

# ANNUAL REPORT ON MIGRATION AND ASYLUM 2018

EMN INFORM

2019



## LEGAL MIGRATION AND MOBILITY

### **What were the main developments in legal migration at EU level in 2018?**

A number of new developments took place at EU level; the European Commission adopted a Communication on “Enhancing legal pathways to Europe” in September 2018, prepared the Fitness Check on Legal Migration (published in March 2019) and led the “contact group on legal migration” as a forum for discussion with Member States on the legal migration Directives. In the framework of the new Communication, the European Commission coordinated the development of pilot projects by Member States with selected African countries to promote legal migration schemes.

Furthermore, the European Commission continued to monitor the transposition of the main EU legislation on legal migration. Most significantly, the deadline for transposition of the recast Students and Researchers Directive (EU)2016/801 passed on 23 May 2018, and infringement procedures for non-transposition were launched against 17 Member States.

### **What is the transposition status of EU Legislation on legal migration?**

By the end of 2018, most Member States had transposed the main recent EU legislative instruments in the area of legal migration, i.e. Seasonal Workers Directive (2014/36/EU), Intra-corporate transfers Directive (ICT) (2014/66/EU) and the recast Students and Researchers Directive, although six Member States were still in the process of transposing the latter at the end of the year.

### **What were the main developments in the area of economic migration at the national level?**

Various measures were taken by Member States to facilitate the admission of specific groups of legal migrants. More than half of the Member States reported on legislative or policy changes concerning highly-skilled

workers, which mainly related to simplifying procedures to obtain a residence and/or work permit or to attract workers to fill shortage occupations. With regard to intra-corporate transferees, besides changes related to the transposition of the ICT Directive, some Member States made changes to their admission procedures in line with national priorities. For seasonal workers, next to taking actions to transpose the Seasonal Workers Directive, eleven Member States adopted legal changes to facilitate or streamline the application procedure, introduced caps on seasonal work permits or clarified national laws on seasonal work. Four Member States reported on developments in policy or practice, which related to the maximum period of stay allowed for seasonal workers. Entrepreneurs and investors were also targeted by legislative and policy changes in Member States, opening up new paths to attract them or improving the monitoring of their entry and stay. In terms of trainees, au-pairs and volunteers, some Member States introduced definitions for trainees and volunteers to better determine their rights and obligations, while others simplified the application procedures or clarified which documents were required to grant residence permits.

