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European Migration Network Status Report 2009

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0. INTRODUCTION

This is the first Status Report produced by the European Migration Network (EMN), in line with Article 4(5c) of Council Decision 2008/381/EC, requiring the EMN's Steering Board “to provide a succinct status report to the European Parliament, the Council, the Commission, the Economic and Social Committee and the Committee of the Regions concerning the ongoing activities of the EMN and the key findings of its studies, at least once a year.”

The Status Report primarily covers the period from the adoption of the Council Decision (14th May 2008) up to the end of 2009, with more recent developments also referred to, where this was particularly relevant. This concerns in particular references to recent Synthesis Reports of EMN studies produced since the Council Decision.¹

1. BRIEF HISTORY

In 1996, the European Commission commissioned a Feasibility Study for a European Migration Observatory.² Subsequently, in 2001, the Laeken European Council³ invited the Commission to consider the “*development of a European system for exchanging information on asylum, migration and countries of origin.*” As a result, the European Migration Network (EMN) was launched in 2003 as a Pilot Project and then as a Preparatory Action from 2004 to 2006. The Thessaloniki European Council (2003)⁴ stated that it would “*welcome the establishment of a European Migration Network and would examine the possibility of setting up a permanent structure in the future.*”

The Hague Programme⁵ reinforced the need for the collection, provision, exchange and efficient use of up-to-date information. The Action Plan implementing the Hague Programme⁶ included the publication of a Green Paper on the future of the European Migration Network,⁷ which led to the Commission making a proposal⁸ in August 2007 for a Council Decision establishing a legal basis for the EMN. This Council Decision 2008/381/EC⁹ was adopted on 14th May 2008.

During the Pilot and Preparatory phases, even though participation of the Member States was voluntary, a significant number of outputs were produced. These included *Annual Policy Reports*, covering the periods January 2003 to July 2004, August 2004 to December 2005,

¹ All EMN Reports (Synthesis plus National) are available from <http://emn.sarenet.es/>.

² Feasibility Study for a European Migration Observatory. Final Report, European Communities, Luxembourg: Office for Official Publications of the European Communities, 1998 (ISBN 92-828-3360-7).

³ Presidency conclusions – Laeken European Council, 14 and 15 December 2001 ([SN 300/1/01 REV 1](#))

⁴ Presidency conclusions - Thessaloniki European Council, 18 and 19 June 2003 ([11638/03](#))

⁵ Communication from the Commission to the Council and the European Parliament of 10 May 2005 – The Hague Programme: ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice [[COM\(2005\) 184](#) final – Official Journal C 236 of 24.9.2005].

⁶ Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union; ([2005/C 198/01](#))

⁷ Green Paper on the future of the European Migration Network, November 2005, [COM\(2005\)606](#) final

⁸ Proposal from the European Commission for a Council Decision establishing a legal basis for the EMN; [COM 2007/0466 Final](#)

⁹ Council Decision [2008/381/EC](#) of 14 May 2008 establishing a European Migration Network.

then annually for 2006, 2007; and *Annual Reports on Asylum and Migration Statistics*, with EMN National Contact Points (EMN NCPs) making significant contributions to both 2002 and 2003 reports (produced by an external contractor), plus the EMN produced 2004, 2005 and 2006 annual reports. In addition, a number of studies were undertaken, including *Impact of Immigration on Europe's Societies* (March 2006, 9 EMN NCPs); *Reception Systems, their capacities and the social situation of asylum applicants within the Reception Systems in the EU Member States* (May 2006, 10 EMN NCPs); *Managed Migration and the Labour Market – The Health Sector* (November 2006, 11 EMN NCPs); *Illegally Resident Third-Country Nationals in EU Member States: state approaches towards them, their profile and social situation* (January 2007, 9 EMN NCPs); *Conditions of Entry and Residence of Third-Country Highly Skilled Workers in the EU* (May 2007, 11 EMN NCPs); *Return Migration* (May 2007, 11 EMN NCPs); *Family Reunification* (January 2008, 9 EMN NCPs). Increasingly, the topics of studies undertaken by the EMN were selected in view of their relevance to latest policy developments and to provide information to support policymakers.

2. RELEVANT POLICY DEVELOPMENTS SINCE ADOPTION OF COUNCIL DECISION 2008/381/EC

Since the establishment of the EMN, a number of developments, both political and legislative, have occurred in the European Union, which contributed to the expansion of the EU's asylum and migration policy. A brief overview of these developments is given here in order to provide the context for the EMN's progress.

