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Sort: Sort by date
Keyword: "admission of aliens"

39 result(s)

Creation date: 23-02-2020
Interoperability between EU border and security information systems

Publication type: Briefing  
Date: 14-06-2019  
Author: KATRIEN LUYTEN | Sofija VORONOVA  
Policy area: Area of Freedom, Security and Justice | Adoption of Legislation by EP and Council  
Keyword: border control | drafting of EU law | area of freedom, security and justice | exchange of information | personal data | admission of aliens | external border of the EU | visa policy | biometrics | EU migration policy | information system | Schengen Agreement | data protection  
Summary: To enhance EU external border management and internal security, the European Commission has made several proposals to upgrade and expand European border and security information systems. As part of a broader process to optimise their use, the Commission presented legislative proposals for two regulations in December 2017 (amended in June 2018), establishing an interoperability framework between EU information systems on borders and visas, and on police and judicial cooperation, asylum and migration. After completion of the legislative procedure at first reading in the Parliament and in the Council, the final acts were signed by the co-legislators on 20 May 2019 and published in the Official Journal two days later. Both acts came into force on 11 June 2019. The new rules aim to improve checks at the EU’s external borders, allow for better detection of security threats and identity fraud, and help in preventing and combating irregular migration. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

Legal migration to the EU

Publication type: Briefing  
Date: 07-03-2019  
Author: KATRIEN LUYTEN  
Policy area: Area of Freedom, Security and Justice  
Keyword: third country | migration control | EU migration policy | immigration | occupational migration | family migration | educational exchange | admission of aliens | foreign national | external border of the EU | scientific exchange | Frontex  
Summary: Entering the EU as a non-European is not too difficult for people from stable countries. Those planning to visit one or more EU Member States can get in as a tourist, with or without a visa. If the intention is to live and work for a longer period, they can use the many possibilities offered by labour migration. Regular mobility schemes also include provisions for other categories such as students, researchers, au pairs and voluntary workers. People wishing to join a family member who is already residing legally in the EU might even be eligible for family reunification. However, for people coming from countries at war or where democracy is in serious peril, or who happen to live in a non-EU country after fleeing their own country, or who are simply looking for a better life, the options are more limited. Moreover, even when options exist, gaining access to them is not always possible for people who find themselves in precarious, dangerous or even life-threatening situations. In 2015, a record number of people tried to reach Europe by all means, often risking their lives along their journeys. Although the number of irregular arrivals in the EU is back to pre-crisis levels, immigration remains one of the key concerns of European citizens and is expected to remain a challenge for years to come. In order to address this challenge, the EU has embarked on a process of reform aimed at rebuilding its common asylum policies on fairer and more solid ground, strengthening its external borders by reinforcing the links between border controls and security, and renewing cooperation with third countries on migration issues. A forward-looking and comprehensive European immigration policy, based on solidarity and respect for European values, requires a balanced approach to dealing with both irregular and legal migration. The EU is committed to help create more, safe and controlled channels to migration both to help people in need of protection and to address labour market needs and skills shortages adequately.

Recent migration flows to the EU

Publication type: Briefing  
Date: 16-05-2018  
Author: Giulio SABBATI  
Policy area: Area of Freedom, Security and Justice  
Keyword: political asylum | third country | statistics | immigration | migrant | migratory movement | admission of aliens | foreign national  
Summary: This infographic aims to present the latest available data on migrant flows to the EU in the year 2017. It covers the detection of illegal crossings on the EU's external borders, numbers of deaths of migrants on those crossings, the number of asylum applications in EU Member States and their decisions on those applications. Previous editions of this infographic were issued in September 2015 (PE 565.905), April 2016 (PE 580.893), February 2017 (PE 595.918) and December 2017 (PE 614.604).
Interoperability between EU information systems for security, border and migration management

Publication type: Briefing  
Date: 14-02-2018  
Author: Katharina EISELE

Policy area: Area of Freedom, Security and Justice | Security and Defence | Human Rights  
Keyword: visa policy | border control | biometrics | EU migration policy | area of freedom, security and justice | information system | exchange of information | personal data | Schengen Agreement | data protection | admission of aliens | external border of the EU

Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's impact assessment (IA) accompanying the above proposals on (1) borders and visa; and on (2) police and judicial cooperation, asylum and migration, submitted on 12 December 2017 and referred to Parliament's Committee on Civil Liberties, Justice and Home Affairs. In 2016, the European Commission stressed the need for interoperability between EU border and security information systems. Likewise, the Joint Declaration on the EU's legislative priorities for 2018-2019 identified interoperable EU information systems as a key priority. The initiative aims to make information exchange and data sharing between the various EU information systems more effective and efficient, fully upholding fundamental rights, so as to boost the protection of the EU's external borders, improve migration management and enhance internal security. Interoperability is not a new topic, already in 2004 the European Council called for enhanced interoperability between the Schengen Information System (SIS) II, the Visa Information System (VIS) and Eurodac (the EU asylum fingerprint database).

