyse relevant data for each Member State and provide an analytical report on patterns and trends represented by the data. When relevant, an EMN NCP is encouraged to establish co-operation with their respective national data provider in terms of the availability of any further data and/or any clarification on the data that may be required.

It is also possible to add additional data (other than from the Commission (Eurostat), see Section 8 of the specifications) if this adds to the analysis provided in your National Report and is readily accessible. In which case, such data, and its source(s), should be explicitly highlighted in the relevant section of your National Report. Otherwise, data as provided from the Commission (Eurostat) in accordance with the Migratory Statistics Regulation 862/2007 shall form the basis of your analysis.

The Commission (Eurostat) shall indicate from where the data may be obtained from the New Cronos database.⁴ If you do not have finalised data for 2008, then use provisional data initially, clearly stating this in the tables. Then, when the data are finalised, they can be added later.

Each EMN NCP shall work with the data as obtained from the New Cronos database, extracting the data specific for their Member State. The Tables extracted in this manner are to be added as an Annex to your National Report. They may also be inserted into the main body of your National Report if this is considered more appropriate. The extracted Tables of Data

² See, for example, http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-09-039/EN/KS-QA-09-039-EN.PDF on Asylum Statistics.

³ 2009 Report available at www.oecd.org/els/migration/imo.

⁴ See <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>.

will be placed on the EMN website (at <http://emn.sarenet.es/Downloads/prepareShowFiles.do?directoryID=121>).

If 2009 data are also available for certain elements (e.g. on asylum applications), then these too may be included in your National Report.

b) National and Synthesis Reports

In order to achieve a common format for all National Reports, use the following specifications as a template, inserting your text and any graphics where it is indicated after each question and using 12pt Times New Roman font with 1.5 line spacing.

Your National Report should start with an Introduction, giving an overview of your analysis, then a section on Methodology, explaining how you obtained and/or verified the data and any caveats one should apply. For example, if it has not been possible to provide data according to the requested format. Some introductory text at the beginning of each main section may also be relevant. As also mentioned above, Tables of Data should be added as an Annex to the National Report and referenced (or included) in the main body of the report.

Reference to your National Report for the Annual Policy Report 2008 might be worthwhile also when explaining how, for example, policy developments might have impacted on the trend(s) observed.

Previous National Reports for the year 2004, 2005, 2006 and 2007 available from <http://emn.sarenet.es/Downloads/prepareShowFiles.do?directoryID=15>, can provide, for example, an indication of the expected length of each National Report. Should any EMN NCP require any clarification, or further information, do not hesitate to contact the Commission and/or the EMN Service Provider (GHK-COWI), but note that the focus should be on data/developments in 2008 only.

The Commission (JLS) with the EMN Service Provider (GHK-COWI), shall take responsibility for producing the Synthesis Report, in co-operation with EMN NCPs, according to the agreed timetable set out below.

IV. TIMETABLE

30 th October 2009	First discussion of specifications at 37 th EMN NCP meeting.
11 th December 2009	Further Discussion of specifications at 38 th EMN NCP Meeting.
4 th February 2010	Additional discussion of specifications at 39 th EMN NCP Meeting
17 th March 2010	Finalisation of specifications and launching of activity.
15 th April 2010	Provision of any clarifications on specifications and demonstration of New Cronos Database at 40 th EMN NCP meeting.
15 th July 2010	Provision of extracted Tables of Data to Commission. If desired, workshop to discuss progress made, including any clarifications on specifications and analysis of data (at time of 42 nd EMN NCP meeting). This workshop could include participants like for the workshop summarised in Section II.
17 th September 2010	Provision of Final Tables of Data and National Reports .

Annual Report on Migration and International Protection Statistics 2008

4th November 2010

Discussion of draft **Synthesis Report** at 44th EMN NCP meeting.

16th December 2010

Finalisation of **Synthesis Report** at 45th EMN NCP meeting.

Annual Report on Migration and International Protection Statistics for

[MEMBER STATE NAME]

(Reference Year: 2008)

1. INTRODUCTION

Provide a general introduction to your National Report, including its aims, structure. This could be aimed in particular to a reader interested only in the situation in your Member State.

