



EPC Policy Analysis for the European Programme for Integration and Migration

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EPIM has commissioned the European Policy Centre to produce quarterly EPC Policy Analyses. These focussed analyses have the aim of supporting the advocacy work being done by organisations engaged in EPIM by providing information on a range of recent EU-level policy-making, legislation and jurisprudence relevant to EPIM's three focus areas - (1) Asylum seekers; (2) Undocumented Migrants; and (3) Equality, integration and social Inclusion of vulnerable migrants. Given the growing impact of the jurisprudence of Court of Justice in the protection migrants' rights, updates will refer to the Court's case law to highlight the framework within which EU and national policies are taking place. The next EPC Policy Analysis for EPIM is scheduled for September 2013.

Should you, as representatives from EPIM's Partner Foundations or EPIM-supported organisations, have questions related to the analysis provided in this document or on EU developments in the field of migration and integration in general, you are invited to contact the authors (y.pascouau@epc.eu or a.lazarowicz@epc.eu). The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of EPIM, NEF or EPIM's Partner Foundations.

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FOCUS AREA 1 – ASYLUM SEEKERS

The Common European Asylum System (CEAS) has been “formally endorsed” said Cecilia Malmström, EU Commissioner for Home Affairs. Political agreement was reached in December 2012 on the Reception Conditions Directive and the Dublin III regulation (see [JHA Council conclusions](#)). This was followed by an effective completion of the legislative CEAS, with a final agreement having been reached at the COREPER II (the Committee of the ambassadors of the Member States, responsible for preparing the work of the Council of the European Union) on 27 March 2013 on the two remaining legislative proposals under negotiation, the Asylum Procedures Directive and the EURODAC regulation.

Reception Conditions Directive

Adoption of the recast Directive

According to the aim of the Directive, reception conditions should ensure a dignified standard of living and be comparable throughout the Union, irrespective of where an asylum application has been made. A first Directive adopted in 2003 ([Directive 2003/9/EC](#)) sets out minimal rules regarding reception conditions to be guaranteed to asylum seekers. These conditions comprise *inter alia* access to information, documentation, material reception conditions (housing, food and clothing), access to health, schooling as well as access to employment.

A first recast of the Directive was proposed in 2008 in order to step up reception conditions offered to asylum seekers ([COM\(2008\) 815](#)). No consensus was found between the Council and the European Parliament which led to the presentation of a modified proposal in June 2011 ([COM\(2011\) 320](#)). Although the revised text contained improvements compared to the 2003 text, it was not considered satisfactory enough, in particular by [ECRE](#).

Detention of asylum seekers and access to the labour market were amongst the most sensitive issues discussed during the negotiations. Unlike in the 2003 Directive, the [forthcoming Directive](#) sets out rules regarding the detention of asylum seekers, as long as they are not detained for seeking asylum but for other reasons. The text also allows for the detention of minors and unaccompanied minors. Even if the new rules state that the detention of minor children may only occur “at last resort” or “in exceptional circumstances”, such a possibility is worrying. It is all the more so given the fact that no time limit on detention is planned in the Directive. Regarding access to the labour market, it must now be opened to asylum seekers no later than nine months after the application was lodged. Whereas the Commission and the European Parliament proposed for a six months period, this provision of the Directive improves access to the labour market compared to the 2003 Directive.

Court of Justice

In case law issued in September 2012 ([CIMADE, C-179/11](#)), the ECJ recalled that a Member State in receipt of an application for asylum is obliged to grant the minimum conditions for the reception of asylum seekers. This obligation remains the case when this Member State calls upon another Member State to take charge of or take back that applicant under the Dublin procedure.

The Court adds that this obligation ceases when the applicant is actually transferred by the requesting Member State. The financial burden of granting those minimum conditions is to be assumed by that requesting Member State.

Hence, the Court has clarified the obligations Member States have to fulfil with respect to reception conditions within the framework of the Dublin procedure (see below).

