REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the implementation of Regulation (EC) No 862/2007 on Community statistics on migration and international protection

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1. **INTRODUCTION**

The main aim of Regulation (EC) No 862/2007\(^1\) (‘the Regulation’) is to collect and compile European statistics on migration and international protection.

Article 12 of the Regulation states that ‘By 20 August 2012 and every three years thereafter, the Commission shall submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and on their quality.’

This report follows the first two adopted by the Commission in September 2012\(^2\) and in July 2015\(^3\).

This report documents the progress that has been made by Member States, together with the Commission (Eurostat), in implementing the Regulation since the second report and outlines the next steps to further improve the quality of the statistics on migration and international protection.

2. **STATISTICS COVERED BY THE REGULATION**

Regulation (EC) No 862/2007 concerns the compilation of European statistics on migration and international protection (asylum). The main areas covered are:

- international migration flows disaggregated by groups of citizenship, groups of country of birth, groups of country of previous/next usual residence, age and sex (Article 3);
- population stocks disaggregated by groups of citizenship, groups of country of birth, age and sex (Article 3);
- acquisitions of citizenship by country of previous citizenship (Article 3);
- asylum applications, first instance decisions and appeal decisions granting or withdrawing different forms of international protection status, broken down by citizenship (Article 4);
- asylum applications by unaccompanied minors, disaggregated by citizenship (Article 4);
- statistics on the application of the Dublin III Regulation\(^4\) by Member State (Article 4);
- third-country nationals refused entry to the Member State at the external border or found to be illegally present under national immigration legislation, disaggregated by citizenship (Article 5);
- residence permits issued to third-country nationals, disaggregated by citizenship, length of permit validity and reason (immigration category) for the permit being issued (Article 6); and

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third-country nationals subject to an order to leave the territory of a Member State under immigration legislation or recorded as departing after the issue of such an order, disaggregated by citizenship (Article 7).

As part of the implementation process, the Commission has continued to work closely with the national authorities involved in producing and supplying data for the Regulation. The statistics on migration flows, acquisitions of citizenship and population stocks are generally supplied to the Commission (Eurostat) by national statistical institutes. Statistics on residence permits and asylum usually come directly from interior ministries or immigration services. Statistics on border controls and the removal of unauthorised migrants are also provided by interior ministries or immigration services, or else by police authorities.

Table 1 below gives an overview of these statistics for which the first reference year of data collection was 2008.

**Table 1: Main features of statistics under Regulation (EC) No 862/2007**

<table>
<thead>
<tr>
<th>Article 3</th>
<th>Article 4</th>
<th>Articles 5 and 7</th>
<th>Article 6</th>
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<tbody>
<tr>
<td>Migration flows, acquisitions of citizenship, population stocks</td>
<td>Asylum</td>
<td>Enforcement of immigration legislation</td>
<td>Residence permits</td>
</tr>
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<td>Geographical coverage</td>
<td>Member States and EFTA countries&lt;sup&gt;5&lt;/sup&gt;</td>
<td></td>
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<td>Frequency</td>
<td>Annual</td>
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<td>Annual</td>
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<td>Deadline for data transmission</td>
<td>12 months after end of reference year</td>
<td>2 months after reference period for monthly/quarterly data, 3 months after reference period for annual data</td>
<td>3 months after end of reference year</td>
</tr>
<tr>
<td>Data providers</td>
<td>National statistical institutes</td>
<td>Interior ministries or related immigration agencies or border police</td>
<td></td>
</tr>
</tbody>
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### 3. OTHER RELEVANT LEGISLATION

In 2016, a new legal basis for legal migration entered into force. It is relevant for statistics on residence permits compiled under Article 6 of the (EC) Regulation No 862/2007 and will be used for this data collection in the near future. The legal act in question is:

Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research,

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<sup>5</sup> Norway, Iceland, Liechtenstein and Switzerland.
studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing\(^6\).

The collection of data based on this Directive will begin in 2020, with 2019 as the reference year. Also, the statistics produced under the Directive are subject to their own evaluation. Therefore, they have not been included in the quality evaluation in this Report. It is also the case for the recently launched data collections related to the 'Seasonal Workers Directive\(^7\)' and the 'Intra-Corporate Transfers Directive\(^8\) for which the collection started in 2018 with reference year 2017.

4. **GENERAL PROGRESS SINCE THE 2015 REPORT**

Since the 2015 report, data availability and completeness has further improved across all data collections. General data quality improvements have helped make data more accurate, more coherent and more comparable overall. Member States have improved the underlying data sources and statistical tools used for data preparation, so that the data provided to the Commission is better in terms of accuracy, coverage and timeliness.