[Start text here]

2. METHODOLOGY

Outline methodology followed in the production of your National Report, including in the verification of your data. Definitions used should be as given in Article 2 of the Migratory Statistics Regulation 862/2007 (hereinafter referred to as "the Regulation") and, referring to Article 9 of the Regulation, include the sources used for data highlighting any that are different from those given in this Article, their reliability, any changes in definitions compared to previous years, what (if any) caveats should be applied and any difficulties encountered. If possible, include also any experiences with regard to the provision of data in accordance with the Regulation.

[Start text here]

3. INTERNATIONAL MIGRATION, USUALLY RESIDENT POPULATION AND ACQUISITION OF CITIZENSHIP (ARTICLE 3)⁵

Note that, in accordance with Article 3 of the Migratory Statistics Regulation (862/2007), asylum applicants should be counted among flow and stock data if they stay effectively one year or more in your Member State (or if they intend to stay one year or more) like for other migrants. The data provided to the Commission (Eurostat) should be in accordance with this. However, if this is not the case for your Member State, provide a note explaining this.

[Any introductory remarks for this section]

In each of the following sub-sections include also a contextual interpretation (legal, political and international factors) of the data. What have been the main trends and most important developments in the area of migration policy in your Member State since the previous year (political stance; new or amended laws⁶; procedural changes⁷; etc.? Give a short overview. Could you identify European / international factors explaining certain changes/continuity in your Member State in comparison to the previous year?

⁵ Section 3 data are expected to become available only from May 2010. You are, therefore, requested to produce a preliminary National Report excluding this Section initially.

⁶ Explain briefly new or amended immigration laws, and the areas they cover.

⁷ Describe modifications to immigration procedure, including changes in application stages and agencies responsible. Include changes that are the result of both administrative and legal developments.

3.1 International Migration Flows

With reference to Article 3(1 a and b) of the Regulation, describe developments/trends with regard to international migration, particularly in respect to:

- (a) immigrants moving to your Member State, disaggregated according to groups of citizenship by age and sex; groups of country of birth by age and sex; groups of country of previous usual residence by age and sex;
- (b) emigrants moving from your Member State disaggregated according to groups of citizenships; age; sex; groups of countries of next usual residence;

How did migration flows in your Member State change compared to the previous years, from 2002 onwards? Explain the reasons for changes. Did the migration trends observed in this field reflect immigration policies at the time?

[Text here, plus any graphics]

3.2 Usual Residence

With reference to Article 3(1c) of the Regulation, describe developments/trends with regard to usual residence at the end of 2008, disaggregated according to groups of citizenship by age and sex and groups of country of birth by age and sex.

Provide information on the largest groups of third country nationals, normally up to and including at least the 10 largest groups on the basis of the number persons is sufficient. More can be provided if you consider relevant, e.g. a particular interest in a specific nationality at EU-level. If significant changes occurred in reference to the size of particular groups of third country nationals in 2008, what were the underlying causes of these changes (e.g. legal, political, economical, other)?

[Text here, plus any graphics]

3.3 Acquisition of citizenship

With reference to Article 3(1d) of the Regulation, describe developments/trends with regard to persons having their usual residence in your Member State and having acquired citizenship in 2008 of your Member State, having formerly held the citizenship of another Member State or a third country or having formerly been stateless. Include a disaggregation by age and sex, by the former citizenship of the persons concerned and by whether the person was formerly stateless.

[Text here, plus any graphics]

4. INTERNATIONAL PROTECTION (ARTICLE 4)

[Any introductory remarks for this section]

Again in each of the following sub-sections include also a contextual interpretation (legal, political and international factors) of the data. Describe briefly any new or amended laws on asylum and relevant case law effective in 2008 indicating whether there have been important changes in comparison with the previous year. Explain briefly also any administrative

changes in the application, decision, or appeals process contributing to any numerical changes. Can you identify European / international factors explaining certain changes regarding asylum trends in 2008 in your Member State? Has the situation changed in comparison with the previous year?

