



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ
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Informal Meeting of the Justice and Home Affairs Ministers

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DISCUSSION PAPER – SESSION I (23/07/2012)

3RD ANNUAL REPORT ON IMMIGRATION AND ASYLUM

Overview

The Commission's Third Annual Report on Immigration and Asylum (2011)¹ and accompanying Commission Staff Working Document² published on 1 June 2012, gives a forward-looking analysis plus a factual overview of the situation of migration, including references to asylum, trafficking in human beings and travelling within the Schengen area in 2011. It provides a comprehensive analysis of the developing trends in migration and asylum and portrays the migration picture in the EU from a statistical perspective (see [Annex](#)). The report also reflects on the impacts on migration policy in view of the economic crisis and migratory pressures at the EU's external borders, including as a result of the Arab Spring. The Commission's Report is divided into the following components that take into account thematic areas including:

- Promoting legal migration and the management of legal migratory routes with a view to enhancing economic growth in the EU taking into account the priorities, needs and reception capacities of EU Member States and encouraging the effective integration of migrants;
- Tackling illegal immigration to ensure that migrants without legal authorisation to reside in an EU Member State return to their country of

¹ COM (2012) 250 final.

² SWD (2012) 139 final.

origin or transit, notably in the framework of the *EU Action on Migratory Pressures – A Strategic Response*;

- Improving border controls to ensure the effective control of the Union's external border by, *inter alia*, strengthening cooperation with countries of origin and transit and increasing support for FRONTEX;
- International protection in the 21st century, including achieving a Common European Asylum System by 2012 and enhancing solidarity in the field of asylum which reinforces practical, technical and financial cooperation among Member States and addressing trafficking in human beings.

The 2011 Annual Report follows on from a series of developments in immigration and asylum in the EU that have led to conclusions by the European Council and the Justice and Home Affairs Council in June and December 2011 in order to set the direction for the EU's migration policy. Many of the recommendations in the Annual Report build upon these conclusions and consider further measures for implementation of policies that have been agreed by Ministers over the past year and indeed in the 2009 Stockholm Programme.

Eurobarometer on Home Affairs

The report is also accompanied by a Eurobarometer survey on European citizens' attitudes towards cross border mobility, migration and security (see Annex). The opinion poll was carried out in the 27 EU Member States in December 2011 and supports the need for a more coherent migration policy which responds to both long term and short term needs, whilst at the same time providing channels for legal migration and mobility.

Informal SCIFA

The Commission's 3rd Annual Report on Immigration and Asylum was discussed at the Informal meeting of the Strategic Committee on Immigration, Frontiers and Asylum in Nicosia on 2-3 July 2012. At the meeting, delegates welcomed the Commission's report and gave their views on future priorities in the field of migration and asylum in the period immediately ahead.

The Presidency, on the basis of that preparatory discussion, has drawn the following initial conclusions:

- There was recognition that legal migration policies should continue to be based on the needs of the labour market and that selective and targeted migration can, in particular by attracting highly qualified workers, contribute to economic growth. The importance of integration measures in maximising the potential of legally resident third country nationals was also stressed in this connection.
- The new *EU Action on Migratory Pressures - A Strategic Response* was seen as an important tool in responding to migratory pressures and helping ensure the most comprehensive response possible. The focus for the purpose of the first updating should be on reporting on the implementation of the existing measures as well as such limited updating of those measures by reference to developments in the intervening period.
- Support should continue to be provided to those Member States facing particular pressures at the external borders while the further development of the integrated border management concept should be explored through a smart borders package which would bring real added value.
- There was a strong commitment to completing the Common European Asylum System by the end 2012 deadline by bringing the negotiations on the outstanding legislative measures to a successful conclusion.
- Dialogue and cooperation with third countries consistent with the framework established by the extended Global Approach to Migration and Mobility should be taken forward.
- The potential of migration policies to contribute to the fight against trafficking in human beings as part of an integrated strategy should continue to be explored.

