



COMMISSION OF THE EUROPEAN COMMUNITIES

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

**to present an Action Plan for the collection and analysis of Community Statistics in the  
field of migration**

## Executive Summary

On 1 May 1999, the Treaty of Amsterdam entered into force. One of the Treaty's main objectives is the progressive establishment, within a transitional period of five years, of an area of freedom, security and justice in the European Union. To that end, inter alia, asylum and migration have become matters of Community responsibility under the new Title IV of the amended Treaty establishing the European Community (Art. 63 TEC).

Following the establishment of Community competence, the Commission has put forward proposals for a Community asylum and migration policy. The objective of this Community policy will be to ensure the more efficient management of asylum and migration flows at all their stages. The policy is based on a two-step approach: the adoption of a common legal framework as outlined in the Treaty and the development of an open co-ordination method to work in full complementarity and synergy with other EU policies. In the field of asylum, the aim is the establishment of a Common European Asylum System, based on a full and inclusive application of the 1951 Geneva Convention. These proposals are accompanied by additional measures to combat illegal immigration, in particular the smuggling and trafficking of human beings and to develop a readmission policy and a return policy.

In addition, Article 285 of the TEC allows the Council to adopt measures for the production of statistics where necessary for the performance of the activities of the Community. The Article requires conformity to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

The Council in its 28/29 May 2001 Conclusions considered, regarding common analysis and the improved exchange of statistics on asylum and migration, that there is a need for a comprehensive and coherent framework for future action on improving statistics. It invited the Commission to submit a proposal to this end, taking into account principles and objectives given in an Annex to the Conclusions.

The purpose of this Communication is twofold.

1. Firstly to present an Action Plan that is already underway, aimed at the development and improvement of Community statistics and their analysis in the field of asylum and migration.
2. Secondly, a discussion is proposed about the form and main principles of possible future legislation to underpin all statistical work in this field.

The Communication identifies progress made so far and identifies action needed on the part of the Member States in order to complete the activities identified in the Action Plan.

There is a need to reinforce the exchange of statistical information on asylum and migration and to improve the quality of Community statistical collections and outputs which have, hitherto, taken place on the basis of a series of "gentleman's agreements". A co-ordinated action plan and future legislation will enable the Community effectively to formulate, apply, monitor and assess the policies of the Community, as required in Article 1. of Regulation 322/97. This requirement

becomes applicable, with the introduction of Community policies, in the field of asylum and migration.

In addition, enlargement of the Union in 2004 will bring an added geographical and political dimension to the scale of the phenomena associated with migration. It will also bring a further impetus to the demand for accurate, timely and harmonised statistical information. There is also an increasing need for statistical information regarding the profession, education, qualifications and type of activity of migrants.

The Action Plan is designed to meet the current legal requirements and to implement the Council Conclusions, bringing a new, proactive and dynamic approach to the Commission's activities in this field. Several activities in the Action Plan are already underway, notably in the initiation of ad-hoc exchanges of views, enhanced co-operation and the preparation of an annual report. However it is envisaged that the bulk of activities (outlined in Annex I) shall run from 1 January 2003 to 1 January 2004 (to be developed and extended to 1 January 2005 covering the remainder of the transitional period of Article 67 EC Treaty). Future proposals for legislation on statistics will be based on providing continuity of the principles which lie behind work undertaken during this transitional phase, whilst laying a clear and unambiguous foundation for future work in the field. At the heart of the Action Plan is the political objective expressed in the Council Conclusions, that national asylum and migration figures should become widely available once produced as Community statistics and that there shall be a common analysis at Community level. As this objective pre-supposes the availability of reliable and comparable statistics, delivered in time and processed in accordance with a common statistical methodology, a considerable number of changes to current practice are required in the transitional period and these principles should be at the core of any future legislation. The measures will apply to all statistical data collection, processing and dissemination in the field of asylum and migration, including those actions taking place on a monthly, quarterly and annual basis.

Thus, the Action Plan envisages

- A. Adoption of new practices, common statistical methods and new forms of co-operation.

This will lay the ground for future work which will have a legal basis;

- B. Activities to enhance information exchange and promote decision making.

This will include annual meetings and ad hoc seminars bringing together under the aegis of the Commission the Member States and other providers (the Candidate Countries, Norway and Iceland), other relevant actors (UNHCR, UNSD, UNPD, UNECE, OECD, ILO, Council of Europe, IOM, IGC) and potential new providers;

- C. Changes in the current data collection or database

This includes the extension of the data collection to include data on legal entry and stay; second instance asylum decisions and data on the implementation of procedures, criteria and mechanisms for deciding which Member State is responsible for the examination of asylum applications.

D. Production of user-friendly statistical outputs by the Commission;

This implies the production of a variety of statistical outputs with the aim of meeting the needs of all groups of users of the statistics.

E. Action relating to the legal and political framework

This includes the adoption of Community legislation on statistics and the evaluation of the implementation of this Action Plan.