2.1. The European Pact on Immigration and Asylum

The European Pact on Immigration and Asylum¹⁰ was adopted by the European Council of 15th – 16th October 2008, following the Commission's Communication of June 2008 "A Common Immigration Policy for Europe: Principles, actions and tools."¹¹ The Pact is seen as a further stepping-stone towards a comprehensive EU Migration Policy as it builds on progress already achieved over ten years. The European Council made five basic commitments:

1. to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
2. to control illegal immigration by ensuring that illegally residing migrants return to their country of origin or to a country of transit;
3. to make border controls more effective;
4. to construct a Europe of asylum;
5. to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

¹⁰ Presidency Conclusion [14368/08](#)

¹¹ Commission's Communication "A Common Immigration Policy for Europe: Principles, actions and tools", June 2008, [COM\(2008\) 359](#) final

The European Council, when adopting the Pact, decided to hold an annual debate on immigration and asylum policies. This annual debate is intended to enable the European Council to monitor implementation of the Pact and of the Stockholm Programme.¹² In the Pact, the European Council furthermore invited the Commission to present a report to the Council each year, based on Member States' contributions and accompanied, as necessary, by proposals for recommendations on the implementation, by both the EU and the Member States, of this Pact and of the Stockholm Programme. It also stated that the debate would enable the European Council to be kept informed of the most significant developments planned by each Member State in conducting their immigration and asylum policy.

2.2. Legislative Developments

Between 2008 and 2009, a number of Directives relating to migration and asylum were adopted, which served to develop further the EU and Member States' policies and legislation in this area.

Firstly, Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals,¹³ known as the "Return Directive," laid down common EU-wide rules and procedures for return.

Furthermore, with regard to third-country national workers, Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment,¹⁴ established more attractive conditions for third-country national workers to take up highly-qualified employment in the Member States, through the creation of a fast-track procedure for issuing a special residence and work permit called the 'EU Blue Card.'

Finally, in order to continue the fight against illegal immigration, Directive 2009/52/EC of the European Parliament and of the Council¹⁵ laid down minimum common standards on sanctions and measures to be applied in EU Member States against employers who infringe the prohibition of employing illegally staying third-country nationals.

2.3. The Stockholm Programme¹⁶

"The Stockholm Programme – An open and secure Europe serving and protecting the citizens," adopted by the European Council in December 2009, sets out the priorities of the European Union in the area of migration and asylum, as well as other Justice and Home

¹² The Stockholm Programme – an open and secure Europe serving and protecting the citizens, Council of the European Union, [17024/09](#)

¹³ Directive [2008/115/EC](#) of the European Parliament and of the Council of 16th December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

¹⁴ Council Directive [2009/50/EC](#), 25th May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

¹⁵ Directive [2009/52/EC](#) of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

¹⁶ Available from http://www.se2009.eu/en/the_presidency/about_the_eu/justice_and_home_affairs/1.1965. In April 2010, the *Action Plan implementing the Stockholm Programme* was adopted as COM (2010) 171.

Affairs issues for the five-year period 2009 - 2014. Continuing on from the Hague Programme, the Stockholm Programme focuses on priorities such as the sustainability of return programmes, as well as the development of legal migration and integration and the protection of unaccompanied minors entering the EU. This programme, in addition to the European Pact on Immigration and Asylum, is considered to be a guiding tool in the future development of asylum and migration policy within the EU.

The Stockholm Programme also contains many elements for the better exchange of information between Member States across the wide range of asylum and migration policy developments. To achieve this most effectively, the information needs to be comparable between the Member States and the EMN can serve to meet this need.

2.4. The Lisbon Treaty

The Treaty of Lisbon entered into force on 1st December 2009. Title V of the Treaty, on an area of freedom, security and justice, includes provisions concerning the development of asylum and migration policy, with the treaty establishing the objective of a common policy in the area of immigration, as well as the development of legislation to ensure a uniform status of asylum for third-country nationals. The Treaty also introduced the ordinary legislative procedure on legal migration and, for the first time, a legal basis for integration measures.

3. EMN MANDATE

As stipulated in Council Decision 2008/381/EC, the objective of the European Migration Network (EMN) is to meet the information needs of Union institutions and of Member States' authorities and institutions on migration and asylum, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN will also serve to provide the wider public with such information.

Referring to Article 2 of Council Decision 2008/381/EC, the EMN is expected to:

- Collect and exchange up-to-date and reliable data and information from a wide range of sources;
- Analyse such data and information and provide this in a readily accessible format;
- In collaboration with other relevant EU bodies, contribute to the development of indicators and criteria that will improve the consistency of information and help in the development of Union activities related to migratory statistics;
- Produce and publish periodic reports on the migration and asylum situation in the EU as a whole and the Member States;
- Create and maintain an internet-based information exchange system which provides access to relevant documents and publications in the area of migration and asylum;
- Raise awareness of the EMN, by providing access to the information it gathers and disseminating the output of the EMN, unless the information is of a confidential nature;

- Coordinate information and cooperate with other relevant European and international bodies;
- Ensure consistency and co-ordination with the relevant Union instruments and structures in the area of migration and asylum.

