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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the implementation of Regulation (EC) No 862/2007 on Community statistics on
migration and international protection**

(Text with EEA relevance)

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1. INTRODUCTION

The main objective of Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection¹ (hereinafter also referred to as 'the Regulation') is the collection and compilation of European statistics on migration and international protection.

This is the first report that the Commission is required to submit to the European Parliament and the Council according to Regulation (EC) No 862/2007.

In particular, its Article 12 states that '*By 20 August 2012 and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and on their quality.*'

This report documents the degree of progress that has been made by Member States, together with the Commission (Eurostat), in the implementation of the above Regulation.

2. STATISTICS COVERED BY THE REGULATION

Regulation (EC) No 862/2007 concerns the compilation of European statistics related to migration and international protection (asylum). The principle areas of statistics governed by the Regulation are:

- International migration flows disaggregated by group of citizenship, group of country of birth, group of country of previous/next residence and by age and sex; population stocks disaggregated by group of citizenship and group of country of birth and by age and sex, acquisition of citizenship by country of previous citizenship (Article 3);
- Asylum applications, decisions at first instance and on appeal granting or withdrawing different forms of international protection status, asylum applications by unaccompanied minors, disaggregated by citizenship; and statistics on the operation of the 'Dublin' arrangements for the transfer of asylum applicants between Member States (Article 4);

¹ OJ L 199, 31.7.2007, p. 23.

- Third country nationals refused entry to the Member State at the external border, third country nationals found to be illegally present under national immigration legislation, disaggregated by citizenship (Article 5);
- Residence permits issued to third country nationals, disaggregated by citizenship, length of permit validity and by the reason (immigration category) for the permit being issued (Article 6);
- Third-country nationals subject to an order to leave the territory of the Member State under immigration legislation, and third-country nationals recorded as departing after the issue of such an order, disaggregated by citizenship (Article 7).

As part of the implementation process, the Commission has continued to develop and maintain close cooperation with the different national authorities involved in the production and supply of data for the Regulation. The statistics on migration flows and population stocks are generally supplied to the Commission (Eurostat) by the National Statistical Institutes (NSI). Statistics on residence permits and asylum are usually supplied directly by Ministries of Interior or immigration services. Statistics on border controls and the removal of unauthorised migrants may also be provided by Ministries of Interior or immigration services, or by police authorities.

The main characteristics of these statistics are provided in Table 1 below.

Table 1: Main characteristics of these statistics

	Article 3 Migration flows, population stocks, acquisition of citizenship	Article 4 Asylum	Articles 5 and 7 Enforcement of immigration legislation	Article 6 Residence permits
Geographical coverage	35 countries (31 EU/EFTA countries + ME+HR+MK+TR)	31 EU/EFTA countries	31 EU/EFTA countries	31 EU/EFTA countries
First year of data collection	2008	2008	2008	2008
Frequency	Annual	Monthly/quarterly/annual	Annual	Annual
Deadline for data transmission	12 months after the end of the reference year	2 months after reference period (RP) for monthly/quarterly data 3 months after RP for annual data	3 months after the end of the reference year	6 months after the end of the reference year
Data providers	National Statistical Institutes	Ministries of Interior (or related Immigration Agencies)	Ministries of Interior, Immigration Agencies or Border Police.	Ministries of Interior (or related Immigration Agencies)

3. IMPLEMENTING LEGISLATION

Regulation (EC) No 862/2007 lays down the common framework for compilation of statistics on migration and international protection. However, in order to produce comparable data harmonised between Member States, it was necessary to complement it with two associated implementing measures adopted by the Commission:

- Commission Regulation (EU) No 216/2010² defines the categories of reasons for residence permit issue for the statistics supplied under Article 6 of the Regulation. The reasons for permit issue relate to the immigration categories and sub-categories under which third country nationals are permitted to reside (for example, persons permitted to reside for employment reasons, with a sub-category for those permissions granted under highly-skilled worker programmes);
- Commission Regulation (EU) No 351/2010³ defines the groups of country of birth, groups of country of previous usual residence, groups of country of next usual residence and groups of citizenship for the migration flow and population stock statistics supplied under Article 3 of the Regulation.

