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**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**

**(Text with EEA relevance)**

## 1. INTRODUCTION

The main objective of Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection<sup>1</sup> (hereinafter also referred to as 'the Regulation') is the collection and compilation of European statistics on migration and international protection.

This report follows the first one adopted by the Commission in September 2012<sup>2</sup> pursuant to Article 12 of the Regulation (EC) No 862/2007.

In particular, its Article 12 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 documents the degree of progress that has been made by Member States, together with the Commission (Eurostat), in the implementation of the Regulation since the first report.

## 2. STATISTICS COVERED BY THE REGULATION

Regulation (EC) No 862/2007 concerns the compilation of European statistics related to migration and international protection (asylum). The principle areas of statistics governed by the Regulation are:

- International migration flows disaggregated by group of citizenship, group of country of birth, group of country of previous/next residence and by age and sex; population stocks disaggregated by group of citizenship and group of country of birth and by age and sex, acquisition of citizenship by country of previous citizenship (Article 3);
- Asylum applications, decisions at first instance and on appeal granting or withdrawing different forms of international protection status, asylum applications by unaccompanied minors, disaggregated by citizenship; and statistics on the application of the Dublin III Regulation<sup>3</sup> by Member States (Article 4);
- Third country nationals refused entry to the Member State at the external border, third country nationals 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 by the reason (immigration category) for the permit being issued (Article 6);
- Third-country nationals subject to an order to leave the territory of the Member State under immigration legislation, and third-country nationals recorded as departing after the issue of such an order, disaggregated by citizenship (Article 7).

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<sup>1</sup> OJ L 199, 31.7.2007, p. 23.

<sup>2</sup> COM (2012) 528 final.

<sup>3</sup> OJ L 180, 29.6.2013, p. 31.

As part of the implementation process, the Commission has continued to develop and maintain close cooperation with the different national authorities involved in the production and supply of data for the Regulation. The statistics on migration flows and population stocks are generally supplied to the Commission (Eurostat) by the National Statistical Institutes (NSI). Statistics on residence permits and asylum are usually supplied directly by Ministries of Interior or immigration services. Statistics on border controls and the removal of unauthorised migrants may also be provided by Ministries of Interior or immigration services, or by police authorities.

The main characteristics of these statistics are provided in Table 1 below.

Table 1: Main characteristics of statistics provided under Regulation (EC) No 862/2007

	<b>Article 3 Migration flows, population stocks, acquisition of citizenship</b>	<b>Article 4 Asylum</b>	<b>Articles 5 and 7 Enforcement of immigration legislation</b>	<b>Article 6 Residence permits</b>
<b>Geographical coverage</b>	36 countries (32 EU/EFTA countries)	32 EU/EFTA countries	32 EU/EFTA countries	32 EU/EFTA countries
<b>First year of data collection</b>	2008	2008	2008	2008
<b>Frequency</b>	Annual	Monthly/quarterly/annual	Annual	Annual
<b>Deadline for data transmission</b>	12 months after the end of the reference year	2 months after reference period (RP) for monthly/quarterly data 3 months after RP for annual data	3 months after the end of the reference year	6 months after the end of the reference year
<b>Data providers</b>	National Statistical Institutes	Ministries of Interior (or related Immigration Agencies)	Ministries of Interior, Immigration Agencies or Border Police.	Ministries of Interior (or related Immigration Agencies)

### 3. OTHER RELEVANT LEGISLATION

Since 2012, two new legal acts in the area of demographic statistics have come into force. They are relevant for the compilation of statistics on international migration flows and population stocks disaggregated by group of citizenship and group of country of birth under Article 3 of the

Regulation (EC) No 862/2007, in particular concerning the consistency of the sets of statistics requested:

1. Regulation (EU) No 1260/2013 of the European Parliament and Council of 20 November 2013 on European demographic statistics<sup>4</sup>;
2. Commission Implementing Regulation (EU) No 205/2014 of 4 March 2014 laying down uniformed conditions for the implementation of Regulation (EU) No 1260/2013 of the European Parliament and Council of 20 November 2013 on European demographic statistics, as regards breakdowns of data, deadlines and data revisions<sup>5</sup>.

