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Accompanying the

COMMUNICATION FROM THE COMMISSION

on Policy priorities in the fight against illegal immigration of third-country nationals

Second annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external border controls, and the return of illegal residents

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The second annual report provides an overview of the main developments since mid-2004 in key areas with respect to the fight against illegal immigration. The structure of this report follows the first annual report of 2004 [SEC(2004) 1349].

1. External border controls

In the field of operational cooperation, the Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)[1] formally took up responsibilities on 1 May 2005. FRONTEX is mainly tasked with the co-ordination of the operational co-operation between Member States in the field of control and surveillance of the external borders; assisting Member States on training of national border guards; carrying out risk analyses; the follow-up on the development of research relevant for the control and surveillance of external borders; assisting Member States in circumstances requiring increased technical and operational assistance at external borders; and providing Member States with the necessary support in organising joint return operations. The Regulation establishing the Agency provides for an evaluation of the functioning of the Agency and on the implementation of these tasks in 2007.

In its annual work programme for 2006, the Agency focuses particularly on joint operational activities in the Mediterranean region and the Eastern external land borders of the European Union. In addition, FRONTEX will carry out risk analyses and coordinate training of border guards on the basis of a common core curriculum. In the field of return of third country nationals illegally present in the territories of the Member States, the Agency will assist in the organisation of joint return operations. In order to further optimise the security of the external borders of Member States, FRONTEX will enter into a number of operational cooperation arrangements at the technical level with third countries. Internally in the EU, the Agency will also cooperate closely with Europol in order to contribute to the fight against illegal immigration.

As regards the legislative aspect of external borders management, the Regulation establishing a Community code on the rules governing the movement of persons across borders[2] (Schengen Borders' Code) has been adopted by the Council and the European Parliament.

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1 Council Regulation (EC) No 2007/2004 of 26 October 2004.

2 COM(2006) 562, 15.3.2006.

The Borders´ Code aims at clarifying, restructuring and developing existing Schengen legislation on external border controls on persons. However, it goes well beyond a mere recasting of the current 'Common Manual on External Borders' (developed in the intergovernmental framework of Schengen) not only because it integrates all recent initiatives and developments in the field of external border controls on persons, but above all because it covers the crossing of both external and internal borders by persons. The regulation defines the conditions for entering the territory of Member States; the procedures for checks at border crossing points, including the criteria and procedures for refusing entry; the conditions for carrying out surveillance between the border crossing points; the specific modalities for carrying out checks at the different types of borders (land, sea, air) and on different types of traffic; and the criteria and procedures for exceptionally reintroducing check at internal borders. This regulation will be followed by a non-binding practical guide for border guards.

The Commission proposal for a decision to establish the External Borders Fund for the period of 2007-2013 of 2 May 2005 is one of the four proposed Funds of the general programme ´Solidarity and Management of Migration Flows´. The External Borders Fund has as its main objective to support the fair share of responsibilities between Member States concerning the financial burden arising from the integrated management of the Union's external borders. It establishes financial solidarity mechanisms covering the areas of controls and surveillance of external borders (´common integrated border management system´) and visa policy. Actions in the Member States that the Fund will support include border crossing infrastructures, operating equipment as well as equipment for the real-time exchange of information between relevant authorities, ICT systems, training and education of staff in the relevant authorities as well as various studies and pilot projects. The Fund will also cover Member States activities in the consular services abroad dealing with visas. The proposal is currently under negotiation in the European Parliament and the Council (co-decision procedure).

2. Visa policy and secure travel and ID documents

The Commission presented at the end of 2004 a proposal for a regulation concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas[3]. The regulation will determine the purpose of the system, the types of data to be processed therein, the procedures and conditions for the exchange of alphanumeric, photographic and fingerprint data on short-stay visas, and gives the mandate to the Commission to set up and operate the VIS at central level, whereas the implementation of the national infrastructures and the connection of the national systems to the VIS remains under the responsibility of the Member States, which will be also responsible for the processing of the data to and from the VIS.

For the overall-purpose of improving the administration of the common visa policy, consular cooperation and consultation between central consular authorities by facilitating the exchange of data between Member States on visa applications and on the decisions thereto, the VIS will also prevent 'visa shopping', facilitate the fight against fraud and checks, both at external borders and within the territory of Member States, and assist in the identification and return of illegal immigrants. For the identification of illegal immigrants, including for the purpose of returning such person, the competent immigration authorities have access to consult relevant data in the VIS. If the individual third country national once applied for a visa and therefore data on this person is recorded in the VIS, access shall be given to data on the visa applicant,

[3] COM(2004) 835, 28.12.2004.

the application and on visa issued, refused, annulled, revoked or extended. The proposal is currently under negotiation in the European Parliament and the Council (co-decision procedure).

As regards documents security, the Commission presented in 2003 two proposals amending the uniform format for visa and residence permits with a view to making these documents more reliable against forgery and fraudulent use.

The Council already reached a common approach on these proposals in 2003 and "invited the Commission assisted by the Committee created under Article 6 of Regulation (EC) No 1683/95 laying down a uniform format for visas to start as soon as possible with the development of the technical specifications necessary for the implementation of the measures". This committee concluded that it is technically not feasible to integrate biometrics into each sticker, as stated in the draft regulation, due to problems of durability of the chip and of interference between several chips in one passport. The Council invited the Commission to make every effort to bring the activation of biometric identifiers in the central part of the VIS forward to 2006.

For the residence permit in the future only card versions will be issued, the stickers will no longer be valid. For the visa agreement has been reached that for the time being biometric identifiers will not be integrated in the visa sticker itself or in a separate smart card, but that they will be only stored in the Visa Information System. As a consequence, the proposal concerning biometrics in the visa stickers was withdrawn, while the proposal for inserting biometrics into residence permits was amended and presented to the Council and the European Parliament in March 2006.