4. HISTORICAL BACKGROUND

Many of the statistics covered by the Regulation had been collected on a voluntary basis for a number of years prior to the Regulation coming into force. With the adoption of the Regulation, significant changes were made to the content and definitions of these statistics to ensure that they more closely met the evolving needs of users.

Prior to the implementation of the Regulation, European migration statistics were characterised by poor data availability and a low degree of harmonisation. In many cases, basic EU level aggregates could not meaningfully be produced as the component national data were either not available for some Member States or were prepared using widely differing statistical definitions. The lack of harmonisation meant that analyses and comparisons of data relating to different Member States were unreliable and potentially misleading. This implied that an important area of European public policy lacked appropriate statistics to inform evidence-based decision making.

The need for a better collection and analysis of statistics on migration and asylum was noted in the conclusions of the Thessaloniki European Council in 2003. In the same year, the European

² [Commission Regulation \(EU\) No 216/2010 of 15 March 2010](#) implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection, as regards the definitions of categories of the reasons for the residence permits. (OJ L 66, 16.3.2010, p. 1).

³ [Commission Regulation \(EU\) No 351/2010 of 23 April 2010](#) implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection as regards the definitions of the categories of the groups of country of birth, groups of country of previous usual residence, groups of country of next usual residence and groups of citizenship. (OJ L 104, 24.4.2010, p. 37).

Parliament noted the need to introduce specific European statistical legislation to ensure the production of comprehensive statistics necessary for the development of fair and effective European policies on migration. This situation led to the preparation of the Commission legislative proposal for this Regulation.

5. QUALITY OF THE STATISTICS PRODUCED

5.1. Relevance to users

Within the Commission, the main user of migration and asylum statistics is DG Home Affairs. However, these statistics are also frequently used by other Directorates General, in particular, by DG Employment, Social Affairs and Inclusion and by DG Justice.

One important use of the statistics has been as part of the annual allocation of the budgetary envelope for each Member State for the *Solidarity and Management of Migration Flows* Funds. In accordance with the legislation establishing the Funds, the annual budgetary allocation is based primarily on migration and asylum-related statistics collected by Eurostat. The statistics necessary for the Funds are now almost completely covered by the Regulation. A particular advantage of this is the increased availability of comprehensive metadata for these statistics, allowing the Commission to more readily assure that the statistics used for the allocation are in-line with the concepts and requirements set in the legislation for the Funds.

The statistics are used in several publications of the Commission, as well as in the preparation of regular reports, policy proposals and analysis. For example, the Commission's Annual Report on Immigration and Asylum⁴ uses these statistics as a means to quantify progress made towards the implementation of the 2008 European Pact on Immigration and Asylum and to highlight recommendations for further actions. Focussing specifically on immigration, the 2011 Commission Communication on Migration⁵ draws extensively on these statistics, both within the text and in separate statistical Annexes. Similarly, in the field of asylum, the Commission Communication on enhanced intra-EU solidarity⁶ presents detailed statistics on asylum and other forms of international protection supplied to and published by Eurostat. Eurostat's migration statistics are also important for publications such as the European Commission's Demography Report⁷ and for reports on the socio-economic situation of migrants in Europe.⁸

⁴ Communication from the Commission to the European Parliament and the Council: Annual Report on Immigration and Asylum (COM(2011) 291 final)

http://ec.europa.eu/home-affairs/news/intro/docs/110524/291/1_EN_ACT_part1_v8.pdf

⁵ Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: Communication on Migration (COM(2011) 248 final)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0248:FIN:EN:PDF>

⁶ Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: Communication on enhanced intra-EU solidarity in the field of asylum (COM(2011) 835 final)

http://ec.europa.eu/homeaffairs/news/intro/docs/201112/1_EN_ACT_part1_v6.pdf

⁷ Commission Staff Working Paper: Demography Report 2010 - Older, more numerous and diverse Europeans

http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KE-ET-10-001

Migration and asylum statistics are also used by the European Migration Network (EMN)⁹ as a basis for its annual EU- and national-level statistical and analytical reports. The statistics also provide an input to the EMN studies and reports that address specific issues of current policy importance.