In addition, other new legislative acts in the area of legal migration entered into force. These acts are relevant for the compilation of statistics on residence permits under Article 6 of the Regulation and were (or will be in the near future) integrated into this data collection:

1. Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment<sup>6</sup> (collection of data started in 2013 with reference year 2012);
2. Directive 2011/98/EU of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of right for third-country workers legally residing in a member State<sup>7</sup> (collection of data started in 2014 with reference year 2013);
3. Directive 2014/36/EU of the European Parliament and of the Council on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers<sup>8</sup> (collection of data will start in 2018 with reference year 2017);
4. Directive 2014/66/EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer<sup>9</sup> (collection of data will start in 2018 with reference year 2017).

With the accession of Croatia in July 2013, Regulation (EC) No 862/2007 has become compulsory for the new Member State and implicitly all references to the aggregates requested have become EU28.

Statistics provided in the framework of the above recent legal acts, given the different legal basis, are not included in the quality evaluation below and will be subject of specific evaluation reports as required in these particular legal acts.

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<sup>4</sup> OJ L 330, 10.12.2013, p. 39.

<sup>5</sup> OJ L 65, 5.3.2014, p. 10.

<sup>6</sup> OJ L 155, 18.6.2009, p. 17.

<sup>7</sup> OJ L 343, 23.12.2011, p. 1.

<sup>8</sup> OJ L 94, 28.3.2014, p. 375.

<sup>9</sup> OJ L 157, 27.5.2014, p. 1.

#### **4. GENERAL PROGRESS SINCE THE 2012 REPORT**

Since the 2012 report the data availability and completeness has significantly ameliorated in all data collections. General data quality improvements have been observed leading to better data accuracy, coherence and comparability. Member States have undertaken improvements of the underlying data sources and the statistical tools used for data preparation which result in better data accuracy, coverage and timeliness of data provisions to the Commission.

Enhanced quality and the increasing punctuality of data supply by the Member States have allowed the Commission to shorten the time needed for data dissemination, implying better timeliness of data releases and improving further the accessibility of data by the users.

In addition, in the area of statistics collected under Article 3, since reference year 2013, the data collection has been merged with data requested under Regulation (EU) No 1260/2013 in order to achieve consistency among the different population breakdowns and, to the possible extent, of the demographic balances between population, vital events and migration flows. The Metadata information that Member States have to mandatorily fill in has also been merged.

Moreover, in the area of statistics collected under Articles 4-7, the statistical cooperation within the Commission, with other EU bodies and the Member States have resulted in the amendments to the guidelines for the data collected under the Regulation<sup>10</sup>. Methodological improvements have resulted in the enhanced clarity of the statistical definitions and concepts. The recent legislative developments in the area of migration and asylum have been integrated into methodological guidance of data collections on asylum and residence permits.

Technical improvements undertaken by the Commission ensured more efficient data validation and processing, while the collection of the extensive quality information allows full assessment of the incoming data quality. When necessary, non-compliance measures (administrative letters) were undertaken to ensure necessary level of compliance with the requirements.

#### **5. QUALITY OF THE STATISTICS PRODUCED**

##### **5.1. Relevance**

Within the Commission, the main user of migration and asylum statistics is DG Migration and Home Affairs. However, these statistics are also frequently used by other Commission's Services, in particular, by DG Employment, Social Affairs and Inclusion and by DG Justice.

One important use of these statistics has been as part of the annual allocation of the budgetary envelope for each Member State for the *Solidarity and Management of Migration Flows* Funds.

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<sup>10</sup> Revisions of the 'Technical Guidelines for the data collection under Article 4(1) (3) of the Regulation (EC) No 862/2007 ; Statistics on Asylum', 'Technical Guidelines for the data collection under Article 6 of the Regulation (EC) No 862/2007; Statistics on Residence Permits' in 2014 and the Technical Guidelines for the data collection under Articles 5 and 7 of the Regulation (EC) No 862/2007; Enforcement of Immigration Legislation (EIL) Statistics in 2014; revision of 'Technical Guidelines for the data collection under Article 4(4) of the Regulation 862/2007; Dublin Statistics' in 2015.