The European Refugee Fund and the budget line created by the European Parliament for the Migration Observatory currently fund work in this field. The Action Plan will result in a substantial increase in work and statistical output. Future budgetary arrangements may be revised.

The current and new migration and asylum statistics activities described in this Action Plan imply considerable work on the part of the Commission. It should be noted, however, that the success of these measures is, to a large part, dependent on the active co-operation of the authorities in the Member States and other countries. Where national authorities fail to supply the relevant statistical data, the Commission is unable to produce statistics to the appropriate levels of timeliness and quality.

## 1. INTRODUCTION

This Communication presents an Action Plan to develop and improve Community statistics and their analysis in the field of asylum and migration and introduces discussion about the possible future legal basis for this work. Some activities contained in this Action Plan are already being implemented following consultation with relevant national authorities. This Communication represents the formal launch of this work. There is a need to improve the quality of Community statistical outputs as proposed in the Council Conclusions regarding common analysis and the improved exchange of statistics on asylum and migration, adopted on 28/29 May 2001.

This Action Plan succeeds the 1998 Action Plan, on the basis of which the Statistical Office of the European Communities, the Commission Directorate General Eurostat, started collecting monthly statistics on asylum and illegal entry within the context of respectively the CIREA<sup>1</sup> and CIREFI<sup>2</sup> Council working parties. With the extension of the collections to the Candidate Countries and Norway and Iceland, the objectives of the 1998 Action Plan have now been implemented.

The Action Plan proposed here also has an extended scope, incorporating the on-going annual collection of migration statistics, which has, hitherto, taken place on a voluntary basis. This collection, carried out jointly by the Commission with the United Nations Statistical Division, the United Nations Economic Commission for

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<sup>1</sup> Centre for Information, Discussion and Exchange on Asylum. Following a decision by Coreper on 6 March 2002, and in consultation with the Danish Presidency, CIREA has ceased to exist from 1 July 2002. The Commission has been entrusted with the responsibility of taking over the tasks of CIREA. For this purpose it has created a new expert group called EURASIL (EU Network for asylum practitioners).

<sup>2</sup> Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration

TEurope, the International Labour Organisation and the Council of Europe was not covered by the 1998 Action Plan.

In drafting the Action Plan, the Commission has been guided by the different needs of the providers and main users of the relevant collections. The *providers of data*, i.e. the Member States, acceding and candidate countries, Norway and Iceland, need timely and adequate access to all statistics for administrative and policy-making purposes. On the other hand, for the *users*, i.e. providers, EC Institutions and the public in general, statistical information should give insight into the situations at EU and national level, invite comparison and inform discussion on policy matters.

Hence it is imperative that agreement is found on simple and effective working methods on delivery, exchange and dissemination of data and Community statistics. It is essential that EU wide information is available for the purposes of monitoring the development and implementation of Community legislation and policy. In the main, current practice does not sufficiently ensure uniformly regular, timely and rapid delivery and dissemination of harmonised data, or public availability.

The activities contained in this Action Plan are highly dependent on the co-operation of the relevant national authorities participating in the work. Without the full and active involvement of national experts and data suppliers in the data collections, and in the planned activities to develop and monitor these data collections, the Commission will be unable to ensure the successful outcome of this work.

In addition to the Council Conclusions, other documents and events have served as a source.

- The Swedish Presidency issued a questionnaire to the Member States and published an analysis of the replies. It subsequently convened an expert meeting, preparing the ground for the adoption of the Council Conclusions.
- The Commission services (DG Justice and Home Affairs and DG Eurostat) brought forward a staff working paper<sup>3</sup> evaluating the practice resulting from the 1998 Action Plan. The paper argued that:
  - (a) the collections should be maintained and, where necessary extended and fine tuned;
  - (b) the comparability and availability of statistics improved; and
  - (c) a reporting system be established in accordance with the needs of the Member States and the EC institutions, subject to finding new resources. The paper further highlighted that the 1998 Action Plan did not cover legal entry statistics and that the development of a common EU migration policy required migration data which were not available from the existing annual data collection.
- The Action Plan of the Council to combat illegal immigration and the trafficking of human beings, following the Communication on a common policy on illegal

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<sup>3</sup> Commission staff working paper on the exchange of statistical information in the field of asylum and migration (SEC(2001) 602).

immigration<sup>4</sup> indicates the need for statistical estimates and indicators to be developed. The Plan suggests using administrative hard data sources such as those on refused entries, apprehensions, rejections and returns.

- The Commission Communication on Financial Instruments in the field of asylum, migration, control of external borders and co-operation with third countries, sets out as a priority the improvement of the quality and exchange of statistical information on asylum and migration. It sees this improvement as essential to the successful operation of the European Refugee Fund and the European Migration Monitoring Centre (which has now become known as the European Migration Network).
- The Commission staff working paper, Revisiting the Dublin Convention<sup>5</sup>, which outlines the considerable problems faced in attempting to monitor the impact of the Convention in the absence of adequate statistical information.