A further European-level use of these statistics has been to support the work of migration-related European Union agencies such as the External Borders Agency (FRONTEX) and, more recently, the European Asylum Support Office (EASO).

The statistics collected under the Regulation are widely used in official publications and by a wide range of users. In addition to publication on the Eurostat website and on-line dissemination database, there are regular Eurostat quarterly and annual publications that provide updated statistics and statistical commentary. The statistics produced under the Regulation are regularly used by national administrations, academic researchers and civil society groups working on a wide range of topics including the integration of immigrants, the development and monitoring of national asylum and immigration procedures, and the projection of the future population and labour force.

Certain statistical needs related to migration and asylum that are not met fully by the statistics collected under the Regulation are covered by ongoing "*Gentlemen's agreements*" with national data suppliers. For example, this arrangement applies to statistics on *New Asylum Applications* (as opposed to *Total Applications*).

This practice can continue to be applied in the future to help meet new needs for statistics that may arise in the context of new legislation, and until such legislation is in force, for instance on asylum-seekers and persons enjoying international protection, seasonal workers, intra-corporate business transfers, students and researchers, as well as for data categories not covered by EU legislation but which are necessary for the development of EU migratory policies.

The shortcomings concerning the limited statistical data on unaccompanied minors were addressed in the context of the revision of the Guidelines for data collection under Article 6 of the Migration Statistics Regulation. The revised Guidelines, finalised on 11 January 2011, enable Eurostat to collect data on unaccompanied minors other than those applying for asylum.

An indicator of the relevance of the migration data to Eurostat's users is the number of data or publications downloaded from the Eurostat's website up to 2011.

The figures presented in table 2 highlight that the migration (followed by the asylum) data collection are the most widely accessed data. They show an increase from 2010 to 2011 in the data accessed by users.

⁸ Migrants in Europe: a statistical portrait of the first and second generation
http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-31-10-539

⁹ Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p.7)

Table 2: Number of accesses to Eurostat publications and data sets via the Eurostat web site, 2010 and 2011

Data collections	Article 3 Migration population stocks, acquisition of citizenship	Article 4 Asylum	Articles 5 and 7 Enforcement of immigration legislation	Article 6 Residence permits	TOTAL
2010	26753	12452	3518	4709	47432
2011 (January to October)	48917	10862	3881	3862	67522

5.2. Accuracy of the data sent to Eurostat

Direct measures of the accuracy and reliability of the statistics collected under the Regulation are not straightforward. Certain indications of the reliability of the data in relation to compliance with definitions can be based on the comparability and coherence of the data as considered in 5.5 below.

The accuracy of the data collected under Articles 4-7 of the Regulation (and in many Member States under Article 3) depend on the accuracy and efficiency of the underlying administrative systems. The widespread redevelopment of administrative systems related to asylum and immigration controls, as well as for the registration of the population, has therefore had a strongly positive impact on the accuracy of the statistical data. Many Member States have introduced more integrated and comprehensive administrative systems that make use of modern IT and communication methods. For example, border control activities are, by their nature, geographically spread and often undertaken by several different authorities. The integration of administrative systems has reduced the risk that actions (such as a decision to refuse entry at a remote border crossing) are not correctly counted and are not included in the overall national-level data. More sophisticated systems have also reduced the risk of over-counting, such as by helping to identify where a person has already made an asylum application (and so should therefore not be counted again as a first asylum applicant). Similarly, the redevelopment of population registration systems has helped to ensure that information on persons (who often provide information at a local or regional office) will be correctly and rapidly included in national level data. The linking of records across local level systems has also in some cases, provided a means to better count emigration.

Member States have kept Eurostat informed of ongoing changes to administrative systems and have sought advice and confirmation that the data would meet the requirements of the Regulation.