The main activities implemented by the EMN are set out in annual Work Programmes, which are approved by the Steering Board following consultation of the EMN NCPs. The Commission then formally adopts the annual Work Programme, permitting also funding of the EMN NCPs. To date, Work Programmes have been implemented for 2008, 2009 and 2010.

4. COMPOSITION OF THE EMN

Whilst the EMN continues to be co-ordinated by the European Commission (under the direct responsibility now of the Directorate General for Home Affairs), Council Decision 2008/381/EC required some changes to its original set up, to improve governance and ensure its smooth functioning. The main developments introduced were:

1. The creation of an EMN Steering Board;
2. The appointment and establishment of EMN NCPs in all participating Member States;
3. The appointment of two Service Providers to assist the Commission in the co-ordination of the EMN.

Each of these actors are briefly discussed below.

4.1. EMN Steering Board

The Steering Board is chaired by the Commission and consists of one representative from each Member State¹⁷ with observers from Denmark¹⁸ and the European Parliament. The role of the Steering Board is to provide political guidance to the EMN, ensuring the link between the policy relevance and the activity undertaken by the EMN, as well as contributing to the preparation of and approving the EMN's annual programme of activities. The Steering Board is also responsible for reviewing progress made by the EMN and making recommendations for necessary actions when required.

Between the adoption of the Council Decision and 31st December 2009, the Steering Board has met four times (23rd May 2008, 10th October 2008, 15th May 2009 and 16th October 2009). During these meetings, the Steering Board Members discussed and took decisions on several strategic issues, including:

¹⁷ Initially Ireland did not participate in the adoption of the Council Decision in May 2008, instead notifying its willingness to opt-in in July 2008. This was finally concluded through Commission Decision C(2009)2708 and published in the Official Journal (L108/53 of 29th April 2009).

¹⁸ Even though Denmark is not formally required to designate an EMN NCP, nevertheless they do take part in some EMN activities and meetings.

- Approving the EMN's 2008, 2009 and 2010 Work Programmes, including the indicative amounts of the minimum and maximum budget for each National Contact Point;
- The rules of procedure for various activities (Rules of Procedures for the Steering Board, Vade Mecum for the EMN Ad-hoc Queries.);
- The identification of potential appropriate and strategic cooperative relationships with other entities competent in the area of migration and asylum;
- The study topics and / or the type of contribution the EMN would provide to other activities (e.g. since 2009, the EMN contributes to the Tracking Method for monitoring the implementation of the European Pact on Immigration and Asylum)

4.2. EMN NCPs

EMN NCPs have been appointed in nearly all Member States, with each one composed of at least three experts, one of whom acts as the national coordinator and is an official or employee of the entity designated as the contact point, whilst the remaining experts come either from the same entity, or from another organisation in the Member State. The EMN NCPs, which have been designated by their Member State government, consist primarily of Ministries of Interior and of Justice; plus Research Institutes; Non-Governmental Organisations; and national offices of an International Organisation. Funding is provided to the EMN NCPs via annual grants.

By the end of 2009, EMN NCPs for Bulgaria, Cyprus and Romania were yet to be fully established and integrated into the activities of the EMN. Whilst EMN NCPs for these Member States participated in some activities, this was not yet at the level of other Member States.

In accordance with Article 5(5) of Council Decision 2008/381/EC, each EMN NCP is required to carry out the tasks of the EMN at national level and in particular:

- (a) provide National Reports;
- (b) contribute with national information to the information exchange system;
- (c) develop a capacity to issue ad-hoc requests and to respond quickly to such requests from other EMN NCPs;
- (d) establish a national migration network, composed of a wide-range of organisations and individuals active in the area of migration and asylum and representing relevant stakeholders.

The experts of each EMN NCP meet regularly to discuss their work and to exchange information about ongoing and future activities. They also involve, where appropriate, members of their national networks in their activities.

The main outcomes of the activities undertaken by the EMN NCPs are detailed below in Sections 5.1 to 5.4.

4.3. EMN Service Providers

In the second half of 2009, the European Commission appointed two Service Providers, namely GHK-COWI and iLiCONN. Following a Call for Tender, the contract concluded in November 2009 with GHK-COWI will run until the end of 2012, with the possibility of a one year extension. The main priorities of this Service Provider are to increase the coordination capacity of the network and to produce the Synthesis Reports and other outputs on time. The other Service Provider, iLiCONN (Interactive Listening and CONNecting), a consortium of three companies: Intrasoft (the main provider), Bibliomatica (hosting) and Unisys (dealing with provision of business solutions), has been appointed via a rolling framework contract, renewable each year until the end of 2013. Their main task is to develop the Information Exchange System and the EMN Website.