## **2. ACTIVITIES FOR THE PERIOD 2002-2004**

The actions mentioned in the paragraphs below are organised in Annex I in five Tables according to the type of activity envisaged

- A. Adoption of new practices, common statistical methods and new forms of co-operation.

This will lay the ground for future work which will have a legal basis;

- B. Activities to enhance information exchange and promote decision making.

This will include annual meetings and ad hoc seminars bringing together under the aegis of the Commission the Member States and other providers (the Candidate Countries, Norway and Iceland), other relevant actors (UNHCR, UNSD, UNPD, UNECE, OECD, ILO, Council of Europe, IOM, IGC) and potential new providers;

- C. Changes in the current data collection or database

This includes the extension of the data collection to include data on legal entry and stay; second instance asylum decisions and data on the implementation of procedures, criteria and mechanisms for deciding which Member State is responsible for the examination of asylum applications.

- D. Production of user-friendly statistical outputs by the Commission;

This implies the production of a variety of statistical outputs with the aim of meeting the needs of all groups of users of the statistics.

- E. Action relating to the legal and political framework

This includes the adoption of Community legislation on statistics and the evaluation of the implementation of this Action Plan.

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<sup>4</sup> COM(2001) 672 final.

<sup>5</sup> SEC(2000) 522

These actions, in particular actions A, B and C will be closely linked with the development of the European Migration Network which will gradually build up a systematic basis for monitoring and analysing migration and asylum by covering a variety of its dimensions - political, legal, demographic, economic, social and identifying its root causes. At present 10 national contact points of this network are being set up, some of which may also act as the national contact points for statistics.

The specific network could serve as testing ground for new practices and methods aiming at improving co-operation, exchange, availability and comparability of information the field of migration and asylum. It has already become clear from the initial stages of the implementation of these actions, that the active participation of the Member States is crucial if the Action Plan is to be successfully implemented.

The final action will be an evaluation of progress made during the implementation of the Action Plan and the drawing of conclusions for possible future co-ordinated work on information and statistics in the field of asylum and migration.

## **2.1 Actions in light of the objectives and principles of the Council Conclusions**

### *2.1.1 Transparency, confidentiality and sensitivity*

The Council Conclusions recall the principle of transparency in the Tampere Conclusions and state that statistics in the area of asylum and migration should be brought in line with the rules and procedures adopted for statistics in other Community policy areas. Consequently, previous restrictions on publication have now been replaced by rules and methods based on the need to avoid the disclosure of confidential information about identifiable individuals.

The appropriate rules are laid down in Council Regulation 322/97 of 17 February 1997 on Community statistics<sup>6</sup>. The Regulation provides that Community statistics shall be governed by inter alia the principles of impartiality and statistical confidentiality. Impartiality implies the availability of statistics, with a minimum delay, to all users (Community institutions, governments, social and economic operators, academic circles and the public in general). It is conditioned by the obligation that data used by the national authorities and the Commission for the production of Community statistics be considered confidential when they allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information. Protecting the confidentiality of the individual is generally the only acceptable reason for restricting publication of statistics.

In the particular case of asylum and migration statistics the Council Conclusions also required due consideration to be given to demonstrable sensitivity concerns.

Consequently, two activities have been undertaken to ensure appropriate publication of Community statistics. The first is the implementation of rules on statistical confidentiality according to the above-mentioned obligation in the Council Regulation. These new rules are based on good statistical practice. The second activity is the implementation of a common interpretation of demonstrable sensitivity concerns relating to recent data on enforcement measures. The Commission consulted providers at the expert working group on asylum and immigration statistics

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<sup>6</sup> OJ L 52, 22.2.1997, p. 1-7.

held in Luxembourg, November 2001 on the necessary changes to the publication rules that these actions entail. Further discussion on these revised publication rules took place in CIREA and CIREFI working groups of the Council late in 2001.

The new publication rules for Community statistics based on the monthly data collections on asylum and illegal migration enforcement measures (formerly referred to as the CIREA and CIREFI data collections) are as follows:

- Monthly and annual reports and quarterly summary reports *on asylum and migration* Community statistics will be made available to the public immediately after production. The reports will be placed on Commission web sites open to the public. The statistics will be placed on New Cronos, the on-line statistical dissemination database
- In the case of *illegal entry and enforcement measures*, only annual Community statistics will be disclosed. In recognition of the concerns expressed by some national authorities about the potential for mis-use of these statistics, recent monthly or quarterly statistics on illegal entry shall not be available to non-official users. However, monthly or quarterly statistics that are at least 12 months old may be made available to non-official users.

As an additional safeguard to protect individual confidentiality, these statistics will be rounded to the nearest five before publication. This is a standard statistical method and is used in several Member States for the publication of this type of statistic.

