
EPC Policy Update for the European Programme for Integration and Migration¹

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Highlights

In the past two months, the EU and its member states have been focused on tackling the ongoing refugee crisis, prompting a series of remarkable legislative, political and humanitarian developments in EU policy: the European Commission proposed a [second implementation package](#) for the European Agenda on Migration, while the JHA Council of 22 September agreed on [provisional measures](#) to relocate 120,000 people (in addition to the 40,000 agreed on previously) from Italy and Greece. However, several questions remain unaddressed, and the future developments at EU level will be crucial in moving towards long-term solutions.

In September, the Asylum Information Database (AIDA) Annual report entitled "[Common asylum system at a turning point: refugees caught in Europe's solidarity crisis](#)" was launched, showing that while the overall recognition rate in the EU is rising, divergences in the recognition rate for people of the same nationality within the EU still persist.


Following the decision of Schengen members Germany, Austria and Slovenia to temporarily introduce border controls, the European Policy Centre published a commentary [signalling](#) the urgency with which the EU needs to re-establish mutual trust between member states.

The European Court of Justice (ECJ) [made an interesting ruling](#) regarding the EU citizens Directive 2004/38 and the principle of equal treatment, implying that EU citizens cannot be expelled simply by arguing that they are unemployed or jobseekers. The case is very relevant in the context of EU-UK membership negotiations, because it will be more difficult for British Prime Minister David Cameron to convince his EU partners to show more flexibility on this issue and accept a treaty/secondary law change.

¹ This document provides a focused analysis of recent EU-level policy-making, legislation and jurisprudence relevant to EPIM's three focus areas – (1) asylum seekers; (2) undocumented migrants; and (3) equality, integration and social inclusion of vulnerable migrants and covers the period from July 2015 to 1 October 2015. We kindly ask the readers to keep in mind that the present Policy Update is composed of a selection of documents and does not claim to be exhaustive.

Should you, as representatives from EPIM's Partner Foundations or EPIM-supported organisations, have questions related to the analysis provided in this document or on EU developments in the field of migration and integration in general, you are invited to contact the authors (a.ghimis@epc.eu, y.pascouau@epc.eu). The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of EPIM, NEF or EPIM's Partner Foundations.

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General Developments

OECD – International Migration Outlook 2015

The Organisation for Economic Co-operation and Development published its thirty-ninth “[International Migration Outlook](#)” divided into four chapters: (1) broad overview of recent trends in international migration flows; (2) employment situation of immigrants and major changes in policies supporting migrant integration; (3) changing patterns in international migration of doctors and nurses to OECD countries; (4) country-specific notes. Some of the most important findings of the report are:

- the total foreign-born population in OECD countries stood at 117 million people in 2013 (35 million more than in 2000);
- China and India are the two main origin countries, but Polish and Romanian citizens also live abroad in high numbers (increased intra-EU mobility);
- the average employment rate of immigrants in the OECD area increased by 1.3% during 2011-2014, whereas that of the native population increased by only 0.5%;
- the unemployment rate has remained fairly stable: 3.3 points higher for the foreign-born than for the native-born population;
- the number of doctors and nurses emigrating to OECD countries from countries with severe shortages in health workers grew by 80% between 2000/2001 and 2010/2011.



Special Focus

The EU’s refugee crisis: legislative, political and humanitarian developments

Throughout the summer - but also at the time of writing - several EU member states have been confronted with a significant increase in the total number of migrants arriving on their territories, a substantial share of which are people in need of international protection. This phenomenon was noticed in 2014 (see statistics of the EASO Annual Report here below), but has grown even bigger throughout the summer of 2015.