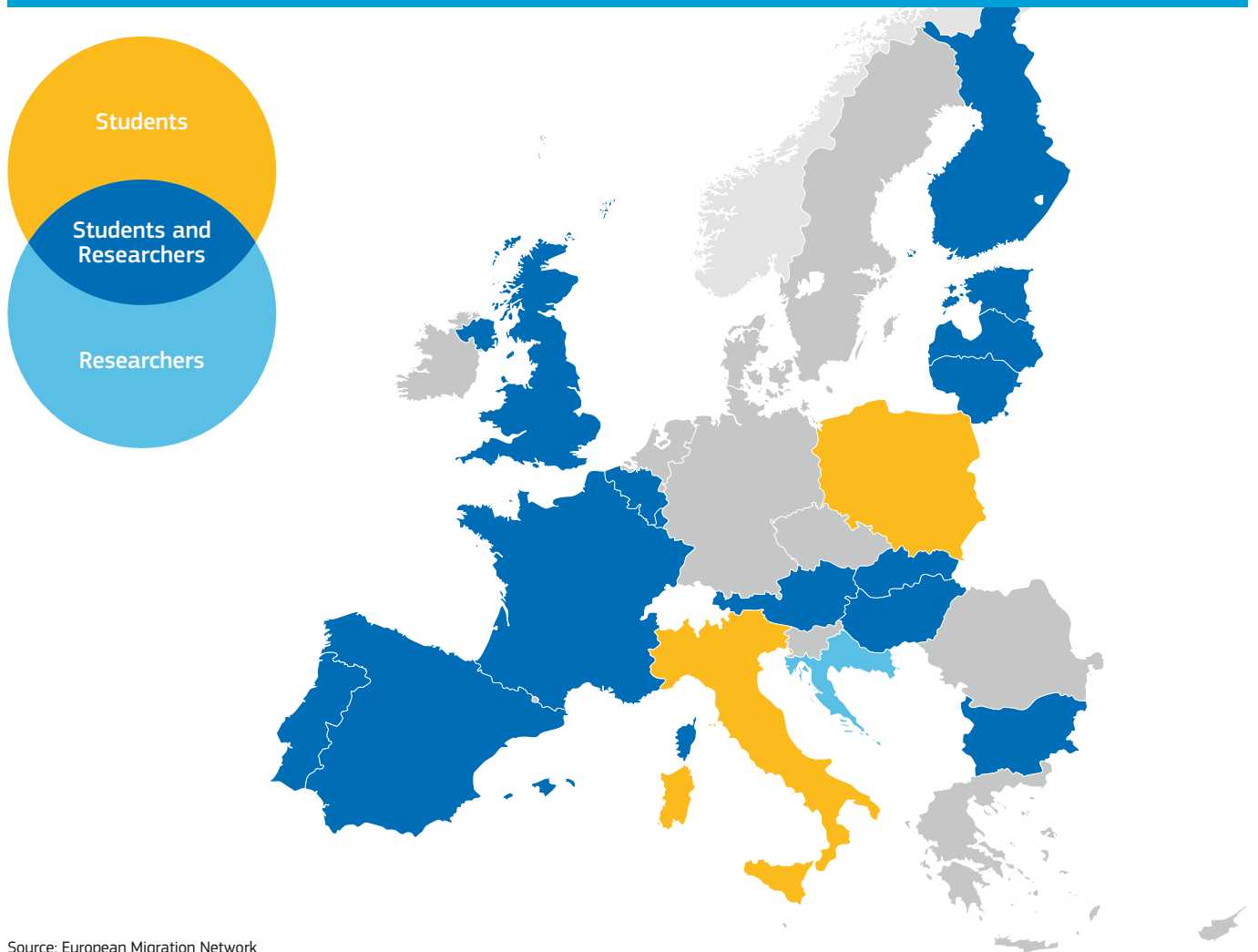
### **What measures were taken to satisfy labour market needs?**

Nine Member States introduced legal or policy changes to better respond to labour market needs, adopting changes to streamline or facilitate the procedures and reduce the associated administrative burden, or changing their regimes to attract and retain foreign workers. In some cases, these measures targeted specific third countries or sectors.

### **How did Member States address social dumping and labour exploitation?**

Seventeen Member States and Norway introduced new legislation, policies or practices aimed at combatting labour exploitation. Some of these pertained to the status,

## Figure 1 – Member States introducing legislative changes facilitating the admission and stay of students and researchers



Source: European Migration Network

working conditions and better integration of the worker, while others improved the monitoring system or increased work inspections to detect and prevent irregular work.

### What measures were implemented to facilitate admission and stay for international students and researchers?

More than half of the Member States introduced legislative changes, policies or practices to facilitate the admission and stay of international students and researchers. These mainly included provisions to encourage their mobility in line with the EU acquis, facilitated labour market access or revised tuition fees for international students. Most of the reported policies and practices related to international students specifically.

### What were the main developments in the area of family reunification?

More than a third of Member States introduced legislative or policy changes in the field of family reunification. These changes can be broadly categorised as: revisions of the material requirements or waiting period for exercising the right to family reunification; introducing or revising the right to family reunification for specific groups of migrants; and improving access to rights for sponsors or family members. European and national case law influenced the practices of three Member States, specifically with regard to refugees, beneficiaries of subsidiary protection and unaccompanied minors.