A higher quality, more punctual data supply from the Member States has allowed the Commission to shorten the time needed for data dissemination. This has made for more timely data releases and improved data accessibility for users.

Since the 2015 report, the Commission (Eurostat) has made several methodological improvements. They have focused on (i) analyses of the misclassification of demographic events; (ii) the inclusion/exclusion of asylum seekers and refugees; (iii) coherence with asylum and residence permits data; (iv) ensuring a consistent demographic balance. These technical improvements have resulted in more efficient data validation and processing; alongside this, the collection of extensive quality metadata has made for better assessment of incoming data quality. When necessary, administrative letters were sent to ensure compliance with the legal obligations.

Moreover, in the areas of statistics collected under Articles 4-7 of Regulation (EC) No 862/2007, new policy needs for additional data not planned under the current legislation have been treated exclusively on a voluntary basis. This approach is, however, not always efficient. In this area of international protection and managed migration, statistical cooperation within the Commission, with other EU bodies (e.g. the European Asylum Support Office, the European Border and Coast Guard Agency – Frontex or the European Union Agency for Fundamental Rights) and with the Member States has resulted in revised guidelines for data collected under the Regulation\(^9\). The methodological improvements mentioned above have brought greater clarity to statistical definitions and concepts. The three most recent Directives in the field of legal migration (i.e.

'Seasonal Workers Directive', 'Intra-Corporate Transfers Directive' and 'Students and Researchers Directive') and the growing policy needs for additional statistics on migration and asylum have been included in the methodological guidance for data collections on asylum, enforcement of immigration legislation and residence permits. The relevance of the data has also been examined. As a consequence, national metadata information reported by Member States is disseminated on the Eurostat website alongside data, after metadata and data validation.

To make the Regulation more responsive to a new and more dynamic policy environment, the Commission has adopted a legislative proposal amending Regulation (EC) No 862/2007. The aim of the proposed amendment is to deliver greater completeness, accuracy, timeliness, reliability and certainty than it is possible under the current arrangement, based on gentlemen’s agreements. Likewise, flexibility around further improvements to migration statistics needs to be developed, so that the European Statistical System can be more responsive and relevant to any further developments in migration data requirements. The amendment mainly sets out a legal basis for current voluntary data collections and provides flexibility for future specifications of data.

The amendment to the Regulation will make sure that statistics are available in areas where clear needs have been expressed by the stakeholders, namely on: asylum, returns (higher frequency and more mandatory disaggregations), resettlement and residence permits, with additional disaggregations by criteria such as age and sex. This flexibility would create EU aggregates that are not currently available but may be needed in the future.

5. QUALITY OF THE STATISTICS PRODUCED

5.1. Relevance

Within the Commission, the main user of international protection statistics is the Directorate-General for Migration and Home Affairs. These statistics are also frequently used by other Commission Directorates-General, starting with DG Employment, Social Affairs and Inclusion, and DG Justice and Consumers.

One important use of these statistics has been as part of the annual budgetary allocations of the Solidarity and Management of Migration Flows Funds for each Member State. As in previous years, these funds are based on the Asylum, Migration and Integration Fund, established under Regulation (EU) No 516/2014, and the Internal Security Fund, established under Regulation (EU) No 515/2014 for 2014-2020. Due to the multi-annual funding arrangements under these new funds, data are no longer provided annually. The allocations were calculated based on the statistics previously supplied, with the exception of the Internal Security Fund, where a mid-term review is required.

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The statistics on migration and international protection are used by the Commission for the preparation of regular reports, policy proposals, implementation reports required under European legislation and policy analysis. For example, the European Migration Network\textsuperscript{13} continues to be a major user of Eurostat migration and international protection statistics for its Annual Report on Migration and Asylum\textsuperscript{14}. That report provides a factual overview of the main developments in the area of legal migration, international protection, irregular migration and return, at both EU and national level.

The use of European statistics on international protection to support the work of migration-related European Union agencies such as Frontex and the European Asylum Support Office has continued to rise. Eurostat works very closely with them on data collections and related statistical methodology.

Since 2016, the European Commission’s Knowledge Centre on Migration and Demography has used the migration and international protection statistics extensively to feed policy-relevant knowledge and evidence-based analysis into EU policy-making. In addition to supporting the European Agenda on Migration, the centre’s focus is on global migration developments and their demographic impact on the EU in the medium to longer term. The Joint Research Centre runs its daily activities. Eurostat is a leading contributor to this undertaking with its European statistics on migrant stocks and flows, population stocks by citizenship and country of birth, legal migration, asylum and irregular migration.