Dublin Regulation & EURODAC

Adoption of Recast Directives

The [Dublin Regulation](#) adopted in 2003 seeks to ensure that one Member State is responsible for the examination of an asylum application, and to avoid multiple asylum applications in the Member States. To that end, the Dublin regulation establishes a hierarchy of criteria for identifying the Member State responsible for the examination of an asylum claim in Europe. This system is accompanied with an electronic database, [EURODAC](#), which registers asylum seekers' fingerprints. The database allows the identification of the first state where the application was lodged and enables the identification of the state responsible for the examination. In practice, the State responsible is predominantly the one through which the asylum seeker has entered the EU.

The Commission published in 2008 a recast proposal of the Dublin Regulation ([COM\(2008\) 820](#)) in order to increase the system's efficiency and to ensure higher standards of protection for asylum seekers falling under the Dublin procedure. This comprised the inclusion of subsidiary protection in the scope of the Directive, the clarification of definitions, rules and delays as well as the introduction of a "suspension clause" allowing for the suspension of transfers to a Member State with limited reception or absorption capacities.

Negotiations on the Dublin III regulation have been difficult on certain issues, in particular with regard to the suspension clause. Many Member States rejected the introduction of this clause. They argued that its implementation would create a "pull factor" towards the state where transfers are upheld. In the meantime, the European Court of Human rights ([M.S.S case law](#)) condemned Belgium in January 2011 for sending asylum seekers back to Greece. Indeed, sending asylum seekers to states where they are subject to inhuman treatment due to the absence of a proper asylum system and reception conditions is a violation of article 3 of the [European Convention on Human Rights](#). This reasoning was backed up by the European Court of Justice in the [NS case law](#) of December 2011.

Instead of a suspension clause, the 2011 Polish Presidency proposed to establish an early warning mechanism which was agreed upon in the Council. This mechanism aims at evaluating the functioning of national asylum systems, assisting Member States in need and preventing asylum crises. It would concentrate on adopting measures to prevent asylum crises from developing rather than addressing the consequences of such crises once they had occurred. Other points are dealt with in the new and forthcoming [Dublin III regulation](#) such as the right of appeal against a removal decision, detention of asylum seekers or access to legal aid.

Alongside the Dublin regulation, negotiations have also touched upon the modification of the [EURODAC](#) system. One of the major elements that have been introduced is the possibility for law enforcement agencies and Europol to have access (under certain circumstances) to the EURODAC database in order to prevent, detect or investigate the most serious crimes, such as murder, and terrorism.

Recent Reports

The Dublin system has triggered lots of attention and criticism over the years. Amongst a high number of reports and analysis on its implementation, Forum Réfugiés-Cosi, ECRE, the Hungarian Helsinki Committee and their national partners published in February 2013 a comparative study on how this Regulation is applied by Member States. Entitled [The Dublin II Regulation: Lives on Hold](#), the study shows that the Dublin system continues to fail both refugees and Member States.

In this context, Greece is facing a difficult challenge. A recent Human Rights Watch [report](#) (January 2013) reveals that Italian authorities frequently send unaccompanied migrant children and adult asylum seekers back to Greece, where they face a dysfunctional asylum system and abusive detention conditions. The facilities are overcrowded and they are not efficiently equipped to receive such a large amount of people. Amnesty International also expressed its concerns on the situation in Greece in a February 2013 briefing on the M.S.S. Vs Greece [case](#), where it highlighted once again the lack of facilities, the systematic detention of asylum-seekers and the sub-standard conditions in which they are detained.