5. ACTIVITIES IMPLEMENTED SINCE THE ADOPTION OF COUNCIL DECISION 2008/381/EC

This section describes the main activities carried out by the EMN up to the end of 2009 in terms of Networking ([Section 5.1](#)), Ad-Hoc Queries, Reports and Studies ([Section 5.2](#)), Collection, Provision and Comparability of Information ([Section 5.3](#)) and enhancing the visibility of the EMN ([Section 5.4](#)).

The 2008 EMN Work Programme focused primarily on fully developing the EMN from a preparatory action to a formalised structure, based on a legislative instrument. The 2009 Work Programme placed major emphasis on making the EMN fully operational. The current Work Programme 2010 further consolidates and completes the activities launched in 2009, as well as delivers new outputs in line with the EMN's mandate and consistent with the political agenda of the EU.

5.1. Networking

One of the first priorities of both the 2008 and 2009 Work Programmes was to develop the networking activities of the EMN. The main EMN networking activities undertaken were:

Networking at EU level

1. **Twelve EMN NCP Meetings**, organised and hosted by the Commission, in collaboration with EMN NCPs, approximately every 6-8 weeks. The purpose of EMN NCP meetings is to discuss progress made towards the activities envisaged in the EMN Work Programme, and to review key EMN outputs, such as Synthesis Reports of EMN studies. These meetings are normally attended by one or two representatives of each EMN NCP.
2. The organisation of the **EMN Annual Conferences**, in December 2008 and December 2009. The 2008 Conference had a more reflective nature, in that it focused on analysing the workings of the EMN and links with other relevant EU instruments, through a series of workshops on networking and the information exchange system, on complementarity with other EU instruments, on Ad-Hoc Queries and on the Annual Reports on Asylum and Migration Statistics. The 2009 Conference consisted of two sessions. The morning session again focused on possible complementarity and synergies of the EMN with other EU entities, with presentations on the European Asylum Support Office (EASO), the Mutual Information Mechanism (MIM),

ICONet and FRONTEX. The afternoon session was for the presentation of the initial findings of the EMN's Unaccompanied Minors study (see [Section 5.2.3.2](#)), as well as the Fundamental Rights Agency study on Separated, Asylum Seeking Children in EU Member States.¹⁹ The [2010 Conference](#) occurred under the auspices of the Belgian Presidency of the European Union in September 2010 on the topic of the Long-Term Follow-up of Immigrants' Trajectories.

3. The organisation of **Training Sessions**, which focused on either technical or administrative issues. These included training on general EMN activities, particularly for newer EMN NCPs, on topics such as the purpose and activities of the EMN and the development of a national network (September 2008); applying for and managing an EMN NCP grant (April 2009); the production of the EMN's Annual Reports on Asylum and Migration Statistics, with other entities responsible for the collection and provision of data (September 2009); and a brainstorming session on the use and possible future development of the EMN Information Exchange System (December 2009).
4. **Twinning collaborations and meetings** between more-experienced and newer EMN NCPs also took place, the aim being to facilitate the integration of newer and less-experienced EMN NCPs into the network. A number of EMN NCPs (including AT, BE, DE, EE, HU, LU, LV, MT, SE, SK, UK) organised Twinning Meetings with their partners and/or invited these EMN NCPs to attend national meetings.

Networking at national level

In line also with developing a national network, almost all EMN NCPs organised **national events**, which included national network meetings, expert meetings and other events. These networking activities helped to further develop the EMN NCP's work programme, to provide specific inputs into EMN studies and other outputs and / or to increase the visibility of the EMN.

Networking with other entities

In addition to the activities mentioned above, other (EU) entities also participated in EMN activities. As already described above, the 2009 EMN Annual Conference included the participation of other EU entities, which provided an overview of their current status and developments in relation to asylum and migration, in terms of information needs, analysis and collection of information. They were also invited to consider the scope for co-operation and co-ordination with the EMN. The studies that the EMN undertakes present another opportunity for networking with other entities.

Other concrete networking activities included with the Fundamental Rights Agency (FRA) in the context of their aforementioned study on Separated, Asylum Seeking Children in EU Member States.