As the new publication rules have been extensively discussed with Member State authorities over the past 15 months, they are being introduced with immediate effect. The new publication rules will be applied immediately to national data relating to January 2002 onwards<sup>7</sup>. Data for 2001 and earlier years continued to be subject to the previous publication rules during 2002. However, the new publication rules will be applied to these earlier data with effect from the beginning of 2003 - i.e. when all such data are at least 12 months old.

Publication will automatically take place after expiry of the deadlines for Member States to deliver data to the Commission<sup>8</sup>

### 2.1.2. *Rapid electronic dissemination of all reports*

The Council Conclusions call for the introduction of electronic dissemination of monthly statistics to ensure a quick exchange of information between the appropriate authorities providing data and the Commission.

Electronic dissemination will satisfy the provider's need to keep some of the information in a secure environment, while it would also allow direct access to the database or some of the tables by the designated governmental users (statistical units in Ministries of Justice, Interior or Foreign Affairs).

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<sup>7</sup> Consequently, documents outlining the definitions for the asylum and illegal entry data collections developed in the context of CIREA and CIREFI in the late nineties shall also be publicly available as of that date.

<sup>8</sup> When disclosing Community statistics, through the Community database "New Cronos" or in an annual statistical report, Eurostat will of course flag statistics which are considered an estimate or liable to revision by providers.



As of January 2003 the Commission has been producing in electronic format:

- *short monthly reports* (around 10 pages), containing basic tables and graphs giving results for the most recent month, together with time series allowing a comparison with earlier months. The format and structure of the reports will be designed to ensure that they are simple to open, print and circulate. There will be a separate series of reports for asylum and illegal entry data, and within these series, separate reports for the European Union and for the Candidate Countries, Iceland and Norway. The first monthly reports on asylum for September – November 2002 have been prepared and distributed to data suppliers. The report for December 2002, containing rounded figures for public consumption will be placed on the appropriate Commission website(s).
- *quarterly summary reports*. Quarterly summary tables and graphs will be included in the monthly reports at the end of each quarter.

The reports will be released as soon as possible after the end of the reference period<sup>9</sup>. Due to the need to publish statistics in a timely manner, it will not be possible to delay publication where national data have not been supplied to the agreed deadlines. The first monthly reports on CIREFI data have been prepared and distributed to data suppliers.

### 2.1.3 *An EU annual report on asylum and migration*

The Council Conclusions provide that to stimulate the political debate on the nature of asylum and migration and the consequences for Community policy and legislation, as soon as possible an annual public report should be produced based on statistical information. The report would contain data on asylum, illegal entry and from the annual migration data collection, including data from candidate and other countries, and a statistical analysis of trends and indicators. If possible, it should also include statistical data from asylum appellate bodies.

While monthly reports and quarterly summaries provide a basic statistical comparison, leaving it up to the reader to develop further analysis, annual reports should satisfy the demands for a meaningful and thorough analysis of statistical developments in asylum and *migration* flows and the implementation of policies at national and EU level.

The structure of the first public annual report, on the situation in 2001, was approved following an expert meeting on 17 June 2002. Questionnaires were sent out to data providers in the Member States, Candidate Countries and Norway and Iceland. The information received in response to this questionnaire forms the basis of the report which shall be finalised in close co-operation with the data providers. It will be prepared for publication as soon as possible in 2003.

For this first annual report, the delivery of figures relating to appeals in asylum cases is optional and little information has been received. However, as the Council Conclusions called for the inclusion of statistical data from asylum appellate bodies, the Commission shall lead a taskforce with 5 Member States to investigate into the

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<sup>9</sup> This means that, for example, the monthly report on January will be released at the end of March. The quarterly summary report for July to September will be released at the end of November.

availability of this kind of data. A discussion with appellate bodies shall precede a decision to extend the data collection (see under 2.1.5).

The annual report on asylum and migration will constitute an important input to the European Migration Network database.

This first exercise has been a clear reminder of the inter-dependence of the Member States and the Commission in the preparation of such outputs. There remain significant gaps in the information supplied to the Commission, which have contributed to delays in the production of the report.

#### 2.1.4. *Ways and means of regular consultation*

The Council Conclusions call for the development of ways and means to facilitate regular consultation and exchange of statistical information between the appropriate authorities providing data and the Commission. As has been noted above, this process of consultation and active co-operation is essential to the success of the Commission's activities in this field.

One of the ideas suggested during the expert meeting convened by the Swedish Presidency is that a secure internet web-site should be developed as a means to facilitate more consultation. The website would have two functions: documentation and discussion. It would facilitate regular exchange of statistical information and analysis at working level and enhance the ability of authorities to share knowledge and expertise on national developments concerning administrative sources, data collections, databases, the contents and quality of statistical outputs etc. The Commission intends to develop such a secure facility in the form of a CIRCA web-site. Efforts will be made to avoid duplication of work and overlap of content with the other CIRCA web-sites currently being developed e.g. EURASIL.