In addition, the statistics produced under the Regulation are regularly used by national administrations, international organisations, academic researchers and civil society groups working on a wide range of topics, including the integration of immigrants, the development and monitoring of national asylum and immigration procedures, and population and labour force projections.

Migration statistics are among the most widely consulted European statistics. The population section\textsuperscript{15} on Eurostat’s website presents the indicators available, the regulatory framework and the data collection methods. Since 2016, it has ranked first among the thematic sections on the website. User interest in data on migration, on population by citizenship and country of birth, and on acquisition of citizenship, grew steadily from 2015 to 2017. Over this period, their usage increased by 47%. The migration and migrant population statistics page\textsuperscript{16} has seen almost the same relative increase (46%). Since 2016, it has established itself as the most visited page of the Statistics Explained wiki-type section of the Eurostat website. These results confirm the relevance of the data to users.

5.2. Accuracy

Since the 2015 Report, there have been further improvements in the accuracy of data provided by the Member States. There are a number of reasons for this. Member States continue to introduce more integrated and comprehensive administrative systems that make use of modern IT and communication methods. The new systems respond better to the methodological and technical

\begin{footnotesize}
\footnotesize\textsuperscript{13} http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm (available in English only).
\footnotesuperscript{14} European Migration Network, \textit{Annual Report on Migration and Asylum 2017} (available in English only).
\footnotesuperscript{15} http://ec.europa.eu/eurostat/web/population-demography-migration-projections (available in English, French and German).
\footnotesuperscript{16} http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics
\end{footnotesize}
requirements of the Eurostat data collections. Member States have kept Eurostat informed about ongoing changes to administrative systems and have sought advice and confirmation that the data would meet the requirements of the Regulation.

Eurostat collects metadata, and in particular information on data accuracy, explaining, among other aspects, the data sources and procedures, any estimation or modelling processes that are applied to the data, and the possible effects of these on the degree of compliance with the definitions in the Regulation. In addition, special quality questionnaires collect more specific information on data quality.

Since the 2015 Report, there have been further reductions in the amount of missing and incomplete data. A number of national authorities have improved practices to ensure that the necessary information is gathered during the administrative procedures related to immigration and international protection, and have improved their computing systems so that these data can be easily obtained for statistical purposes.

Finally, Eurostat participates in the Expert Group on Refugee and Internally Displaced Persons Statistics\(^1\). The work of this Group led to the United Nations approved International Recommendations on Refugee Statistics\(^2\). These recommendations have set the global standards for producing international protection statistics. For instance, they call for closing the gaps and proper standards in statistics on forcibly displaced children and unaccompanied minors.

Despite improvements, specific accuracy issues around the data collected under Article 3 remain. These relate both to under-coverage (i.e. persons do not register in their place of residence) and over-coverage (i.e. persons do not deregister, as there is often no obligation or incentive to do so). The migration data exchange facilitated by Eurostat helps alleviate such issues (see section 5.5.1).

5.3. **Timeliness and punctuality**

Depending on the type of data concerned, the deadline to supply data is between 2 and 12 months after the reference date or the end of the reference period.

Since the 2015 Report, the punctuality of data provisions has improved. The introduction of automated extraction procedures at national level and regular monitoring by Eurostat have led to punctual data provisions. Some remaining issues are non-recurring - for instance, isolated disruptions due to staff unavailability or computing system failures.

More timely and complete supply of data under the Regulation has, in turn, helped Eurostat improve the timeliness and punctuality of its data processing and dissemination. The time delay between data being received and validated data being published on Eurostat’s website has further decreased since the 2015 Report. In addition, the introduction of automated internal validation procedures with error-feedback reporting to national data providers has further reduced the processing time.

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\(^1\) [http://ec.europa.eu/eurostat/web/expert-group-on-refugee-statistics/home](http://ec.europa.eu/eurostat/web/expert-group-on-refugee-statistics/home) (available in English only).

5.4. Accessibility

The migration data (and metadata) for all four domains (Migration, population stocks, acquisition of citizenship; Asylum; Enforcement of immigration legislation; Residence permits) are freely available on the Eurostat website under the themes Population (Demography, migration and projections)\(^{19}\) and Asylum and managed migration\(^{20}\). Moreover, these data are included in compendium publications such as Eurostat Statistics Explained\(^{21}\) and Key figures on Europe\(^{22}\). Since the 2015 Report, Eurostat has made more use of the Statistics Explained articles by giving more information about the statistics, trends and their interpretation. Such articles are produced and regularly updated for all data collected under the Regulation\(^{23}\).