3. Return policy

The proposal for a Directive on common standards and procedures in Member States for returning illegally staying third country nationals ("Return Directive") was adopted by the Commission on 2 September 2005[4] and is currently under discussion in the European Parliament and Council. The proposal provides for common rules concerning return, removal, use of coercive measures, temporary custody and re-entry. The effects of national return measures are given a European dimension by establishing a re-entry ban valid throughout the EU.

As regards the financial dimension of return policy, in particular the possibility of providing Community support for the return of third country nationals, the proposal for a European Return Fund was adopted in April 2005[5]. This proposal is one of the four funds within the framework programme ´Solidarity and Management of Migration Flows´. The main objectives of the fund are the introduction and improvement of the organisation and implementation of integrated return management by Member States; enhanced cooperation between Member States in this area; and the promotion of an effective and uniform application of common standards on return according to the policy development in the field. Funding from the return fund will be foreseen from 2008 onwards.

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4 COM(2005) 391, 1.9.2005.
5 COM(2005) 123, 6.4.2005.

In the meantime, preparatory actions[6] for 2005 and 2006 for integrated return programmes were set up for the amount of 15 million EURO for each of the two years. These preparatory actions promote an integrated approach to return operations which may include pre-assistance, travel arrangements, transit and reception organisations as well as post-return assistance. A call for proposals was published in August 2005 concerning the preparatory actions 2005 with a deadline for applications until 31 October 2005, to which 33 applications were submitted. As a result of the 2005 call for proposals 20 projects (out of 33 submitted projects) have been selected for co-financing for a total amount of 14.826.543 €. The projects selected mainly deal with return operations from various Member States (including joint flights), and the drawing up of voluntary return plans. Three projects give special attention to vulnerable returnees. Projects will start by 31 October 2006 at the latest and have a maximum duration of 18 months.

The Commission has been continuing negotiations for Community readmission agreements with Morocco, Pakistan, Russia, and Ukraine. The Sri Lankan agreement entered into force on 1 May 2005. The agreement with Albania entered into force on 1 May 2006. Negotiations were concluded with Russia in early October 2005. Negotiations with Turkey were formally opened in May 2005, negotiations with Algeria are expected to be formally opened in autumn 2006. Informal discussions with China on readmission have taken place throughout 2005 and will continue.

The Council Conclusions of 2 December 2004 on best practices on return with regard to specific countries of third country nationals illegally staying on the territory of Member States contribute to improving and strengthening the practical co-operation between the competent authorities of the Member States in the area of return. A non-exhaustive list sets out best practices identified by Member States regarding the voluntary or forced return of third country nationals to their country of origin or transit, such as the promotion of assisted voluntary return programmes; return counselling; the conclusion of readmission agreements; measures in order to clarify the identities of persons being returned; promotion of return on the basis of validly assumed nationality of the country of return or transit; intensive co-operation with countries of return or transit as well as the use of biometrics for return purposes.

In its conclusions on voluntary return of 12 October 2005 the Council considers that voluntary return is an important component of a balanced, effective and sustainable approach to return. The Council stresses that voluntary return can be most effective where it covers a wide range of third country nationals, that significant added value can lie in tailored voluntary return programmes, and that information on the possibility of voluntary return should be made readily available as early as possible. The Council also refers to a number of measures that could be included in assisted voluntary return programmes.

4. Human trafficking

The EU Plan on best practices, standards and procedures for combating and preventing Trafficking in Human Beings was adopted by the Council in December 2005[7].

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6 Commission Decision C(2005)2922 of 2.8.2005 on a Framework for return preparatory actions 2005.

7 OJ C 311, 9.12.2005, p. 1.

This action plan was preceded by, and builds upon, a Communication from the Commission on ´Fighting trafficking in human beings- an integrated approach and proposals for an action plan´[8]. The action plan covers a full range of issues, such as measures to improve the understanding of the crime and its dimensions, to prevent trafficking, to reduce demand, measures aimed at more efficient investigation and prosecution, measures to protect and support the victims of trafficking, returns and reintegration and finally issues linked to enhancing anti-trafficking actions in relations with third countries.

5. Relations with third countries

The EU has over the last year further strengthened the dialogue on migration with third countries of both origin and transit. This dialogue comprises different aspects such as the root causes of migration and the possibilities of addressing these in a comprehensive manner, the migration-development nexus and ways to strengthen the development impact of migration policies, the Community legal migration policy, the joint management of migration flows, including visa policy, border control, asylum, readmission and counteracting illegal migration and the integration of legal migrants living and working in the EU.

In the framework of the European Neighbourhood Policy (ENP) action plans with a series of Mediterranean and Eastern European countries have been agreed which, in some cases for the first time, include a commitment from both sides to cooperation on migration issues, including fighting illegal migration. The start of the implementation process is expected for 2006.

On cooperation with Libya, currently not yet participating in the ENP, the Commission has been working, at the request of the Council, to establish a technical ad hoc dialogue with Libya on illegal migration. A high-level meeting took place in June 2005 leading to agreed minutes on the priority areas for cooperation. Further meetings have been held in early 2006.

In 2002, the Council called for a monitoring mechanism to be put in place to monitor the level of cooperation received from priority third countries in combating illegal immigration. The first set of countries chosen (Albania, China, Libya, Morocco, Russia, Serbia and Montenegro, Tunisia and Ukraine) has been the subject of a pilot monitoring and evaluation report prepared during 2004 and published in July 2005. The conclusions of this first report and the direction and methodology of future reports are being discussed in the High Level Working Group on Asylum and Migration. The first substantive discussion took place in September 2005.