The specific web-site could be extended to cover, in addition to statistics, other categories of information as they have been identified in the context of the European Migration Network to cover legislation, policy, demographic, economic and social aspects of the phenomenon of migration and asylum.

Regular consultation among statistical experts shall also be facilitated by the Commission through:

- *Contact officers responsible for answering queries on migration and asylum statistics.* Each state participating in the collection will be requested to establish a single national reference point within a central authority<sup>10</sup>. This contact officer, preferably at senior level, would be responsible as the sole interlocutor for the exchange of information between his or her administration and the Commission in the field of statistics. They may, or may not also be the national contact for the EMN.
- *Annual expert meetings* dealing with technical matters and preparing the ground in matters pertaining to the exchange of statistical information on migration and asylum. The Commission will chair the meetings and invite all

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<sup>10</sup> Introducing a sole interlocutor vis-à-vis the Commission does not pre-empt Member States from having several statistical experts working on different data collections.

providers and other relevant actors (notably UNHCR, UNECE, ILO, Council of Europe, OECD, and IGC).

#### 2.1.5 *Improving co-operation with other actors and providers*

The Council Conclusions state that to avoid duplication and increase efficiency and comparability of statistics, co-ordination and co-operation among authorities providing data, the Commission and other relevant actors, including international organisations, should be further developed, inter alia through a network of statistical experts.

The co-operation with international organisations shall be reinforced through regular contacts at working level. Yet it must be recognised that there are different organisational approaches to statistics. While co-operation can begin with sharing information about formats and developments on the collection, dissemination and analysis of statistics within each of the organisations, it must respect these differences. Once co-operation has further developed, e.g. through joint projects or questionnaires, a more formal agreement could form the basis for a more structural approach.

As regards co-operation with other countries the Commission shall:

- Fully involve *Acceding Countries* in conformity with the rules applicable, bearing in mind their particular needs, the need to take account of a new and emerging migration regime in Central Europe and in full awareness of resource constraints
- fully and appropriately inform *Candidate Countries and Norway and Iceland* of further developments, given that they are data providers and share in the data collection;
- review the possibilities for improving the exchange of statistical information with the *United States and Canada* in the interest of developing the Transatlantic Dialogue in the field of asylum and migration;
- examine possible co-operation with *Switzerland* that already participates in the Commission's annual collection of migration statistics;
- continue work under the MEDSTAT programme to assist the Mediterranean partner countries in the development of systems for the production and dissemination of good quality harmonised statistics on migration and asylum;
- consider ways of improving co-operation in this domain with other countries, in particular those that have significant migration flows to or from the European Union.

Finally, it is important to organise ad hoc expert meetings and seminars to consult all participants on particular issues. The Commission shall use this method when the objective is to introduce new Community statistics or to address co-operation with new actors. Operational conclusions should provide guidance on further action and the appropriate ways and means.

The Commission shall organise such meetings as appropriate. Probable themes include:

- *Administrative co-operation between Ministries and National Statistical Offices* in this area. It is in the interest of all parties to improve the quality of information on the scale and nature of movement of persons.
- *Collection of asylum appeal data*. Following an initial investigation into the possibility to extend the asylum data collection to data on appeals, a discussion between providers of first instance data and second instance data on co-ordination will be organised.
- *Co-operation with other actors producing statistics* in this area. Formats and general approaches will be compared and the potential for co-operation, e.g. in the form of joint projects or questionnaires, examined.
- *Ways and means to improve the quality of administrative sources for asylum and migration statistics* (population registers, visa and border card systems, records of issue and withdrawal of residence permits). It is important to develop long term strategies to increase the reliability and accuracy of these systems.

The general background to these meetings and seminars will include the need to encourage moves towards greater quality and harmonisation in both the existing and the new migration and asylum statistics activities.

## **2.2 Other actions to improve the data collection and dissemination**

### *2.2.1 Modification of the collection and its definitions*

The Council Conclusions do not address the scope of the current data collection. The emphasis in the discussion during the Swedish Presidency was laid on better implementation: strengthening the common capacity for analysis, improving the reporting system and the co-operation between all relevant actors. Moreover, it is stated in the Conclusions that the present definitions used for the collection of Community statistics are to be maintained until forthcoming Community legislation.

The Commission proposes that further modification of the existing asylum and illegal entry collections be only:

- examined after the adoption of Community legislation on asylum and migration on the basis of Article 62 and 63 EC Treaty;
- Effected once such above-mentioned legislation is in force.

An exception is justified for the extension of the collection to asylum appeals.

As to the adoption of the Regulation to replace the Dublin Convention the Commission shall take over the collection of administrative data on its application in the Member States from the Council Secretariat in order for it to fulfil its role under the Treaty to monitor the implementation of Community legislation. The Commission shall subsequently propose a new data collection on the basis of the Regulation.