5.5. Comparability and coherence

5.5.1. Definitions

The problems related to the application in Member States of the specifics of definitions for the migration and acquisition of citizenship statistics covered by Article 3 of the Regulation continue to be among the hardest to address. It is for these data that there are the greatest differences between national systems, because Member States use a variety of data sources. Efforts are ongoing to overcome remaining problems. For example, two Member States were unable to use the 12-month criterion for defining emigration flows because a 6-month criterion for defining the immigration flows was used for some Member States of next residence; one Member State is still unable to use the living-in-the-country criterion for acquisition of citizenship, as the Member State includes citizenship granted to persons not living in the Member State.

Statistics covered by Article 3 of the Regulation continue to have high consistency and comparability with the demographic data collections covered by Regulation (EU) No 1260/2013\(^{24}\) following an agreement reached with Member States to apply the same age definitions and breakdowns, and on the definition of EU aggregates. Improvements have been achieved in definitions, methods and data sources thanks to the useful input of data from the 2011 round of EU population and housing censuses, together with the use of mirror statistical data: Eurostat offers Member States a facility for exchanging migration (emigration and immigration) data. Such exchanges also go a long way towards reducing the issues related to registration and deregistration (see also section 5.2).

The methodological guidelines mentioned in section 4 remain in place for the data collections under Articles 4 to 7. They are continuously improved to provide more precise and clear guidance on the definitions and concepts for data collections on asylum, residence permits and enforcement of immigration legislation. They also incorporate the latest innovations in European legislation (see section 3 of this Report and the 2015 Report). Another strand of work at


international level is the development of the international recommendations on refugee statistics (see section 5.2).

5.5.2. *Data sources*

Since the 2015 Report and concerning Article 3, Member States have improved the quality of the statistics transmitted to Eurostat by working on their national estimation methodologies and using additional administrative data sources in their estimates. In particular, some Member States make use of the mirror flows reported by partner countries to solve coverage errors stemming from the non-propensity to register and de-register. This has helped curb underestimation of emigration flows and double counting of part of the population stocks. Eurostat has monitored this work by engaging in-depth discussions with national statistical institutes and other national authorities, and by helping Member States exchange data. Personal data protection issues and differences in national legislation have made progress in this very difficult area. Alongside this, freedom of movement within the EU, combined with personal data protection issues, has placed stringent limitations on further quality improvements for migration statistics, especially in relation to EU citizens.

The national data providers have informed the Commission (Eurostat) of further improvements and redevelopments of administrative registers covering asylum, residence permits and enforcement statistics. These improvements have mainly targeted the modernisation of registers, including better compliance with the methodological and technical requirements of data collections under the Regulation. In some Member States, such technical developments have led to temporary interruptions in the supply of data. Eurostat is aware of them beforehand and they eventually result in improvements to data quality.

A future central repository for statistics and reporting, hosted by the European Agency, for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), will contain anonymised data extracted from the European Dactyloscopy (Eurodac) fingerprint database, the Schengen Information System (SIS) and Visa Information System (VIS) and the upcoming European Travel Information and Authorisation System (ETIAS) and Entry/Exit System (EES). Without prejudice to the relevant legal instruments, and in full respect of the purpose limitations provided therein, the Commission (Eurostat) has started discussions to explore the possibility to use these data in the production of European migration statistics with a view to eventually replacing parts of the current national data collections.

5.5.3. *Coherence*

Where comparisons are possible, a high degree of coherence can be seen with data collected and published in other exercises and by national and international organisations. Eurostat cooperates closely with the European Asylum Support Office and Frontex to ensure full coherence among the data collected by these agencies. Any differences between the data supplied to Eurostat and the statistics published by national authorities can be explained by differences in definition: Member States may have chosen to retain distinct definitions in their national statistics. As the data provided under Article 3 of Regulation (EC) No 862/2007 and under Regulation (EU) No 1260/2013 are systematically used together by statisticians and demographers, Regulation (EU) No 1260/2013 requires Member States to ensure that data on population are consistent with those required under Article 3 of Regulation (EC) No 862/2007.
5.6. Measures to improve quality

The Commission continues to apply follow-up measures in response to non-compliance with the Regulation. In a few cases, data supplied by Member States were incomplete, of low quality or were not delivered in accordance with the legal deadlines. These measures (e.g. administrative letters) are part of Eurostat’s regular compliance monitoring.

The trend in these measures since the 2015 Report points to further progress by Member States in terms of data completeness, quality and timeliness. The number of administrative letters sent to the national statistical authorities has declined steadily.

In response to the need to evaluate data quality more effectively and comprehensively, automatic data validation software has been introduced into data processing. This automated tool is also available to national data providers and the verifications are based on the sets of validation rules agreed between Eurostat and the Member States.