During 2004-2005, the Commission funded projects addressing the thematic priorities in many countries and regions including Russia, the Balkans and Western NIS, in Morocco, Tunisia, Algeria, Somalia, Afghanistan, Asia and Latin America under the B7-667 programme. Projects covering the fight against illegal immigration and support for return and reintegration have been recommended for selection under AENEAS Programme 2004 totalling nearly €16 million in line with the geographic priorities. A further €45 million of community funding is available for projects targeting third countries under the AENEAS Programme 2005. A Commission Communication that provides the features of the successor programme to AENEAS, the thematic programme for the cooperation with third countries in

[8] COM(2005) 514, 18.10.2005.

the areas of migration and asylum[9] was adopted on 26 January 2006. On the basis of this Communication, the Commission will enter into discussions with the European Parliament and the Council on the scope, objectives and priorities for each thematic programme. The result of this process will provide the political orientations for the subsequent stages of programming, notably the thematic strategy papers to be drawn up in accordance with the provisions of the above instruments.

With respect to illegal immigration and in addition to actions already financed under AENEAS, this thematic programme makes it possible to finance actions to assist third countries in the management of illegal immigration (assisting them in the negotiation and implementation of their own readmission agreements or arrangements with other third counties, which may include ensuring adequate humanitarian conditions in centres where illegal immigrants are accommodated before their repatriation, supporting their voluntary return and sustainable reintegration in their country of origin).

The events occurred in Ceuta and Melilla in September/October 2005 have led the EU to intensify further its external migration policies. The Council adopted on 1-2 December a strategy for the external dimension of JHA issues -'Global Freedom, Security and Justice'- which was endorsed by the General Affairs and External relations Council on 12 December. As its contribution, the Commission had adopted a Ccommunication on 12 October entitled "A Strategy on the external dimension of the area of freedom, security and justice". This strategy defines the challenge of managing migration flows as one of the key thematic priorities to which the Union must respond. The strategy points *inter alia* at the particular challenges posed by increased global migration including illegal immigration. At the same time it acknowledges the substantial positive impact migration can have both for host and source countries and for migrants when managed effectively.

On 30 November, another Commission Communication ('Priority actions for responding to the challenges of migration: first follow-up to Hampton Court') was adopted in response to a request made by Heads of State and Government, at the Hampton Court informal European Council at the end of October. The European Council, in its meeting in Brussels on 15-16 December, broadly endorsed the course of action advocated by the Commission. This strategy, which emphasises the need both for close cooperation between the Member States and for a partnership with countries of origin and transit, is focussed in priority on Africa, including the Mediterranean countries in Northern Africa.

It includes as the three main sets of priorities: *increasing operational co-operation between Member States*, primarily with a view to improving border management in the Mediterranean region and to saving lives at sea and tackling illegal immigration; *dialogue and cooperation with Africa* both in 'continental level' contacts with the African Union and in discussions with individual countries or sub-regional organisations, aims at developing dialogue and cooperation on a number of migration-related issues, including joint efforts to fight illegal migration, institution and capacity building, integration of legal migrants, improving regional protection for refugees and fostering the linkages between migration and development. This approach emphasises simultaneous contacts with countries of origin and transit to address joint challenges and, importantly, also aims to address the root causes of migration; and *work with neighbouring countries* , mainly the Mediterranean neighbouring countries in Northern Africa. Priorities will include preventing and fighting illegal migration and human trafficking

[9] COM(2006) 26/4, 26.1.2006.

– including through readmission agreements with Morocco and Algeria -, building capacity, improving asylum systems, and also improving the management of economic emigration. The priority actions are being implemented by the Commission, the European Borders Agency, the Member States and international organisations, and the Commission will report back to the European Council on progress at the end of 2006.

The European Council decided that this increased priority given to migration will be translated into financial terms. A share of the EU's financial instruments for external relations will be devoted to migration-related issues, in particular through an allocation of up to 3 % of the ENPI and comparable efforts in respect of other relevant financial instruments.

6. Supporting measures

a. Exchange of information and statistics

A secure web-based Information and Co-ordination Network for Member States' Migration Management Services (ICONet)[10] was established. The purpose of the ICONet is to provide for a platform for the exchange of strategic, tactical and operational information concerning illegal migratory movements and on the fight against such phenomena. For the time being it is not foreseen in the decision to exchange personal data of illegal migrants or facilitators via the ICONet. With a view to ensuring an effective development of the ICONet in practice, the Commission adopted a Decision[11] laying down detailed rules for the implementation of the Council Decision establishing ICONet.

The Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) continued assisting, through monthly discussions, Member States in the exchange of information on illegal immigration and unlawful residence, combating smuggling of human beings, better detection of false or falsified travel documents and in improving return practices. The CIREFI provided for a forum of information exchange on illegal immigration in the framework of the Transatlantic dialogue with the US and Canada and for the same purpose with the Candidate Countries (Croatia and Turkey). Upon signature of the Treaty of Accession, Bulgaria and Romania became active observers. In accordance with its original mandate, more focus was put on thematic discussions on specific issues that Member States are faced with, such as clandestine migration or new modus operandi with respect to illegal entry and stay.

As an implementing measure under Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers (ILOs) network, the Commission adopted a decision[12] establishing a uniform reporting format for activity reports of ILO networks. Purpose of this Decision is to establish a standard format for such semester reports to enable the relevant institutions of the European Union to evaluate the activities and the development of the ILO's Network as well as the overall situation in the host countries in matters relating to illegal immigration.

In line with Article 6(1) of the ILO regulation, a first report on the activities of the ILO networks was drawn up at the end of 2005 by the outgoing EU presidency, in the format established by the Commission decision referred to above. This initial report was focused on

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10 Council Decision 2005/267/EC of 16 March 2005 .

11 Commission Decision C(2005)5689, 15 December 2005.

12 Commission Decision C(2005)1508, 29.9.2005.

five countries, namely Albania, Bulgaria, Croatia, Romania, and Serbia and Montenegro. The report highlighted the potential for improving existing cooperation between ILOs.