### 2.2.2 *Introduction of a legal entry data collection*

The situation is different where migration data is concerned.

At present the Commission collects annual data on migration directly from the National Statistical Institutes in co-operation with the United Nations Statistical Division, the United Nations Economic Commission for Europe, the International Labour Organisation and the Council of Europe. This collection includes not only the Member States but also the EEA countries, the Candidate Countries, Switzerland and some other central and eastern European countries and Israel.

However, due to the annual nature of the present migration data collection and the widely differing definitions used, the figures do not give information about current trends and are of little use for developing and implementing policy. The existing statistical information cannot therefore provide the information infrastructure needed to effectively monitor and evaluate a Community immigration policy. This was recognised by the European Parliament in its Resolution on family reunification.

The Commission commissioned a study on the availability in Member States of statistics on legal entry and stay of third country nationals by different categories (such as employment, studies/vocational training etc), by different characteristics (citizenship, age etc) both for requests and issues of permits. Following receipt of the findings of this study, the Commission has led a taskforce with 5 Member States to prepare the introduction of a legal entry data collection at EU level. Proposals for the content of this data collection are attached at Annex II. A pilot Project will be launched early in 2003, with up to 6 participating states.

### 2.2.3. *Adapting the collection to the needs of non-governmental users*

A number of more technical actions need to be undertaken to improve the access to and the user friendliness of the data such as:

- The collection of missing and corrected historic data on asylum and illegal entry;
- The publication of statistical outputs on a website of the Commission;
- The introduction of a standard report on frequently asked questions on asylum and migration statistics on this website;
- Access to all Community statistics in this area through New Cronos, the on line dissemination database.

## 2.3 **Legislation**

The Commission envisages proposing legislation relating to the supply of monthly, quarterly and annual asylum and migration statistics, from national administrative and statistical sources. This would offer legal certainty and predictability for all parties involved. Given the sensitivity of the subject area and the complicated methodological questions involved, it is the current intention that a Draft Framework Regulation will be prepared to provide the legal basis for the general activities associated with the production, supply, collection, processing and dissemination of Community statistics in the field of asylum and migration. Future legislative

instruments introduced under this framework would set out the precise definitions and variables in the data collections, according to existing, new and forthcoming legislation on asylum and migration. The terms and definitions used in the data collection would reflect those used in the relevant legislation.

### *2.3.1 Scope*

The scope of the legislation will be monthly, quarterly and annual statistical data on asylum and migration. The sources to be used will be administrative and permit data, censuses and surveys. The national institutions concerned will be the relevant Ministries of the Interior, Justice and Employment and the National Statistical Institutes. The statistical information to be included in the regulation will be the subject of consultation with data suppliers and users.

The starting point for these discussions will be the existing and planned migration and asylum data collections as outlined in Annex II of this Communication.

The aim will be to establish a regular, timely collection of national statistics, according to harmonised definitions, in order that Community statistics might be processed, analysed and disseminated by the Commission in an equally regular and timely fashion, on a monthly, quarterly and annual basis. An important starting point for the development of harmonised definitions for migration and asylum statistics will be the definitions contained in the United Nations Recommendations for Statistics on International Migration (Revision 1).

### *2.3.2 Procedure*

Alongside the importance and urgency of the need to establish a comprehensive legislative framework, lies the sensitivity of this topic and the great differences between Member States in terms of the existing national statistical methodologies and definitions. Therefore, extensive consultation is planned. The technical and methodological discussions will take place with data suppliers and users during 2003 and will inform the preparation of draft legislation. Based on this consultation, the Commission's aim is to make a formal proposal for a framework regulation at the end of 2003.

### **3. RECOMMENDATIONS**

The Commission:

- Invites the Council to endorse the Action Plan presented in this Communication;
- Calls for greater efforts on the part of the Member States to deliver data on a timely basis to the Commission and to assist with the preparation of its statistical outputs;
- Calls on the Member States to prioritise participation by their experts in the forthcoming Task Force (see Annex I) and relevant technical discussions and consultations on the preparation of the proposal for a legislative base to the collection, processing and dissemination of Community asylum and migration statistics.

ANNEX I

**ACTION PLAN COVERING THE PERIOD 2002 - 2004 FOR THE COLLECTION AND ANALYSIS OF COMMUNITY STATISTICS IN THE FIELD OF MIGRATION**