4.1 Applications for International Protection

With reference to Article 4(1) of the Regulation, describe developments/trends with regard to international protection applications in 2008 compared to the previous year in particular with regard to:

- (a) persons having submitted an application for international protection or having been included in such an application as a family member during 2008;*
- (b) persons who are the subject of applications for international protection under consideration by the responsible national authority at the end of 2008;*
- (c) applications for international protection having been withdrawn during 2008.*

*Disaggregate these statistics by age and sex, and by the citizenship of the persons concerned and note that it is on the **basis of persons**,⁸ e.g. dependant children⁹ should be included, but counted separately.*

Can these trends be related to legislative or administrative developments/ changes?

[Text here, plus any graphics]

4.2 Decisions on International Protection

With reference to Articles 4(2 and 3) of the Regulation, describe developments/trends in first instance and final decisions (again on the basis of persons) in 2008 compared to the previous year in particular with regard to:

- (a) persons covered by first instance and final decisions rejecting applications for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during 2008;*
- (b) persons covered by first instance and final decisions granting or withdrawing refugee status, taken by administrative or judicial bodies during 2008;*
- (c) persons covered by first instance and final decisions granting or withdrawing subsidiary protection status, taken by administrative or judicial bodies during 2008;*
- (d) persons covered by first instance and final decisions granting or withdrawing temporary protection, taken by administrative or judicial bodies during 2008;*
- (e) persons covered by other first instance and final decisions granting or withdrawing authorisation to stay for humanitarian reasons under national law concerning international protection, taken by administrative or judicial bodies during 2008;*

⁸ If, for some reason, this is not possible, add a note stating this and clarifying on what basis the data are provided.

⁹ A *dependant child* refers to a person below the age of 18 years who claims asylum with their dependants (e.g. parents, guardians) and would then be counted as an individual person. In addition, their dependant(s) would also be counted as separate person(s).

(f) persons who have been granted an authorisation to reside in a Member State within the framework of a national or Community resettlement scheme during 2008, where such a scheme is implemented in your Member State.

Again, disaggregate these statistics by age and sex and by the citizenship of the persons concerned as far as this is foreseen by the Statistics Regulation.

When compared with the previous year, can you observe changes in the statuses regularly granted to particular citizenship groups? How do you explain these changes or continuity?

[Text here, plus any graphics]

4.3 Unaccompanied Minors

With reference to Article 4(3a) of the Regulation, describe developments/trends in applications for international protection made by unaccompanied minors in 2008 compared to the previous year, disaggregated according to age, sex and citizenship.

If possible (i.e. information is readily available), provide also other data and details of unaccompanied minors who did not apply for international protection.

[Text here, plus any graphics]

4.4 Dublin Transfers

With reference to Article 4(4) of the Regulation, describe developments/trends in Dublin Transfers made in 2008 within the context of:

- (a) the numbers of requests for taking back or taking charge of an asylum seeker;*
- (b) the provisions on which the requests referred to in point (a) are based;*
- (c) the decisions taken in response to the requests referred to in point (a);*
- (d) the numbers of transfers to which the decisions referred to in point (c) lead;*
- (e) the number of requests for information.*

[Text here, plus any graphics]

5. PREVENTION OF ILLEGAL ENTRY AND STAY (ARTICLE 5)

[Any introductory remarks for this section]

Again in each of the following sub-sections include also a contextual interpretation (legal, political and international factors) of the data. Have there been any new or amended laws influencing illegal immigration in 2008, explain the most important changes in policies regarding refusal of entry or apprehensions from the previous year. Describe any modifications to the procedure in cases of identified illegal entry and/or illegal stay from the previous year. Include changes that are the result of both administrative and legal developments. Can you identify European / international factors explaining certain changes/continuity regarding illegal entry and/or stay in 2008 in your Member State?

5.1 Refusals

With reference to Article 5(1a) of the Regulation, describe developments/trends in third country nationals refused entry, including the number of persons refused entry, disaggregated by age, sex and citizenship. If possible, and in accordance with Article 13(5) of [Regulation \(EC\) 562/2006](#),¹⁰ provide details also of 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.

Describe developments/trends pertaining to the number of refusals¹¹ in 2008 in comparison to the previous year. Have there been changes in the main countries of citizenship of refused migrants since the previous year? If possible, give reasons for these changes/continuity.