Triggered by recent regularisation measures, the Commission was invited to put forward a proposal for the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration which was presented in October. Under this procedure, Member States will be requested to inform other Member States and the Commission of the measures they intend to take in the area of migration and asylum and which may have an impact on other Member States or on the Community as a whole. This includes measures dealing with illegal immigrants, like regularisations, the creation of a special police corps to fight illegal immigration or the conclusions of readmission agreements with third countries.

The proposal for a Regulation on Community statistics on migration and international protection[13] was adopted by the Commission in September 2005. It will be an essential element for improving the statistical knowledge of migration-related phenomena. On the particular issue of illegal immigration it is by nature impossible to have accurate data, but some of the statistics included in the proposal (third-country nationals refused entry to the Member State's territory at the external border; third-country nationals found to be illegally present in the Member State's territory; third-country nationals who are returned) may be used to obtain a clearer picture of the situation concerning illegal immigrants.

Europol has continued providing Member States with operational support, through analysis work files, as well as strategic support, through periodical intelligence bulletins and annual threat assessments. Europol´s annual operational and strategic meeting on illegal immigration was held in March 2005. The main purpose was information exchange on new threats and modus operandi on facilitated illegal immigration and to identify possible areas of interest in order to proceed with operational and/or strategic activities based on the concept of intelligence-led policing, with a view to engage more actively in Europol's operational support products.

b. Migration Information

A research study on ´Illegally resident third country nationals in EU Member States: State approaches towards them, their profile and their social situation´ was undertaken by the European Migration Network (EMN). Based on country studies carried out in 2005 by 9 national contact points on the basis of common study specifications, an EU level synthesis report will be drawn up in 2006. The issues covered by the national reports relate to the legal framework and policy developments; stocks and profiles; state approaches as one of the core sections, including measures to prevent illegal immigration, measures of domestic control and voluntary and forced return; measures of rectification and remedy (studying the legal status, social services, educational facilities and work), the social and economic situation and political participation and finally the impact of illegal immigration on the host country.

The Commission presented a Green Paper[14] on the "Future of the European Migration Network" in November 2005. The EMN was set up in 2002 in response to the need to improve the collection and exchange of information on all aspects of migration and asylum.

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13 COM(2005) 375, 14.9.2005.

14 COM(2005) 606, 28.11.2005.

As the preparatory phase finishes in 2006, it will be necessary to reflect on the best way forward. The Green Paper has contributed to that reflection by stimulating a public debate on what its future mandate should be, taking into account the experiences made during the first 3-years.

c. Transforming undeclared work into formal employment

The European Employment Strategy and the employment guidelines pursue a comprehensive policy aimed at fostering regular employment. To quote some of the initiatives, the modernisation of social security, wage developments in line with productivity growth, reduction of non-wage labour costs and tax burden on low-income/low-skilled workers, contribute to reducing incentives to undeclared work, hence, indirectly, also to recruit illegally staying migrants.

The Joint Employment Report 2005/2006[15], addresses the implementation of the new integrated guidelines in the Member States. The topic of undeclared work is included in Guideline 21 "Promote Flexibility combined with employment security and reduce labour market segmentation, having due regard to the role of the social partners" through, among others, addressing the issue of undeclared work. The Joint Employment Report states that "only a few pay attention to tackling undeclared work (AT, DE, EE, HU, IT, MT, LV, LT SE, SK). The extent of the problems is not recognised by most Member States." In addition, the Commission announced in the Annual Progress Report on Growth and Jobs (Communication to the 2006 Spring European Council)[16], that it will present a report with a view to facilitating agreement, by the end of 2007, on a set of common principles, comprising the following elements: modern labour laws allowing for sufficiently flexible work arrangements and reducing labour market segmentation and undeclared work (Action 3 in the APR).

d. Carriers liability

A meeting was held in January 2006 in the framework of the Carriers Liability Forum that brings together representatives from Member States, transport industry, European institutions and humanitarian organisations for exchange of information and consultation on issues related to carriers liability. A discussion took place on best practices, and possible ways and methods of cooperation between migration management services of Member States and the transport industry with a view to preventing and combating illegal immigration. Participants agreed on the need to further explore the possible modalities for such practical co-operation.

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15 Adopted at the Council (EPSCO) on 10 March 2006.

16 COM(2006) 30, 25.1.2006

Annex 1: Migration flows in the EU-25

1. INTRODUCTION

This statistical annex on migration flows in the EU-25 provides background information on both legal migration flows and illegal migration.

Four different sets of data are presented, ranging from net migration in the EU, statistics on removals and return decisions, statistics on refusals at the external borders and apprehensions in the EU of illegally present third-country nationals, to finally data on regularisations in selected EU Member States.

Reliable statistical or other empirical data highlighting the illegal immigration phenomenon are scarce; if they exist at all, their coverage is limited, the collection methodologies are diversified and not necessarily reliable. It is therefore not possible to give a figure about the current stock of irregular migrants in the EU; the same applies for the flows. Notwithstanding this, some information is available from a number of sources (CIREFI data collection on enforcement measures against illegal immigration, data from regularisations, ad hoc requests to Member States) which provide some indications about the extent of the phenomenon, the countries of origin, the possible trends, etc.

Some of the figures presented in this statistical annex are **estimates** provided by non-official EU sources. The Commission is aware that there is a need for comprehensive and reliable data in the field of immigration and asylum. In order to dispose of comparable and reliable data, it has recently put forward in particular a **Proposal for a Regulation** of the European Parliament and of the Council on Community statistics on migration and international protection, COM(2005) 375.

The Commission is equally aware that more information is needed about the stocks and flows of irregular migrants. Although the phenomenon of irregular migration is difficult to measure with traditional migration statistics, a call for proposals was opened in December 2005 under the 6th **Research Framework Programme** covering, among others, the theme "Illegal migration – collecting empirical evidence in the EU". The proposals received from the research community must still be evaluated; it is expected that if one or more projects are funded, research could start by the end of the year 2006 and results could be available by the end of 2007.