<b>Activity A. Adoption of new practices, common statistical methods and new forms of co-operation</b>			
<b>Objective</b>	<b>Action</b>	<b>Time frame</b>	<b>Results</b>
<b>Transparency</b>	Common rules on statistical confidentiality (privacy of the individual)	Following consultation with data providers on the revision of publication rules at the 7 November 2001 expert meeting and at CIREA / CIREFI working parties during 2001	Incremental implementation by the Commission of common publication rules on asylum and international migration statistics during 2002. Full implementation started in January 2003
	Common rules on demonstrable sensitivity concerns	Full implementation of new rules by January 2003.	
	Electronic Dissemination  Electronic exchange of data and statistical outputs between data providers and the Commission	Following consultation with data providers on the revision of the reporting system at the 7 November 2001 expert meeting, establishment of regular working contacts as of January 2003  Publication in this Communication	Full implementation by the Commission of electronic dissemination of monthly reports and quarterly summaries of asylum and international migration statistics started in January 2003
	Co-operation  Co-operation with UNHCR and IGC on asylum statistics	Following a joint meeting Commission/UNHCR/IGC late November 2002  Examine possibilities for joint questionnaires and joint projects	Commission evaluation paper by the end of 2004



Objective	Action	Time frame	Results
	Co-operation with the United States and Canada	Commission document in 2003 after an exchange of views with United States and Canada	Examine possibilities to share data between the EU and the United States and Canada
	Co-operation with Switzerland	Commission document in 2003 after an exchange of views with Switzerland	Examine possibilities to share data between the EU and Switzerland
	<p>Improvement of data quality and verification</p> <p>Common approach to the revision and correction of data in all Eurostat asylum and migration databases;</p> <p>And to ensuring their timely publication</p> <p>Development of policy sensitive indicators and estimates</p>	<p>Commission document in 2003</p> <p>A scientific study to be commissioned in 2003</p>	<p>Implementation of a common approach before the second edition of the public annual report.</p> <p>Production of estimates and indicators for the Eurostat database, monthly reports and the annual report</p>

**Activity B. The enhancement of information exchange and the promotion of decision making**

Objective	Action	Timeframe and results
<b>Establish regular working contacts, annual meetings of experts and regular exchanges of views</b>	Establish a network of contact officers in Member States and in the Commission, to be responsible for queries and regular working contacts between the Member States and the Commission	In place by March 2003
	Establish a CIRCA restricted access web-site for the exchange of information relating to migration and asylum statistics	In place by March 2003
	Annual expert meeting for providers and the Commission	On-going each autumn
	Co-operation with other actors producing statistics on asylum (including UNHCR and IGC)	Meeting held late November 2002
	Second Task Force on legal entry statistics	July 2003
	Task force to discuss proposals for statistical legislation on migration and asylum. Subsequent and on-going written consultation on technical matters, with data providers and users	June 2003
	Task force on ways of improving administrative co-operation between Ministries and National Statistical Offices on asylum and migration statistics. Recommended future activities may include a seminar or conference late in 2004	Task Force early 2004
	Exchange via contact points for appeal bodies, National Statistical Institutes and asylum administrations on the possible extension of the asylum data collection to second instance and subsequent decisions	Task Force - November 2003
	Ways and means to improve the quality of administrative sources for asylum and migration statistics	Task Force 2004
	Seminars and conferences Seminars and meetings of experts from national administrations, international organisations, Community institutions and academia to promote the production and dissemination of good quality statistics on migration and asylum; to address common related problems and opportunities for development.	As required and according to available budgetary resources

**Activity C. Changing the data collections and databases**

<b>Objective</b>	<b>Action</b>	<b>Time frame</b>	<b>Results</b>
<b>To increase the policy relevance and use of the databases</b>	Introduction of a data collection on legal entry (permit data)	Pilot data collection in a few countries during 2003, based on outcome of feasibility study and September 2002 task force meeting	Preparation of a proposal for a data collection on legal entry to begin in 2004
	Introduction of a data collection on (initially) second instance asylum decisions with a view to developing a system of collecting data on final decisions	Task force led by Commission to prepare a document in 2003	Preparation in late 2003 of a proposal for amending or extending the asylum data collection to include data on second instance decisions
	Introduction of a data collection relating to the criteria and mechanisms for deciding which Member State is responsible for the examination of asylum applications	Commission to send out a questionnaire to the Member States, Norway and Iceland in 2003  Commission to prepare a document in 2003, taking into account the replies to the questionnaire and in parallel with the negotiations on the Dublin Convention document	Preparation during 2003 of a proposal for a data collection after adoption of a Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national
	Update historical data and make publicly available an historical set of statistical outputs  Introduction of data validation procedures, linked to the updating of the annual report	Commission to send out a questionnaire to providers in 2003, to follow-up gaps shown up in the annual report and in the responses to all three Eurostat questionnaires	An annual process of updating and completing the databases on: international migration; asylum; administrative data on applications for and issues of permits; return and the implementation of enforcement measures