Since the beginning of the year, around 116 000 migrants have arrived in Italy in an irregular manner (34,691 during May and June, and 42 356 during July and August). A more considerable increase was witnessed in Greece, where 211,000 migrants have arrived irregularly since January 2015 (53,624 during May and June, and 137,000 during July and August – an increase of 250%). The statistics published by Frontex related to the Western Balkans route (see details in the report summarised below) also emphasise an increase in the number of irregular border crossings via the Western Balkans route in the second quarter of 2015 (April-June 2015). This number increased by 219% compared to the previous quarter, reaching 52,200 non-regional migrants (i.e. citizens of countries other than Western Balkan countries).

Why has Europe seen such an increase now?

It is already known that summer meteorological conditions favour the migrants' (asylum seekers or economic migrants) decisions to take longer journeys towards Europe. However, the summer of 2015 is different from all previous summers as a similar pressure at EU's external borders has not been witnessed before. Indeed, five years of civil war in Syria and the continuous presence of a strong ISIS threat have led to an overstretching of the hosting capacities of Syria's neighbouring countries. According to the UNHCR almost 2 million Syrian refugees are currently in Turkey; 1.1 million in Jordan; 600,000 in Jordan; 250,000 Iraq and 130,000 in Egypt. Against this background, UN humanitarian agencies (such as the World Food Programme) are on the verge of bankruptcy and unable to meet the basic needs of people in need of protection (including, but not limited to, Somali and Sudanese refugees in Kenya). Combined with the impossibility of returning to their home countries, these deteriorating conditions have contributed significantly to the increase of the numbers of refugees moving on towards the EU.

What has been proposed by the European Commission?

In his [State of the Union address](#) delivered in front of the European Parliament on 9 September, Commission President Jean-Claude Juncker highlighted the imperative to act as a Union towards this refugee crisis: *"The numbers are impressive. For some they are frightening. But now is not the time to take fright. It is time for bold, determined and concerted action by the European Union, by its institutions and by all its member states."* Former President of the European Council, Herman van Rompuy also stated the following in his [first speech](#) as President of the European Policy Centre: *"Migration became the top priority this summer but it has been at the hard core of populism and extremism for more than twenty years. So it's not a new problem, but there was, until recently, not sufficient 'sense of urgency'"*.

Against this background and with the aim of delivering on May's European Agenda on Migration (see [previous EPC-EPIM Policy Update](#)) the European Commission put forward several proposals on 9 September ([second implementation](#) package of the agenda):

- A. **an emergency relocation proposal for 120,000 refugees from Greece (50,400), Hungary (54,000) and Italy (15,600).** This proposal was made by the European Commission in addition to the first [proposal](#) for a temporary relocation emergency mechanism (under [Article 78\(3\) TFEU](#)) to relocate 40,000 asylum seekers from Italy and Greece. In this context the Commission proposed redistribution keys for member states taking into account objective criteria: size of the population; GDP; unemployment rate; and the average number of past asylum applications – although this is not specifically mentioned in the Commission's proposal.
- B. **a permanent relocation mechanism** to be triggered any time by the Commission to help any EU member state experiencing a crisis situation and extreme pressure on its asylum system. It would therefore represent a firm step away from the Dublin system and allow more flexibility to respond to similar situations in the future.

- C. **a common European list of safe countries of origin.** On this list, the Commission proposed to add the following countries: Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. The Commission justified these choices by highlighting that these countries are signatories of major international human rights Treaties and the ones which are candidates to EU accession fulfil the Copenhagen criteria: guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.
- D. **improving the efficiency of EU's return policy** by enhancing voluntary return; strengthening the implementation of the Return Directive; strengthening the role and mandate of Frontex in joint return operations; and creating an integrated system of return management. The European Commission published an [action plan](#) and a [handbook](#) with this in mind.
- E. **addressing the external dimension of the refugee crisis** which involves high level dialogues with key partners. One important conference took place on 8 October in Luxembourg. The joint meeting of Ministers for Home Affairs (responsible for migration and asylum) and of Ministers for Foreign Affairs, together with their counterparts from Turkey, Lebanon and Jordan, as well as from the Western Balkans (Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro, Serbia) resulted in a [declaration](#) acknowledging the need to respond to this crisis collectively with solidarity. The next important similar [meeting](#) will take place on 11-12 November in La Valletta.
- F. **Trust Fund for Africa** aimed at addressing the root causes of migration. This Fund will be dedicated to boosting the socio-economic development of the Sahel, Lake Chad, the Horn of Africa, and the North of Africa regions in order to contain irregular migration flows towards the EU.

