



**Ad-Hoc Query on the actions/policy measures taken in migration management as the reaction to global crisis**

**Requested by LT EMN NCP on 9<sup>th</sup> June 2009**

**Compilation produced on 22<sup>nd</sup> of July 2009**

**Responses from AT, BE, BG, CZ, DE, EE, ES, FI, FR, HU, IT, LV, LT, NL, PL, PT, SE, SI, SK, UK (20 in Total)**

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**1. Background Information**

There are ongoing discussions in Lithuania on whether immigration rules (especially employment of foreigners) should be tightened in the period of the global crisis. Media provides examples from other EU MS introducing various measures to restrict the immigration, employment and foster the return of migrants. With regard to this we would like to know what actions/policy measures your government is implementing in reaction to the global economic crisis?

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## 2. Responses<sup>1</sup>

		Wider Dissemination? <sup>2</sup>	What actions/measures affecting migration policy has your Government taken as the reaction to the global crisis? We are particularly interested in: <b>A. Admission policy. Did immigration quotas, the admission conditions for third country nations (especially labour migrants change? How?</b> <b>B. Fight against illegal immigration and illegal employment of migrants. What are the changes if any?</b> <b>C. Promotion of returns (voluntary and involuntary). Has your Government taken any actions to promote return of migrants? Any measures related to forced deportations?</b>
	AUSTRIA	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	BELGIUM	Yes	Belgium does not consider to take any migration related (policy) measures as a reaction to the global crisis. Noteworthy to mention is probably the fact that the effects of the crisis are reflected in (some of the) migration related data (sharp decline on number of demands new labour permits, decline on number of visas issued etc).
	BULGARIA	Yes	<b>A.</b> No legal changes, except for the TCNs – investors: the threshold for the investment allowing to receive permanent residence was raised to 1 000 000 levs (500 000 EUR) and the requirement for uninterrupted 12-months stay for them dropped out. <b>B.</b> No legal changes. <b>C.</b> Changes were made in the Law for the Foreigners in the Republic of Bulgaria allowing TCNs with imposed coercive administrative measures – revoking the right of stay and compulsory escort to the border - to leave the country on voluntary basis within the period of 7 to 30 days.
	CZECH REPUBLIC	Yes	<b>A.</b> Certain restrictions have been put on filing of applications for long-term visas. In accordance with the labour market needs almost no new work permits for third country nationals residing outside the territory of the Czech Republic are issued (priority is given to those already in the territory of the Czech Republic). <b>B.</b> Tougher controls targeted at detecting illegal migrants were introduced after the initial promotion phase of the assisted voluntary return program (see below). <b>C.</b> A voluntary return program provided for in a Government Decision was launched in February 2009. It is aimed at legally