Elsewhere, and in conformity with Article 10 of Council Decision 2008/381/EC, the EMN was approached by Norway in 2009 with a view to their participation in the EMN, including contributing to its activities. This approach was welcomed both by the Steering Board and by

¹⁹ Available from http://fra.europa.eu/fraWebsite/news_and_events/infocus10_3004_en.htm.

the EMN NCPs and steps were taken during 2010 in order to conclude a working arrangement between Norway and the Commission detailing how Norway will be involved in the EMN.

With regard to the ongoing 2010 EMN studies on “Satisfying labour demand through migration” and “Circular and temporary migration,” the EMN has established contact respectively with the Economic Migration Working Group of Eurocities and the Temporary & Circular Migration Task Force coordinated by the European Policy Centre (EPC).

The EMN also participated actively in several events organised by other entities, which is described in Section 5.4. *Enhancing the EMN’s Visibility*.

5.2. Ad-Hoc Queries, Reports and Studies

The core activities of the EMN relate to the preparation of Annual Policy Reports, Annual Reports on Asylum and Migration Statistics and of studies addressing specific themes of relevance to policy developments, such as on unaccompanied minors, assisted return, labour migration and the non-EU harmonised protection statuses granted by the Member States. Another important task of the EMN concerns the Ad-Hoc Queries.

With regard to the methodology for undertaking a study, the Steering Board is responsible for approving the selection of study topics which are normally proposed by the EMN NCPs and/or the Commission. Common specifications, in order to have comparability, are then developed and agreed on by the EMN NCPs in co-operation with the Commission and its Service Provider. Using these agreed specifications, each EMN NCP produces a National Report which, whenever possible, is done in co-operation with their national network members. These National Reports analyse and/or synthesise the information available at Member State level (“desk research”) thereby giving a comprehensive impartial, overview of the situation in a particular Member State. A Synthesis Report is then produced by the Commission, with its Service Provider, giving the key findings from each National Report, highlighting the most important aspects and placing them as much as possible within an EU perspective (e.g. by relating to recent policy initiatives). Great emphasis is placed on presenting the information in an impartial, objective manner – a statement of facts from which policymakers can then decide how to proceed. All National and Synthesis Reports are made available on the EMN website.

5.2.1. Annual Policy Reports

The aim of the EMN’s Annual Policy Reports is to outline the most significant political and legislative (including EU) developments, as well as public debates in the area of migration and asylum, within the Member States. These reports also include, to the extent possible, any relevant statistical data (even if tentative) to quantify the explanation of developments.

A major change from previous years occurred in the production of the Annual Policy Report 2009. The report was prepared in two different stages: EMN NCPs were first requested to submit a National Report (by 31st December 2009) which reported on progress towards the commitments included in the Tracking Method for monitoring the implementation of the European Pact on Immigration and Asylum.²⁰ The summary of national contributions then served as input to the Commission’s Staff Working Paper,²¹ which was annexed to the

²⁰ 1st Annual Report on Immigration and Asylum, [COM\(2010\) 214](#).

²¹ [SEC\(2010\) 535](#)

Commission's Report presented to the European Council in June 2010. EMN NCPs were then requested to submit their “complete” National Report, including developments in asylum and migration not necessarily covered by the Tracking Method. The Synthesis of the “full” Annual Policy Report 2009 was published in August 2010.

The EMN’s *Annual Policy Report 2010* is again expected to contribute to the Commission’s annual report on the implementation of the European Pact on Immigration and Asylum 2010, as well as the Stockholm Programme, the aim being to provide a timely contribution in early 2011.

5.2.2. Annual Reports on Asylum and Migration Statistics

The objective of the Annual Reports on Asylum and Migration Statistics²² is to present an analysis of the statistical trends on asylum and migration, including also illegal entry, apprehensions and return for the reference year in the Member State. These reports use as far as possible Eurostat statistics. The EMN is not responsible for the collection of statistical data, as this falls within the responsibility of Eurostat, unless it is of data additional and complementary to those produced by Eurostat. Instead EMN NCPs verify, in co-operation with their respective national data providers, and then analyse relevant data for their Member State and provide an analytical report on patterns and trends represented by the data.

The EMN has undertaken a "catch-up" exercise in order to have a complete series of annual reports from 2001 onwards and as up-to-date as possible, dependent on the availability of the data. In this respect, the EMN produced its *Annual Report on Asylum and Migration Statistics 2006* (reference period January to December 2006) and *2007* (reference period January to December 2007). Alongside the National Reports, standardised Tables of Data in a common format for each EMN NCPs Member State were produced with a compilation of their data extending from 2001 onwards.