Elizabeth Collett, Director of MPI Europe, highlighted in a commentary entitled "[The Asylum Crisis in Europe: Designed Dysfunction](#)" that although these measures could be seen as a temporary solution to the EU's refugee crisis, several things have not been taken into consideration by EU leaders. One of these elements is the fact that the emergency money Europe has decided to allocate to coping with emergency situations in countries such as Greece takes time to be channelled through national authorities and spent. Also, according to Collett, policy makers should invest in strengthening early warning mechanisms, as this crisis might stay with EU leaders over the next decade.

What has been decided by the extraordinary JHA Councils (14 and 22 September) and European Council (23 September)?

A first extraordinary Justice and Home Affairs Council took place on 14 September to discuss the above-mentioned proposals put forward by the European Commission. As an immediate response to the critical situation throughout the EU, the Council [agreed](#) to relocate 40,000 persons in need of international protection from Italy and Greece (following the European Commission's proposal in May – [Council decision](#)).

As underlined by Yves Pascouau, Director of Migration and Mobility Policies at the EPC, in his Commentary "[Heads buried in the sand: member states block solutions to the refugee crisis](#)" in a context of intense

pressure, the results of this JHA Council were very disappointing. Once again, stated Pascouau, the European Union is seen as over-promising and under-delivering.

Another extraordinary JHA Council took place on 22 September to discuss the 2nd relocation decision. Despite the persistent reluctance of some member states: Slovakia, Czech Republic, Hungary and Romania who voted against and Finland who abstained; the Council [adopted a decision](#) establishing provisional measures aiming to relocate 120,000 persons in clear need of international protection. In the first stage, 66,000 persons will be relocated (15,600 from Italy and 50,400 from Greece). In the second stage, the 54,000 persons supposed to be relocated from Hungary will be relocated from Italy and Greece after one year of the entry into force of the decision.

To complete the round of extraordinary meetings, the President of the European Council, Donald Tusk, convened an informal European Council on 23 September to discuss with the EU heads of state and government possible ways ahead for the refugee crisis. After a series of rather constructive discussions (as qualified by President Tusk), the European Council published a [statement](#) calling for decisions along several orientations:

- respond to the needs of refugees in the region by providing at least an additional 1 billion EUR to the World Food Programme and other agencies;
- a substantial [increase](#) of the EU's Regional Trust Fund in response to the Syrian Crisis;
- reinforce the dialogue with Turkey at all levels;
- assist the Western Balkan countries in handling the refugee flows;
- providing additional resources for Frontex, EASO and Europol in order to tackle the dramatic situation at the EU's external borders;
- meet requests from front-line member states for assistance by the institutions, the agencies and other member states (establishing hotspots) at the latest by November 2015.

EPC analysts consider that these first steps were taken in an attempt to calm down the situation very temporarily. However, while EU leaders have invested a lot of time and energy into negotiating the quotas of asylum seekers that each member state would need to accommodate, the reality has shown that this crisis is evolving much faster than EU's capacity to react. For instance, following Hungary's decision to close its border with Serbia, Croatia has become a very important transit country. As its capacity to deal with this situation is very limited, the EU should already be thinking about how to help the Croatian authorities and considering whether relocating asylum seekers from this country as well (not only from Italy and Greece) would make sense.

Additionally, several long-term questions remain unaddressed: how will some member states, such as Romania, Slovakia, Slovenia, etc. cope with the integration of future refugees, taking into consideration their embryonic integration systems? Will they actually implement the Council's decision on relocation? Is the EU ready to face similar situations in the future? How can cooperation and coordination among member states be improved in order to avoid possible dramatic consequences for cohesion and solidarity throughout the EU? In this sense, both the discussions that will take place at the October European Council (15-16 October) and evolutions that will occur in the meantime, will be of crucial importance.