Qualification Directive

General State of Play

The modification of the Qualification Directive was achieved with the publication of [Directive 2011/95/EU](#) adopted in December 2011. The new directive includes the following elements:

- clarification of the legal concepts of "actors of protection", "internal protection" and "membership of a particular social group";
- extended family definition to unmarried children and any other adult legally responsible for an unmarried minor who applies for asylum;
- approximation of the rights of refugees and beneficiaries of subsidiary protection with regard to family unity, access to employment and health care;
- enhanced residence rights for beneficiaries of subsidiary protection;
- better access to employment-related education opportunities and vocational training as well as to procedures for recognition of professional qualifications;
- improved conditions for access to accommodation and integration facilities;
- better standards for vulnerable persons with special needs such as unaccompanied minors.

Jurisprudence

On the jurisprudence side, the Court of Justice has been asked to interpret the provisions of the 1st Qualification Directive ([Directive 2004/83/EC](#)) several times ([for an overview, see the EMN Belgian contact point website](#)).

The latest case law to date was published in December 2012. In the El Kott Case law ([C-364/11](#)), the Court of Justice interpreted article 12 of the Directive 2004/83/EC (exclusion clause). More precisely, the Court sets out the circumstances in which assistance from UNRWA may be deemed to have ceased in such a way that Palestinian applicants for asylum are ipso facto entitled to the refugee status conferred by the Qualification Directive.

Procedures Directive

The aim of the Procedures Directive, originally adopted in 2005, is to establish a minimum level playing field throughout the EU by introducing guarantees for fair and efficient procedures, and it commits Member states to reducing differences between national systems. Hence [Directive 2005/85/EC](#) provides:

- procedural guarantees;
- minimum requirements for the decision-making process;
- the right to appeal a negative decision on an asylum application;
- common standards for the application of certain concepts and practices.

Two modifications of the Directive were proposed, in 2009 ([COM\(2009\) 554](#)) and 2011 ([COM\(2011\) 319](#)). The more recent proposal seeks to simplify and clarify rules in order to, *inter alia*, make implementation easier for Member States and better address potential abuses of the rules and the issue of repeated applications.

The Procedures Directive aims at fairer, quicker and better quality asylum decisions. The special needs of vulnerable people will, according to the Commission, be better taken into account and in particular there will be greater protection of unaccompanied minors and victims of torture.

As said before, a final political agreement on the Directive has been reached on 27 March 2013. This will now be put up for approval to a plenary session in the European Parliament, provisionally scheduled for 10 June 2013.

Court of Justice

In the [HID case law](#) of February 2013, the Court of Justice was asked to give an interpretation regarding accelerated procedures (article 23) and the right to an effective remedy (article 39).

According to the Court, article 23 must be interpreted as not precluding a Member State from examining by way of prioritised or accelerated procedure certain categories of asylum applications defined on the basis of the criterion of the nationality or country of origin of the applicant. The Court indicates that such examination should be exercised in compliance with the basic principles and guarantees set out in that directive.

Concerning the right to an effective remedy (article 39), the solution given by the Court is based on the national system which is influenced by the case law. However, the case law is important as the Court sets the framework of the criteria which have to be implemented in order to guarantee the right to an effective remedy ([for an analysis in French, see EDEM Newsletter](#)).

Resettlement / Syrian Crisis

More than 600 000 persons have already fled the Syrian crisis in order to get protection mainly in neighbouring countries such as Lebanon, Jordan and Turkey. The EU has a role to play in helping refugees and third countries in coping with the situation. In this view, Amnesty International, Churches' Commission for Migrants in Europe (CCME), European Council on Refugees and Exiles

(ECRE) and the International Catholic Migration Commission (ICMC) published in January 2013 a [joint statement](#) where they urge the EU to take a common approach to those fleeing Syria in order to guarantee the protection they need.