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

**EMN Ad-Hoc Query: Assessment of Travel Documents as Foreign Passports**

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			residing third-country nationals who lost their work as a result of economic crisis. The arrangement of return is connected with a financial incentive. The program is regarded as successful and the government already decided on continuation of this project. There are no special measures as to forced return.
	ESTONIA	<b>Yes</b>	No legislative or practical changes in so to say migration field have been taking place in Estonia yet as a reaction to the global crisis. <b>A.</b> Admission policy remains the same – very strict. <b>B.</b> There are no changes in fight with illegal immigration and illegal employment yet. Migration police performs its duties in the usual way. <b>C.</b> No actions undertaken by the Government. Estonian Migration Foundation (EE NCP) continues its usual activities, supporting both voluntary and forced returns financially and by consulting (possible) returnees.
	FINLAND	<b>Yes</b>	<b>A.</b> In Finland there are no quotas set for migrant workers. The current permit system for labour migration is based on the Aliens Act. The Employment Office assesses the availability of suitable labour for the work in question at the labour market within a reasonable time. There have been discussions that the permit system for labour migration should be simplified. However, the Government proposal for amending the Aliens Act has been postponed due to the current economic crisis. The Government of Finland underlined in its midterm review that if there is need to recruit from abroad, the European Union area ought to be strongly prioritised. Ministry of the Interior, in accordance with the Government's Programme, has been preparing an Action Plan on Labour Migration. Due to the economic downturn, the designed measures to promote labour migration in the Action Plan are rather provisions than very active by nature. <b>B.</b> The global crisis has not resulted in major changes, but the supervision of employment agencies and terms and conditions of employment of migrant workers is emphasized. It is prohibited to charge a fee from individual customers for employment agency services aiming directly at employment. <b>C.</b> The economic crisis does not have any significant effects on our return policy. We have always stressed the importance of an effective return policy as an integral part of our migration management. In the near future we will examine possibilities and implement suitable measures to promote voluntary return. That is also an essential part of an implementation process of an EU return directive.
	FRANCE	<b>Yes</b>	No specific measures have been taken since the crisis began in late 2008. But, <b>A.</b> France had started after 2006 and especially in 2007, to redirect immigration to better take into account its socio-economic needs. The law on immigration and integration of 24 July 2006 adopted 3 measures to promote economic migration, involving the creation of new residence permits: • temporary residence permit issued for 6 months to students who have completed their university studies to find a job. • the residence card "skills and talents. Over a period of 3 years, this card is renewable once for nationals of countries in the priority solidarity zone (list of countries in Annex 1); • the residence card "seasonal" for seasonal jobs (agriculture, hotels, etc.). Over a period of 3 years, it is renewable. Issue is subject to retention by them of their residence in their country of origin and production of a work contract in France for a maximum of 6 months per year.

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			<p><b>B.</b> France has implemented new procedures to fight against illegal migration and expel illegal aliens. End 2006, a new administrative measure, “obligation to leave the french territory” (OQTF in French), allows more efficiency than the old procedures . The increase in the number of rejections at the border and deportations in recent years shows that increased fighting against illegal immigration.</p> <p><b>C.</b> Voluntary returns are part of the removal of illegal aliens. Progression on the last 2 years of the aids for voluntary repatriation (ARV in French) and for humanitarian repatriation (ARH in French) for non-EU foreigners is important:</p> <p>2007 :</p> <table border="1"> <tr> <td>ARV</td> <td>ARH</td> <td>TOTAL</td> </tr> <tr> <td>2 040</td> <td>2 898</td> <td>4 949</td> </tr> </table> <p>2008 :</p> <table border="1"> <tr> <td>ARV</td> <td>ARH</td> <td>TOTAL</td> </tr> <tr> <td>2 206</td> <td>10 212</td> <td>12 418</td> </tr> </table>	ARV	ARH	TOTAL	2 040	2 898	4 949	ARV	ARH	TOTAL	2 206	10 212	12 418
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	GERMANY	<b>Yes</b>	<p><b>A.</b> In the area of migration, specific measures and/or legal initiatives have neither been implemented nor planned for this year by the Federal Government in reaction to the global economic and financial crisis. The Federal Office does not know whether the responsible local aliens’ authorities (approx. 600) and the regional public employment services (approx. 190) have tightened the admission conditions for third country nationals seeking employment by stricter assessment of prevalence and equivalency; moreover, labour market situation and future employment perspectives in the individual regions are far too different to allow any generalisation on that point. Germany does not apply any entrance quotas.</p> <p><b>B. B and C:</b> To the knowledge of the Federal Office, the current crisis has not led to any changes to the measures being implemented in these areas.</p>												
	HUNGARY	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.												
	ITALY	<b>Yes</b>	<p><b>A.</b> Immigration policies in Italy provide a structural system of annual quotas. In the case of 2009, in particular, until now only the entry of seasonal workers (80 thousand) was approved. Regarding those foreign workers that, as a result of the current economic crisis, might be redundant, see also the reply to recent ad hoc query issued by Irish NCP.</p> <p><b>B.</b> It’s under review in Parliament the draft Law No AS 733-B "Provisions relating to public safety", which provides in particular the imprisonment from a minimum of 6 months to a maximum of 3 years for those people supplying accommodation to illegally resident foreigners(art. 1, paragraph 14), the prohibition to marry illegally resident foreigners ( Article 1, paragraph 15), a fine from 5,000 to 10,000 euros for a foreign person who commits the offense of illegal entry and residence (art. 1 paragraph 16), the extension to 180 days of the period of detention of foreigners on the “Centres for Identification and Expulsion”, former “Centres for Temporary Detention” (art. 1, paragraph 22-23-24); aggravation of punishment for aiding illegal immigration (Article 1, paragraph 26-27), etc.</p>												