Asylum seekers

Policy developments relevant to EPIM focus area 1

“Hotspots” to assist frontline member states in the context of the refugee crisis

As part of the immediate response to the significant numbers of asylum seekers reaching Italy and Greece, the European Commission proposed a “[Hotspot](#)” approach. The approach aims to provide a platform for different EU agencies (Frontex, EASO, EUROPOL) to intervene in an integrated manner in order to support the efforts of countries dealing with significant migratory pressures. These hotspots help to identify, register, and fingerprint the asylum seekers and migrants. The aim is also to separate people in real need of protection from other migrants. Whereas the former will be relocated throughout the EU, the latter will not be authorised to enter and reside in the EU and will be returned to their origin countries. The first such “hotspot” started to function in Italy on 17 September in Lampedusa and the first relocation flight [took off](#) on 9 October.

According to Christopher Hein, spokesman of the Italian Refugee Council, the process is going relatively smoothly. The majority of the persons who have been identified in Lampedusa were Eritreans and they proved to be cooperative. Indeed, their chances of being relocated in another member state are high, because of the high admission rate. The process for other nationalities has to be closely monitored. Indeed, Amnesty International [warned](#) that “hotspots” could work only if they lead to the orderly treatment of asylum seekers. Frances Webber (barrister, Vice chair of the Institute of Race Relations) [expressed](#) his concerns about the “hotspot” approach becoming *a quiet but massive removal operation against, rather than a protection operation for, those arriving on Europe’s shores*.

AIDA (Asylum Information Database) – Annual report 2014/2015

In September, the AIDA Annual report entitled “[Common asylum system at a turning point: refugees caught in Europe’s solidarity crisis](#)” was launched. The report shows that while the overall recognition rate in the EU is rising (from 34% in 2013 to 45% in 2014), divergences in the recognition rate for people of the same nationality within the EU still persist.

For instance, although 89% of the first instance decisions taken with respect to Eritrean nationals granted some form of protection status (refugee status, subsidiary protection, or humanitarian status), some EU countries had very low recognition rates: Greece (less than 50%), France (26%). Together with the other shortcomings of the Common European Asylum System – no equitable sharing of responsibility among member states, divergences in reception conditions, etc. – this results in a “protection lottery”.

The authors acknowledge that the recently adopted relocation decision is the first legal instrument that partially derogates from the Dublin III system, by taking into account the integration perspectives of the future refugees through consideration of several factors, including family and cultural ties. The AIDA report also mentions the need to start debating the mutual recognition of positive asylum decisions in order to establish a common asylum status throughout the EU.

EASO (European Asylum Support Office) – Annual report for 2014

The European Asylum Support Office published its [annual report](#) on the situation of asylum in the European Union in 2014. In order to be able to compare the situation last year with the current seemingly overwhelming situation for the EU (summarised in the section below), it is important to mention the following elements:

- in 2014, more than 660,000 third-country nationals applied for international protection in the EU+, representing both the highest number and the sharpest year-to-year growth (+43 % compared to 2013) since 2008;
- the overall recognition rate at EU+ level (including humanitarian protection) stood at 47 %: 99,440 persons received refugee status, 59,565 were granted with subsidiary protection and 22 315 persons were offered humanitarian protection;
- the highest recognition rates were noted for Syrians, Eritreans, and stateless persons.;
- in 2014, 128,020 Syrians applied for asylum in the EU+ (143% compared to 2013).