[Text here, plus any graphics]

5.2 Apprehensions

With reference to Article 5(1b) of the Regulation, describe developments/trends pertaining to the number of apprehensions of illegally resident third-country nationals in 2008 in comparison to the previous year, disaggregated according to age, sex, citizenship of the persons concerned. Have there been changes in the main countries of citizenship of those apprehended in 2008? If possible, give reasons for these changes/continuity.

[Text here, plus any graphics]

6. RESIDENCE PERMITS AND RESIDENCE OF THIRD COUNTRY NATIONALS (ARTICLE 6)

With reference to Article 6 of the Regulation, describe developments/trends with regard to residence permits issued and long-term residents in 2008 compared to the previous year in particular with regard to:

- (a) the number of residence permits issued to persons who are third-country nationals, disaggregated according to:
 - (i) permits issued during 2008 whereby the person is being granted permission to reside for the first time (disaggregated by citizenship; by the reason for the permit being issued; and by the length of validity of the permit);
 - (ii) permits issued during 2008 and granted on the occasion of a person changing immigration status or reason for stay (disaggregated by citizenship; by the reason for the permit being issued; and by the length of validity of the permit);
 - (iii) valid permits at the end of 2008, i.e. number of permits issued, not withdrawn and not expired (disaggregated by citizenship, by the reason for the issue of the permit and by the length of validity of the permit).

- (b) the number of long-term residents at the end of the reference period, disaggregated by citizenship.

¹⁰ Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF>.

¹¹ A "Third-country national refused entry" means a third-country national who is refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation.

For those Member States which allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, details of such visas and grants of status should be included.

How did the total number of residence permits issued for the first time in 2008 change in comparison to the previous year? Explain the reasons for this (legal, political, administrative changes, etc.).

[Text here, plus any graphics]

7. RETURNS (ARTICLE 7)

With reference to Article 7 of the Regulation, describe developments/trends with regard to:

- (a) the number of third-country nationals found to be illegally present in the territory of your 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);*
- (b) the number of third-country nationals who have in fact left the territory of your Member State, following the above mentioned administrative or judicial decision or act (disaggregated by the citizenship of the persons returned).*

Note that this does not include third-country nationals who are transferred from one Member State to another Member State under the Dublin Regulation (see Section 4.4).

Have there been changes in the main countries of citizenship of returned migrants? If possible, explain the underlying factors for these changes/continuity. Have there been important changes in policies regarding return from the previous year. Have there been any modifications to the procedure in cases of return since the previous year. Include changes that are the result of both administrative and legal developments. Can you identify European / international factors explaining certain changes/continuity regarding return in 2008 in your Member State?

[Text here, plus any graphics]

7.1 Relationship between refusals, apprehensions and returns

With reference also to Section 5, in analysing refusals, apprehensions and returns in 2008 together, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.

[Text here, plus any graphics]

8. OPTIONAL: OTHER DATA AND INFORMATION AVAILABLE

The presentation and analysis of the data categories mentioned below are optional. EMN NCPs are, however, strongly encouraged to present any available and relevant national statistics in respect to migration and asylum on the following topics:

- *Demography: Children born to foreign mother/father, Marriages with at least one foreign spouse, Deaths of foreigners*

- *Visas issued to third country nationals*
- *Labour: Foreign workers affiliated in the Social Security, Unemployed foreign workers, Brain gain/drain, breakdown of numbers by sector: Health, Education, Science and research, IT*
- *Low Skilled Labour Migration: Domestic, Agriculture, Construction*
- *Employer Sanctions for employing illegally-resident migrants (if applicable with reference to the Employer Sanctions Directive 2009/52/EC)*
- *Migration based on bi- and multilateral arrangements: seasonal labour, labour migration in combination with training*
- *Illegal immigration (including, for example, data on the route used - by sea, across a specific border -; on operations against traffickers, smugglers)*
- *Regularisations*
- *Naturalisations (in particular, data and details on the basis on which citizenship is granted, e.g. ius sanguinis, ius solis, period of residence needed for naturalisation).*
- *Cross-border labour employment*
- *Return migration, including in the context of circular migration*
- *Emigration*
- *Border controls¹²*
- *Student Migration – number of enrolments, educational success rates*
- *Researcher Migration*
- *Migration for self employment and entrepreneurship*
- *Intra-corporate Migration*
- *Fertility/ Mortality rates of third country nationals*

If there are any other topics you consider appropriate, include these also.