A 2012 [research report](#) by the Migration Policy Centre explains how the EU has allocated 230 million EUR in humanitarian aid and other assistance tools to those affected by the Syrian crisis, both inside and outside the country (such as the aid programmes to Turkey), making the EU the largest international donor. However, the report underlines that there is still much to be done at the EU level. According to the report, *“the EU could consider:*

- *establishing a Regional Protection Programme (RPP) with a large increase of Syrian refugee resettlement as a required component;*
- *increasing refugee resettlement for those who have been affected by the Syrian crisis and are the most in need;*
- *continue positive asylum procedures throughout the EU, and grant prima facie recognition including provision of sufficient assistance to Syrian asylum seekers;*
- *encourage visa facilitation and family reunification for Syrians;*
- *continue to work with its international partners to find a political and humanitarian solution to the Syrian crisis”.*

As regards resettlement, Germany has recently demonstrated its support by [announcing](#) the resettlement of 5000 Syrian nationals in its territory, an initiative warmly welcomed by the Commissioner [Malmström](#). This comes in addition to the high number of Syrian asylum seekers looking for protection in Germany. Indeed, and according to [Eurostat](#), 23510 Syrian refugees applied for protection in the EU in 2012. Amongst them 7930 applied in Germany and 7920 in Sweden. Syrian asylum applications are granted the highest percentage of positive decisions in asylum applications. However, responses remain different from state to state which should encourage the EU to develop a stronger stance towards the Syrian crisis in order to have a common response to asylum applications.

On its side, the European Parliament Committee for Civil Liberties (LIBE), Justice and Home affairs issued in January 2013 a [comparative study](#) on the best practices for the integration of resettled refugees in the EU Member States. In this study LIBE examines different options for the improvement of resettlement practices and identifies two main alternatives:

- Setting up a total “EU resettlement quota” that would be the result of Member States pooling their quotas together;
- Drafting general guidelines on reception conditions for resettled refugees, covering a variety of models, in order to set out basic principles for Member States’ own resettlement programmes.

European Asylum Support Office

In order to help Greece achieve an adequate reception system, since 2011 [EASO](#) has agreed to deploy Asylum Support Teams (ASTs) for the implementation of more efficient asylum procedures and standards. This support has recently been [renewed](#) until December 2014: EASO will indeed provide Greece with more than 70 experts in order to implement efficient asylum and reception procedures. Furthermore, in the draft outline of the [EASO work programme 2014, the main priorities include a specific section on the support to Greece.](#)

The Smart Borders Package

On 28 February, the European Commission launched the long-awaited “[Smart Borders Package](#)”. This Package contains two main proposals aimed at facilitating, speeding up and enhancing procedures for border checks at EU’s external borders for third country nationals.

Registered Traveller programme

The first proposal concerns a regulation for the establishment of [a Registered Traveller Programme \(RTP\)](#). The logic behind the project is that the current system involves the same checks for all kinds of passengers. The proposed RTP should facilitate border crossing for frequent third country travellers, i.e. third country nationals that can prove their “need to travel regularly to the EU”, either for business or for family purposes. In practice, the RTP will set up a simplified border check for pre-screened frequent third country travellers, enabling them to avoid long queues. Speeding up border checks will be feasible thanks to automated border gates that will process data quickly.

According to the European Commission, the RTP would in practice work the following way:

- A Registered Traveller would be issued a token in the form of a machine-readable card containing only a unique identifier (i.e. application number), which is swiped on arrival and departure at the border using an automated gate;
- The gate would read the token and the travel document (and visa sticker number, if applicable) and the fingerprints of the travellers, which would be compared to the ones stored in the Central Repository and other databases, including the Visa Information System (VIS) for visa holders;
- If all checks are successful, the traveller is able to pass through the automated gate. In case of any issue, the traveller would be assisted by a border guard. All in all, passing the external border will be a matter of seconds.

If passing the border should only take a matter of seconds, having access to the RTP and receiving the token involves a considerable amount of time and documents to provide. Indeed, the procedure set by the proposal requires the applicant to accompany the application with a series of evidence. They include: proof that the applicant is at least 12 years old; a travel document; and supporting documents related to his/her travel including purpose of the journey and proof of having sufficient means and accommodation for the next two trips. They must also pay a fee and allow for the collection of fingerprints.