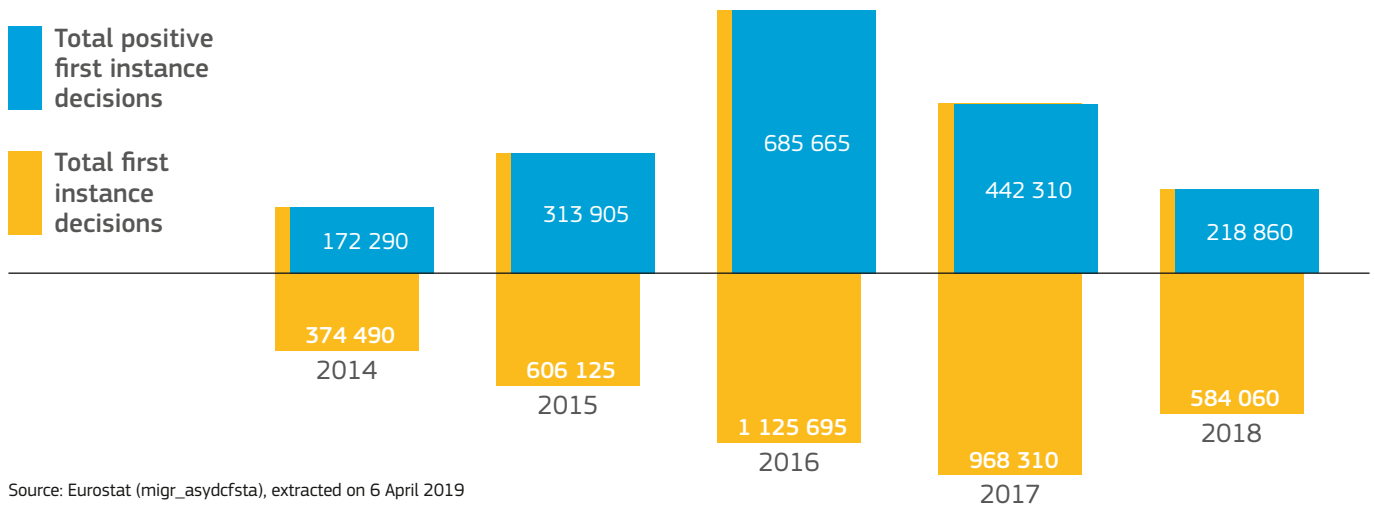
## INTERNATIONAL PROTECTION INCLUDING ASYLUM

### What developments took place in the area of asylum at EU level?

In 2018, a total number of 634 700 asylum applications were lodged in the Member States and Norway, similar to those lodged in 2014 before the 2015 peak of the migration influx. One in three first instance decisions (34%) on asylum applications was positive, compared to

a recognition rate of 40% in 2017. The total number of first-instance decisions taken was 593 500 first-instance decisions, marking a 40% decrease compared to 2018. In terms of legislation, the procedures on the proposals for a reform of the Common European Asylum System (CEAS) were ongoing in 2018. By June 2018, partial or preliminary political agreements were reached on five out of seven CEAS proposals.

**Figure 2 – Total first instance decisions on asylum applications and total positive decisions in first instance in Member States and Norway: 2014 – 2018**



Source: Eurostat (migr\_asydcfsta), extracted on 6 April 2019

### How have asylum policies changed at the national level?

The vast majority of Member States and Norway introduced changes to their national asylum procedures, reception conditions and to the rights and obligations of persons seeking international protection. In terms of (access to) asylum procedures, legal changes *inter alia* made it possible for authorities to seize and analyse data storage media (e.g. smart phones) from asylum seekers, and increased the applicants' duty to cooperate. A trend was observed in some Member States towards improving accessibility to legal counselling for applicants of international protection. Multiple Member States reported on the resumption of transfers of non-vulnerable individuals to Greece under the Dublin Regulation, as well as on expanding lists of safe countries of origin. With regard to reception conditions, several Member States initiated legislative changes *inter alia* to reduce reception costs for the public, while policy changes mostly aimed at better managing capacity in the face of fluctuating numbers of applicants. The rights and obligations of beneficiaries of international protection were also subject to legal changes in a few member States, relating particularly to labour market access and access to public benefits and services.

### Which institutional reforms were introduced in national asylum systems?

Several Member States adopted institutional and organisational changes to their respective asylum systems, usually as a response to legislative changes or the shift of policy priorities. These changes *inter alia* related to the creation of new entities or the restructuring of existing ones, the transfer of competences, as well as adjustments to the number of staff. Particularly in the latter case, these adjustments were made in correspondence with recent trends in the number of asylum applications.

### How are relocation and resettlement activities being implemented?

Member States and Norway continued to carry out relocation and resettlement activities throughout 2018. A total of eight Member States reported on the relocation of applicants for international protection from Italy and Greece under the intra-EU relocation mechanism, while five organised relocation activities under national schemes. In terms of resettlement, refugees were resettled to several Member States, either in the framework of EU Joint Resettlement Programmes, national schemes or private sponsorship schemes. Syrian nationals were among the most frequently resettled persons.



## UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

### What developments took place concerning unaccompanied minors at EU level?

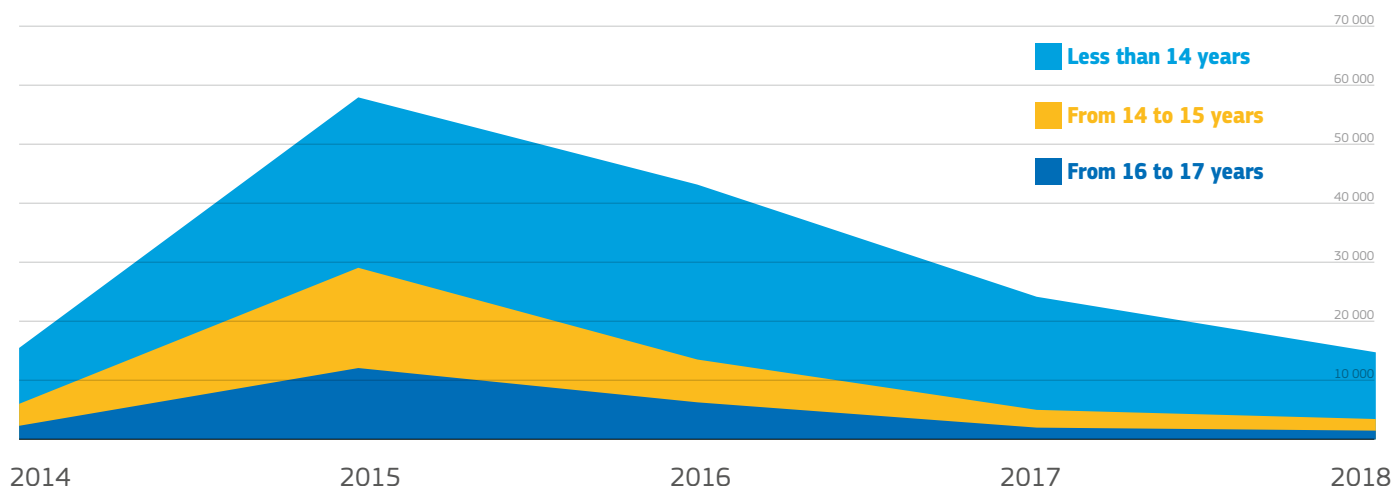
Despite a significant decrease when compared to 2017, the number of unaccompanied minors arriving in the EU remained high in 2018, and the European Commission continued to monitor progress made by Member States in the implementation of the 2017 Communication on the protection of children in migration. While progress was noted in several areas, further efforts were still needed to

improve the protection offered to migrant children, especially regarding reception conditions and access to services.

### Which new measures were adopted at the national level concerning unaccompanied minors applying for asylum?

Most Member States made continuous efforts to train staff working with unaccompanied minors and to improve their protection and care. A few Member States also strengthened the systems of legal guardianship and/

**Figure 3 – Number of UAMs seeking asylum in Member States and Norway by age: 2014 – 2018**



Source: Eurostat (migr\_asyunaa), extracted on 6 April 2019

or foster care by providing new guidelines or adopting new legislative measures. As regards age assessment, just under a third of Member States reported changes to their approach, mostly in order to address uncertainties or inconsistencies of existing practices. Six Member States improved the provision of information for unaccompanied minors who apply for asylum, ranging from general guidance to more specific information on legal aid or housing.

**What new measures were adopted at the national level concerning other vulnerable groups?**

More than half of Member States took measures for other vulnerable groups applying for asylum, often to support their identification/referral, particularly for asylum-seeking girls and women who were victims of (or

in danger of) female genital mutilation. Other measures modified the definition of vulnerability, for example to include additional examples of vulnerable groups or provided training to case officers and other staff working with vulnerable individuals.

**Which new measures were adopted concerning unaccompanied minors not applying for asylum?**

Over a third of Member States implemented changes at national level with regard to unaccompanied minors who were not applying for asylum, albeit to a varying degree. The training of staff was a commonly reported measure, in addition to improvements of the protection and care of unaccompanied minors, where Member States often aimed at ensuring more child-friendly environments.