The implications of the United Kingdom's withdrawal from the European Union on readmission cooperation

Publication type: Briefing  
Date: 06-02-2018  
Author: MIGUEL TELL CREMADES | BENJAMIN HULME

Keyword: third country | stateless person | United Kingdom | EU Member State | area of freedom, security and justice | return migration | refugee | EU law | withdrawal from the EU | admission of aliens

Summary: This briefing investigates the implications of the United Kingdom’s withdrawal from the European Union in the area of readmission policy as part of the wider Area of Freedom, Security and Justice. The authors examine the UK’s current engagement with the EU’s readmission policy and the asymmetrical nature of the impact of the UK’s withdrawal. They also map the potential future relationship on readmission and, using existing models of cooperation with third countries, set out how this can be structured within the future relationship agreement.

Recent migration flows to the EU

Publication type: Briefing  
Date: 15-12-2017  
Author: Joanna APAP | Giulio SABBATI

Policy area: Area of Freedom, Security and Justice  
Keyword: third country | statistics | Africa | EU migration policy | integration of migrants | right of asylum | Western Balkans | admission of aliens | foreign national | illegal migration | external border of the EU

Summary: This infographic aims to present the latest available data on migrant flows to the EU in the years 2016 and 2017. It covers the detection of illegal crossings on the EU's external borders, numbers of deaths of migrants on those crossings, the number of asylum applications in EU Member States and their decisions on those applications. Previous editions of this Infographic were issued in September 2015 (PE 565.905), April 2016 (PE 580.893) and February 2017 (PE 595.918).

What has the European Union done in the field of migration since 2014?

Publication type: Briefing  
Date: 15-06-2017  
Author: Kristiina MILT | Sabrina SAOUDI | IOANNIS PAPAGEORGIOU | Sarah Salome SY | Daniela ADORMA DIAZ | Rosa RAFFAELLI

Policy area: Area of Freedom, Security and Justice | Development and Humanitarian Aid | Security and Defence  
Keyword: political asylum | child | rights of aliens | migrant | powers of the institutions (EU) | children's rights | admission of aliens | external border of the EU | stateless person | child of migrant | EU office or agency | EU migration policy | integration of migrants | Frontex

Summary: In response to the migration challenge, on 13 May 2015 the European Commission presented the European Agenda on Migration, with the aim of setting out a comprehensive approach for improving the management of migration in all its aspects. Several implementation packages under the Agenda have already been adopted and the measures therein are starting to be deployed; legislative proposals have also been made and are currently being discussed in Parliament and Council.

Briefing EN

Source: © European Union, 2020 - EP
European Parliament’s positions on key issues related to asylum and migration

Publication type Briefing
Date 15-06-2017
Author Sabrina SAoudi | Sarah Salome SY | Daniela ADorna DIAZ | Rosa RAFFAELLI
Policy area Area of Freedom, Security and Justice | Evaluation of Law and Policy in Practice | Development and Humanitarian Aid | Security and Defence
Keyword child | powers of the EP | rights of aliens | right of asylum | migrant | refugee | children’s rights | admission of aliens | stateless person | child of migrant | EU migration policy | integration of migrants | European Parliament
Summary This briefing presents a short summary of the positions taken by the European Parliament on issues related to migration and asylum in its most recent relevant Resolutions. It has been prepared for the high-level conference on migration management which takes place on 21st June 2017.

Briefing EN

Potential and Challenges of Private International Law in the Current Migratory Context - Experiences from the Field

Publication type Briefing
Date 12-06-2017
External author Martina Erb Klünemann
Keyword child | EU Member State | rights of aliens | right of asylum | migrant | refugee | children’s rights | admission of aliens | stateless person | child of migrant | Germany | EU migration policy | integration of migrants
Summary •The rights of the child (Art. 3, Convention on the Rights of the Child, Art. 24, EU Charter of Fundamental Rights) are well ensured by the German approach to treat unaccompanied minors first and foremost as children in need of protection. •The responsibility of the youth authorities (Jugendamt) to give shelter has priority. •The immediate legal representation of an unaccompanied child is guaranteed by the right of the youth authorities to act as first representatives of the child. The family court then appoints an appropriate guardian. •As it is not always advisable to apply for asylum, the representative of the child has to decide on the application in order to clarify the child’s perspective. •Amendments and interdisciplinary practical action plans already improved the situation of unaccompanied minors. There is still a need for clarification and improvements.