**Activity D. Production of user-friendly statistical outputs by the Commission**

Objective	Action	Time frame and results
<b>Promotion of the activities of the Commission and the wider use of statistical outputs</b>	<p>Preparation by the Commission of monthly electronic reports and quarterly summaries</p> <p>Including the improvement and updating of electronic dissemination networks</p>	Full implementation took place in January 2003
	<p>Annual reports</p> <p>Preparation by the Commission in close co-operation with data providers of the report on the first annual report on asylum and migration</p>	<p>Commission documents on the time schedule, structure and a uniform format for a country profile were discussed at the 7<sup>th</sup> November 2001 expert meeting and at an ad hoc meeting on 17<sup>th</sup> June 2002. Significant delays to this timetable have occurred in the production timetable, because of gaps in the data supplied by the Member States and in human resources to produce the publication.</p> <p>The first annual report will be adopted by the Commission and published in electronic format</p>
	Preparation by the Commission in close co-operation with data providers for the report on 2002 asylum and migration statistics	To start in the spring of 2003
	Preparation by the Commission in close co-operation with data providers for the report on 2003 asylum and migration statistics	To start in the spring of 2004
	Statistical Factsheet for the general public on asylum and migration	<p>Preparation by the Commission during first quarter 2003</p> <p>Overview statistical tables will be available on a Commission website from April 2003.</p> <p>Factsheets are in preparation</p>

**Activity E. The establishment of a sound and comprehensive legal and political framework**

<b>Objective</b>	<b>Action</b>	<b>Time frame</b>	<b>Results</b>
<b>Preparation of proposals for framework legislation on statistics in the field of asylum, entry and immigration (current, proposed and future data collections)</b>	Informal and written consultation with data suppliers during 2003, including a Task Force on legislative proposals	Activities to take place throughout 2003	Commission Proposal for a Regulation to be presented at the end of 2003
<b>Data collections to be adjusted to the newly adopted Community legislation</b>	Preparation of the “Illegal entry” data collection	Commission document after adoption of all Community instruments on illegal entry and border controls on the basis of Article 62 and 63 EC Treaty	All collections and statistical definitions brought in line with the Community legislation at its date of entry into force. Where appropriate, changes integrated into the statistical legislation e.g. through Comitology
	Preparation of the asylum data collection	Commission document after adoption of all first stage Community instruments on asylum on the basis of 63(1) and (2) EC Treaty	
	Preparation of the legal entry data collection	Commission document after adoption of all Community instruments on the basis of 63(3) and (4) EC Treaty	
<b>Full implementation of the Action Plan</b>	Evaluation of the progress made during the implementation of the Action Plan	Commission to request a Progress report by an independent evaluating authority early 2005	Commission and Council to draw conclusions on the report in 2005 for possible future work on statistics in the field of asylum and migration

## ANNEX II

The following statistical data collections are either already in place (Collections A-C below), under development (collection D) or anticipated (collection E). The exact content of the collections to be covered by the proposed legislation will be decided in consultation with Commission services and national data suppliers. There is an increasing need for statistical information regarding the profession, education, qualifications and type of activity of migrants and for a breakdown by sex and age. Ways of including this information within the data collections covered by the legislation will also be the subject of consultation.

### **A. ANNUAL COLLECTION OF STATISTICS RELATING TO MIGRATION AND ASYLUM**

- Long-term immigration by country of last residence and sex
- Long-term immigration by citizenship, age and sex
- Long-term emigration by country of next residence and sex
- Long-term emigration by citizenship, age and sex
- New asylum applications by citizenship and type of application
- Asylum decisions by citizenship and type of decision
- Acquisition and loss of citizenship
- Population by citizenship, age and sex
- Population by country of birth and sex
- Workers by citizenship, sex and age group
- Workers by economic activity (2-digit NACE), broad group of citizenship, and sex
- Workers by citizenship and region (NUTS II level)
- Workers by economic activity (1-digit NACE, Rev. 1), broad group of citizenship and region (NUTS II level)
- Main characteristics of the active population by broad group of citizenship, age group, sex and employment status

### **B. MONTHLY DATA COLLECTION ON ASYLUM**

- New asylum applications by citizenship and type of application
- Asylum decisions by citizenship and type of decision
- Rejected asylum applicants returned by citizenship
- Asylum applications by unaccompanied minors by citizenship and type

- Grants of temporary protection

**C. MONTHLY DATA COLLECTION ON ENFORCEMENT MEASURES RELATING TO ILLEGAL MIGRATION**

- Refused aliens by citizenship and type of border
- Apprehended aliens illegally present by citizenship and type of border
- Apprehended facilitators by citizenship
- Apprehended facilitated aliens by citizenship and type of border
- Removed aliens by citizenship and type of border

**D. ANNUAL DATA COLLECTION ON THE LEGAL MIGRATION AND STAY OF NON-EEA CITIZENS**

- Residence permits issued, by sex, citizenship, duration, and reason for issue
- Stock of valid residence permits (issued, not withdrawn and not expired) by sex and citizenship
- Long-term legally resident population by sex and citizenship.

**E. STATISTICS ON THE CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE FOR EXAMINING AN ASYLUM APPLICATION LODGED IN ONE OF THE MEMBER STATES BY A THIRD COUNTRY NATIONAL.**

Variables and tables to be decided following consultation with data providers and users.