The data should ideally contain information about Country of Origin (on the basis of nationality, not country of birth), sex and age, as well as being presented in total numbers and percentages. The source(s) of the data should be quoted.

[Text here, plus any graphics, with sub-headings added for each topic given above]

¹² Border should be 'External Border' as defined in Article 2(2) of Regulation (EC) 562/2006, i.e. "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." This includes airports with flights outside Schengen. For the UK and Ireland, any airport with flights overseas is an external border.

ANNEX(ES)

[Add Tables of Data for your Member State as extracted from New Cronos Database, with references in the main report to these Tables]

ANNEX 1

Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)

Official Journal L 199 , 31/07/2007 P. 0023 - 0029

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,
Having regard to the proposal from the Commission,
Having regard to the opinion of the European Economic and Social Committee [1],
Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],
Whereas:

- (1) The conclusions of the Justice and Home Affairs Council of 28- 29 May 2001 considered, regarding common analysis and the improved exchange of statistics on asylum and migration, that there is a need for a comprehensive and coherent framework for future action on improving statistics.
- (2) In April 2003, the Commission released a Communication to the Council and to the European Parliament, setting out an Action Plan for the collection and analysis of Community Statistics in the field of migration. This included a number of important changes designed to improve the completeness and degree of harmonisation of these statistics. Under the Action Plan, the Commission aimed to propose legislation on Community statistics on migration and asylum.
- (3) The Thessaloniki European Council of 19 and 20 June 2003 concluded that more effective mechanisms were needed for the collection and analysis of information on migration and asylum in the European Union.
- (4) The European Parliament in its resolution of 6 November 2003 [3] on the abovementioned Communication from the Commission noted that legislation was required to ensure the production of comprehensive statistics necessary for the development of fair and effective Community policies on migration. The resolution supports the Commission's plans to propose legislation for migration and asylum statistics.
- (5) Enlargement of the European Union has brought an added geographical and political dimension to the scale of the phenomena associated with migration. It has also brought a further impetus to the demand for accurate, timely and harmonised statistical information. There is also an increasing need for statistical information regarding the profession, education, qualifications and type of activity of migrants.
- (6) Harmonised and comparable Community statistics on migration and asylum are essential for the development and monitoring of Community legislation and policies relating to immigration and asylum, and to the free movement of persons.
- (7) There is a need to reinforce the exchange of statistical information on asylum and migration and to improve the quality of Community statistical collections and outputs which have, hitherto, taken place on the basis of a series of "gentlemen's agreements".
- (8) It is essential that information be available, throughout the European Union, for the purposes of monitoring the development and implementation of Community legislation and policy. In the main, current practice does not sufficiently ensure, in a uniform manner, regular, timely and rapid delivery and dissemination of harmonised data.
- (9) This Regulation does not cover estimates of the number of persons illegally resident in the Member States. Member States should not provide such estimates or data on such persons to the Commission (Eurostat), although they may be included in population stocks due to surveys.
- (10) Wherever possible, the definitions used for the purposes of this Regulation are taken from the United Nations Recommendations on Statistics of International Migration, the United Nations Recommendations for the Censuses of Population and Housing in the ECE Region or EC legislation, and should be updated following the relevant procedures.
- (11) New Community needs on statistics on migration and asylum render obsolete the provisions of Council Regulation (EEC) No 311/76 of 9 February 1976 on the compilation of statistics on foreign workers [4].
- (12) Regulation (EEC) No 311/76 should therefore be repealed.
- (13) Since the objective of this Regulation to establish common rules for the collection and compilation of Community statistics on migration and international protection cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (14) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics [5] constitutes the reference framework for the provisions of this Regulation. In particular, it requires conformity to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

(15) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [6].

(16) In particular, the Commission should be empowered to update the definitions, to decide on the groupings of data and additional disaggregations and to lay down the rules on accuracy and quality standards. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation and to supplement it by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny laid down in Article 5a of Decision 1999/468/EC.