Briefing EN

Tourism

Publication type EU Fact Sheets
Date 01-06-2017
Author ESTEBAN COITO GONZALEZ
Policy area Tourism
Keyword equitable tourism | travel | EU action | tourism policy | admission of aliens | sexual tourism | hotel industry | tourist profession | regional development
Summary Since December 2009, tourism policy has had its own legal basis. However, it still does not have a separate budget either under the ongoing multiannual financial framework (MFF) for 2014-2020 or in the latest proposal for the 2021-2027 MFF.

EU Fact Sheets BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, HR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV

European information systems in the area of justice and home affairs: An overview

Publication type In-Depth Analysis
Date 11-05-2017
Author Costica DUMBRAVA
Policy area Area of Freedom, Security and Justice
Keyword third country | European security | exchange of information | personal data | admission of aliens | external border of the EU | threat to national security | Schengen Information System | biometrics | Europol | database management system | administrative formalities | terrorism | identity document | consolidation of EU law | illegal migration | Frontex
Summary The interconnections between border management, migration and internal security have become more apparent recently in the context of high inflows of refugees and irregular migrants and of increasing terrorist activities in the EU. To address these challenges, the EU has taken steps to revise and develop the European information systems in order to improve the collection, processing and sharing of data among Member States and relevant EU agencies. This publication provides an overview of the existing and proposed European information systems in the area of justice and home affairs. It discusses the legal basis, the purposes, the scope of data and access, the utilisation and the proposed changes for each information system, including issues of interoperability.

In-Depth Analysis DE, EN, FR
Implementation of the 2015 Council Decisions Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and of Greece

Publication type: Study
Date: 07-03-2017

External author: Elspeth GUILD (Centre for European Policy Studies, Brussels, Belgium), Cathryn COSTELLO (Refugee Studies Centre, University of Oxford, UK) and Violeta MORENO-LAX (Queen Mary University of London, UK);
Research assistance: Christina VELENTZA (Democritus University of Thrace, Greece), Daniela VITIELLO (Roma Tre University, Rome, Italy) and Natascha ZAUN (Refugee Studies Centre, University of Oxford, UK)

Policy area: Area of Freedom, Security and Justice
Keyword: third country | migration control | right of asylum | refugee | admission of aliens | external border of the EU | Italy | stateless person | removal | decision (EU) | EU migration policy | Greece | EU statistics

Summary: This study, commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the LIBE Committee, examines the EU’s mechanism of relocation of asylum seekers from Greece and Italy to other Member States. It examines the scheme in the context of the Dublin System, the hotspot approach, and the EU-Turkey Statement, recommending that asylum seekers’ interests, and rights be duly taken into account, as it is only through their full engagement that relocation will be successful. Relocation can become a system that provides flexibility for Member States and local host communities, as well as accommodating the agency and dignity of asylum seekers. This requires greater cooperation from receiving States, and a clearer role for a single EU legal and institutional framework to organise preference matching and rationalise efforts and resources overall.

Study EN

Disappearance of migrant children in Europe

Publication type: At a Glance
Date: 24-02-2017

Author: Anja RADJENOVIC

Policy area: Area of Freedom, Security and Justice | Social Policy | Human Rights
Keyword: stateless person | child of migrant | child | EU migration policy | integration of migrants | rights of aliens | migrant | right of asylum | admission of aliens | European Union Agency for Fundamental Rights | human rights

Summary: According to Europol, at least 10 000 migrant and refugee children have gone missing after arriving in Europe. Many of them are feared to be exploited and abused for sexual or labour purposes. The Parliament has on several occasions called on the Commission to address the disappearance of migrant children in the EU. The Commission is expected to make a statement in the March plenary. See also December 2016 EPRS briefing on the vulnerability of unaccompanied and separated child migrants.

At a Glance EN, ES, DE, FR, IT, PL

Recent migration flows to the EU

Publication type: At a Glance
Date: 08-02-2017

Author: Giulio SABBATI

Policy area: Area of Freedom, Security and Justice
Keyword: third country | EU migration policy | integration of migrants | right of asylum | admission of aliens | foreign national | illegal migration | external border of the EU | EU statistics | Frontex

Summary: This infographic aims to present the latest available data in terms of migrant flows. It covers the detection of illegal crossing along the EU’s external borders and the number of asylum applicants in EU Member States in the year 2016. Previous editions of this Infographic were issued in September 2015 (PE 565.905) and in April 2016 (PE 580.893).