2. NET MIGRATION IN THE EU

Net migration is the difference between immigration into and emigration from the area during the year (net migration is therefore negative when the number of emigrants exceeds the number of immigrants). Since most countries either do not have accurate figures on immigration and emigration or have no figures at all, net migration is estimated on the basis of the difference between population change and natural increase between two dates. The statistics on net migration are therefore affected by all the statistical inaccuracies in the two components of this equation, especially population change.

The table below shows that most EU Member States are now immigration countries and that even those which are still emigration countries (Latvia, Lithuania and Poland) are in the path

towards becoming immigration countries as well, as negative net migration is gradually evolving towards migratory balance. This is a development that must be seen in the context of demographic change and ageing. Migration currently ensures most of the demographic growth in the EU.

In the figures below, it is often not possible to separate regular and irregular migrants. In many cases irregular migrants will be recorded in the migratory flows. In fact, a comparison between the net migration figures and the figures on legal migration derived from grants of residence/work permits shows that, at least for certain Member States, there are big differences, with the net inflow of migrants being much higher than the inflow of legal immigrants.

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
EU (25 countries)	1118.4	826.0	632.5	732.7	658.0	468.5	644.6	905.7	993.2	1311.5	1707.3	2091.5
EU (15 countries)	1216.1	896.9	678.8	765.9	684.2	482.8	665.1	903.2	1055.6	1321.8	1701.2	2052.1
Euro-zone	1139.9	763.0	533.2	608.6	556.8	377.4	429.3	716.1	852.6	1096.9	1534.2	1755.9
Belgium	25.7	18.3	17.3	1.8	15.1	9.8	11.6	16.7	12.9	35.7	40.5	35.6
Czech Republic	11.8	5.5	10.0	9.9	10.2	12.0	9.5	8.8	-28.0	-8.5	12.3	25.8
Denmark	11.6	11.4	10.5	28.6	17.5	12.1	11.0	9.4	10.1	12.0	9.6	7.0
Germany	776.3	462.4	315.6	398.3	281.5	93.4	47.0	202.1	167.8	274.8	218.8	142.2
Estonia	-41.5	-28.3	-20.9	-15.6	-13.4	-6.9	-6.7	-1.1	0.2	0.1	0.2	0.0
Greece	94.5	86.5	78.1	77.3	70.9	61.5	54.8	45.1	29.3	37.8	38.0	35.8
Spain	54.2	59.2	54.7	60.4	73.5	83.6	148.8	227.3	378.5	427.8	649.9	738.5
France	36.5	16.5	-3.5	-14.5	-18.5	-13.5	-6.5	45.0	50.1	60.4	65.1	55.0
Ireland	1.7	-3.4	-3.0	6.0	15.9	17.4	16.2	24.3	31.5	38.8	32.7	31.3
Italy	27.8	24.2	25.7	31.5	59.5	55.7	64.1	46.4	55.2	47.6	349.3	600.6
Cyprus	10.7	8.7	7.0	6.6	6.0	5.5	4.2	4.2	4.0	4.6	6.9	12.4
Latvia	-53.5	-32.4	-22.8	-13.8	-10.1	-9.4	-5.8	-4.1	-5.4	-5.2	-1.8	-0.9
Lithuania	-24.5	-24.0	-24.2	-23.7	-23.4	-22.4	-22.1	-20.7	-20.3	-2.5	-1.9	-6.3
Luxembourg	4.1	3.9	3.8	4.3	3.5	3.6	3.8	4.4	3.5	3.3	2.6	2.1
Hungary	18.5	18.2	18.0	17.8	17.8	17.5	17.3	16.8	16.7	9.8	3.5	15.5
Malta	0.9	1.0	1.0	-0.2	0.7	0.6	0.4	0.5	9.9	2.2	2.0	1.8
Netherlands	43.2	44.5	20.4	15.0	21.3	30.5	44.1	43.9	57.0	56.0	27.6	7.0
Austria	71.5	33.5	3.1	2.1	3.9	1.5	8.5	19.8	17.2	43.5	34.8	38.2
Poland	-11.6	-16.8	-19.0	-18.2	-12.8	-11.7	-13.2	-14.0	-19.6	-16.8	-18.0	-13.8
Portugal	-4.5	8.4	17.3	22.3	26.2	29.4	32.3	38.0	47.1	64.9	70.1	63.5
Slovenia	-5.5	-4.5	0.0	0.8	-3.5	-1.4	-5.5	10.9	2.7	4.9	2.2	3.6
Slovakia	-2.9	1.7	4.7	2.9	2.2	1.8	1.3	1.5	-22.4	1.1	0.9	1.4
Finland	9.1	9.1	3.7	4.2	4.0	4.8	4.5	3.4	2.4	6.1	5.2	5.8
Sweden	19.8	32.1	50.8	11.7	5.8	5.9	11.0	13.6	24.5	28.6	30.9	28.7
United Kingdom	44.8	90.2	84.2	117.0	104.0	87.4	213.8	164.2	168.5	184.3	126.4	260.5

Source: Eurostat/ National Statistical Institutes

3. STATISTICS ON REMOVALS AND RETURN DECISIONS

3.1 Sources of data

The Commission services currently use two different sets of data concerning return:

First, the CIREFI data collection (carried out by Eurostat in cooperation with Member States). The CIREFI Definition of removed aliens is the following: "Persons other than those entitled under Community law who, having entered the country illegally, having resided in the country illegally or for other reasons, are returned to a third country."

The purpose of this category is in principle to record figures for the number of third country nationals who are actually removed to a third country. Removals to another Member State (for example, Dublin Convention cases) are not to be included. Figures should relate to those who are expelled having been found to be liable for removal. The definition does, however, include those removed 'for other reasons' in recognition that expulsion may take place for reasons (criminal activity, security reasons) not directly related to a person's immigration status. Figures for this category may include voluntary departure where such a departure takes place in order to comply with a formal order to leave. Statistics for removals may, where possible, be broken down according to whether removal took place by land, sea or air.