Next Steps

It is clear that the EU is currently facing significant challenges. The ongoing economic crisis will for the time being, continue to impact on policies which promote legal migration to the EU. Therefore, it is important to ensure that migration and mobility supports economic growth and that integration measures are effective in preventing exclusion of migrants from the labour market. The

Presidency notes that in order to encourage growth within the EU, legal migration channels could be promoted further. However, any further steps to maximise the positive effects of migration to the EU should be built upon a balanced immigration policy that is flexible to the labour market demands and also tackle illegal immigration and abuse of legal migratory routes. The Presidency also notes that in order to maximise the developmental impact of migration and mobility, the EU should further strengthen, and adjust where necessary, its relationship and cooperation with neighbouring countries. The Global Approach to Migration and Mobility provides the overarching framework for this.

Since 2010, two Directives have been initiated which contribute to the development of migration policy; the Directive on Intra-Corporate Transferees and the Seasonal Workers Directive. Negotiations have progressed in recent months on these two instruments, with a general approach reached in Council on the former instrument earlier this year while on the latter however, some difficulties still remain and need to be analysed further by the Council. It is considered that these instruments, along with those previously adopted as part of the 2005 Policy Plan on Legal Migration, have the potential to enhance growth and to reinforce EU competitiveness, improve the ability to deliver on the goals of the Europe 2020 Strategy and ensure equal access and opportunity to all relevant stakeholders. Therefore it is important to make progress on these dossiers in order to finalise negotiations in Council as well as with the Parliament this year so that they may also form part of the legal migration package.

Discussion Points

Against this background, the Presidency would like to invite Ministers to respond to the following questions:

- 1. What should be the Council's priorities in the period immediately ahead in the light of the findings in the Annual Report?***
- 2. Given the current economic challenges posed by the on-going economic crisis how could we better utilise the positive contributions of migration and mobility to the Union's growth agenda? How can integration policies contribute to this effort?***
- 3. In what ways can the EU optimise the link between migration and development in its relations with third countries with a view to better managing migration flows and preventing and combating illegal immigration?***

Statistical Overview of Immigration and Asylum in the EU³

- 20.2 million third country nationals are in the EU, around 4% of the total EU population (502.5 million) and 9.4% of the estimated 214 million migrants worldwide;
- around 10% is the overall EU unemployment rate, equating to 23.8 million citizens, and increasing to 22.1% for youths (under 25), while, at the same time many Member States are experiencing labour and skills shortages in different sectors and for varying reasons;
- 58.5% was the average employment rate of third country nationals aged 20-64 was, compared to 68.6% of the total population aged 20-64 (2010);
- 343 000 persons were refused entry to the EU, a decrease of 13% from 2010;
- 468 500 persons were apprehended, a decrease from 2010 when it was about 505 000);
- 190 000 third country nationals were returned (15% less than in 2010);
- 302 000 asylum applications filed in Member States, a significant increase of 16.8% compared to 2010, but far below than the peak of 425 000 applications received in 2001;
- 12 230 asylum applications filed by unaccompanied minors, 1 530 more than in 2010, when there were 10 700 such applications;
- 12.7 million Schengen visas were issued, the majority in the Russian Federation (40.7%), followed by the Ukraine (8.7%), China (8.1%) and Turkey (4.7%).

European citizens' attitudes

The Eurobarometer survey⁴ notes that:

- 68% thinks that legal immigrants should have the same rights as their own national citizens,

³ A detailed Statistical Annex with a breakdown by Member State is also given in SWD(2012) 139 final.

⁴ *EU Commission Special Barometer Summary: An Awareness of Home Affairs*, December 2011, http://ec.europa.eu/public_opinion/archives/ebs/ebs_380_sum_en.pdf#zoom=100

- 42% think the EU should encourage labour migration from non EU countries to help tackle demographic challenges and labour shortages, with 46% disagreeing,
- 80% think that the EU should increase its assistance to Member States to handle irregular migration,
- 78% think that the cost of handling irregular migration should be shared among EU Member States,
- 53% think that immigration enriches EU countries economically and culturally,
- 60% think immigrants may face integration difficulties because of discrimination,
- 80% thinks that EU Member States should offer protection and asylum to those in need,
- 80% think that the number of asylum seekers should be more equally shared among EU Member States,
- 57% agree that it should be easier for non EU citizens to travel to the EU for tourism or business,
- 67% think it is important to travel within the EU without internal border controls,
- 93% think it is important that the EU addresses trafficking in human beings.