

THE EUROPEAN  
UNION  
EXPLAINED

Building an  
open and safe  
Europe



# Migration and asylum

Migration to Europe is a longstanding phenomenon. To seize the opportunities and confront the challenges engendered by this kind of international mobility, the European Union (EU) is developing a common approach to migration. Likewise, the EU has developed a Common European Asylum System to protect those seeking refuge in Europe from persecution or risk of serious harm in their home country. Work in these policy areas also involves closer dialogue and cooperation with non-EU countries.

# THE EUROPEAN UNION EXPLAINED

*This publication is a part of a series that explains what the EU does in different policy areas, why the EU is involved and what the results are.*

*You can find the publications online:*

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### **The EU explained: Migration and asylum**

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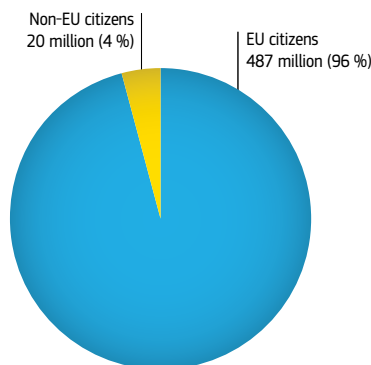
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## Why we need a common policy on immigration

### Immigration: more an opportunity than a challenge

Immigration to Europe, in one form or another, is a reality and will continue to be so in the future. There are different reasons why people move to the EU. Some come for studies or research, some come for work and some to join their families already living in the EU. Simultaneously, an increasing number of global crises, both man-made and natural, have prompted people to leave their country of origin. Of the approximately 507 million people living in the EU, around 20 million are citizens of non-EU countries.

EU-28 POPULATION IN 2013



Source: Eurostat.

Immigration not only benefits the people moving to the EU, but also the receiving society. Immigrants can fill gaps in all levels of the labour force, ranging from highly qualified specialists, of whom there already is a lack in the EU, to workers in tasks that EU citizens might no longer want to undertake. Strengthening the EU's labour force is becoming ever more crucial in view of the current and future demographic challenges. In addition, immigrants bring with them new ideas and methods, which can boost creativity and innovation.

For countries of origin, the economic benefits of migration are well documented and include contributions to poverty reduction through remittance transfers and diaspora investment initiatives. Financial, human and social capital from the diaspora can also directly contribute to meeting social development goals, including the Millennium Development Goals (MDGs) on health and education. Other benefits that immigration brings are more social and cultural in nature. Mutual exchanges can be enriching and help create more tolerant environments.

#### What if there was no more immigration into the EU over the next 20 years?

- The EU would lose 33 million working-age persons (- 11 %);
- The EU's old-age dependency ratio (number of people over 65 years of age to number of people in the working age group) would increase from 28 % to 44 %;
- The portion of young workers (20–30 age group) in the EU labour force would decrease by 25 %, while those aged 60–70 would increase by 29 %.

Source: 'Is what we hear about migration really true? Questioning eight stereotypes' — Migration Policy Centre.

However, the benefits of immigration can only be reaped if the immigrants successfully integrate into their receiving society. This is of course a two-way process. Immigrants must respect the rules and values of the society which receives them, while the latter must provide immigrants with opportunities for full participation in society. These include learning the language, studying or working, as well as enjoying the same rights as EU citizens.

One of the downsides of immigration is that it sometimes happens irregularly. People might arrive legally on a short-stay visa and then overstay. Some might enter and stay in an EU Member State without authorisation, sometimes against their will. Human trafficking networks and smugglers can easily exploit undocumented persons. The black labour market also attracts irregular immigration. Irregular immigration in all its forms must be tackled to protect the most vulnerable and to maintain public confidence in immigration policies.

In an EU of 28 Member States, where most internal borders have been abolished and where people can move freely, migration cannot be managed by one country alone. It is essential that EU Member States cooperate to better manage migration. At the same time, it is crucial to take full advantage of the external dimension of EU migration and mobility policy and strengthen cooperation with our neighbours and strategic partners.