On the side of the national authority in charge of examining the application, it shall verify that a long list of conditions is met.

To sum up, having access to the RTP may be quite difficult. It will depend on the applicant’s capacity to fulfil an important series of conditions. In practice, and alongside family members of EU citizens, a selected group of people will benefit from the programme - mainly business persons.

In the end, one could question whether it is necessary to set up such a system. Firstly, the system is costly, up to 587 million EUR over 5 years. Spending such an amount of money in times of crisis may be hard to justify politically. Secondly, the number of beneficiaries remains vague. The Commission’s proposal refers to potentially growing numbers of travellers and the subsequent need to hire additional staff. Finally, some voices, including MEPs, have contested the process as pre-screening implies a risk of “profiling” travellers and using their personal data.

Entry/Exit System

The second proposal sets out the basis for the creation of the [Entry/Exit System \(EES\)](#). Currently, there are two ways to check whether a third country national has entered and left the Schengen area and to calculate the duration of the stay.

The first one is the stamping of the travel document. But this method relies on a series of elements which make the process uncertain such as the readability of the stamps and the possibility to counterfeit documents.

The second is applicable in 13 Member States which use electronic entry/exit system. This method presents also some weaknesses as the identification of a person overstaying the duration of his/her stay will only be possible insofar that person enters and leaves the Schengen area through the same State.

To sum up, there is no EU-wide record of entries and exits of travellers to and from the Schengen area. As a consequence, Member States do not have the means to identify over-stayers. Since there is not such an EU system of recording entries and exits, the EES will fill the gap and help the managing external borders and fight against irregular migration.

According to article 1 of the proposal, the EES is established for:

- the recording and storage of information on the time and place of entry and exit of third country nationals crossing the external borders and admitted for a short stay in the territory of the Member States,
- the calculation of the duration of their stay, and
- the generation of alerts to Member States when authorised periods for stay have expired.

To this end, the proposal determines personal data that should be included in the Entry/Exit system for visa holders or third country nationals exempted from the visa obligation. While data regarding visa holders should comprise alphanumeric data (names, type and number of travel document(s), date and time of entry/exit, etc.), persons exempted from the visa obligation crossing the external border will be asked to give their fingerprints.

The database will be accessible to authorities responsible for border control, issuing visas and authorities competent for verifying the identity of third country nationals within the territory of a Member State.

On top of this, the EES will provide accurate data on travel flows and movements of third-country nationals across all external border crossing points of the Schengen area. This will provide a clearer picture of travel flows at the external border and of the nationality of over-stayers. In turn this will allow for the redefinition of visa cooperation in the framework of the Partnership for Migration, Mobility and Security with neighbouring countries.

The estimated cost of the system is 513 million EUR between 2015 and 2020. While the same remarks concerning the cost of the RTP system could be applied to the EES, the number of persons covered by this system is far more significant. Indeed, the system will help address one of the EU's biggest challenges: identifying "over-stayers" who constitute a strong share of irregular migrants in Europe. In turn however, the EES raises some questions related to the enormous amount of data to be stored, the use of personal data and the authorities which are able to have access to it. Hence, the system, as underlined by a recent [report](#) of the Heinrich Böll Foundation, should be accompanied by a set of rules aimed at protecting individual rights and the right to private life.

At Parliamentary level, some political formations strongly oppose the project. Some MEPs from the [Greens](#) European Free Alliance, fear this will create an “electronic fortress” where every passenger will be kept under surveillance. On the EPP side, a [document](#) signed by MEP Carlos Coelho, raises some doubts about the need to develop new tools. In the end, the question related to the proportionality and necessity of such a system compared to the objective of enhancing borders management deserves to be addressed. This was the case at the end of March in a [hearing](#) organised by the European Parliament where the issue [SIS II](#) (which started its [operations](#) on April 9, 2013) was also touched upon.