At a Glance EN

Donald Trump’s executive order on immigration

Publication type: At a Glance
Date: 07-02-2017

Author: Eleni LAZAROU

Policy area: Area of Freedom, Security and Justice | Foreign Affairs
Keyword: visa policy | United States | immigration | executive power | terrorism | judicial power | European citizenship | residence permit | admission of aliens | foreign national

Summary: On 27 January 2017, newly installed US President, Donald Trump, signed an executive order, which, amongst other things, suspended nearly all travellers from seven Muslim-majority states from entry to the United States. The executive order has led to protests in the country and has been challenged in court, while several international leaders have spoken out against it.

At a Glance EN
Outlook for the European Council of 17-18 March 2016

Publication type  At a Glance  
Date  16-03-2016  
Author  Ralf DRACHENBERG | Stanislas DE FINANCE  
Policy area  Area of Freedom, Security and Justice | Employment | Economics and Monetary Issues | Adoption of Legislation by EP and Council  
Keyword  single market | aid to refugees | European Council | migration control | EU financial instrument | EU migration policy | Turkey | coordination of EMU policies | admission of aliens | external border of the EU  
Summary  The European Council of 17-18 March 2016 will discuss further steps to address the migration crisis, focusing on the follow-up to the 7 March meeting of the EU Heads of State or Government with Turkey and on reforming the EU's existing framework for a common asylum policy. EU leaders will also discuss the priorities for the 2016 European Semester and endorse the 2016 Annual Growth Survey.

At a Glance  EN

EU Cooperation with Third Countries in the Field of Migration

Publication type  Study  
Date  15-10-2015  
External author  Odysseus  
Policy area  Area of Freedom, Security and Justice  
Keyword  removal | migration control | EU migration policy | Morocco | Moldova | EU financing | Tunisia | admission of aliens | agreement (EU) | external border of the EU | European Asylum Support Office | Frontex  
Summary  EU external cooperation in migration and asylum has increased considerably in terms of instruments of cooperation with third partner countries and of funds committed. With the current refugee crisis, it is poised to increase even further. This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, reflects on the imbalances of EU external action as well as on the lack of evidence on the impact and efficiency of EU funding regarding the objectives of the migration policy, which are sometimes conflicting with the development goals. The study brings forward recommendations for rationalization and coordination of action, more balance between the different components of the GAMM, more transparency for a better evaluation and scrutiny, and a reinforced partnership approach with third countries.

Study  EN

Tourism and the European Union: Recent trends and policy developments

Publication type  In-Depth Analysis  
Date  25-09-2015  
Author  Maria Niestadt  
Policy area  Tourism  
Keyword  travel | consumer protection | EU regional policy | economic statistics | admission of aliens | small and medium-sized enterprises | electronic commerce | economic consequence | tourist exchange | consumer behaviour | tourism policy | common transport policy | EU competence | Treaty of Lisbon  
Summary  Tourism is the third largest socio-economic activity in the European Union, making an important contribution to the EU economy and to job creation. Europe is the most visited region in the world. However, tourism in other regions is growing faster and Europe's market share, in terms of international tourist arrivals and receipts, is shrinking. Tourism businesses in the EU are confronted with a number of changes in tourist profile and behaviour, for example in terms of age, country of origin, how they plan and buy their travel, or which mode of transport they use. Tourism policy remains a competence of the Member States. As the Treaties allow the EU only to support, coordinate or supplement the actions of the Member States, EU tourism policy has been rather limited, consisting mainly in providing financial support or legislating through other EU policies. The current framework for tourism policy is based upon a 2010 Communication; a revised strategy is expected to be adopted by the European Commission later in 2015.

In-Depth Analysis  DE, EN, FR
First measures of the European Agenda on Migration

Publication type Briefing
Date 17-06-2015
Author Anita ORAV
Policy area Area of Freedom, Security and Justice
Keyword Libya | Mediterranean Sea | migration control | maritime surveillance | EU military mission | EU migration policy | admission of aliens | maritime safety | illegal migration | external border of the EU | Frontex

Summary The unprecedented influx of migrants on the EU’s southern borders, and the large numbers of tragic deaths of people attempting to cross the Mediterranean irregularly, has brought home the need for more effective management of migration to deal with the current situation. Gathered at the special meeting of the European Council on 23 April 2015, Member States’ leaders agreed on the urgent need to seek solutions to the escalating situation. The European Commission was tasked with proposing measures for immediate action, as well as policy options for the medium and longer term.

On 15 May 2015, the Commission presented its proposal for a European Agenda on Migration, which was followed on 27 May 2015 by the implementation plan for the first measures.

This first set of proposals, currently under debate among the Member States as well as various stakeholders, was discussed by the Interior Ministers of the Member States on 16 June 2015 and will subsequently be addressed in the European Council on 25 and 26 June 2015. The European Parliament is preparing an own-initiative report on a holistic approach to migration.