## What the EU does

### A common EU approach to managing immigration

The EU Member States are mainly responsible for determining the procedures for immigrants' entry into their territory and deciding on the number of labour immigrants that they will admit. To complement and harmonise national immigration policies, the EU is creating a **common legal framework**. This includes conditions for entry and residence for certain categories of immigrants, such as students, researchers and workers, in order to simplify their admission procedures and to provide them with rights that are homogeneous throughout the Union. For example, non-EU nationals who have been legally resident in an EU Member State for at least 5 years are entitled to long-term residence status, which is common to the entire EU, granting them a range of economic and social rights similar to those of EU citizens.

*There are common rules for foreign students to access the EU.*



*The EU Immigration Portal provides practical information about moving to the EU to potential immigrants as well as to those already living in Europe.*

*The European Migration Network provides up-to-date and reliable information on migration and asylum to policymakers and the general public.*

To be admitted into the EU, immigrants falling within one of the above categories must fulfil certain requirements, such as having a valid travel document, health insurance and, in the case of minors, parental authorisation. They may also be required to prove that they have the financial means to support themselves for the length of their stay or that they have sufficient knowledge of the receiving country's language. In turn, EU Member States grant these immigrants a residence permit and a set of rights, such as the right for students to work in order to cover part of their study costs.

#### Immigration for the purpose of studies or research

To promote the EU as a centre of excellence for studies and vocational training, the EU has harmonised the admission conditions for non-EU nationals who wish to:

- pursue studies leading to a higher education qualification (students);
- follow recognised secondary education programmes (schoolchildren);
- pursue unpaid internships (interns);
- take part in national or EU volunteer programmes (volunteers).

Research is an essential element in boosting growth and competitiveness. To strengthen its position as an international research hub, the EU needs to attract more researchers from around the world. To this end, it has created a fast-track procedure for the admission of researchers who have been invited to come to work in an EU Member State by an approved research organisation. They receive a residence permit, which automatically grants them the right to work as a researcher. In addition, they enjoy a number of other rights equal to those of nationals, such as the right to social security and to carry out research in another EU Member State, as well as the right to family reunification (i.e. the researcher's immediate family members may join him/her in the receiving country and receive a residence permit with the same duration).

## Immigration for the purpose of work

The EU has recognised the important role that labour migration can play in driving its economic development and in addressing the labour and skills shortages and demographic challenges it is facing. Consequently, it has put measures in place that make it easier for certain categories of immigrants to enter the EU.

Attracting highly qualified immigrant workers is essential to further strengthen the EU's competitiveness. The EU Blue Card provides such immigrants with a special residence and work permit, thus facilitating their access to the labour market and granting them a set of socioeconomic rights, including the right to family reunification and, in due course, the right to move freely within the EU. By means of a harmonised fast-track procedure and common criteria for issuing the EU Blue Card, EU Member States can respond flexibly to the demands of their respective labour markets.

Moreover, an EU single permit for immigrants working and residing in the Union greatly simplifies the administrative procedures for both immigrants and their future employers by means of a single application procedure for a residence and work permit. Non-EU workers also receive a set of rights equal to those of EU nationals as regards working conditions, recognition of qualifications (educational and professional) and access to vocational training and social security.

EU rules on seasonal workers ensure that employers can temporarily, and in a responsible manner, draw on foreign labour when no EU workers are available. The EU rules will help avoid economic and social exploitation, and provide incentives and safeguards to prevent temporary stays from becoming permanent.



*The EU Blue Card makes it easier for European companies to hire highly qualified foreign workers.*



*Family unity is important to successful integration.*

As the world's largest single market, the EU has an interest in allowing key staff of multinational companies to transfer temporarily to the EU and fulfil assignments in multiple Member States. The directive on intra-corporate transfers does just that, while ensuring that such workers do not distort local labour markets.