Adaptation of Schengen Borders Code

The Smart Borders Package, on top of the above two proposals for regulations, also contains a [proposal](#) amending the Schengen Borders code (Regulation (EC) No [562/2006](#) of 15 March 2006).

The main aim of this proposal is to adapt the Schengen Border Code. This is mostly related to the introduction of definitions and the addition in the Schengen Border Code of provisions related to the use of the EES and the RTP.

EUROSUR

The “Smart Borders package” is part of a comprehensive plan for the management of the EU’s external borders that also comprises EUROSUR. [EUROSUR](#) is a pan-European border surveillance system proposed by the European Commission in December 2011 and expected to enter into force in the second half of 2013.

Under the EUROSUR mechanism, Member States’ authorities responsible for border surveillance (border guards, coast guards, police, customs and navies) will be able to exchange operational information and cooperate with each other, with Frontex and with neighbouring countries. This would include sharing standard graphical interfaces showing real-time data and intelligence from various authorities and surveillance tools, such as satellites or ship reporting systems. This information would be shared via a protected communication network. Globally speaking, the system has three main objectives:

- Reduce irregular migration;
- Reduce the number of deaths of migrants at sea;
- Improve the internal security of the EU by contributing to the prevention of cross-border crime.

Trialogues, which bring together representatives of the Council, the European Parliament and the Commission, have already started. There are hopes that an agreement on the Regulation could be reached before the end of the Irish Presidency, i.e. end June 2013. There is still however some sensitive points to be further discussed. These points are related, on the one hand, to the possibility for Member States to conclude agreements with third countries and, on the other hand, the transmission of data. Further negotiations will reveal whether these points have constituted obstacles to the adoption of the regulation or not.

EU Readmission Agreements

The EU will soon sign their 14th EU [Readmission Agreement](#) with Cape Verde. This follows the agreements that have gone into force with Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, FYROM, Bosnia & Herzegovina, Montenegro, Serbia, Moldova, Pakistan and Georgia. The signing of a Readmission Agreement with Armenia is planned for later in 2013 (see [here](#) for more information on readmission agreements).

Modification of Regulation 539/2001 on visa lists

Changes being made to the Council Regulation (EC) No 539/2001 which lists the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement are going through a two stage process.

The comprehensive changes are currently nearing the end of negotiations with the European Parliament, while the changes concerning the annexes are still being debated in the Council. Negotiating Parties are hopeful that all negotiations will be completed by the end of the year.

The [reciprocity and suspension mechanisms](#) have been the most crucial in the draft Regulation currently being negotiated with the European Parliament. These deal with the process and measures taken when EU citizens encounter visa requirements when travelling to third-countries which are on the visa exemption list. Reservations from the Commission as to the legal basis and effectiveness of the reciprocity mechanism [delayed](#) the process under the 2012 Cypriot Presidency. The European Parliament and Commission are in favour of automaticity for the reciprocity mechanism, but the Council is unlikely to agree to such a change. Automaticity relates to the automatic downgrading of third-countries from the so-called “positive list” to the “negative list”. This would occur when third-countries, after repeated notification from the Commission and temporary suspension of visa exemption, still do not reintroduce visa-free travel for EU citizens.

On 8 April, the LIBE Committee of the European Parliament, [voted in favour of a report](#) from rapporteur Agustín Díaz de Mera (EPP, ES) on the issue.

EU-Armenia visa-facilitation agreement

On December 17, the EU and Armenia [signed](#) an agreement on facilitating the issuing of visas. The agreement makes it easier and cheaper for citizens of Armenia, in particular those who travel most, to acquire short-stay visas allowing them to travel to and freely throughout the EU.

EU-Russia visa dialogue

As part of the EU-Russia visa dialogue, the Russian Federation and the European Union published their [Common Steps](#) towards visa free short-term travel of Russian and EU citizens. These set out a series of operational measures and common steps on: document security (including biometrics); illegal migration (including readmission); public order, security and justice; and external relations. Upon implementation over the coming years, both sides will sit down to negotiations on an EU-Russia visa-waiver agreement. Ensuring effective implementation of the EU-Russia visa facilitation and readmission agreements will continue as part of the dialogue.