Second, the ad hoc request to MS undertaken during the preparation of the proposal for a Return Fund. The Commission services asked Member States early in 2005 to provide data on the number of voluntary and enforced returns, plus the number of return decisions. This data was included in the Commission staff working paper[17] accompanying the proposal for the establishment of a framework programme on Solidarity and Management of Migration Flows[18] (which includes a proposal for a Return Fund).

In some cases data was not provided by Member States and the Commission had to made estimates. As no definitions exist yet of 'voluntary return', 'enforced return' or 'return decision' in Community law, data was collected on the basis of existing information and data collections. No statistical validation was done to this data, so it must be taken with caution.

3.2 Summary: Data on removals

CIREFI data for EU 25 shows an increase from 242,237 in 2002 to 245,579 in 2003. Thereafter there is a substantial decrease as there were 213,281 removed aliens in 2004.

Data from the ad hoc request on removals is slightly different. Adding up the figures for voluntary and forced return, the figures for 2002, 2003 and 2004 are respectively 10%, 6% and 1% lower than those in the CIREFI data collection.

In any case the trend is upwards between 2002 and 2003 and downwards between 2003 and 2004. For the CIREFI data collection the annual average 2002-2004 is 233699, whereas for the ad hoc request it is 220 792. Therefore, taking into account figures from both data collections, the annual average could be estimated to be close to 225 000.

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17 SEC(2005) 435.

18 COM(2005) 123.

	2002	2003	2004
CIREFI	242237	245579	213281
Ad hoc request	220419	230038	211920

3.3 Summary: Data on return decisions

Data on return decisions is only available in the ad hoc request:

	2002	2003	2004
Ad hoc request	668497	667832	649810

The figures remain rather stable, with a slight decrease of less than 3% between 2003 and 2004.

3.4 Comparison between data on removals and data on return decisions

Using an annual average of 225000 removals for the period 2002-2004 and an annual average of 662046 return decisions for the same period, it is easy to see that the ratio between removals and return decisions is close to 1/3. Therefore, it can be concluded that only one third of the return decisions are effectively implemented and result in removal.

3.5 Detail: Data from the ad hoc request

Table 1: Number of return decisions

	2002	2003	2004	Totals
Austria	23.750	22.641	15.511	61.902
Belgium	53.215	52.169	50.000	155.384
Denmark	8.000	8.000	8.000	24.000
Finland	3.526	3.456	3.800	10.782
France	49.124	55.938	50.000	155.062
Germany	143.000	143.000	143.000	429.000
Greece	29.602	29.542	29.776	88.920
Ireland	2.465	2.425	2.866	7.756
Italy	94.995	70.147	70.320	235.462
Luxemburg	1.000	1.000	1.000	3.000
Netherlands	62.000	62.000	62.000	186.000
Portugal	2.000	2.000	2.000	6.000
Spain	56.130	69.773	66.419	192.322
Sweden	18.497	22.656	27.876	69.029
United Kingdom	70.000	70.000	70.000	210.000
Cyprus	1.300	1.300	1.400	4.000
Czech Republic	25.496	29.366	25.317	80.179
Estonia	1.000	1.000	1.000	3.000
Hungary	7.233	7.878	6.911	22.022
Latvia	362	709	286	1.357
Lithuania	556	823	775	1.357
Malta	1.949	970	1.319	4.238
Poland	5.796	5.531	4.275	15.062
Slovenia	6.256	3.917	3.110	13.283
Slovak Republic	1.245	1.591	2.849	5.685
EU-25	668.497	667.832	649.810	1.986.139

Source:Member States.

Where no data were provided by the Member States, the Commission has made estimates. Some data may have been amended to take into account other statistical information (for instance the number of persons receiving a negative asylum decision). To date no definition of a return decision exists in Community law. Data have been collected on the basis of existing information and data collections.

Table 2: Voluntary and enforced return

	Voluntary Return				Forced Return			
	2002	**2003**	**2004**	**Total**	**2002**	**2003**	**2004**	**Total**
Austria	785	1.023	1.162	2.970	11.592	11.171	9.943	32.706
Belgium	3.321	2.814	3.286	9.421	11.727	11.262	8.497	31.486
Denmark	2.530	2.014	2.130	6.674	390	408	244	1.042
Finland	700	700	600	2000	1.623	1.910	1.853	5.386
France	761	947	854	2.562	10.067	11.692	12.000	33.759
Germany	11.774	11.646	9.961	33.381	29.036	26.487	21.614	77.137
Greece	0	0	0	0	11.628	14.518	14.884	41.030
Ireland	506	762	611	1.879	521	590	599	1.710
Italy	2.641	8.126	7.678	18.445	25.226	19.729	17.200	62.155
Luxemburg	190	610	325	1.125	44	98	56	198
Netherlands	2.068	2.912	3.714	8.694	19.002	19.468	15.304	53.774
Portugal	171	115	226	512	524	562	448	1.534
Spain	798	604	992	2.394	26.434	27.788	27.600	81.822
Sweden	6.756	8.815	10.196	25.767	1.592	2.258	2.601	5531
United Kingdom	895	1.755	1.325	3.975	14.205	19.630	16.918	50.753
Cyprus	0	0	0	0	2.497	3.115	2.801	8.413
Czech Republic	423	231	327	981	811	386	110	1.307
Estonia	378	280	235	893	26	68	61	155
Hungary	4.336	3.225	3.346	10.907	1.759	1.604	865	4.228
Latvia	20	20	20	60	150	150	150	450
Lithuania	0	0	0	0	312	376	206	894
Malta	1.254	931	704	2.889	223	200	200	623

Poland	479	2	45	526	4.303	4.643	4.473	13.419
Slovenia	1.856	608	461	2.925	2.840	3.114	2.246	8.200
Slovak Republic	40	104	148	292	1205	1487	2701	5393
EU-25	42.682	48.244	48.346	139.272	177.737	181.794	163.574	523.105

Source:Member States. Where no data were provided by the Member States, the Commission has made estimates. Some data may have been amended to take into account other statistical information (for instance the number of persons receiving a negative asylum decision). To date no definition of 'voluntary return' and 'enforced return' exists in Community law. Data have been collected on the basis of existing information and data collections.