## Immigration for the purpose of family reunification

Family reunification remains one of the main reasons why people move to the EU. Preserving the family life of those immigrants who already live in the Union is particularly important for their integration into the receiving society. The EU has common conditions for granting family reunification and related rights to family members. Non-EU nationals who are already legally residing in the Union may, subject to any specific conditions imposed by the receiving country (such as the requirement to have adequate accommodation and sufficient economic resources), be joined by their spouse, minor children and the children of their spouse. EU Member States may also include on the list of family members eligible for reunification the unmarried partner, dependent adult children and dependent older relatives. When entering the EU, family members receive a residence permit and are entitled to access education, employment and vocational training on an equal footing with other non-EU nationals.

## No immigration without integration

*The European Website on Integration helps create a European community of integration policymakers and practitioners by offering good practices, news, links, events and other features relating to the successful integration of non-EU nationals lawfully residing in the EU.*

Only by active participation at all levels of society can immigrants living in the EU successfully integrate into their receiving country. To this end, they must enjoy rights similar to those of EU citizens as well as have the chance to learn the language of the receiving country, to study, to work and, in general, to acquire a sense of belonging. By participating actively in the receiving society, immigrants can also contribute to its economic and social development and the cultural diversity of the EU. At the same time, immigrants also have responsibilities — they must abide by and respect the rules and values of their receiving country.

Integration-related measures are mainly the responsibility of EU Member States. The EU promotes cooperation between them so that immigrants throughout the Union have comparable rights and opportunities. For example, the Common Basic Principles for immigrant integration policy in the EU provide Member States with a framework for cooperation and for further developing their integration policies. The European Agenda for the Integration of non-EU Nationals focuses on the economic, social, cultural and political participation of immigrants in their receiving society, placing particular emphasis on actions taken at the local level and on the role of countries of origin in the integration of their nationals. An EU network of national contact points on integration helps national governments exchange best practices and strive to find solutions to their integration challenges. In parallel, the European Integration Forum serves as a platform for dialogue between representatives of civil society, local and regional authorities and the EU institutions. A ‘toolbox’ of integration measures has been put in place to support the authorities and other stakeholders in EU Member States.

## Tackling irregular immigration

Immigrants may attempt to enter the EU by land, air or sea either irregularly or by using false travel documents. They often rely on criminal organisations to help them with this and, at times, continue to be dependent on these criminals upon arrival in the EU. However, most irregular immigrants entered the EU

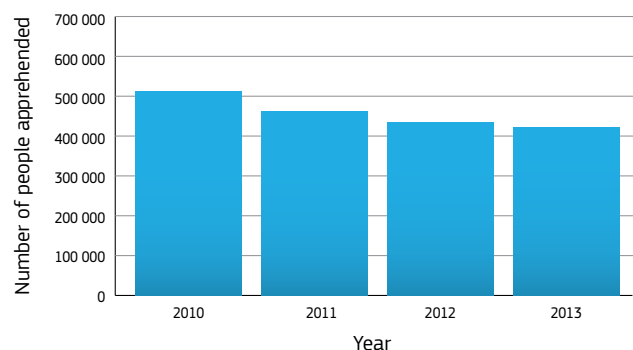
legally with a short-stay visa, but overstayed this visa. In order for European immigration policies to remain sustainable and credible, EU Member States must confront the problem of irregular immigration together.

One aspect of the challenge involves targeting human trafficking and smuggling networks. The EU criminalises human trafficking and provides assistance and protection to those who fall prey to it (see the brochure [Borders and security](#) for more information on this). EU Member States now have the possibility of granting residence permits to human trafficking victims who cooperate with the authorities in dismantling the criminal networks.

The EU also criminalises immigrant smuggling, which is the intentional facilitation of unauthorised entry, transit or residence in an EU Member State, and harmonises to a certain extent the sanctions for this offence. EU law does not target immigrants but those who facilitate their irregular entry, and allows EU Member States to not sanction acts that are carried out for the purpose of humanitarian assistance.