Problems of missing and incomplete data do still occur. These problems can vary from the total non-supply of any data covered by an article of the Regulation in the worst cases, to the non-availability of a specific table or disaggregation. Where disaggregations are lacking, this has often been caused by the non-recording of certain information in the administrative systems that are frequently used as data sources. This has occurred, for example, in the non-availability (or limited availability) in some Member States of age and sex information taken from administrative records related to immigration and asylum cases. A number of national authorities have introduced improved procedures to ensure that the necessary information is gathered as part of the immigration administrative process and better computing systems to allow this information to be readily accessed to be included in the statistical data.

Non-compliance follow-up measures have been launched by the Commission in response to the most serious cases of missing or incomplete data – where for example, no data have been supplied by a country in response to a data collection.

Actions undertaken have demonstrated that a large majority of Member States make a serious effort to be compliant. In addition, in several cases, a solution to the difficulties could be found thanks to reciprocal collaboration between the national authorities and Commission's services.

Table 3 highlights that completeness of the data is an issue mainly for residence permit information.

Table 3: Overview of data completeness for each domain (2011 data)

Article 3 Migration, population stocks, acquisition of citizenship	Article 4 Asylum	Articles 5 and 7 Enforcement of immigration legislation	Article 6 Residence permits
- Complete data for 26 countries - Incomplete data for 3 countries - No data for 2 countries	- Complete data for 24 countries - Incomplete data for 6 countries - No data for 1 country	- Complete data for 26 countries - Incomplete data for 4 countries - No data for 1 country	- Complete data for 22 countries - Incomplete data for 5 countries - No data for 4 countries

5.3. Timeliness

Depending on the type of data concerned, the data covered by the Regulation need to be supplied between 2 and 12 months after the end of the reference period.

Particularly in the first reference years of the Regulation, a number of Member States faced serious difficulties in meeting the timeliness requirements. These problems have largely been overcome through the introduction of new statistical methods and procedures at national level. Some remaining timeliness issues are isolated, non-recurring, cases; for example, due to staff changes or disruption caused by changes to computing systems. Some more systematic timeliness issues do remain in particular Member States and mainly for the Enforcement of Immigration Legislation and for the Residence Permits data collections, but work is ongoing to resolve these.

Table 4: Overview of the number of countries not providing timely data for each domain

Article 3 Migration, population stocks, acquisition of citizenship	Article 4 Asylum	Articles 5 and 7 Enforcement of immigration legislation		Article 6 Residence permits
		Article 5	Article 7	
1 out of 29 (No data supplied by 2 countries)	2 out of 30 (No data supplied by 1 country)	16 out of 30 (delay between 1 to 365 days) (No data supplied by 1 country)	15 out of 31 (delay between 1 to 29 days) (No data supplied by 2 countries)	9 out of 27 (delay between 1 to 35 days) (No data supplied by 4 countries)

5.4. Accessibility of the released data

The migration data (and meta-data) for all four domains are available free of charge on Eurostat website under the theme '*Population and social conditions*'. The data are included in compendium publications such as the Eurostat Yearbook¹⁰, as well as detailed publications focussed on specific migration-related topics¹¹. The 'Statistics Explained' article *Migration and*

¹⁰ http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-CD-11-001

¹¹ For example, see the Eurostat Statistics in Focus Publications such as Asylum applicants and first instance decisions on asylum applications: second quarter 2011 - Issue number 11/2012 http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-SF-12-011 or Immigration to EU Member States down by 6 % and emigration up by 13 % in 2008 - Issue number 1/2011

*migrant population statistics*¹² on the Eurostat website has consistently been among the ten most frequently viewed articles.

The timely and more complete supply of data under the Regulation has, in turn, helped Eurostat to improve the timeliness of its data processing and dissemination. The time delay between data being received by Eurostat and validated data being published on the Eurostat public dissemination database has decreased significantly as the Regulation has been implemented. For example, the monthly data on asylum applications are now normally released within 4 days or less.

The statistics are also published at national level.