Outcome of the extraordinary European Council of 23 April 2015

Publication type Briefing
Date 13-05-2015
Author Piotr BAKOWSKI | Ralf DRACHENBERG
Policy area Area of Freedom, Security and Justice | Development and Humanitarian Aid | Adoption of Legislation by EP and Council
Keyword migration control | common foreign and security policy | admission of aliens | external border of the EU | human rights | Mediterranean Sea | aid to refugees | maritime surveillance | Member States’ contribution | EU migration policy | maritime safety | interinstitutional relations (EU) | Frontex

Summary At a special meeting on migration on 23 April 2015, the European Council committed to four priorities: strengthening the EU’s presence at sea, fighting traffickers in accordance with international law, preventing illegal migration flows, and reinforcing internal solidarity and responsibility. This is based on a 10 point action plan on migration, agreed to jointly by the foreign and home affairs ministers at their meeting on 20 April 2015 in Luxembourg. The meeting followed the invitation of European Council President Donald Tusk, after the tragic events on the 19 April 2015 when 800 people died off the coast of Libya trying to cross the Mediterranean to Europe

The EU's migration challenge [What Think Tanks are thinking]

Publication type At a Glance
Date 24-04-2015
Author Marcin CESLUK-GRAJEWSKI
Policy area Area of Freedom, Security and Justice
Keyword EU migration policy | admission of aliens | illegal migration | external border of the EU | bibliography

Summary At a special European Council meeting convened on 23 April after up to 900 migrants drowned in the Mediterranean trying to reach Europe from Africa, EU heads of state and government agreed to increase funding for immigration and asylum policies and strengthen EU presence at sea to prevent further loss of life. The leaders said in a statement that the EU member states would fight trafficking of immigrants and reinforce internal solidarity in tackling the problem. Think tanks have long urged the bloc to be bolder in tackling the problem. This note offers links to recent commentaries, studies and reports on the topic from major international think tanks and research institutes. Some background material from the European Parliamentary Research Service is available here.
Commitments Made at the Hearing of Dimitris Avramopoulos - Commissioner-Designate

Publication type: Briefing
Date: 24-10-2014

Author: Alessandro DAVOLI | Sarah Salome SY


Keyword: fight against crime | appointment of members | admission of aliens | foreign student | visa policy | political refugee | moonlighting | EU migration policy | European Commissioner | terrorism | public statement | interinstitutional relations (EU) | illegal migration

Summary: In his answers to the questionnaire and during the hearing on 30 September 2014 before the Committee on Civil Liberties, Justice and Home Affairs (LIBE), commissioner-designate Dimitris Avramopoulos made a number of commitments. They are summarised in the present briefing.

Briefing: EN

Revision of the EU visa policy: Initial Appraisal of a European Commission Impact Assessment

Publication type: Briefing
Date: 18-11-2014

Author: Alexia MANIAKI-GRIVA

Policy area: Area of Freedom, Security and Justice | Ex-ante Impact Assessment

Keyword: visa policy | impact study | administrative formalities | drafting of EU law | admission of aliens

Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the proposal on the Union Code on Visas. The Visa Code established by Regulation 810/2009 is an essential element of the common visa policy the development of which was a pre-requisite to the creation of a common area without internal borders. The Visa Code sets out harmonised procedures and conditions for issuing short-stay visas, so called Schengen visas (authorizing their holder to stay in the Schengen area for up to 90 days in any 180 days period). The Code, which was a recast and consolidation of all relevant legislation on the issuing of short stay 'Schengen' visas, entered into force in April 2010 with the overarching objectives of facilitating legitimate travel and tackling irregular immigration. In the Commission's IA, the problems to be addressed are explained in a very clear manner, as is the presentation of the options. Uncertainties are recognised and considerable effort has been made to substantiate the IA with concrete evidence, even though this has proved difficult for well explained reasons.

Member States' concerns regarding security issues linked with the mandatory MEVs with long validity or the new 'touring' authorization, could have been better explained, however. Also, the fact that the proposal under consideration provides for a reduced time limit for examining applications seems surprising given the suggestion in the IA that this would not be an effective solution. Finally, putting aside the fact that the IA itself does not consider the creation of two separate legal instruments, it is not clear why the IA was not presented with both proposals jointly as a package, given that it covers the visa issue as a whole. This note, prepared by the Ex-Ante Impact Assessment Unit for the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, analyses whether the principal criteria laid down in the Commission’s own Impact Assessment Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

Briefing: DE, EN, FR

EU legal framework on asylum and irregular immigration 'on arrival'

Publication type: Briefing
Date: 18-03-2015

Author: Eva-Maria Alexandrova POPTCHEVA


Keyword: removal | maritime surveillance | EU migration policy | application of EU law | trafficking in human beings | Treaty of Lisbon | admission of aliens | maritime safety | illegal migration | external border of the EU | Frontex