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			<p><b>C.</b> As regards the forced returns, the approval of the mentioned draft Law No AS 733-B, will extend from 2 months to 6 months the detention period in “Centres for Identification and Expulsion”, a measure that was intended by the legislature in order to increase the number of identifications and expulsions. In addition, as part of the European Returns Fund it was approved the project "Networking for the Italian assisted voluntary repatriation - Nirva" aimed at creating a network of people working on field (operators, local authorities and NGOs as well as embassies and consulates of countries Origin). This project was presented by AICCRE (the Italian Association for the Council of European Municipalities and Regions) in cooperation with Italian Association of Catholic Workers, Caritas Italy, Italian Refugee Council and IOM. Another funded project is the "Program for assistance to voluntary return and reintegration from the country Origin - PARTIR" for the implementation of Assisted Voluntary Return and Reintegration in the Countries of origin for specific vulnerable groups.</p>
	LATVIA	<b>Yes</b>	<p><b>A.</b> Latvia is not tightening immigration rules regarding migrant workers. In fact, there are some changes in the opposite direction under preparation – one stop agency and lighter immigration procedure for those involved in important investment projects. There are no immigration quotas and there is no intension to establish them.</p> <p><b>B.</b> No changes</p> <p><b>C.</b> C. No changes.</p>
	LITHUANIA	<b>Yes</b>	<p>Lithuania is currently in the “anticipation” phase. No real policy changes were made but some migration policy initiatives were suspended due to decrease of funding (e.g. Programme on the promotion of labour migrants to return to Lithuania, Programme on the prevention of human trafficking and assistance to victims, work of the Commission on Economic migration).</p> <p><b>A.</b> No legal changes. Other changes:</p> <ul style="list-style-type: none"> <li>• The Ministry of Social Security and Labour publishes twice a year a short-list of specialities for which procedures for employment of foreigners are being facilitated. The current list has been reduced to 10 specialities (from 60 in 2007 – 60 and 32 in 2008).</li> <li>• Migration department observes an increase in requests by Lithuania employers to revoke resident permits to foreigners who were invited by Lithuanian employers to come and work in Lithuania. Since the situation changed, these workers are no longer needed.</li> </ul> <p><b>B.</b> No legal changes. In practice – stricter control of suspected marriages of convenience.</p> <p><b>C.</b> No legal changes.</p>
	NETHERLANDS	<b>Yes</b>	<p><b>A.</b> If the present declining numbers of highly skilled workers and labour migrants will continue, this will increase the structural shortages in some fields of the Dutch labour market. Possibly this situation will lead to future adjustments of migration policy in this area. Regarding that, the facilitation of temporary migration might be implemented sooner.</p> <p><b>B.</b> No changes, at this stage</p> <p><b>C.</b> No actions/measures taken</p>
	POLAND	<b>Yes</b>	Polish Government has taken no actions/measures affecting migration policy as the reaction to the global crisis.