**INTEGRATION**

**What new developments took place in integration at EU level?**

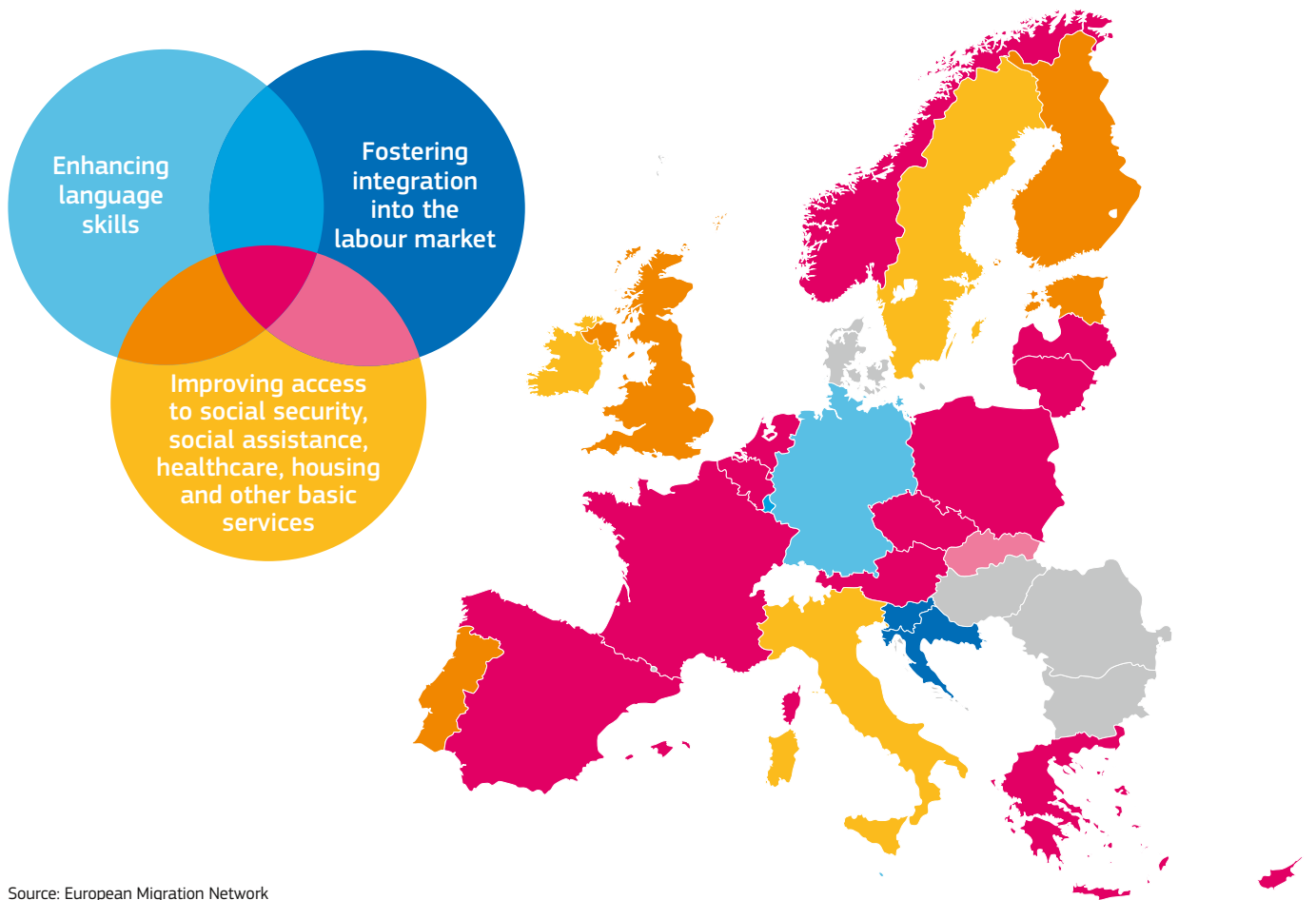
The European Commission continued its efforts to support Member States in the area of integration, through the activities of the European Integration Network and by developing cooperation with local and regional authorities. While the implementation of the 2016 Action Plan on the integration of third-country nationals was completed, the multi-stakeholder approach to foster specifically labour market integration continued. Under the proposed 2021-2027 Multiannual Financial Framework, the Asylum and Migration Fund was foreseen to support the early integration of third-country national legally residing in the EU.