Since the 2012 report the structure of these Funds has been changed and it is now based on the new legal basis: the Asylum, Migration and Integration Fund (AMIF), established under Regulation (EU) No 516/2014<sup>11</sup>, and the Internal Security Fund (ISF), established under Regulation (EU) No 515/2014<sup>12</sup>, set up for the period 2014-20. Due to the multi-annual funding arrangements under these new Funds, data are no longer provided annually. The allocations were calculated on the basis of the statistics previously supplied, with the exception of ISF where a mid-term review is required.

The statistics on migration and international protection are used by the Commission for the preparation of regular reports, policy proposals, implementation reports required by basic acts and policy analysis. For example, the European Migration Network Annual Report on Immigration and Asylum<sup>13</sup> provides a factual overview of the main developments in the area of migration and international protection, at both EU and national level. European statistics on migration flows and population stocks by country of birth and citizenship are important for publications such as the Special Supplement on Demographic Trends of the EU Employment and Social Situation Quarterly Review<sup>14</sup>.

The European Migration Network (EMN)<sup>15</sup> continues to be a major user of Eurostat migration and international protection statistics for the purpose of its annual EU- and national-level statistical and analytical reports.

Since the 2012 Report there has been an increasing use of European statistics to support the work of migration-related European Union agencies such as the External Borders Agency (FRONTEX) and the European Asylum Support Office (EASO). Eurostat works very closely with those agencies in developing data collections and related statistical methodology.

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 the projection of the future population and labour force.

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<sup>11</sup> Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC - [OJ L 150, 20.5.2014, p. 168.](#)

<sup>12</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC - [OJ L 150, 20.5.2014, p. 143.](#)

<sup>13</sup> European Migration Network (EMN) [Annual Report on Immigration and Asylum 2014: A Synthesis of Annual Policy Reports](#) 2014 submitted by EU Member States and Norway accompanied by the [Statistic Annex.](#)

<sup>14</sup> <http://ec.europa.eu/eurostat/documents/3217494/5775829/KE-BH-13-0S2-EN.PDF>

<sup>15</sup> [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)

## **5.2. Accuracy**

Since the 2012 Report, a considerable improvement of the accuracy of data provided by the Member States has been observed. In particular in the area of statistics under Articles 4-7 of the Regulation the widespread redevelopment of administrative systems related to asylum and immigration controls, and for the registration of the population, has had a strongly positive impact on the accuracy of the statistical data. 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 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, in particular information related to data accuracy, explaining, among other aspects, the data sources and procedures, any estimation or modelling processes which 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 were designed by Eurostat to collect more specific information related to data quality.

Since the 2012 report, there has been a significant reduction 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 immigration administrative procedures and have enhanced computing systems allowing these data to be easily obtained for statistical purposes.

Although improvements were achieved, in the area of Article 3 specific accuracy issues still exist, namely the under-coverage (i.e., persons do not register their residence) and the over-coverage (persons do not de-register as often there is no obligation or incentive to do it).

In the area of asylum statistics initial problems with the non- or limited availability in some Member States of age and sex information taken from administrative records have been solved and data are fully complete. Certain data gaps related to the initial years of data collections under the Regulation remain, also for the residence permit statistics and due to technical constraints these gaps can no longer be filled. Specific accuracy problems related to the differences in reporting latency and practices across Member States remain in the area of statistics covered by the Article 4(4) (Dublin statistics) and result in the limited consistency between data on incoming and outgoing transfer requests.

## **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 2012 report, a considerable improvement of the punctuality of data provisions has been observed. The introduction of the automated extraction procedures at national level and the regular compliance monitoring by Eurostat have led to punctual data provisions. Some remaining

issues are isolated, non-recurring cases (for example, due to staff changes or disruption caused by changes to computing systems).

More timely and complete supply of data under the Regulation has, in turn, helped Eurostat to improve the timeliness of its data processing and dissemination. The time delay between data being received and validated data being published on the Eurostat public dissemination website has decreased since the 2012 report. In addition, progressive introduction of automated internal validation procedures with error-feedback reporting to the national data providers has further decreased the processing time.