Eurostat statistics - asylum seekers (second quarter of 2015)

According to Eurostat, 213,200 asylum seekers applied for protection in the EU during the second quarter of 2015 (April to June 2015). There has been an increase by 15% compared to the number of applications in the first semester (185,000) and an increase by 85% compared to the second quarter of 2014. Several important aspects must be highlighted from the Eurostat statistics:

- during the second quarter 2015, the highest number of first time applicants were registered in **Germany** (80,900), **Hungary** (32,700), **Austria** (17,400), **Italy** (14,900) and **France** (14,700);
- the highest rates of registered first time applicants as a proportion of population were recorded in **Hungary** (3,317 per million inhabitants), **Austria** (2,026) and **Sweden** (1,467);
- the lowest rates were observed in **Slovakia** (5), **Croatia** (6) and **Romania** (19);
- at EU level, in the second quarter of 2015, **420 first time asylum applications were registered per million inhabitants**;
- Syrians, Afghani and Albanese were the top three citizenships of asylum seekers in the EU;
- at the end of June 2015, 592,000 asylum applications were pending (compared to 365,000 at the end of June 2014).

Relevant studies and reports

A study "[Enhancing the Common European Asylum System and alternatives to Dublin](#)" commissioned by the European Parliament's LIBE (Civil liberties, justice and home affairs) committee was recently published. The study emphasises that despite the numerous reports highlighting how the Dublin system leads to violations of the fundamental rights of asylum seekers, the tendency is towards an even more strong and determined implementation of its rules regardless of the human and administrative costs. In addition to discussing the possibility of a mutual recognition of positive asylum decision, the study puts forward several alternatives to the Dublin system and analyses their positive and negative implications. Among these alternatives, a few must be highlighted:

- the possibility of instituting an EU Migration, Asylum and Protection Agency (EMAPA). This agency would make centralised, EU-wide decisions on asylum applications;
- a “free choice” approach which would take into consideration the preferences of asylum seekers and contribute to their subsequent integration in the future hosting community; this approach would also reduce secondary movements;
- a fairer allocation based on transparent redistribution keys, similar to what has recently been proposed by the European Commission. The study nevertheless suggests that member states should not be allowed to buy their way out of their protection responsibilities.

Several other possible responses to the refugee crisis are advanced in a [briefing](#) published by the European Parliament’s Research Service in September 2015. Among these, a few proposals focused on providing safe and legal channels to the EU for persons in need of international protection:

- **humanitarian admissions:** national programmes under which persons in need of protection are admitted to the territory of a member state and provided with a right to stay for a limited or undetermined period of time;
- **humanitarian visas:** France, Switzerland and Brazil have already issued such visas to Syrian refugees;
- **private sponsorship:** the best example in this sense is Canada where private sponsors help people in need of protection with housing, food, clothing, etc. The sponsorship period normally lasts 12 months, but can be extended to 36 months.



Undocumented Migrants

Policy developments relevant to EPIM focus area 2

Visa policy

Short stay visa waiver agreements

On 1 August 2015, the short visa waiver agreement between the EU and the Federation of Saint Kitts and Nevis [entered](#) into force. This visa regime provides for visa-free travel for EU citizens when travelling to the Federation and for citizens of the Federation when travelling to the EU, for a period of stay of 90 days in any 180-day period.

Border control

Frontex

Frontex published its [Western Balkans Quarterly Report](#) (second quarter of 2015), which forecasted - to a certain extent - the difficult situation that has developed throughout the summer at this EU external border. As was the case in the first quarter of 2015, the Hungarian-Serbian border continued to be the busiest in terms of irregular border crossings. Nine out of ten irregular border-crossings in the Western Balkans were made by non-regional migrants. Indeed, Syrians and Afghans were by far the two main nationalities with a 38% and 36% share of the non-regional flow, respectively. Also, during the second quarter of 2015, 572 facilitators were detected, representing an 11% increase compared to the previous three-month period.