Summary: With asylum-seekers and immigrants still dying off the shores of European Union Member States, EU asylum and migration policies are high on the political agenda. The newly completed Common European Asylum System and the many pieces of legislation on irregular immigration at EU level have not succeeded in stopping further tragedies in the Meditteranean. Calls are therefore increasingly being voiced for a 'holistic' approach to asylum and irregular immigration. However, the concrete design of this holistic approach is the subject of difficult policy choices, seeking to strike the right balance between humanitarian aspects and security concerns. According to many stakeholders and experts the way forward in EU asylum and migration policy should necessarily pass through a new legal reform taking the approach of better burden-sharing between Member States. Others plead for the operational instruments of the newly adopted legislation to be fully exhausted first before embarking on further reforms. The European Commission has launched work on a comprehensive European Agenda on Migration, to be presented in May, and stated already that the focus will be placed on securing effective implementation of the existing legislation rather than proposing any further modifications. This briefing takes stock of the existing legislative and policy framework in the field of asylum and irregular immigration and highlights the causes of friction.

Briefing: EN
Irrregular immigration in the EU: Some national perspectives on arrival of immigrants

Publication type: Briefing
Date: 13-12-2013
Author: Eva-Maria Alexandrova POPTCHEVA
Policy area: Area of Freedom, Security and Justice | Foreign Affairs
Keyword: Spain | removal | Australia | cooperation policy | bilateral agreement | EU migration policy | admission of aliens | illegal migration | external border of the EU | Malta | Italy | Frontex
Summary: Recent events in the Mediterranean, which have led to many migrants dying off the shores of European Union Member States, have placed EU migration policies back on the political agenda. A particular difficulty in dealing with this phenomenon comes from the mixed flows of migrants, made up of both irregular immigrants and asylum seekers. The EU's legal framework for irregular immigration is scattered over a multitude of legal instruments. Those which apply at the arrival of migrants focus on border surveillance, return of irregular immigrants and cooperation on readmission with third countries of origin and transit, as well as on preventing the departure for Europe of irregular immigrants.

Current Challenges for International Refugee Law, with a Focus on EU Policies and EU Co-Operation with the UNHCR

Publication type: In-Depth Analysis
Date: 03-12-2013
External author: Elspeth GUILD (Centre for European Policy Studies - CEPS, Belgium, University of London, the UK, Radboud University Nijmegen, the Netherlands) and Violeta MORENO-LAX (University of London, the UK)
Policy area: Area of Freedom, Security and Justice | Human Rights
Keyword: migration control | EU Member State | jurisdiction | international human rights law | refugee | admission of aliens | external border of the EU | climate change | removal | EU migration policy | forced migration | UNHCR | Frontex
Summary: From an examination of the instruments of the Common European Asylum System (CEAS) and related policy measures regarding border surveillance and migration management, two interrelated issues stand out as particularly sensitive: access to asylum and responsibility for refugee protection. The prevailing view, supported by the UNHCR and others, is that responsibility for the care of asylum seekers and the determination of their claims falls on the state within whose jurisdiction the claim is made. However, the possibility to shift that responsibility to another state through inter-state cooperation or unilateral mechanisms undertaken territorially as well as abroad has been a matter of great interest to EU Member States and institutions. Initiatives adopted so far challenge the prevailing view and have the potential to undermine compliance with international refugee and human rights law. This note reviews EU action in the field by reference to the relevant legal standards and best practices developed by the UNHCR, focusing on the specific problems of climate refugees and access to international protection, evaluating the inconsistencies between the internal and external dimension of asylum policy. Some recommendations for the European Parliament are formulated at the end, including on action in relation to readmission agreements, Frontex engagement rules in maritime operations, Regional Protection Programmes, and resettlement.

Conditions of Admission of Third-Country Students, Researchers, Volunteers, Trainees and Au Pairs: Initial Appraisal of the Commission's Impact Assessment

Publication type: In-Depth Analysis
Date: 15-07-2013
Author: Alexia MANIAKI-GRIVA
Policy area: Area of Freedom, Security and Justice | Ex-ante Impact Assessment
Keyword: EU migration policy | area of freedom, security and justice | job access | EU programme | residence permit | admission of aliens | migrant worker | foreign national | research staff | foreign student
Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission’s Impact Assessment accompanying the following proposal, submitted on 25 March 2013: Commission Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing, recasting and amending Directives 2004/114/EC of 31 December 2004 (the ‘Students directive’) and 2005/71/EC of 12 October 2005 (the ‘Researchers directive’).
Russia and the Common Space on Freedom, Security and Justice

Publication type: Study
Date: 14-12-2012
External author: Raül Hernández i Sagrera (Institut Barcelona d'Estudis Internacionals) and Olga Potemkina (Institute of Europe, Russian Academy of Sciences)
Under the coordination of the Justice and Home Affairs section of the Centre for European Policy Studies (CEPS).