#### **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 available free of charge on the Eurostat website under the themes '*Population (Demography, migration and projections)*'<sup>16</sup> and '*Asylum and managed migration*'<sup>17</sup>. The data are included in compendium publications such as the Eurostat Yearbook<sup>18</sup>, as well as detailed publications focussed on specific migration-related topics<sup>19</sup>. Since the 2012 report, Eurostat has promoted the use of 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<sup>20</sup>.

The 'Population' section on the Eurostat's website includes statistics under the Regulation and records an increasing number of users (from 50 thousand to 60 thousand page views per month and from 5.7% to 7.2% of total Eurostat page views in the last 3 years) and ranks second in this respect in Eurostat.

#### **5.5. Comparability and coherence**

##### *5.5.1. Definitions*

Since the 2012 report, the use of harmonised definitions for all data collections under the Regulation has greatly enhanced data comparability.

The problems related to strict application of definitions have been hardest to address with the migration and acquisition of citizenship statistics covered by Article 3 of the Regulation. It is for these data that the greatest dissimilarities occur among national systems due to the variety of the data sources used. The efforts are ongoing but some countries were unable to use the 12-month criteria for defining immigration / emigration flows often because the national statistical

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<sup>16</sup> <http://ec.europa.eu/eurostat/web/population-demography-migration-projections/statistics-illustrated>

<sup>17</sup> <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/statistics-illustrated>

<sup>18</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe\\_in\\_figures\\_-\\_Eurostat\\_yearbook](http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe_in_figures_-_Eurostat_yearbook)

<sup>19</sup> For example, see the Eurostat Data in Focus Publications such as Asylum applicants and first instance decisions on asylum applications: Third quarter 2014 - Issue number 15/2014 <http://ec.europa.eu/eurostat/web/products-data-in-focus/-/KS-QA-14-015>

<sup>20</sup> <http://ec.europa.eu/eurostat/statistics-explained/index.php/Population>



definition of a migration was based on permanent criteria for nationals or a six month criteria for some EEA citizenships (Nordic agreement). Four countries were unable to use the living-in-the-country criteria for acquisition of citizenship, as it included grants of citizenship to persons not living in the country or with a permanent residence in the country.

Statistics covered by Article 3 have achieved greater consistency and comparability with the demographic data collections by agreeing with the Member States on the same age definitions and breakdowns and on the definition of EU aggregates in the case of an enlargement as it happened in 2013 with the accession of Croatia<sup>21</sup>.

Improvements have been achieved in definitions, methods and data sources thanks to the 2011 round EU population and housing census as useful input together with the use of mirror statistical data. However specific issue concerning the use of only the concept of permanent registration with no time criteria for the stay affects data comparability.

New methodological guidelines were implemented for the data collections under Articles 4-7. The new guidelines provide more precise and clear guidance on the application of definitions and concepts for the data collections on asylum, residence permits and enforcement of immigration legislation. They also incorporate the latest legislative developments. For instance, the new set of recast legislation in the area of asylum adopted between 2011 and 2013<sup>22</sup>, was reflected in the revision of the methodological guidelines of the Article 4 data collections.

#### 5.5.2. *Data sources*

Since the 2012 report concerning Article 3, countries have improved the quality of the statistics transmitted to Eurostat by using additional sources (Health Insurance Registers, Tax Registers, Census 2011) and in particular the mirror flows reported by partner countries in order to solve coverage errors due to the non-propensity to register and de-register, and, as a consequence, the underestimation of emigration flows and double counting of part of the population stocks. This work has been monitored by Eurostat by in-depth discussion with National Statistical Institutes and by facilitating the exchange of data among countries.

The Commission (Eurostat) was informed on enhancements and redevelopments of the administrative registers in the area of asylum, residence permits and enforcement of immigration

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<sup>21</sup> For example, the specification of the EU aggregate for 2013 changes if we refer to the aggregate at the beginning of 2013 (which was still EU27) or at the end of 2013 (which was EU28).

<sup>22</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9); Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31); Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60); Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

legislation by the national data providers. These improvements were aimed mainly at 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 led to interruptions in the supply of data. Such interruptions happen with prior notification to Eurostat and eventually result in improvements of data quality.