To further evaluate the quality of the incoming data, Eurostat set about gathering even more extensive metadata and quality information. In line with the European Statistical System quality standards, domain-specific quality questionnaires have been developed since 2014 covering asylum, residence permits and enforcement statistics. The available national quality reports serve as an aid for quality checks, evaluation and improvements, and are accessible to the general public.

According to Article 8 of Regulation (EU) No 1260/2013, Member States were required to carry out feasibility studies on the use of the ‘usual residence’ definition of the population and to transmit the results of these studies to Eurostat by the end of 2016. The studies included an analysis of current and potential data sources, data processing and the estimation methods for required statistics. They were designed mainly to make concepts and definitions more comparable and consequently deliver better data quality and comparability. The results of these studies will be outlined in the report to the European Parliament and the Council on Regulation (EU) No 1260/2013 that the Commission will adopt by the end of 2018. The results of the feasibility studies might have consequences for European population statistics and consequently for the consistency with data provided under Article 3 of Regulation (EC) No 862/2007.

6. Conclusions

Regulation (EC) No 862/2007 has resulted in clear improvements to European statistics on migration and international protection. Moreover, since the 2015 Report, further improvements in terms of data availability, completeness, quality and timeliness have been observed. Data collections under the Regulation have undergone additional methodological and technical developments, leading to improved guidance for Member States. The quality of data received under the Regulation has also benefited from the entry into force of Regulation (EU) No 1260/2013 and related implementing measures. Quality improvements should continue in the future, notably to increase data timeliness, improve accuracy, tackle under- and over-coverage and fill data gaps.

25 http://ec.europa.eu/eurostat/cache/metadata/EN/migr_eil_esqrs.htm (available in English only);
There has been a corresponding increase in the use made of all of these statistics by official bodies at European and national level, by non-governmental bodies and by the general public.

However, due to its structure, the Regulation can no longer properly respond to new user requests. Because of this, new data gaps identified by the Commission have been addressed by other data collection approaches such as voluntary data collections. Examples include first-time asylum applicants, types of return of irregular migrants and residence permits, broken down by age and sex and cross-classified with other breakdowns. These voluntary data transmissions have worked quite well, with all or almost all Member States. Other identified data gaps, such as the breakdown of population data under Article 3 by individual country of citizenship as well as immigration/emigration by single previous/next country of residence, cannot, however, be addressed on a voluntary basis. Moreover, constant dialogue with policy users shows some other policy needs that will have to be addressed in the future, in particular as regards residence permits data: the (too) large number/share of valid residence permits reported as "other reasons" which prevents a full understanding of the nature of migration and meaningful comparison across Member States; the lack of data on intra-EU mobility of legally residing third-country nationals; the imperfect matching between asylum data (positive decisions) and asylum-related residence permits (both stock and flows); the need to increase the added value of recently launched voluntary data collection (e.g. on newly granted permanent/long-term residence permits and on family reunification with beneficiaries of protection) by having more Member States reporting this data. This requires flexibility to create EU aggregates that are not currently available - such as the main citzenships of EU citizens living in other Member States.

Considering that:
- the data required under the Regulation should reflect the evolving needs of the users and
- the capacity and means of the data providers should be taken into account

the following strands of action are being undertaken:

1. Amending Articles 4 to 7 (international protection and managed migration) of the Regulation to support the European Agenda on Migration. This will involve providing EU policy- and decision-makers with better and timelier policy-relevant statistics so that they can respond more forcefully to the challenges posed by migration. In particular, the initiative will strengthen quality by giving a legal basis to statistics currently collected on a voluntary basis. Amending Regulation (EC) No 862/2007 will deliver better completeness, timeliness, reliability and certainty than Member States’ current voluntary data transmissions. In particular, it will provide statistics in those areas where the stakeholders have expressed clear needs: on returns (higher frequency and more mandatory disaggregations), resettlement, residence permits and children immigration. It will also provide the required flexibility in response to new and emerging data needs. The Commission adopted the proposal on 16 May 2018.26

2. Promoting the exchange of knowledge and good practices with a view to facilitating access to national administrative data in some Member States to improve migration data quality.

3. Without prejudice to the relevant legal instruments, and in full respect of the purpose limitations provided therein, exploit the possibilities that will be offered by the future central repository for reporting and statistics that will be hosted by eu-LISA. This repository will contain anonymised data extracted from EURODAC, SIS, VIS and upcoming ETIAS and EES, which may be used in the production of European migration statistics with a view to eventually replacing parts of the current national data collections.