(17) The Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities [7], has been consulted in accordance with Article 3 of that Decision,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes common rules for the collection and compilation of Community statistics on:

- (a) immigration to and emigration from the Member State territories, including flows from the territory of one Member State to that of another Member State and flows between a Member State and the territory of a third country;
- (b) the citizenship and country of birth of persons usually resident in the territory of the Member States;
- (c) administrative and judicial procedures and processes in the Member States relating to immigration, granting of permission to reside, citizenship, asylum and other forms of international protection and the prevention of illegal immigration.

Article 2

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) "usual residence" means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;
- (b) "immigration" means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country;
- (c) "emigration" means the action by which a person, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least 12 months;
- (d) "citizenship" means the particular legal bond between an individual and his or her State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation;
- (e) "country of birth" means the country of residence (in its current borders, if the information is available) of the mother at the time of the birth or, in default, the country (in its current borders, if the information is available) in which the birth took place;
- (f) "immigrant" means a person undertaking an immigration;
- (g) "emigrant" means a person undertaking an emigration;
- (h) "long-term resident" means long-term resident as defined in Article 2(b) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [8];
- (i) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty, including stateless persons;
- (j) "application for international protection" means application for international protection as defined in Article 2(g) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted [9];
- (k) "refugee status" means refugee status as defined in Article 2(d) of Directive 2004/83/EC;
- (l) "subsidiary protection status" means subsidiary protection status as defined in Article 2(f) of Directive 2004/83/EC;
- (m) "family members" means family members as defined in Article 2(i) of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national [10];
- (n) "temporary protection" means temporary protection as defined in Article 2(a) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [11];

- (o) "unaccompanied minor" means an unaccompanied minor as defined in Article 2(i) of Directive 2004/83/EC;
- (p) "external borders" means external borders as defined in Article 2(2) of Regulation (EC) No 562/2006 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) [12];
- (q) "third-country nationals refused entry" means third-country nationals who are refused entry at the external border because they do not fulfil all the entry conditions laid down in Article 5(1) of Regulation (EC) No 562/2006 and do not belong to the categories of persons referred to in Article 5(4) of that Regulation;
- (r) "third-country nationals found to be illegally present" means third-country nationals who are officially found to be on the territory of a Member State and who do not fulfil, or no longer fulfil, the conditions for stay or residence in that Member State;
- (s) "resettlement" means the transfer of third-country nationals or stateless persons on the basis of an assessment of their need for international protection and a durable solution, to a Member State, where they are permitted to reside with a secure legal status.

2. Member States shall report to the Commission (Eurostat) on the use and probable effects of estimations or other methods of adapting statistics based on national definitions to comply with the harmonised definitions set out in paragraph 1.

3. For the reference year 2008, the statistics supplied to the Commission (Eurostat) under this Regulation may be based on alternative (national) definitions. In such cases, Member States shall notify the Commission (Eurostat) of these alternative definitions.

4. If a Member State is not bound by one or more of the legal texts referred to in the definitions in paragraph 1, statistics comparable with those required under this Regulation should be provided by that Member State where they can be provided under existing legislative and/or administrative procedures.

Article 3

Statistics on international migration, usually resident population and acquisition of citizenship

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

(a) immigrants moving to the territory of the Member State, disaggregated as follows:

- (i) groups of citizenship by age and sex;
- (ii) groups of country of birth by age and sex;
- (iii) groups of country of previous usual residence by age and sex;

(b) emigrants moving from the territory of the Member State disaggregated as follows:

- (i) groups of citizenships;
- (ii) age;
- (iii) sex;
- (iv) groups of countries of next usual residence;

(c) persons having their usual residence in the Member State at the end of the reference period, disaggregated as follows:

- (i) groups of citizenship by age and sex;
- (ii) groups of country of birth by age and sex;
- (d) persons having their usual residence in the territory of the Member State and having acquired during the reference year the citizenship of the Member State and having formerly held the citizenship of another Member State or a third country or having formerly been stateless, disaggregated by age and sex, and by the former citizenship of the persons concerned and by whether the person was formerly stateless.

2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within 12 months of the end of the reference year. The first reference year shall be 2008.