In 2009, the EMN started the *Annual Report on Migration and International Protection Statistics 2008*. For this and subsequent Annual Reports, the data will be provided in accordance with Council Regulation 862/2007 on Migratory Statistics.²³ The Synthesis Report is expected to be completed by the end of 2010, and the EMN will then have completed its “catch-up” exercise. For the 2009 Report, most of the statistics will be available at the end of 2010/beginning of 2011, which will mean that the Synthesis Report could be ready as early as mid-2011.

5.2.3 EMN Studies²⁴

Since the adoption of the Council Decision, the EMN has produced the following studies:

- The organisation of Asylum and Migration Policies in the EU Member States;
- Reception, Return and Integration Policies for, and numbers of, unaccompanied minors – an EU comparative study;

²² Reports are available from the EMN website at <http://emn.sarenet.es/Downloads/prepareShowFiles.do;?directoryID=15>.

²³ Council Regulation (EC) [862/2007](#)

²⁴ The various reports are available from <http://emn.sarenet.es/Downloads/prepareShowFiles.do;?directoryID=113>.

- EU Programmes and Strategies fostering Assisted Return to and Reintegration in third countries;
- The different national practices concerning granting of non-EU harmonised protection statuses.

5.2.3.1. The Organisation of Asylum and Migration Policies in the EU Member States

The purpose of the report was to provide an overview of the organisation of asylum and migration policies in the EU Member States. This included *inter alia* the institutional context, the Ministries involved, basic laws and regulations, other organisations dealing with immigrants. The report served primarily to integrate new EMN NCPs and to gain experience in producing a Synthesis Report from potentially a full network of 26 EMN NCPs. Each EMN NCP was also requested to produce an “Institutional Chart,” i.e. a schematic overview of the institutional framework of each Member State relating to migration and asylum policies, presenting the main actors and their tasks. The Institutional Charts also constitute a “gateway” to more information, via hyperlinks to the various actors listed.

The Synthesis Report, based on 24 National Reports, showed that asylum and migration policies are complex and often unique in each Member State. In most Member States, there are generally three main institutions and Ministries involved, namely the Ministries of Interior, of Labour and of Foreign Affairs. Today, many Member States appear to apply a more inclusive approach when it comes to policymaking and implementation, including various stakeholders, such as experts and NGOs in policymaking or implementation. In terms of historical developments, some Member States have a long tradition of immigration, due to their historic ties to specific third countries, whilst others have less experience and, for example, had to adjust their system following accession to the EU. Several other Member States have moved from being emigration countries to becoming immigration countries, due to more pressure on both their asylum and immigration systems.

5.2.3.2. Reception, Return and Integration Policies for, and numbers of, unaccompanied minors – an EU comparative study

The study aimed to fill a knowledge gap on policies on unaccompanied minors in the EU, ranging from an assessment of the identified motivations(s) and circumstance(s) for entering the EU, to entry procedures, reception arrangements, including integration measures, detention, return and identified best practices. In addition, the available statistics on unaccompanied minors were also collated. The information provided can serve to form a basis upon which policymakers may decide to create or strengthen new initiatives for this vulnerable group.

The Synthesis Report, based on 22 National Reports, identified several, varied and interconnected reasons as motivations and circumstances for entering the EU, ranging from fleeing persecution and seeking protection, to reunification with the family already in the EU, for economic, aspirational reasons, to victims of trafficking or of smuggling. Whilst the entry procedures, including border controls for unaccompanied minors who lodge an application for asylum are well-established and more-or-less harmonised across the Member States, this is not to the same extent in other cases. As to reception arrangements, a key component is the appointment of a guardian, or equivalent, for unaccompanied minors who apply for asylum and the provision of accommodation and other care facilities. All Member States provide, sometimes as part of their integration measures, access to healthcare, education and, subject to

national conditions being met, to employment. The detention of an unaccompanied minor in general occurs only as a "last resort," with some Member States not detaining an unaccompanied minor under any circumstances. Whilst Member States undertake efforts and have established procedures in place to trace the family of an unaccompanied minor in their country of origin, in practice, they are achieved in relatively few cases. The return and reintegration of unaccompanied minors to their country of origin is first and foremost only undertaken if considered in the minor's best interest. In practice, like for detention, the numbers of those returned are generally low, with only assisted returns executed.

The findings of the study served to support the development of the Commission's Action Plan on Unaccompanied Minors²⁵ adopted in May 2010, as foreseen in the Stockholm Programme. In addition, and as previously mentioned, the study was undertaken in close co-operation with the Fundamental Rights Agency, who undertook a study on the situation of separated, asylum seeking, children in EU Member States.

5.2.3.3. *“Programmes and strategies fostering Assisted Voluntary Return (AVR) and Reintegration from EU Member States”*

The aim of the study was to share current knowledge across the Member States and thus assist with the development of policy and programmes to facilitate the assisted return of *inter alia* asylum applicants whose claims have failed or migrants with other status who have decided to return home. The Synthesis Report of the study is expected to be published before the end of 2010.