### 5.5.3. Coherence

Where comparisons are possible, the results indicate a high degree of coherence with data collected and published in other exercises and by national and international organisations. Eurostat cooperates closely with EU agencies EASO 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 where Member States have chosen to retain distinct definitions in the nationally published statistics. 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 undertake follow-up measures in response to non-compliance with the Regulation. In some cases data supplied by a country were incomplete, of low quality or were delivered not in accordance with the legal deadlines. These measures are undertaken in the framework of Eurostat's regular annual compliance monitoring exercise.

Since the 2012 report, these actions have demonstrated a very significant progress by Member States in terms of data completeness, quality and timeliness. This can be observed by the reduction in the number of non-compliance administrative letters addressed to the National Statistical Authorities (Table 2).

Table 2: Overview of the number of Member States receiving non-compliance letters in the framework of the compliance monitoring exercise

	<b>Article 3 Migration, population stocks, acquisition of citizenship</b>	<b>Article 4 Asylum</b>	<b>Articles 5 and 7 Enforcement of immigration legislation</b>	<b>Article 6 Residence permits</b>
2011	6	5	3	5
2012	0	1	0	1
2013	2	1	0	3
2014	1	1	0	0

In response to the need to evaluate data quality more effectively, a new generic data validation tool was introduced in the data processing. This automated tool is also available to the 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 has undertaken work on the gathering of more extensive metadata and quality information. According to the European Statistical System quality standards, domain specific quality questionnaires have been developed since 2014 in the areas of asylum, residence permits and enforcement statistics. The national quality reports will serve for quality checks, evaluation and improvements and will be accessible to the general public.

According to Article 8 of Regulation (EU) No 1260/2013, countries are required to carry out feasibility studies on the use of the definition of ‘usual residence’ for population. The studies include the analysis of current and potential data sources, data processing and possibility of estimation of necessary statistics. They principally aim to improve the comparability of concepts and definitions and consequently result in better data quality and comparability. They will be used in the report on Regulation (EU) No 1260/2013 that the Commission shall prepare by the end of 2018. The results of the above feasibility studies and the report can have consequences on the European population statistics and consequently on the consistency with data provided under Article 3 of Regulation (EC) No 862/2007.

## **6. CONCLUSION**

Regulation (EC) No 862/2007 has resulted in signal improvements of European statistics on migration and international protection. Moreover, since the 2012 report, a further improvement in terms of data availability, completeness, quality and timeliness has been observed. Data collections under the Regulation have undergone further methodological and technical developments leading to improved guidance for the Member States. The quality of data received under the Regulation has also benefitted from the coming into force of the Regulation (EU) No 1260/2013 and related implementing measures as well as Census 2011 round. Improvement of the quality should be continued in the future, notably to increase timeliness of data, improve accuracy and tackle under- and over-coverage,

There has been a corresponding increase in the use made of all these statistics by official bodies at European and national level, by non-governmental bodies and by the citizen.

The data required under the Regulation should reflect the evolving needs of the users while taking into account the capacity of the data providers. This could lead to future proposals for amendments of the Regulation in order to add new data categories or specific disaggregations and / or eliminate data requirements whenever they are considered less useful. New data gaps have been identified by the Commission and addressed by other data collection approaches such as gentlemen's agreements (e.g. collection of data on first time asylum applicants, data on type of returns of irregular migrants, data on residence permits disaggregated by age and sex and cross

classified with other breakdowns). Other identified data gaps like 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 be addressed under the framework of voluntary agreements.

In the longer-term, the redevelopment of European census statistics beyond 2021, with a possible move to more frequent (annual) statistics, is likely to result in greater availability of data on different aspects of migration. This should also contribute to fulfil evolving and emerging needs for migration-related statistics.

In the framework of the Commission REFIT project (European Commission's Regulatory Fitness and Performance programme), the Commission shall undertake actions to make EU law simpler and to reduce regulatory costs, thus contributing to a clear, stable and predictable regulatory framework supporting growth and jobs. Certain overlaps related to the statistical reporting in the existing legislation in the area of population and migration (e.g. in the area of residence permit statistics) have been already identified and could be tackled through a simplified legislation.