Fight against organised crime and human trafficking

The Commission has recently launched a new [project](#) to help countries to be better equipped to deal with human trafficking. The initiative will allocate 1.5 million EUR in the regions of Azerbaijan, Bosnia-Herzegovina, Moldova and Turkey.

Recent reports

As far as the Mediterranean area is concerned, a [report](#) published in March 2013 from the European Fundamental Rights Agency (FRA), “Fundamental rights at the EU’s southern borders”, collected information on the four countries to which the majority of migrant boats arrive (Cyprus, Spain, Italy, Greece and Malta) and listed good and bad practices, demonstrating that there is still much to do to improve reception conditions and facilities.

FRA’s new report makes a total of 50 suggestions, targeted at EU and national policymakers, on the ways of improving fundamental rights protection at the EU’s sea borders. These include:

- Developing a clear guidance on where to disembark migrants intercepted or rescued at sea, particularly for Frontex-coordinated operations.
- Emphasizing the role of the border surveillance platform EUROSUR in life-saving operations.
- Guaranteeing that the personal data stored by the EUROSUR system is accurately protected. Ensuring that practical training for border officers fully integrates fundamental rights issues from the very beginning.
- Bringing in fundamental rights expertise at key stages of the planning, implementation and evaluation of projects using funds that the EU provides for the management of external borders.

FOCUS AREA 3 – EQUALITY, INTEGRATION AND SOCIAL INCLUSION OF VULNERABLE PERSONS

Integration of migrant workers

The European Parliament recently adopted a [resolution](#) on the integration of migrants and its effects on the labour market. The document stresses the importance of integrating migrants in the labour market and highlights the role of migrant women in our societies. Moreover, the European Parliament gives suggestions on good practices to lead the Member States to a better integration of migrant workers. The resolution highlights the positive effects of the integration of migrant workers and it calls on the Commission and the Member States to provide equal opportunities in the field of access to the labour market.

This resolution is not legally binding and will therefore not oblige the Commission to initiate proposals or the Council to respond. However, this does not preclude the possibility that the Commission may come forward with an initiative.

Freedom of movement of EU workers

The Commission has [authorised](#) Spain to extend existing temporary restrictions on Romanian workers. In 2009, Spain was one of the countries that opened their labour markets to Romania and Bulgaria after their accession in 2007. However, following high levels of unemployment in Spain due to the economic crisis, Spain made a request to the Commission for the reintroduction of transitional restrictions to be authorised in August 2011. This request was repeated in December 2012, and will be the last such extension as transitional measures for Romania and Bulgaria will expire for all EU member states at the end of 2013.

Debate in the UK has been rife on immigration, restricting access to benefits for EU migrants, the impact on housing, education and healthcare, and the prospect of an influx of Romanians and Bulgarians in 2014. In the case of the opening of labour markets to the 2007 EU entrants, focus has mostly been put on unemployment benefits- the Commission has continually [questioned](#) the UK's introduction of a "right to reside" test on top of the EU-wide "habitual residence test". The strength of the claims and consensus across mainstream UK political parties provoked a response from [Commissioner for Employment and Social Affairs, Laszlo Andor](#) and the [Council of Europe's Human Rights Commissioner, Nils Muiznieks](#). (For more analysis, see [EPC Commentary](#) on the topic and the National Institute for Economic and Social Research [study](#) on the impacts).

Concerns of so-called "benefit tourism" have also struck a chord in other [EU countries](#), particularly with regards to the cases of Sinti and Roma. Reports indicate that interior ministers from Austria, Germany, the Netherlands, and the UK, want to put the issue on the agenda for the Justice and Home Affairs Council in June 2013 through the publishing of a joint letter. The Commission has launched a study to establish whether benefits are indeed a draw for EU migrants.