Policy area: Area of Freedom, Security and Justice | Democracy | Human Rights
Keyword: organised crime | EU relations | fight against crime | EU migration policy | area of freedom, security and justice | Russia | judicial cooperation | drug traffic | admission of aliens | human rights

Summary: EU-Russia cooperation in the framework of the Common Space on Freedom, Security and Justice, launched a decade ago in 2003, has borne fruit more in the security aspects than the justice and liberty-related policy areas. The study assesses the uneven cooperation on justice and home affairs between the EU and Russia, while delving into the intersection between cooperation on justice, liberty and security and the promotion of human rights, democracy and rule of law in EU-Russia relations. The study concludes by proposing a set of policy recommendations to the LIBE Committee for playing a more active role in this important field of cooperation between the EU and Russia.

Study EN

Readmission Policy in the European Union

Publication type: Study
Date: 15-09-2010
External author: Jean-Pierre CASSARINO (Institut universitaire européen)
Keyword: third country | joint competence | bilateral agreement | return migration | admission of aliens | foreign national | illegal migration | human rights

Summary: This study sets out to explain the drivers shaping cooperative patterns on the readmission of unauthorised third-country nationals, whether at bilateral or EU level. It lays emphasis on the existence of a predominant bilateral readmission system in which EU agreements are inextricably embedded. As a result of the entry into force of the Treaty of Lisbon, the reinforced political control of the European Parliament calls for an analysis of this system and of its implications for human rights observance.

Study EN, FR

The Right of Citizens to Move and Reside Freely within the Territory of the EU

Publication type: Study
Date: 11-03-2009
External author: European Citizen Action Service
Keyword: comparative analysis | EU national | application of EU law | Community migration | family migration | European citizenship | residence permit | admission of aliens | free movement of persons

Summary: This study provides a comparative analysis of the national transposing acts and of the current state of application at administrative level of the Directive 2004/38/EC. Firstly, it summarises the Directive’s historical background and the context of its adoption. Secondly, the study reports general findings on the national transposing measures, highlighting cases of late transpositions and the way transposition was achieved by the Member States. Thirdly, the study contains detailed country reports for ten Member States, which have been selected in accordance with several criteria such as their important migratory patterns and their problems in the implementation of the Directive. Furthermore, it presents in detail the non-conformity issues identified in the ten selected Member States against the broader picture emerging generally across the EU-27, focusing on the following areas: entry and residence rights, definition of sufficient resources, situation of registered partners and third country national family members, equal treatment, grounds for expulsion and other more scattered problems grouped under the heading ‘miscellaneous’. In its last chapters, the study provides an evaluation of the administrative services that underpin the application of the Directive in the ten selected Member States and analyses the role of the European Commission with regard to the application of the Directive. At last, it draws some conclusions on the shortages in the implementation’s process and makes a number of proposals to strengthen the Commission’s role in order to ensure a more effective application of the Directive.

Study EN, FR

Comparative Study of the Laws in the 27 EU Member States for Legal Immigration including an Assessment of the Conditions and formalities imposed by each Member State for Newcomers

Publication type: Study
Date: 29-02-2008
External author: Christine Adam and Alexandre Devillard International Migration Law and Legal Affairs Department, IOM
Keyword: migration control | EU migration policy | occupational migration | family migration | residence permit | admission of aliens | foreign national | foreign student

Study EN, FR
Trends on Regularisation of Third Country Nationals in Irregular Situation of Stay Across the European Union

Publication type: Study
Date: 24-01-2008
External author: Jochen Blaschke
Policy area: Area of Freedom, Security and Justice | Foreign Affairs
Keyword: migration control | data collection | EU migration policy | integration of migrants | residence permit | admission of aliens | foreign national
Summary: The number of immigrants settling illegally in Europe has increased largely. The European member states have developed different strategies of response. One is legalisation and regularisation politics. Between the European countries, the politics on regularisation varies widely. The documentation on „Trends on regularisation of third country nationals in irregular situation of stay across the EU“ is gathering together information and data on regularisation processes in Europe. Further, it presents available statistics and bibliography.