Another aspect of the challenge is the black labour market, which not only attracts irregular immigrants, but also contributes to their exploitation. To this end, the EU has strengthened the sanctions against employers who hire undeclared immigrant workers and has improved the measures that protect these workers, especially in cases where they are exploited by unscrupulous employers.

### APPREHENDED IRREGULAR IMMIGRANTS IN THE EU

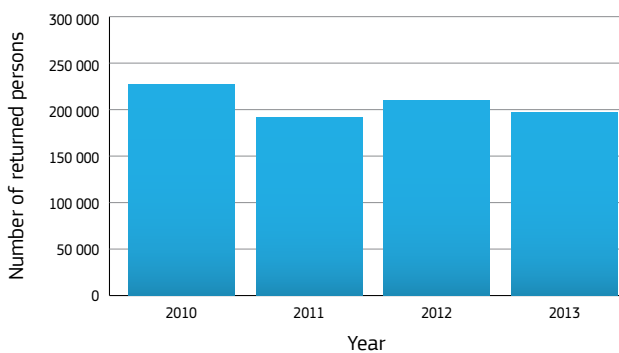


Source: Eurostat.

The **return** of irregular immigrants to their country of origin is also an essential element of a sustainable and credible immigration policy. The EU-wide standards and procedures for returning irregularly staying non-EU nationals are based on the full respect of their fundamental rights (in line with the [Charter of Fundamental Rights of the European Union](#)) and promote, first and foremost, the voluntary departure of these immigrants, providing return assistance if needed.

The EU seeks to harmonise EU Member States' efforts to return irregular immigrants in a humane and dignified manner and to facilitate these immigrants' reintegration into their country of origin. At the same time, more efficient ways are needed to forcibly return those who do not voluntarily comply with their obligations to return. This involves operational cooperation between EU Member States, such as the organisation of joint flights for removals, as well as the negotiation of agreements with countries of origin on the readmission of their nationals (setting the rules and procedures for countries of origin to accept the re-entry of their nationals).

#### IRREGULAR IMMIGRANTS RETURNED FROM THE EU



Source: Eurostat.

### Dialogue and cooperation with non-EU countries

The key to many immigration-related challenges lies in relations with non-EU countries, which calls for improved cooperation and a closer link between the EU's internal and external policies. The EU's **Global Approach to Migration** (GAMM) provides the overarching framework for the external migration and asylum policy. It shapes how the EU conducts policy dialogue and cooperation with non-EU countries, based on clearly defined priorities and embedded in the EU's overall policy framework, including development cooperation.

GAMM presents a balanced and comprehensive menu for cooperation that is aimed at four equally important objectives:

- better organising legal migration and fostering well-managed mobility;
- preventing and combating irregular migration and eradicating trafficking in human beings;
- maximising the development impact of migration and mobility;
- promoting international protection and enhancing the external dimension of asylum.

GAMM includes an explicit migrant perspective; constant attention ought to be dedicated to the human rights of migrants, in particular vulnerable groups.

The four objectives are implemented through several political instruments (regional and bilateral policy dialogues and action plans), legal instruments (visa facilitation and readmission agreements), operational support and capacity-building (including via EU agencies, such as Frontex and EASO). A wide range of programme and project support is also made available for non-EU countries' administration and other stakeholders, such as civil society, migrant associations and international organisations.

Policy dialogues allow the EU to exchange experiences and best practices with partner countries and to identify concrete cooperation options. The principal bilateral cooperation frameworks are the **Mobility Partnerships** and Common Agendas on Migration and Mobility. So far, Mobility Partnerships have been signed with Moldova (2008), Cape Verde (2008), Georgia (2009), Armenia (2011), Morocco (2013), Azerbaijan (2013) and Tunisia (2014).