A summary of the state of play on the free movement of workers can be found in this recent MPI [report](#), published in March 2013. The same institution has issued a [report](#) on the integration needs of EU migrants.

Access to healthcare for migrants

On April 9, 2013 Médecins du Monde issued a [report](#) focused on the access to healthcare in Europe in times of crisis and rising xenophobia. The report shows concerns related to the restriction of access to healthcare for undocumented migrants in some European countries due to austerity measures affecting healthcare systems. Therefore, Médecins du Monde calls on governments to maintain the protection of vulnerable persons and to ensure they are provided with effective healthcare.

TRANSVERSAL ISSUES

The budget issue

The multiannual financial framework (MFF) for [2007 – 2013](#) that is coming to an end (Framework programme on Solidarity and the Management of Migration Flows) contained four main pillars devoted to asylum and migration policies: the European Refugee Fund, the External Frontiers Fund, the European Integration Fund and the European Return Fund.

In order to streamline procedures and allow for a better understanding of the rules by all stakeholders, the new budget for the period of [2014 – 2020](#) proposes to cover migration, asylum and border issues under two new funds: the [Migration and Asylum Fund](#) covering asylum and migration issues and the [Internal Security Fund](#) which will cover border issues.

3,869 million EUR will be allocated to the Migration and Asylum fund. The latter will comprise of 3,232 million EUR for national programmes of Member States and 637 million EUR for Union actions, emergency assistance and the [European Migration Network](#).

The [Internal Security Fund](#) will have a budget of 4,648 million EUR divided in two sections: the police cooperation instrument (1,128 million EUR) and the border instrument (3,520 million EUR).

Regarding EUROSUR, the Commission has suggested that the total costs are likely to be in the region of 338.7 million EUR, with the bulk of EU funding provided by the External Borders Fund in 2012-13 and from the external borders element of the EU Internal Security Fund from 2014-20. Funding will also be available from the EU's Seventh Framework Research and Development Programme in 2012-13 to support the common application of surveillance tools.

The Entry/Exit System (EES) and the Registered Travellers Programme (RTP) are part of the border instrument of the ISF and they will have a budget of 1.1 billion EUR. The funding should start from 2015 and should cover the costs for the entire Multiannual Financial Framework period at the EU level but also development costs for the Member States.

Indeed, a 2012 [report](#) of the Heinrich Böll Foundation highlights how this budget provision will not cover the costs of the whole border management project, stressing that the already existing systems, such as SIS and VIS, will also involve new costs in order to be adapted to the new regime. Finally, in such times of economic crisis, where the leitmotiv is austerity, the Foundation wonders if the project is not too expensive for the Member States.

As the different funds are currently under negotiation, more information about the objectives and targets covered by the different funds will be given in a future EPIM Update.

UPCOMING EU JHA CALENDAR

Council

The next and final JHA Council of the Irish Presidency will take place on **6 - 7 June**.

The Irish Presidency will also be holding:

- [Conference](#) on Gender Equality and Europe 2020 in Dublin on **29 - 30 April**
- [30th Meeting](#) of Directors-General for Civil Protection in Dublin on **22 - 23 May**
- Schengen Information System (SIS) [Working Group](#) in Dublin on **22 - 23 May**
- EU Justice and Home Affairs [bilateral meetings](#) between EU and US ministers on **14 June**
- Heads of SIRENE (Supplementary Information Request at the National Entry) [meeting](#) on **18 - 19 June** in Dublin.

European Parliament

The [next](#) LIBE committee meetings will take place on **24 - 25 April**, and **29 - 20 May**

Commission/EESC

The 9th European Integration Forum will take place on the **4 - 5 June** in Brussels.

This forum will focus on the integration of young migrants in the European society, analysing three strands:

- Integration activities in schools;
- Improving access to the labour market for young migrants;
- Young migrants in the public space (including digital media).