3.6 Detail: Data from the CIREFI data collection

Table 1: Total number of removed aliens during the period 2002-2004

	Absolute number		
	2002	**2003**	**2004**
Belgium	10.352	9.996	9.647
Denmark	1.627	3.100	3.093
Germany	31.311	30.176	26.807
Greece	45.299	40.930	35.942
Spain	26.257	26.757	27.364
France	10.015	11.692	15.672
Ireland	:	:	:
Italy	33.289	31.013	27.402
Luxembourg	:	:	41
Netherlands	22.579	23.206	17.775
Austria	9.858	11.070	9.408
Portugal	1.991	2.798	3.507
Finland	2.223	2.773	2.775
Sweden	6.854	7.355	11.714
United Kingdom	15.100	21.380	:
EU15	216.755	222.246	191.147
Czech Republic	4.873	2.602	2.649
Estonia	255	171	101
Cyprus	2.932	3.307	2.982
Latvia	197	375	234

Lithuania	487	846	306
Hungary	3.602	4.804	3.980
Malta	952	847	680
Poland	6.847	5.879	6.042
Slovenia	4.268	3.209	2.632
Slovakia	1.069	1.293	2.528
EU10	25.482	23.333	22.134
EU25	242.237	245.579	213.281
Bulgaria	722	814	1.271
Romania	333	500	650
Iceland	9	18	18
Norway	7.849	8.672	5.439

Data extracted from the Eurostat CIREFI data base (annual data)

Footnotes

Missing (or partly missing) data for the period 2003 – 2004: Ireland, Luxembourg, United Kingdom

4. ENFORCEMENT MEASURES AGAINST ILLEGAL IMMIGRATION: REFUSALS AND APPREHENSIONS (CIREFI DATA)

4.1. Category "refused aliens"

Definition: "Persons not covered by Community law who are refused entry at the border owing to:

- a lack of, or counterfeit/falsified, border documents
- an existing entry or residence prohibition
- other grounds for refusal."

Specification

The purpose of this category is to record figures for third country nationals who are formally refused permission to enter the territory of a Member State. For most Member States such data will be generated only at the external border but where Member States do not, or are not able to make a distinction, data should relate to refusals of entry at any border post where such a control is exercised. Figures submitted for this category should, where national arrangements allow, relate to the actual number of decisions taken to refuse entry irrespective of whether those decisions necessarily resulted in removals. Furthermore, where Member States have administrative procedures which allow a decision whether to give formal permission to enter to be taken some time after the arrival of the third country national, such cases should be included in the figures for this category provided no more than three months has elapsed between arrival and the decision.

Table 1: Total number of refused aliens during the period 2002 – 2005

	Absolute number			
	2002	**2003**	**2004**	**2005**
Belgium	4.078	4.143	2.030	1.661
Denmark	486	658	367	333
Germany	45.573	42.072	30.155	15.012
Greece	17.681	17.300	14.338	11.399
Spain	1.018.915	706.081	602.262	598.510
France	:	31.317	32.865	35.049
Ireland	5.647	5.826	4.763	4.807
Italy	37.183	24.003	24.003	19.336
Luxembourg	:	:	5	:
Netherlands	8.419	9.382	1.172	:
Austria	22.997	22.305	24.803	23.295
Portugal	4.189	3.695	4.327	4.146
Finland	3.506	2.910	1.533	951
Sweden	1.339	1.601	557	813
United Kingdom	:	:	:	:
EU15	1.170.013	871.293	743.180	715.312
Czech Republic	33.518	31.166	37.534	6.486
Estonia	3.438	3.056	2.308	1.924
Cyprus	4.025	3.384	2.540	2.018
Latvia	1.096	5.151	2.267	777
Lithuania	3.795	5.516	4.690	3.884

Hungary	14.452	21.263	23.823	20.175
Malta	2.156	805	607	262
Poland	47.610	44.380	65.403	41.296
Slovenia	37.713	38.589	28.410	28.401
Slovakia	21.628	18.201	19.896	7.203
EU10	169.431	171.511	187.478	112.426
EU25	1.339.444	1.042.804	930.658	827.738
Bulgaria	6.928	5.917	6.395	6.561
Romania	36.922	55.950	61.818	:
-				
Iceland	50	101	71	55
Norway	1.631	1.662	1.105	585

Footnotes

Data extracted from the Eurostat CIREFI data base (annual data)

Missing (or partly missing) data for the period 2002 - 2005

M1: Luxembourg, United Kingdom, the Netherlands, Romania

Table 2:Refused aliens by the ten main groups of citizens, 2003 – 2005

Refused aliens by ten main groups of citizens, 2003 - 2005			
	Refused aliens in EU25		
	2003	**2004**	**2005**
Morocco	636.316	597.919	591.519

Mauritania	64.150		
Romania	32.356	29.913	34.417
Ukraine	22.006	30.695	33.025
Poland	31.652	12.819	
Russian Federation	23.322	18.013	11.263
Bulgaria	20.013	19.983	20.393
Philippines		19.636	
Yugoslavia, Federal Rep of *)	18.851	10.514	
Belarus	15.854		12.109
Croatia	14.585		7.397
Turkey		12.568	7.835
Serbia & Montenegro		10.568	10.600
China			8.415

Others	163.699	168.030	90.765
TOTAL	**1.042.804**	**930.658**	**827.738**
Top 10 total	**879.105**	**762.628**	**736.973**
% of TOTAL	*84,30*	*81,95*	*89,03*

*) Since February 2003 name changed to "Serbia & Montenegro"

Data extracted from the Eurostat CIREFI data base (annual data)

Missing (or partly missing) data for the period 2003 - 2005:

M1: Luxembourg, The Netherlands and United kingdom

4.2. Category "Illegal presence of aliens"

Definition: "Persons other than those entitled under Community law who are officially found to be on the territory of a Member State having either entered:

- without being in possession of the requisite border documents (passport, residence permit, visa); or
- despite the fact that they were refused entry at the border; or
- despite the fact that they are subject to an entry or residence prohibition;

or, having been given permission to enter, have become liable to expulsion on the grounds of their remaining illegally".