### EU funding to support the management of immigration

To support EU Member States' efforts in managing immigration efficiently, the EU provides funding opportunities in the areas of integration of non-EU nationals and the return of irregular immigrants.

For example, over the period 2014–20, the EU will have provided €3.137 billion through the **Asylum, Migration and Integration Fund** (AMIF) for its Member States' initiatives that promote the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to immigration. The Fund supports initiatives both at

*Help with translation is one of the services offered by the Warsaw (Poland) 'Salvation' office, which is part-financed through the European Fund for the Integration of third-country nationals.*



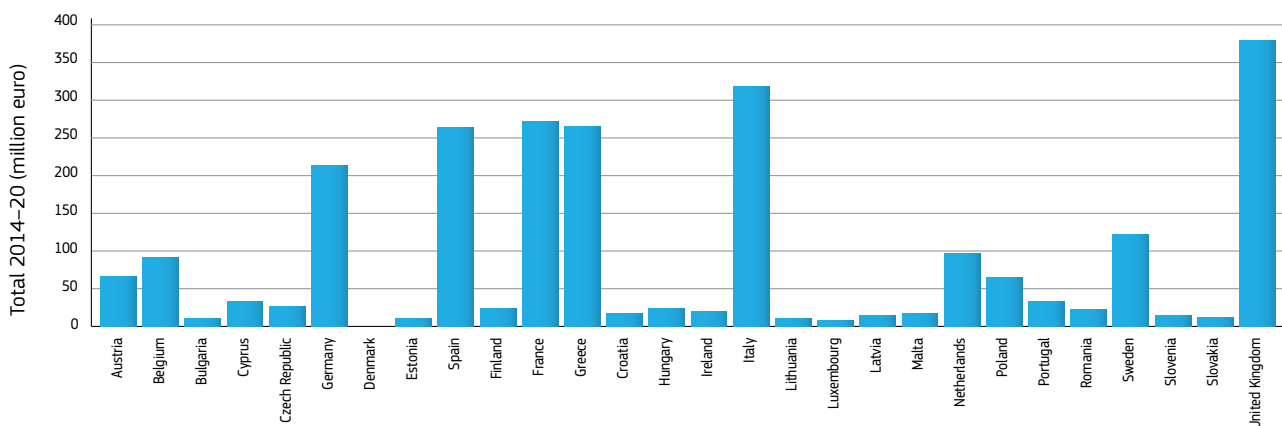
national and EU levels, such as information measures and campaigns in non-EU countries on legal migration channels, language and civic orientation courses for immigrants, information exchange and cooperation between EU Member States and intercultural training for civil society. In particular, the Fund aims to contribute to the following four objectives:

- supporting legal migration to the EU Member States in line with labour market needs and promoting the efficient integration of non-EU nationals;
- enhancing fair and effective return strategies, which contribute to combating irregular migration;
- making sure that EU Member States that are most affected by migration and asylum flows can count on solidarity from other EU Member States;
- strengthening and developing the Common European Asylum System by ensuring that EU legislation in this field is efficiently and uniformly applied (for more information on this, see the chapter on asylum below).

Over the period 2007–13, the EU has allocated nearly €4 billion for the management of the Union's external borders and the implementation of common asylum and immigration policies through the General programme 'Solidarity and Management of Migration Flows' (SOLID). The General Programme consisted of four instruments: External Borders Fund (EBF), European Return Fund (RF), European Refugee Fund (ERF) and the **European Fund for the Integration of third-country nationals** (EIF), the latter having provided €825 million to EU Member States' initiatives facilitating the integration of immigrants into their societies.

The **European Return Fund** provided €676 million to EU Member States' voluntary and forced return activities, including to their joint return operations. The Fund also contributed to activities that improved the quality of information to irregular immigrants on assistance provided for voluntary return and on the risks related to irregular immigration. In particular, the EU supported its Member States' cooperation with countries of return, in order to assist the returnees' reintegration into their country of origin.