5.2.3.4. *“The different national practices concerning granting of non-EU harmonised protection statuses”*

The aim of the study was to analyse the different national practices concerning the granting of non-EU harmonised protection statuses, i.e. all statuses not covered by the Qualification Directive²⁶ and by the Temporary Protection Directive.²⁷ It also aimed to explore the proportion of and trends with regard to applicants granted protection status based on national law, subsidiary protection as part of EU law and refugee status according to the Geneva Convention.

The Synthesis Report, based on 23 National Reports, showed that more than two-thirds of EU Member States grant non-EU harmonised protection statuses. Additionally, there is a wide range of grounds on which non-EU harmonised protection statuses are granted throughout the EU (e.g. for medical reasons, for family reasons, for victims of environmental disasters). Moreover, there is significant variety between Member States with regard to the grounds, procedures, rights, duration of stay and level of implementation of the non-EU harmonised protection statuses on their territory. This entails great complexity for those wanting to claim, or in the process of applying for protection in the EU. Who is granted protection, how, and to what effect (rights and duration of stay) differs from one Member State to the other. Finally, while some non-EU harmonised protection statuses “lean” towards the concept of protection as laid down in the Geneva Convention, for others, such as temporary residence permits granted to a wide range of third-country nationals outside the asylum procedure, it is unclear as to whether these could constitute “protection.”

²⁵ [COM\(2010\) 213](#)

²⁶ [Council Directive 2004/83/EC](#)

²⁷ [Council Directive 2001/55/EC](#)

5.2.3. Ad-Hoc Queries

The EMN Ad-Hoc Queries represent an important, flexible and very useful tool for collecting information. Each EMN NCP and the Commission may launch an Ad-Hoc Query. Usually EMN NCPs have four weeks to respond to an Ad-Hoc Query, after which a compilation of all responses is produced and circulated within eight weeks of the date the query was launched. Subject to the agreement of an EMN NCP(s), the responses provided are also made available to the wider public via the EMN's website.²⁸

The activity increased considerably since its start, with an increase of 43% in the number of Ad-Hoc Queries launched in 2009 compared to 2008. A total of 62 Ad-Hoc Queries were launched in 2008 and 89 (7 to 8 per month) in 2009 with recent queries having, on average, responses from 23 Member State for each query.

The topics of the Ad-Hoc Queries vary, ranging from queries on practices adopted in the Member States, such as the monitoring of foreigners, programming for supporting victims of trafficking and the use of national databases for fingerprints, to queries on conditions and requirements applied by Member States, for example in relation to residence permits for medical reasons, integration conditions for long-term resident third-country nationals. Other Ad-Hoc Queries explored the reaction of Member States to recent events, such as the Haiti earthquake and the lifting of visa obligations for persons from FYROM, Montenegro and Serbia. The Commission has also made use of the valuable information provided by this mechanism in order to support the development of initiatives, most recently on the single permit, as well as on seasonal workers and intra-corporate transferees.

5.3. Collection, Provision and Comparability of Information

Through the systematic collection of information and rendering this information available, the EMN serves as a tool for facilitating the exchange of information and for improving comparability.

5.3.1. Information Exchange System

The purpose of the EMN's Information Exchange System is to serve as a repository with a search function for documents identified by the EMN as relevant to its activities. These documents include, for example, information on national legislation, case law and policy; implementation of EU legislation at national level; official national and other statistics (not in Eurostat); and a directory of EMN NCPs and their national members, plus EU entity collaborators; and press articles and other media. The intention is for an EMN NCP to add documents that have been referred to in the production of their National Report for a particular activity.

With the adoption of Council Decision 2008/381/EC it was possible to appoint a new Service Provider, iLiCONN, to take over the system and make it fully operational. The initial activities of iLiCONN focused on understanding the system's functionalities and architecture, from which the system could then be further enhanced. A brainstorming meeting took place in December 2009 with EMN NCPs, to discuss the possible functionalities the system could offer, as well as the procedures to be adopted for the storage of data and access to the information by a wider public.

²⁸

At <http://emn.sarenet.es/Downloads/prepareShowFiles.do:?directoryID=118>.

5.3.2. EMN Glossary and Thesaurus

The purpose of the multilingual EMN Glossary of terms relating to Asylum and Migration is *inter alia* to improve comparability between EU Member States through the use and common understanding of the terms and definitions contained therein. The Glossary is intended to serve as a useful reference document for EMN NCPs and their national network members, as well as for other practitioners in the field of asylum and migration.