**What have been the main integration-related measures introduced at the national level?**

The integration of third-country nationals was an important focus area for Member States in 2018, and with the exception of one, all Member States adopted new or amended legislation, policies or practices. In about a third of Member States, overarching changes in the form of new or revised action plans/strategies were reported.

Many Member States followed the approach of broadening their offer of integration measures, while a few simultaneously increased mandatory participation in various language courses and integration training. Socio-economic integration measures were targeted either at third-country nationals themselves, commonly increasing the offer of language training and improving the access to education, or at teachers, local authorities and public employment services who work with third-country nationals. Thirteen Member States and Norway adopted new measures to foster civic integration, *inter alia* providing further opportunities for third-country nationals to become actively involved in the host society and increase their political participation. Around a third of the Member States and Norway made efforts to ensure non-discrimination of migrants by raising awareness of discriminatory practices and providing training to relevant staff members. Awareness-raising activities were implemented by more than half of Member States, usually entailing the publication and dissemination of information material. Integration at local level was further promoted in 12 Member States and Norway, for example through the development of policy recommendations or guides for municipalities.

**Figure 4 – Integration measures in the European Union and Norway**



Source: European Migration Network



## CITIZENSHIP AND STATELESSNESS

### What were the developments at EU level in the area of citizenship and statelessness?

Although all matters related to citizenship fall under the exclusive competence of Member States, a number of developments took place at EU level. For example, the European Parliament published a report on the acquisition and loss of citizenship in Member States, in response to which the European Commission conducted further research, looking particularly into citizenship and residence schemes designed specifically for investors seeking to come to the EU, and concluding that these had to be monitored in terms of compliance with EU law.

### What developments took place at the national level related to citizenship?

Around half of the Member States notified changes related to the acquisition of citizenship, which most

commonly aimed at modifying the minimum duration of legal residence required for citizenship applicants and setting new requirements for national language proficiency. A few developments regarding dual citizenship and the facilitation of citizenship procedures were also reported. The revocation of citizenship in light of national security concerns was also a topical issue, leading to legislative changes in several Member States.

New measures in the field of statelessness were less common and mainly included new legislation or practices to facilitate access to naturalisation and make related procedures more efficient. However, Member States remained committed to reduce statelessness in line with international conventions.



## BORDERS, VISA AND SCHENGEN

### What developments have occurred at EU level in the field of borders, visa and Schengen?

Throughout 2018, the EU continued to support Member States on the EU external borders in managing

migration flows and improving border management, most significantly through the adoption of the Schengen Information System Regulation ((EU) 2018/1861). Efforts were

also made to foster cooperation with third countries to prevent (irregular) departures towards Member States.

### **Which measures were introduced to improve the management and effectiveness of border controls?**

Increasing the effectiveness of border controls was a focus area of Member States, with most of them adopting measures in this regard in 2018. Measures mostly concerned the adoption of new strategies, the reinforcement of border staff or border forces, as well as fostering cooperation or joint initiatives with third countries. The cooperation with Frontex was also an important element of border management, whereby a number of Member States supported various operations, for example related to border surveillance in areas without checkpoints and migrant registration. Furthermore, technical measures were taken to improve the management of external borders, often related to reinforcing or acquiring additional technical equipment for surveillance and detection purposes.

### **What developments took place in relation to Member States' visa policies?**

Most Member States reported new developments related to the implementation of the Visa Code and the Visa Information System, and some lifted national visa requirements for certain categories of applicants or introduced transit visas for specific nationalities. Moreover, several consular cooperation agreements were adopted by Member States, which *inter alia* entailed agreements of five Member States to be represented by other Member States in third countries.

### **What changes did Member States report regarding the governance of Schengen?**

Around half of all Member States reported on new developments in relation to Schengen governance during 2018, *inter alia* including new legislative measures to improve cooperation between competent police authorities and the re-introduction of border controls along some of the EU internal borders.



## **IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING**

### **What developments have taken place in irregular migration at EU level?**

In 2018, around 150 000 irregular arrivals were detected at the EU external borders, marking the lowest level in five years. While the Western Mediterranean/Atlantic route and the Eastern Mediterranean route saw significant increases of irregular arrivals, passages through the Central Mediterranean route decreased by 80%. In terms of policy developments, the EU enhanced its cooperation with partners in third countries, whereby African countries and Turkey played a pivotal role. Proposed measures to alleviate pressure on Member States included controlled centres and regional disembarkation arrangements. Efforts to fight the root causes of irregular migration also continued, as well as the fight against smuggling networks.