Article 4

Statistics on international protection

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

- (a) persons having submitted an application for international protection or having been included in such an application as a family member during the reference period;
- (b) persons who are the subject of applications for international protection under consideration by the responsible national authority at the end of the reference period;
- (c) applications for international protection having been withdrawn during the reference period.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of one calendar month and shall be supplied to the Commission (Eurostat) within two months of the end of the reference month. The first reference month shall be January 2008.

2. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

- (a) persons covered by first instance decisions rejecting applications for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period;
- (b) persons covered by first instance decisions granting or withdrawing refugee status, taken by administrative or judicial bodies during the reference period;
- (c) persons covered by first instance decisions granting or withdrawing subsidiary protection status, taken by administrative or judicial bodies during the reference period;
- (d) persons covered by first instance decisions granting or withdrawing temporary protection, taken by administrative or judicial bodies during the reference period;
- (e) persons covered by other first instance decisions granting or withdrawing authorisation to stay for humanitarian reasons under national law concerning international protection, taken by administrative or judicial bodies during the reference period.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of three calendar months and shall be supplied to the Commission (Eurostat) within two months of the end of the reference period. The first reference period shall be January to March 2008.

3. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

- (a) applicants for international protection who are considered by the responsible national authority to be unaccompanied minors during the reference period;
- (b) persons covered by final decisions rejecting applications for international protection, such as decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies in appeal or review during the reference period;
- (c) persons covered by final decisions granting or withdrawing refugee status taken by administrative or judicial bodies in appeal or review during the reference period;
- (d) persons covered by final decisions granting or withdrawing subsidiary protection status taken by administrative or judicial bodies in appeal or review during the reference period;
- (e) persons covered by final decisions granting or withdrawing temporary protection taken by administrative or judicial bodies in appeal or review during the reference period;
- (f) persons covered by other final decisions, taken by administrative or judicial bodies in appeal or review, granting or withdrawing authorisations to stay for humanitarian reasons under national law concerning international protection during the reference period;
- (g) persons who have been granted an authorisation to reside in a Member State within the framework of a national or Community resettlement scheme during the reference period, where such a scheme is implemented in that Member State.

These statistics shall be disaggregated by age and sex, and by the citizenship of the persons concerned. They shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

4. Member States shall supply to the Commission (Eurostat) the following statistics on the application of Regulation (EC) No 343/2003 and Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 [13]:

- (a) the numbers of requests for taking back or taking charge of an asylum seeker;
- (b) the provisions on which the requests referred to in point (a) are based;
- (c) the decisions taken in response to the requests referred to in point (a);
- (d) the numbers of transfers to which the decisions referred to in point (c) lead;
- (e) the number of requests for information.

These statistics shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

Article 5

Statistics on the prevention of illegal entry and stay

1. Member States shall supply to the Commission (Eurostat) statistics on the numbers of:

- (a) third-country nationals refused entry to the Member State's territory at the external border;
- (b) third-country nationals found to be illegally present in the Member State's territory under national laws relating to immigration.

The statistics under point (a) shall be disaggregated in accordance with Article 13(5) of Regulation (EC) No 562/2006.

The statistics under point (b) shall be disaggregated by age and sex, and by citizenship of the persons concerned.

2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.

Article 6

Statistics on residence permits and residence of third-country nationals

1. Member States shall supply to the Commission (Eurostat) statistics on:
 - (a) the number of residence permits issued to persons who are third-country nationals, disaggregated as follows:
 - (i) permits issued during the reference period whereby the person is being granted permission to reside for the first time, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;
 - (ii) permits issued during the reference period and granted on the occasion of a person changing immigration status or reason for stay, disaggregated by citizenship, by the reason for the permit being issued and by the length of validity of the permit;
 - (iii) valid permits at the end of the reference period (number of permits issued, not withdrawn and not expired), disaggregated by citizenship, by the reason for the issue of the permit and by the length of validity of the permit;
 - (b) the number of long-term residents at the end of the reference period, disaggregated by citizenship.
2. Where the national laws and administrative practices of a Member State allow for specific categories of long-term visa or immigration status to be granted instead of residence permits, counts of such visas and grants of status are to be included in the statistics required under paragraph 1.
3. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within six months of the end of the reference year. The first reference year shall be 2008.