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	PORTUGAL	<b>Yes</b>	<p><b>A.</b> No legal changes. The legal framework still continues to be the Act n.º 23/2007, 4<sup>th</sup> of July. In 2008 immigration quotas for admission for third country nations were 8600 and for 2009 the quota will be 3600.</p> <p><b>B.</b> No legal changes.</p> <p><b>C.</b> No legal changes. According to the legal framework (Act n.º23/2007, art.º 139º, ns. 1 e 2), the State may assist the voluntary return of foreign citizens who fulfil the demandable conditions in countries of origin, within the scope of cooperation programs established with international organisations, namely the International Organisation for Migration or non-governmental organisations. Can benefit from assistance under the stipulations laid down in the preceding number, foreign citizens when holding a residence permit, return it at the border post when boarding. About forced deportations, there aren't any new measures. What exists is considered in the legal framework namely the Act n.º 23/2007.</p>
	SLOVAK REPUBLIC	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	SLOVENIA	<b>Yes</b>	<p>Global crisis doesn't directly affect the migration policy of the Republic of Slovenia or the legislation in the field of admission of aliens, fight against illegal immigration or return. The content of these policies is harmonised with the EU acquis and other international commitments.</p> <p>The global crisis does however affect the economic situation in the country and consequently the state budget. In regard to this, Slovenia has taken some measures, which however do not affect the content of implementation of the EU acquis and slovene legislation in the field of migration, especially the parts connected with human rights.</p>
	SPAIN	<b>YES</b>	<p>Spain has reacted unto the global economic crisis with several economic measures which, to a greater or lesser degree, have affected migration policy.</p> <p><b>A.</b> Spanish legislation on the admission of immigrant workers remains unchanged. Nevertheless, the current economic situation has resulted in a considerable decrease in the number of foreign workers entering Spain. The hiring of foreigners in the country of origin has suffered a notable decline in comparison with previous years (through the general scheme). Likewise, Spain's non-EU foreign worker Quota for 2009, developed on the basis of the national employment situation, has been greatly affected. As a result, the Quota for 2009 offers 901 permanent job positions (in addition to temporary positions which may arise), representing a decrease of more than 90 percent as regards the figure approved in 2008 (15,731 permanent job positions). Altogether, this reflects a lesser demand for employment due to the impact of the crisis and the priority concerning employment which now focuses on internal redeployment.</p> <p><b>B.</b> Changes directly related with the global economic crisis are inexistent as regards the general tendency in the fight against illegal immigration. Despite this, it is true that instruments for border control each year gain in efficiency and the Ministry of the Interior offers data as to the increase in deportations of illegal immigrants.</p> <p><b>C.</b> The so-called Plan for Voluntary Return was approved in September 2008 (Royal Decree-Law 4/2008 of 19 September, on the possibility of cashing in unemployment benefits to which third country nationals are entitled in exchange for voluntary return to their country of origin, developed by Royal Decree 1800/2008 of 3 November). This measure intends to advance the economic</p>