#### ASYLUM, MIGRATION AND INTEGRATION FUND



Note: Denmark does not participate in the AMIF.  
Source: European Commission.

## Outlook

The EU will continue its efforts to find common solutions to the immigration challenge for the benefit of both European societies and those moving to Europe to seek a better life. The EU's approach towards migration cannot be one-sided; instead, it must be balanced, comprehensive and anchored in respect for human rights and fundamental freedoms. Immigration is in the EU's own long-term interest, especially when considering the demographic projections and the ageing of the EU's population. The EU needs to become an attractive migration destination; it needs to respond to

skill shortages and attract talents, including by addressing the limitations of the EU Blue Card. The activities of researchers, students, schoolchildren and interns will also be made easier by means of more effective and transparent conditions for entry, residence and intra-EU mobility. The EU will also further develop and strengthen regional and bilateral dialogue and cooperation with its partner countries to secure their cooperation on migration management, on return and readmission of irregular migrants, and to address the root causes of forced migration.



# Why we need a common approach to asylum

## The EU as an area of protection

Asylum is a form of international protection that is granted to people fleeing their home countries because of a well-founded fear of being persecuted. Protection is also granted to people who face a real risk of suffering serious harm if returned to their home country. Nearly 890 000 people sought asylum worldwide in 2013 according to the United Nations High Commission for Refugees (UNHCR). The majority of the world's refugees are hosted by developing countries, and most people fleeing their home countries seek refuge in neighbouring countries. That said, the EU as a whole received approximately 43.5 % of the total asylum applications worldwide. The EU's duty to protect those in need is enshrined in its [Charter of Fundamental Rights](#) and the [Treaty on the Functioning of the European Union](#). It is also an international obligation that results from the [1951 Geneva Convention relating to the Status of Refugees](#).

The number of asylum seekers arriving into the EU each year is not evenly spread among its Member States. In 2013, for example, over 90 % of all asylum claims were dealt with in just 10 countries, with Germany and France at the top of the list. In relative terms, Sweden and Malta were the countries that received the highest number of applicants per head of population.