Study  EN, FR

The Conditions in Centres for Third Country National (detention camps, open centres as well as transit centres and transit zones) with a Particular Focus on Provisions and Facilities for Persons with special needs in the 25 eu member states

Publication type: Study
Date: 19-12-2007
External author: STEPS
Keyword: disabled person | EU migration policy | elderly person | area of freedom, security and justice | imprisonment | admission of aliens | foreign national | illegal migration | social facilities | human rights
Study  EN, FR


Publication type: In-Depth Analysis
Date: 08-10-2007
External author: Claudia Charles
Policy area: Human Rights
Keyword: third country | torture | Morocco | cruel and degrading treatment | agreement (EU) | admission of aliens | human rights | removal | Russia | return migration | Sri Lanka | foreign national | illegal migration
In-Depth Analysis  EN, FR

Centres for Third Country Nationals

Publication type: In-Depth Analysis
Date: 10-07-2006
External author: Mathieu Bietlot (GERME – Université Libre de Bruxelles) under the supervision of Elspeth Guild
Policy area: Area of Freedom, Security and Justice | Human Rights
Keyword: migration control | EU migration policy | admission of aliens | foreign national | prison system
Summary: The term ‘camp’ identifies all the premises where those third country nationals intending to enter the European Union are involuntarily placed. This concept includes all the systems of imprisonment by which the immigrant is deprived of his/her rights and liberties. While the camp can be ‘open’ or ‘closed’, the close nature usually predominates in practice. An EU policy dealing with the reception of asylum seekers and their accommodation in camps is still in its infancy. The discretionary power exercised by the Member States in this field is very important. Also, there is a wide diversity of camps for third country nationals in Europe. Special attention needs to be paid to the respect of fundamental rights and the individual needs by each third country national who might be residing in camps. This is at times difficult to ensure due to size of the camps, the lack of resources as well as because of the negative image linked to those immigrants who are placed in these camps. Also, in practical terms there is some confusion among the different statuses of the immigrants who are might be found in the camps. Finally, the statistical data concerning how many third country nationals are actually inside camps has not been yet centralized nor at EU level neither at national level.

In-Depth Analysis  EN, FR
Trends in the Different Legislation of the Member States Concerning Asylum in the EU

Publication type: In-Depth Analysis
Date: 01-07-2006
External author: Prof. dr. Thomas Spijkerboer, Vrije Universiteit Amsterdam.
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: border control | migration policy | admission of aliens | foreign national | external border of the EU
Summary: Efforts to curb the number of migrants trying to reach Europe have not led to a decrease in the number of irregular migrants. Instead, such efforts have displaced migration from one place to another and have been accompanied by an increasing number of fatalities at the external borders of the European Union. This paper argues that these human costs should play a role in the current debate about the tightening of the European Union’s external borders. For this, information about fatalities at the external borders must be systematically collected.

In-Depth Analysis

The Impact of the Amsterdam Treaty on Justice and Home Affairs Issues

Publication type: Study
Date: 15-03-2000
External author: Tony Bunyan (Statewatch bulletin), Heiner Busch (CILIP, Berlin, Germany), Elspeth Guild (University of Nijmegen, the Netherlands), Steve Peers (Human Rights Centre, University of Essex, UK)
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: judicial cooperation in civil matters in the EU | Europol | judicial cooperation in criminal matters in the EU | EU migration policy | area of freedom, security and justice | Treaty of Amsterdam | admission of aliens | customs cooperation
Summary: This report deals with the changes to the Maastricht Treaty brought about by the Amsterdam Treaty on justice and home affairs issues and the new provisions in the TEU and TEC.
Study

Freedom, Security, Justice: An Agenda for Europe

Publication type: Study
Date: 15-09-1999
Author: Andrea SUBHAN
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: judicial cooperation in civil matters in the EU | area of freedom, security and justice | Treaty of Amsterdam | recognition of diplomas | residence permit | free movement of persons | Court of Justice of the European Union
Summary: A report of the conference organised by Parliament's Committee on Civil Liberties attended by the European Parliament, national parliaments, the Council, the Commission, the Court of Justice, the European Ombudsman and representatives of NGOs and international organisations, on the topic of implementing the area of freedom, security and justice laid down in the Amsterdam Treaty.
Study
Annex I

Free Movement of Persons in the European Union: An Overview

Publication type: Study
Date: 15-09-1998
External author: Elpida PAPAHATZI (University of Thessaloniki, LL.M University of Essex)
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law | Employment
Keyword: freedom to provide services | worker (EU) | EU migration policy | recognition of diplomas | residence permit | free movement of workers | admission of aliens | free movement of persons | external border of the EU | cooperation in home affairs
Summary: The right of free movement of persons is one of the main objectives of the EC Treaty and plays a vital role for the achievement of a single market. What are the Schengen Agreements for the citizens of the Union and for the third country nationals? What is the current situation regarding the application of the right to move freely within the European Union for the nationals of the Member States? What are the rights of the third country nationals who want to enter, reside and work within the Union? What new perspectives will the Treaty of Amsterdam bring in the field of free movement of persons and the immigration policy of the Union?
Study