5.5. Comparability and coherence

5.5.1. Definitions

To ensure comparability in the statistics produced, the Regulation establishes harmonised definitions to be applied to the data supplied to the Commission (Eurostat). These definitions are based on United Nations statistical recommendations, as well as existing European legislation relating to asylum, residence permits and controls of the external border.

The Regulation permitted national authorities to apply existing national definitions to the data supplied for the first year of operation of the Regulation (data relating to 2008). This was to allow national authorities additional time to make necessary changes to procedures to comply with the harmonised definitions.

As national authorities have implemented changes in the statistical definitions, there has been a short-term loss of comparability between data for different years, resulting in breaks in the statistical time series. However, in the medium to long-term, comparability will be greatly enhanced by the use of fixed harmonised definitions.

The application of the harmonised definitions, and the adjustment of data from national sources to meet these definitions, can be complex. Often the national definitions correspond to administrative practices and rules.

Definitional problems have been hardest to address with the migration flow and population stock statistics covered by Article 3 of the Regulation. It is for these data that the greatest differences occur between national systems in terms of the data sources used. For a few countries, it has been difficult even to identify appropriate data sources for these data. Seven countries were unable to use the 12-month time criteria for defining immigration/emigration flows, for example, because the national statistical definition of a migration (as opposed to a visit) was based on a three-month criteria (a migrant needing a residence permit for a stay in excess of three months).

¹²

http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_population_statistics

For Articles 5 and 7 on the Enforcement of Immigration Legislation, 11 countries potentially deviated from the standard definition in that they were not able to confirm that the statistics counted persons instead of administrative decisions or/and that persons were counted only once in the same category within the reference year.

5.5.2. Data sources

Comparability between countries is hampered by the fact that Member States vary greatly in terms of the data sources used to produce statistics on the migration and residence of both EU citizens and third country nationals. The Regulation allows Member States to base the statistical data supplied on any appropriate data source according to national availability and practice. The statistics compiled under the Regulation are based on data taken from border and household surveys, population registers and administrative records relating to border controls, asylum procedures and the granting of permissions to reside in the Member States' territories.

In practice, these differences in data source impact only on the annual statistics on migration flows and population stocks supplied under Article 3 of the Regulation. As can be noted in Table 5 below, the statistics supplied under the other articles of the Regulation are all based on administrative data sources. The increased degree of harmonisation in the management of immigration and asylum systems in the EU (for example, through the implementation of the Common European Asylum System) has helped to ensure that these administrative sources and the resulting statistical data are highly comparable.

Article 9(1) of the Regulation also allows for the use of '*scientifically based and well documented statistical estimation methods*' as part of the statistical production process. Such estimations can be made where directly observed data are not available or, for example, where data from available national sources have to be adjusted to meet the required definitions. Statistical estimations have long been used in a number of countries as part of the production process for official statistics on migration, particularly where survey data sources are predominantly used. The intention of this provision was to ensure that, where national authorities continued to use estimations, the procedures used for the estimation should be transparent and clearly documented. Estimations are generally used only in the preparation of the statistics collected under Article 3 of the Regulation.

Table 5: Overview of data sources

Article 3 Migration	Article 4 Asylum	Articles 5 and 7 EIL (Enforcement of immigration legislation)	Article 6 Residence permits
Population register; Register/database of foreigners; Residence permit register/database; Work permit register/database; Border sample survey; census;	Administrative sources	Administrative sources	Administrative sources

household sample survey; estimation method; other			
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5.5.3. *Coherence*

Where comparisons are possible, the results indicate a high degree of coherence with data collected and published in other exercises and by other authorities. Any differences between the data supplied to Eurostat and the statistics published by national authorities can be explained by differences in definition where, for example, Member States have chosen to retain existing definitions in the nationally published statistics. The statistics on the resident population stock collected under Article 3 of the Regulation are coherent with the population stock statistics collected separately by Eurostat as part of its demographic statistics. For the asylum statistics (Article 4), taking into account specific differences in definition, the data match closely comparable data published by the statistical department of the United National High Commissioner for Refugees.