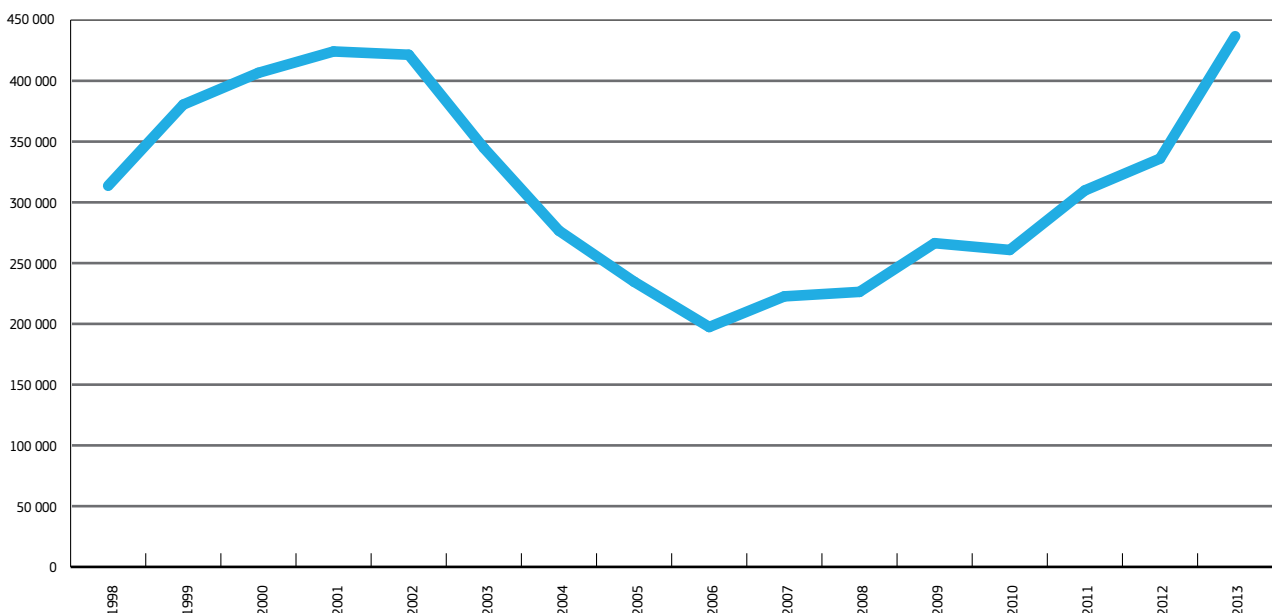


© Stockphoto/Brian Jackson

*The EU protects people fleeing persecution and war.*

A country's location, wealth, benefits system or the degree to which it has liberal asylum policies help to explain why some EU Member States receive more asylum applicants than others. This is why the EU must act in solidarity and help share the responsibility for protecting refugees.

### ASYLUM APPLICATIONS IN THE EU-28



Source: Eurostat.

## What the EU does

### The Common European Asylum System (CEAS)

Since 1999, the EU has been working on creating a **Common European Asylum System** (CEAS). A second generation of laws was adopted in 2013, which will harmonise certain aspects of national asylum processes, ensuring that they are safe, fair, effective and impervious to abuse. At the heart of the common system is the harmonisation of protection and reception standards in the EU. In this way, asylum seekers are guaranteed the same opportunities for international protection throughout the Union. At the same time, the common system is underpinned by EU Member States' effective practical cooperation and solidarity with each other and with countries of origin or transit of asylum seekers.



*The European Asylum Support Office (EASO) supports EU Member States' practical cooperation by helping to identify good practices, facilitating information exchanges and organising training at EU level. EASO also provides technical and operational support to EU Member States that face particular pressures due to, for example, a large number of asylum claims.*



© European Union

*A refugee at a care centre in Rome (Italy) that is supported by the European Refugee Fund.*

### Responsibility for asylum claims (the 'Dublin' system)

In order to avoid transferring asylum seekers from one EU Member State to another without any of them taking responsibility or to prevent so-called 'asylum shopping' (where an asylum seeker submits multiple applications to different EU Member States), each EU Member State must be able to determine if and when it is responsible for handling an asylum claim. The common EU rules allow for the rapid identification of the sole country that is responsible for examining an asylum application. These rules are based on criteria such as where the asylum seeker has family members, where he/she is residing or which country issued him/her a visa or was his/her point of entry into the EU. To help in this process, EU Member States have access to a database called **Eurodac**, which enables fingerprints to be compared in order to verify if an asylum seeker has previously submitted an asylum application in another EU Member State.

### Reception conditions of asylum seekers

Asylum seekers waiting for a decision on their application must be provided with certain essentials that guarantee them a dignified standard of living. Having appropriate and comparable reception conditions throughout the Union should also discourage asylum seekers from moving between EU Member States in search of more generous treatment. According to the EU common minimum standards for the reception of asylum applicants, EU Member States must provide applicants with material support, such as accommodation, clothing, food and pocket money. They must also ensure that the applicants receive medical and psychological care and, in the case of children, that they have access to education. Asylum seekers also have the right to family unity, to vocational training and, under certain conditions, to access the labour market.

## Procedures for granting refugee status

The way EU Member States grant or withdraw refugee status has differed considerably due to their specific constitutional and administrative traditions. However, common safeguards must be ensured for people fleeing persecution and seeking international protection — asylum seekers must have access to fair and efficient asylum procedures. The EU has therefore set out rules on the whole process of claiming asylum, including on how to apply, how the application will be examined, what help the asylum seeker will be given, how to appeal a negative decision, what can be done if the applicant absconds or how to deal with repeated applications. This creates a coherent system which ensures that asylum decisions are efficient and fair and that all EU Member States examine applications with a common high-quality standard.