### **What actions were taken at the national level to prevent the misuse of legal migration channels?**

Following an overall increase in the number of asylum applications from visa-free countries, several Member

States undertook practical measures to address these largely unfounded applications, entailing an intensification of immigration checks at airports, for example. Policy and practical initiatives were implemented to combat the use of false travel documents, including the provision of trainings to police officers and border guards in several Member States, as well as the introduction of new technologies to better analyse travel documents.

### **What measures were taken to combat the facilitation of irregular migration (smuggling)?**

Efforts to fight migrant smuggling were intensified in about a third of Member States, although the actions taken differed widely depending on the particular challenges of each Member State. Awareness campaigns in third countries constituted a common measure to prevent irregular migration, and the cooperation with third countries also increased, with numerous projects launched specifically in relation to campaigns, the training of third country border guards and other multilateral or bilateral agreements.



## **TRAFFICKING IN HUMAN BEINGS**

### **What developments have taken place on trafficking in human beings at EU level?**

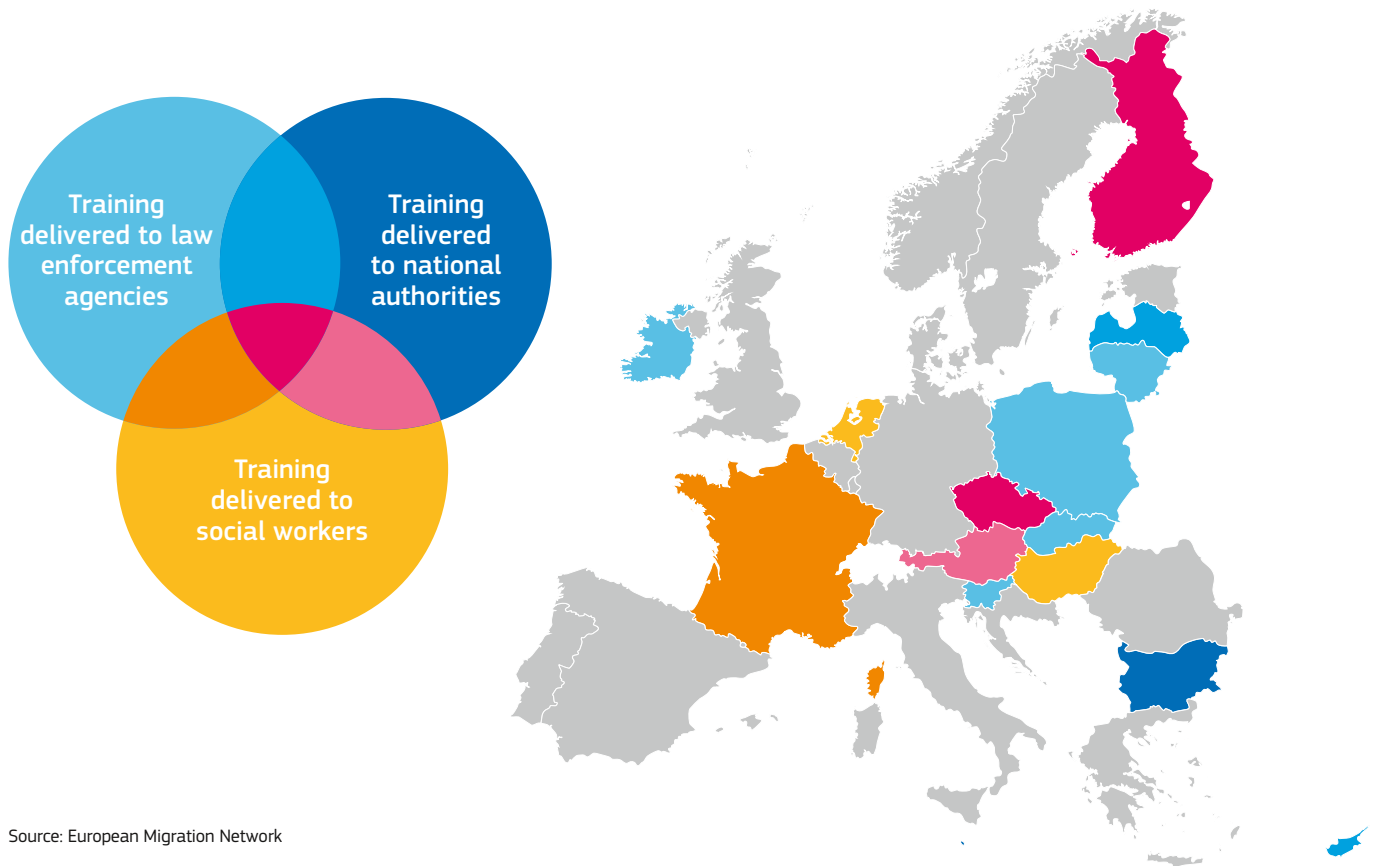
Most significantly, the European Commission launched the Second report on the progress made in the fight against trafficking in human beings (THB) in December 2018. In this framework, Member States were encouraged to improve data collection, counter the culture of impunity, foster transnational law enforcement and judicial cooperation, as well as ensure victims' access to justice.