Article 7

Statistics on returns

1. Member States shall supply to the Commission (Eurostat) statistics relating to:
 - (a) 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;
 - (b) 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.
2. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be supplied to the Commission (Eurostat) within three months of the end of the reference year. The first reference year shall be 2008.
3. 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 (EC) No 1560/2003.

Article 8

Additional disaggregations

1. The Commission may adopt measures relating to the definition of additional disaggregations as set out below for the following statistics:
 - (a) for statistics required under Article 4 as a whole, disaggregations by:
 - (i) year of submission of the application;
 - (b) for statistics required under Article 4(4), disaggregations by:
 - (i) number of persons concerned by the request, decision and transfer;
 - (c) for statistics required under Article 5(1)(a), disaggregations by:
 - (i) age;
 - (ii) sex;
 - (d) for statistics required under Article 5(1)(b), disaggregations by:
 - (i) grounds for the apprehension;
 - (ii) place of the apprehension;
 - (e) for statistics required under Article 6, disaggregations by:
 - (i) year in which permission to reside was first granted;
 - (ii) age;
 - (iii) sex;
 - (f) for statistics required under Article 7, disaggregations by:
 - (i) reason for the decision or act imposing an obligation to leave;
 - (ii) age;
 - (iii) sex.

2. The additional disaggregations mentioned in paragraph 1 shall be supplied only separately, and not cross-classified with the disaggregations required under Articles 4 to 7.
3. When deciding whether additional disaggregations are required, the Commission shall consider the need for this information for the purposes of developing and monitoring Community policies and shall consider the availability of appropriate data sources and the costs involved.
Negotiations on additional disaggregations that may be needed for the application of Articles 4 to 7 shall be initiated not later than 20 August 2009. The earliest reference year for the implementation of additional disaggregations shall be 2010.

Article 9

Data sources and quality standards

1. The statistics shall be based on the following data sources according to their availability in the Member State and in accordance with national laws and practices:
 - (a) records of administrative and judicial actions;
 - (b) registers relating to administrative actions;
 - (c) registers of the population of persons or of a particular sub-group of that population;
 - (d) censuses;
 - (e) sample surveys;
 - (f) other appropriate sources.As part of the statistics process, scientifically based and well documented statistical estimation methods may be used.
2. Member States shall report to the Commission (Eurostat) on the data sources used, the reasons for the selection of these sources and the effects of the selected data sources on the quality of the statistics, and on the estimation methods used, and shall keep the Commission (Eurostat) informed of changes thereto.
3. At the request of the Commission (Eurostat), Member States shall provide it with all the information necessary to evaluate the quality, comparability and completeness of the statistical information.
4. Member States shall inform the Commission (Eurostat) without delay of revisions and corrections to the statistics supplied under this Regulation, and of any changes in the methods and data sources used.
5. The measures relating to the definition of the appropriate formats for the transmission of data shall be adopted in accordance with the regulatory procedure referred to in Article 11(2).

Article 10

Implementing measures

1. The measures necessary for the implementation of this Regulation laying down the rules on the appropriate formats for the transmission of data as provided for in Article 9 shall be adopted in accordance with the regulatory procedure referred to in Article 11(2).
2. The following measures necessary for the implementation of this Regulation and designed to amend its non-essential elements, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3):
 - (a) updating the definitions set out in Article 2(1);
 - (b) defining the categories of groups of country of birth, groups of country of previous and next usual residence and groups of citizenship as provided for in Article 3(1);
 - (c) defining the categories of the reasons for the permit as provided for in Article 6(1)(a);
 - (d) defining the additional disaggregations and the levels of disaggregations to be applied to the variables as provided for in Article 8;
 - (e) laying down the rules on accuracy and quality standards.

Article 11

Committee

1. In adopting the implementing measures, the Commission shall be assisted by the Statistical Programme Committee, established by Decision 89/382/EEC, Euratom.
2. Where reference is made to this paragraph, Article 5 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 12

Report

By 20 August 2012 and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and on their quality.

Article 13

Repeal

Regulation (EEC) No 311/76 is hereby repealed.

Article 14

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union. This Regulation shall be binding in its entirety and directly applicable in all Member States.