Specification

This purpose of category is to provide for the recording of data in relation to third country nationals who are detected by Member States' authorities and have been determined to be illegally present. The category covers those who have been found to have entered illegally (whether this be by avoiding immigration controls altogether, by employing some sort of deception, such as the use of a fraudulent document, in order to gain entry or by failing to comply with a decision to refuse or prohibit the subject's entry) and those who may have entered legitimately but have subsequently remained on an illegal basis (by, for example, overstaying their permission to remain or by taking unauthorised employment). It is a composite category in order to reflect the fact that not all Member States, for the purposes of collecting such data, distinguish illegal entry cases from other third country nationals found to be illegally present. Where Member States are able to do so they should, in a separate column, provide figures relating specifically to illegal entry.

Table 1: Total number of apprehended aliens illegally present during the period 2002–2005

	Absolute number			
	2002	**2003**	**2004**	**2005**
Belgium	19.998	22.164	20.606	18.400
Denmark	313	1.666	1.414	1.064
Germany	30.631	26.493	22.558	20.270
Greece	43.742	47.915	42.834	58.836
Spain	53.579	55.164	52.798	41.939
France	48.521	54.092	55.283	62.468
Ireland	:	:	:	:
Italy	92.823	59.535	61.024	83.809
Luxembourg	:	:	280	:
Netherlands	10.649	12.189	10.883	10.803
Austria	46.232	43.448	36.879	37.934
Portugal	11.397	17.886	16.020	17.223
Finland	474	1.588	2.949	2.757
Sweden	26.674	27.163	19.877	14.447
United Kingdom	57.740	:	:	:
EU15	442.773	369.303	343.405	369.950
Czech Republic	22.625	23.142	18.675	11.606
Estonia	864	1.716	1.549	2.703
Cyprus	725	3.794	2.535	1.281
Latvia	377	518	366	254

Lithuania	197	502	406	863
Hungary	406	509	488	11.207
Malta	1.854	945	1.723	2.416
Poland	7.549	8.841	8.191	7.045
Slovenia	5.393	4.214	4.214	4.971
Slovakia	3.858	10.257	8.571	4.916
EU10	43.848	54.438	46.718	47.262
EU25	486.621	423.741	390.123	417.212
Bulgaria	400	454	877	1190
Romania	2.713	4.975	4.981	:
-				
Iceland	115	73	63	50
Norway	459	786	979	902

Data extracted from the Eurostat CIREFI data base (annual data)

Footnotes

Missing data for the period 2002 – 2005:
Ireland, Luxembourg, United Kingdom

Table 2: Apprehended aliens by the ten main groups of citizens, 2003 – 2005

	Apprehended aliens in EU25		
	2003	**2004**	**2005**
Romania	38.872	43.805	60.342
Albania	41.789	36.965	52.365
Morocco	35.018	33.913	34.049
Ukraine	34.004	29.156	25.012
Russian Federation	17.930	17.276	13.819
Algeria	14.167	14.620	
Iraq	13.336		14.239
Yugoslavia, Federal Rep. of *)	13.832		
Bulgaria	13.426	11.803	11.260
Serbia & Montenegro			12.530
China	12.243	10.715	

Brazil		10.258	11.984
Moldova, Republic of		10.710	11.206
Others	189.124	170.902	170.406
TOTAL	**423.741**	**390.123**	**417.212**
Top 10 total	**234.617**	**219.221**	**246.806**
% of total	*55,37*	*56,19*	*59,16*

*) Since February 2003 name changed to "Serbia & Montenegro"

Data extracted from the Eurostat CIREFI data base (annual data)

Missing (or partly missing) data for the period 2003 - 2005:

M2: Ireland, Luxembourg and United kingdom

5. REGULARISATION IN SELECTED EU MEMBER STATES

Greece

Year	Number of applicants	Number regularised
1998—White card	370,000	370,000
Green card	228,000	220,000
2001	368,000	228,000

Italy

Year	Number of applicants	Number regularized
1986-1987		118,700
1990		235,000
1995-96	256,000	238,000
1998-99	308,000	193,200
2002	700,000	634,700

France

Year	Number regularised
1981-82	121,100
1997-98	77,800

Spain

Year	Number of applicants	Number regularised
1985-86	44,000	23,000
1991	135,393	109,135
1996	25,000	21,300
2000	247,598	153,463
2001	350,000	221,083
2005	690,679	548,720

Portugal

Year	Number of applicants	Number regularised
1992-93	80,000	38,364
1996	35,000	31,000
2001		170,000

Source: The Regularisation of Unauthorized Migrants: Literature Survey and Country Case Studies. Amanda Levinson, Centre on Migration, Policy and Society, University of Oxford 2005.

3,752,565 persons have been regularised in these five EU countries since the early 1980s. This does not necessarily concern an equal number of irregular migrants, as the same person may have been subject to different regularisation procedures (if after a period of time the person has fallen once again in irregularity). Other EU countries have also used regularisations in the past. Regularisation figures point to a fundamental dysfunction in the system for admission of migrants in many EU Member States: Migrants enter irregularly to fill the gaps in the labour market because legal ways to do so are very limited and ineffective. Usually, irregular migrants work in the 'hidden' economy, as evidenced by the latest Spanish regularisation campaign.