## Qualifying for refugee status

Before a person can receive asylum, he/she must be recognised as a refugee. It is therefore essential that EU Member States share a common understanding of the term ‘refugee’. To this end, the EU has harmonised the criteria for deciding who can qualify: a non-EU national or stateless person who is located outside of his/her country of origin and is unwilling or unable to return to it due to a well-founded fear of being persecuted because of race, religion, nationality, political opinion or because he/she is part of a particular social group.

If a person does not qualify as a refugee, but cannot nevertheless return to his/her country of origin due to a real risk of suffering serious harm (death penalty or execution, torture or inhumane or degrading treatment or serious individual threat to the life or person as a result of indiscriminate violence), he/she has the right to subsidiary protection.

Beneficiaries of international protection are entitled to a minimum set of rights, such as the right to non-refoulement (which means that the person will not be returned to where he/she risks persecution), to a residence permit and to travel within and outside his/her country of residence. Such persons must also have access to employment, social welfare, medical care, education and any programmes that may facilitate their integration into the country of residence. However, beneficiaries of subsidiary protection may face less favourable treatment under national rules in certain cases, such as in accessing social welfare.



*A family help centre for Chechen refugees in Lublin (Poland), which is co-financed by the European Refugee Fund.*

## Dialogue and cooperation with non-EU countries

As part of its **Global Approach to Migration (GAMM)**, the EU aims to promote international protection and to assist non-EU countries in strengthening their asylum systems. The objective is to improve access to protection for those who need it and as close to their region of origin as possible. To this end, in cooperation with the UNHCR, the EU implements **Regional Protection Programmes** that are designed to enhance the protection capacity of the regions involved and to improve refugee protection by means of durable solutions (return, local integration or resettlement in a non-EU country).

## EU funding to support the reception of asylum seekers and refugees

The **Asylum, Migration and Integration Fund (AMIF 2014–20)** will contribute to support and improve the efforts made by EU Member States to fully and properly implement the CEAS. EU Member States are supposed to allocate 20 % of the resources available to them under the AMIF instrument for achieving this goal. To grant appropriate reception conditions to displaced persons and to applicants for, and beneficiaries of, international protection is one of the important activities to be supported.

In the past 6 years (2008–13), this support was ensured as part of the **European Refugee Fund**, which allocated around €678 million to national and EU-level actions, particularly in EU Member States that received high numbers of asylum seekers and where reception capacities and asylum systems were under particular pressure. It also supported EU Member States’ relocation activities, i.e. the transfer of persons with international protection status from one EU Member State to another or the transfer from a non-EU country to an EU Member State, known as **resettlement**.

## Outlook

The EU has been working over the past few years to improve the Common European Asylum System (CEAS). The legislation has recently been updated in order to further harmonise EU Member States' asylum practices with a view to making them faster, fairer and more efficient. This is not only in the interest of EU Member States, but will also guarantee asylum seekers equal opportunities for protection throughout the Union. Now, the EU needs to ensure that its Member States apply

the Common European Asylum System (CEAS) fully and in a consistent manner. The role of the European Asylum Support Office (EASO) will also be extended, in particular as regards cooperation with non-EU countries. The EU will further increase its efforts to support non-EU countries in dealing with refugee and asylum issues, including through regional protection programmes.

## Find out more

- ▶ **European Commission Directorate-General for Home Affairs website:** <http://ec.europa.eu/dgs/home-affairs>
- ▶ **EU Immigration Portal:** <http://ec.europa.eu/immigration>
- ▶ **European Migration Network website:** [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm)
- ▶ **European Website on Integration:** <http://ec.europa.eu/ewsi>
- ▶ **European Asylum Support Office website:** <http://easo.europa.eu>
- ▶ **United Nations High Commissioner for Refugees website:** <http://unhcr.org/cgi-bin/texis/vtx/home>
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