### **What measures were adopted at the national level to fight against trafficking in human beings?**

The majority of Member States undertook legal and policy initiatives to revise their national strategic policy

on THB, either ratifying key international conventions, revising the national legal framework, adopting new or revised strategies or plans, or clarifying rules, for example related to labour exploitation. A large majority of Member States also carried out capacity-building exercises and training activities focussed on early detection and identification of victims. Furthermore, almost half of the Member States reported on developments to enhance cooperation with third countries, entailing capacity-building of institutions involved in combating THB, measures on policy cooperation, as well as awareness-raising and prevention initiatives.

**Figure 5 – Member States delivering capacity-building activities in the early detection and identification of victims of THB**



Source: European Migration Network



## RETURN AND READMISSION

### What developments have taken place in the field of return at EU level?

With a view to enhancing the effectiveness of returns, the European Commission published a proposal for a recast of the 2008 Return Directive, *inter alia* proposing the revision of articles related to the risk of absconding, entry bans and detention. Furthermore, following the adoption of the Schengen Information System Regulation in November 2018, all Member States are now obliged to register return decisions and entry bans issued in application of return decisions. Frontex reported the continued support and coordination of various activities to implement returns efficiently and support Member States' return operations, with a focus on a digitalisation of the return process.

### Which actions were taken at national level to ensure swifter and more effective returns?

Several Member States considered swift and effective returns as a policy priority in 2018, for example

by introducing legislative changes to facilitate or speed-up the return, expanding the type of authorities competent to issue return decisions, as well extending the grounds for issuing an entry ban. EU and national courts' rulings initiated additional changes to Member States' practices regarding the latter. Measures encouraging voluntary return among third-country nationals were also reported, including an increase of in-kind assistance for certain categories of minors or the implementation of outreach activities and other awareness-raising activities to advertise voluntary return possibilities. The use of (alternatives for) detention in return procedures was subject to change in about a third of Member States, with some increasing the length of detention or expanding the availability of alternatives to detention. Some Member States paid specific attention to safeguarding the best interest of the child, adopting relevant guidelines or anchoring this principle in legislation. Cooperation with third countries focussed on the organisation of identification missions for the purpose of issuing identity documents to ensure return travel.



## FULL STUDY PUBLICATION

European Migration Network (2019). Annual Reports on Migration and Asylum 2018. Brussels: European Migration Network.

[https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/reports\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en)



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Czech Republic [www.emncz.eu](http://www.emncz.eu)

Denmark [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/authorities/denmark\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en)

Estonia [www.emn.ee](http://www.emn.ee)

Finland [www.emn.fi](http://www.emn.fi)

France <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM>

Germany [www.emn-germany.de](http://www.emn-germany.de)

Greece <http://emn.immigration.gov.gr>

Hungary [www.emnhungary.hu](http://www.emnhungary.hu)

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Lithuania [www.emn.lt](http://www.emn.lt)

Luxembourg [www.emnluxembourg.lu](http://www.emnluxembourg.lu)

Malta <https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx>

Netherlands [www.emnnetherlands.nl](http://www.emnnetherlands.nl)

Poland [www.emn.gov.pl](http://www.emn.gov.pl)

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