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			<p>unemployment benefit due, in the amount corresponding with certified contributions, to non-EU foreign workers who become unemployed in Spain and voluntarily decide to return to their country of origin.</p> <p>In order to benefit from this measure, the foreigner must commit to return to the country of origin and not re-enter Spain within 3 years. The beneficiaries may receive the totality of the unemployment benefit to which they are entitled in two payments. The first payment in Spain, for 40% of the total. The second payment to be received the following month once having returned to the country of origin, for the remaining 60%.</p> <p>Likewise, a future amendment to the Regulations of Law 4/2000 on the rights and duties of foreigners in Spain and their social integration is foreseen, by which criteria will be introduced for the purpose of facilitating the redeployment of foreigners who become unemployed. Therefore, amongst others, the elimination of restrictions as to geographical area or activity sector and facilitation of permit renewal for workers with a certified employment history are expected.</p>
	SWEDEN	Yes	<p>In Sweden no legal or policy changes has come about due to the global crisis.</p> <ul style="list-style-type: none"> <li>A. We don not have immigration quotas and no change in admissions has occurred.</li> <li>B. No changes concerning illegal immigration or illegal employment.</li> <li>C. C. Return has been an area with high priority for years in Sweden. This has not been affected by the global crisis.</li> </ul>
	SPAIN		<p>Spain has reacted unto the global economic crisis with several economic measures which, to a greater or lesser degree, have affected migration policy.</p> <ul style="list-style-type: none"> <li>D. Spanish legislation on the admission of immigrant workers remains unchanged.</li> </ul> <p>Nevertheless, the current economic situation has resulted in a considerable decrease in the number of foreign workers entering Spain. The hiring of foreigners in the country of origin has suffered a notable decline in comparison with previous years (through the general scheme). Likewise, Spain's non-EU foreign worker Quota for 2009, developed on the basis of the national employment situation, has been greatly affected. As a result, the Quota for 2009 offers 901 permanent job positions (in addition to temporary positions which may arise), representing a decrease of more than 90 percent as regards the figure approved in 2008 (15,731 permanent job positions). Altogether, this reflects a lesser demand for employment due to the impact of the crisis and the priority concerning employment which now focuses on internal redeployment.</p> <ul style="list-style-type: none"> <li>E. Changes directly related with the global economic crisis are inexistent as regards the general tendency in the fight against illegal immigration. Despite this, it is true that instruments for border control each year gain in efficiency and the Ministry of the Interior offers data as to the increase in deportations of illegal immigrants.</li> <li>F. The so-called Plan for Voluntary Return was approved in September 2008 (Royal Decree-Law 4/2008 of 19 September, on the possibility of cashing in unemployment benefits to which third country nationals are entitled in exchange for voluntary return to their country of origin, developed by Royal Decree 1800/2008 of 3 November). This measure intends to advance the economic unemployment benefit due, in the amount corresponding with certified contributions, to non-EU foreign workers who become unemployed in Spain and voluntarily decide to return to their country of origin.</li> </ul> <p>In order to benefit from this measure, the foreigner must commit to return to the country of origin and not re-enter Spain within 3 years. The beneficiaries may receive the totality of the unemployment benefit to which they are entitled in two payments. The first payment in Spain, for 40% of the total. The second payment to be received the following month once having returned to the country of origin, for the remaining 60%.</p> <p>Likewise, a future amendment to the Regulations of Law 4/2000 on the rights and duties of foreigners in Spain and their social</p>

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			integration is foreseen, by which criteria will be introduced for the purpose of facilitating the redeployment of foreigners who become unemployed. Therefore, amongst others, the elimination of restrictions as to geographical area or activity sector and facilitation of permit renewal for workers with a certified employment history are expected.
	UNITED KINGDOM	Yes	<p>A. In response to the global recession and the downturn that has hit British workers – we are even more selective in the following key ways:</p> <ul style="list-style-type: none"> <li>• We have strengthened the Resident Labour Market Test (RLMT) for employers with skilled jobs on offer, so employers must advertise them to resident workers through JobCentre Plus<sup>3</sup> before they can bring in a worker from outside Europe. This reinforces JobCentre plus’ active role in matching job vacancies to the skills of the resident population;</li> <li>• we tightened the criteria for highly skilled migrants raising the qualifications and salary level to enter the UK through Tier 1 of the Points Based System to require a Masters degree and a minimum salary of £20,000; and</li> <li>• we will use the publication of the Shortage Occupation Lists every six months to trigger skills reviews of the jobs on this list, focusing on up-skilling resident workers, making the UK less dependent on migration for the future.</li> </ul> <p>B. The UK Government continues to take robust enforcement action against employers of illegal migrant workers. Employers can receive a civil penalty of up to £10,000 for each illegal worker they employ if they have failed to carry out proper document checks. Over 2,000 penalties have been issued since the new arrangements were introduced in February 2008, pre-dating the current economic downturn. The aim of the new penalty system is to deter illegal journeys by eliminating illegal jobs, but is not a direct response to the current economic situation – it was something the UK planned to do in any case.</p> <p>C. The UK government has not taken any actions to promote the return of migrants or any measures related to forced deportation, in specific response to the global economic crisis. The UK continues to promote and encourage voluntary return of migrants but also continues to look to enforce the return of those who do not return voluntarily.</p>

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<sup>3</sup> More information about Jobcentre plus can be found at: <http://www.jobcentreplus.gov.uk/JCP/index.html>