The use and common understanding of consistent terminology presented in the Glossary enables policymakers and practitioners in the Member States, as well as EU institutions, to better compare their national situation and experiences and harmonise policy concepts. It is also hoped that the EMN Glossary will encourage the media to adopt a more correct terminology when reporting on matters relating to asylum and migration. This is further facilitated by the translations of the glossary terms into many other Member State languages. The large number of terms, currently totalling some 300, also reflects the complex nature of asylum and migration. The glossary definitions themselves are also being translated into other EU languages, currently French, German, Italian, Portuguese and Spanish.

The Glossary has been developed by the EMN within the context of the *Glossary and Thesaurus Working Group*. The Working Group has been meeting approximately every 6 to 8 weeks, over the course of four years. Members included primarily the European Commission (DGs HOME, ESTAT and Translation) and interested EMN NCPs. Other participants included the Fundamental Rights Agency and experts of EMN NCP national networks. During each meeting, terms are discussed, refined and agreed upon. Working Group members are also asked to translate and further elaborate terms in between meetings.

The first public electronic version of the EMN Glossary was published on 4th August 2009. This version was widely disseminated to the EMN Steering Board members, to representatives of DG JLS and other EU agencies/institutions, to Permanent Representations and other relevant stakeholders. In 2010, a printed version of the Glossary was prepared,²⁹ with more than 2 000 copies distributed to national and EU stakeholders. The Glossary will also be integrated into the EMN website, as an interactive tool.

The next step, undertaken during 2010, is the further development of the EMN Thesaurus, whose purpose is to facilitate structured searching of the documents contained within the EMN's Information Exchange System.

5.4. Enhancing the EMN's Visibility

Several steps have been undertaken to promote the EMN to policymakers at national and European level, and to inform the wider public about its objectives, plus current and future activities. These efforts were intensified during 2010, especially following the appointment of the two EMN Service Providers.

5.4.1. At national level

EMN NCPs and Steering Board members actively contributed to enhancing the visibility of the EMN at national level, through a wide range of activities, including the organisation of

²⁹ EMN Glossary, ISBN 978-92-79-14979-5 (January 2010), available also from <http://emn.sarenet.es/Downloads/prepareShowFiles.do?directoryID=117>.

conferences and other events, national network meetings, etc. These events provided a good opportunity to report on the activities undertaken by the EMN and to widen the national networks. Some EMN NCPs also took part in events organised by other stakeholders and made a presentation of the EMN.

Other efforts undertaken by EMN NCPs to increase the visibility of the EMN included the:

- development of national EMN NCP websites;
- elaboration of national Communication and Dissemination Strategies;
- translation of Synthesis Reports produced by the EMN;
- circulation of (national and EMN) Newsletters.

5.4.2. EMN Website (<http://emn.sarenet.es>)

The EMN website was launched during the Preparatory Phase of the EMN. It serves to not only provide information to the wider public about the EMN and its outputs, but also as the portal through which an EMN member can access the Information Exchange System. Part of the activities of the EMN Service Provider, iLiCONN, is to restructure and revamp the website during the course of 2010. The EMN website will then also include access to the EMN Newsletter, published from the Autumn of 2010 onwards.

At present, the website receives approximately 10 000 visits per month. Efforts were made in 2010 to informing an even wider audience of the existence of this website.

5.4.3. Dissemination of EMN outputs

In keeping with the mandate of the EMN, all of its outputs are made available to the wider public through the EMN website, as well as presented at the occasion of workshops, seminars, meetings and conferences at EU and national levels. For example, EMN NCPs organised a workshop on “Unaccompanied minors in Europe: situation, experiences and perspectives” as part of the Metropolis 2009, and intend to participate in the Metropolis 2010 Conference on “Justice and Migration: the Paradox of Belonging.”³⁰ Participation serves to promote the EMN and its outputs to a wider audience, emphasising the EMN's role in providing information to support policymakers.

The Work Programmes 2008 and 2009 emphasised the importance of disseminating the products and findings of the EMN. In 2010, increased emphasis was placed on ensuring the wider dissemination of the EMN's products and findings. This will include the development of the EMN Newsletter, the revamping of the EMN website as described under Section 0 above, including the introduction of online registration for receiving the EMN Newsletter and further activities to expand the target audience of the EMN. For this purpose, a Dissemination Strategy will be developed, to ‘focus’ and ‘streamline’ the various activities aimed at increasing the visibility of the EMN and to ensure the most effective dissemination of its products. The EMN has already produced and regularly updates an “Information Leaflet” which provides details on the EMN, its mandate, role, members, and the achievements so far.

³⁰ 4th – 8th October 2010, The Hague, Netherlands