5.6. **Further steps to improve quality**

In addition to the data required under the Regulation, Member States must supply detailed metadata explaining, among other aspects, the data sources and procedures, any estimation or modelling processes which are applied to the data, and the possible effects of these on the degree of compliance with the definitions in the Regulation. Member States have complied well with this requirement to supply detailed metadata.

Article 10(2) of the Regulation allows for the introduction of a Commission implementing regulation 'laying down the rules on accuracy and quality standards'. However, given that the methods used by Member States for the production of statistics covered by the Regulation are still evolving, and that the levels of quality and accuracy are still improving, it would be premature at this stage for the Commission to formulate a proposal for such an implementing regulation. Therefore, the Commission plans to proceed by way of a gentlemen's agreement, applying specific agreed standards and tests to be used for the period 2013-2015 in assessing whether the data are of sufficient quality for publication. This approach is intended to ensure that a subsequent implementing regulation would be both realistic and feasible, and would apply the highest possible quality standards. Recommendations for the content and scope of an implementing regulation on quality and accuracy standards will form part of the next report to the European Parliament and the Council on the operation of the Regulation (due in August 2015). Reports by the Member States on the quality of the data submitted (as required under Article 12(3) of the Regulation on European statistics (Regulation (EC) 223/2009)) will provide further information for the preparation of an implementing regulation.

The Commission has established a task force comprising experts on migration statistics from six National Statistical Institutes to assist it in preparing the specific quality standards to be applied to the data from the different data collections covered by the Regulation.

6. COSTS AND BURDEN OF MIGRATION STATISTICS

The types of statistics required under the Regulation are needed also for national purposes, such as for the management of the national system for processing asylum applications or for the monitoring of border control policies. In almost all cases, the data used to produce the statistics are based on existing administrative and statistical systems. The specific burdens placed by the Regulation on national authorities are therefore related to the need to prepare particular disaggregations or tables that might not otherwise have been produced, and to the need to apply the harmonised statistical definitions and concepts. For some national authorities, this resulted in one-off costs associated with the necessary adaptations to methods, procedures and systems.

The extent of the additional burdens varied between Member States according to the degree of similarity between the existing national systems for migration statistics and the requirements of the Regulation. However, in most Member States and for most of the statistics covered by the Regulation, the additional costs and burden are believed to be relatively limited and to be proportionate to the benefits obtained at both EU and national level of having more complete and better harmonised migration statistics.

7. COMPLIANCE MONITORING

The implementation of the Regulation has resulted in increases in the completeness and degree of harmonisation of European statistics on migration and international protection. However, despite these improvements, further work is still needed for some of the statistics collected and in some of the Member States. The Regulation covers four major data collections that each present specific methodological difficulties. Discussions with national data suppliers during the preparation of the Regulation showed that the implementation process would need to be undertaken in an iterative manner, with ongoing improvements taking place over a number of years. There must though be continuing efforts to ensure that the implementation is fully completed and that remaining problems of non-compliance with the Regulation are overcome.

8. CONCLUSION

Regulation (EC) No 862/2007 has resulted in very great improvements to European statistics on migration and international protection. The data supplied by national authorities to the Commission are more complete and, in most cases, are now based on comparable statistical definitions. There has been a corresponding increase in the use made of these statistics by official bodies at European and national level, by non-governmental bodies and by the citizen.

Given the wide range of statistics collected under the Regulation, and the conceptual and methodological complexities of the statistical topics covered, it was to be expected that the implementation process would take time and present a number of difficulties. Many of the problems identified early in the implementation of the Regulation have been solved. However, significant weaknesses remain in the data supplied by some Member States mostly in terms of non-availability of certain key statistics, in providing timely data for some domains, and in the incorrect application of the harmonised statistical definitions.

The data required under the Regulation should reflect the evolving needs of the users, taking into account the capacity of the data providers. This could lead to future amendments of the Regulation in order to add new data categories or specific disaggregations and/or eliminate data requirements whenever they are considered less useful.

There must be renewed and concerted efforts to overcome the remaining problems with these statistics. This will require continuing communication and cooperation between the relevant national authorities and the Commission.