More recently, Frontex published a [statement](#) emphasising the exponential growth of the number of detections at EU borders. According to this statement, during the first eight months of 2015, more than 500,000 migrants were detected at the EU's external borders (in 2014, only 280,000 were detected). Throughout this period, the Greek islands of Lesbos and Kos have been under intense pressure. In addition, some migrants arriving on the Greek islands made their way towards Hungary whereas underlined in the previously mentioned report - the number of detections at the border with Serbia increased significantly. Italy witnessed a decrease in detections compared to August 2014. The majority of migrants arriving in Italy this summer were people from Eritrea and a number of Sub-Saharan countries who arrived from Libya, although an increasing number of them departed Turkey. It should also be underlined that, since the beginning of 2015, 106,000 migrants were rescued in the Central Mediterranean.

EUNAVFOR MED operation

On 18 May 2015, the Council approved a military [CSDP operation](#) to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean. In mid-September the Council [stressed](#) that the military objectives related to phase 1 of the mission, i.e. collection and analysis of information and intelligence, had all been met and that the first step of phase 2 could be [launched](#) (on 7 October). Throughout the second phase, the naval operation commanded by the Italian Admiral Enrico Credendino will be able to conduct boarding, search, seizure and diversion on the high seas of vessels suspected of being used for human smuggling or trafficking.

Schengen Area

The Schengen area under high pressure

While this year the European Union celebrated Schengen's [thirtieth](#) anniversary, the sudden arrivals of important numbers of refugees at its external borders have shown that in the absence of a common European response to such situations, the Schengen area is likely to suffer serious consequences. In September, several member states - Germany, Austria and Slovenia - decided to temporarily introduce border controls, a procedure which is included in the [Schengen borders code](#). The European Commission made a first analysis of these national decisions and arrived to the conclusion that, *prima facie*, they were [in line](#) with EU law, but stressed the need to restore a normal situation as soon as possible.

Although we cannot talk of a suspension of the Schengen agreement, as frequently reported in the media, this domino effect – resulting from the lack of coordination in terms of reception/redistribution of asylum seekers – has never been witnessed before within the EU. The symbolic and socio-economic costs of these events must not be underestimated. The European Policy Centre published a commentary [signalling](#) the urgency with which the EU needs to re-establish mutual trust between member states and between capitals and EU institutions in order to avoid this episode becoming the first in a long and dangerous saga.

Two other important aspects need to be emphasised:

- the chaotic responses to the refugee crisis and the proven vulnerability of the Schengen agreement in crisis situations can play an important role in the re-negotiation of UK's membership to the EU. British Prime Minister, David Cameron, is likely to use Schengen's weaknesses in order to reform the free

movement of citizens within the EU and restrict it only to those who have a job. It is therefore of utmost importance that EU leaders maintain their commitment in order to avoid taking risky steps backwards in terms of European integration.

- Schengen's crisis will most certainly fuel populist debates in the future. Arguments concentrated on hiding behind national frontiers – which can be appealing to some EU citizens – might contaminate even more than at present the national political debates and risk creating more damage to yet another core European symbol: the borderless Union. The consequences of a permanent reintroduction of border controls – as highlighted in this radio [show](#) (in French) – would be overwhelming for the EU and its citizens.



Equality, Integration and Social Inclusion of Vulnerable Migrants

Policy developments relevant to EPIM focus area 3

Acquisition of EU citizenship

Eurostat [figures](#) show that, in 2013, EU member states granted citizenship to almost 1 million persons. The largest groups acquiring citizenship of an EU Member State in 2013 were citizens of **Morocco** (86,500 persons, of which 84% acquired citizenship of Spain, Italy or France), **India** (48,300, three-quarters acquired British citizenship), **Turkey** (46,500, 60% acquired German citizenship), **Colombia** (42,000, 93% acquired Spanish citizenship), **Albania** (41,700, 95% acquired citizenship of Greece or Italy) and **Ecuador** (40,400, 95% acquired Spanish citizenship). Among EU citizens, **Romanians** (23,000) and **Poles** (18,000) were the two largest groups acquiring the citizenship of another member state. In addition, the highest naturalisation rates were registered in **Sweden** (7.6 citizenships granted per 100 resident foreigners), **Hungary** (6.5) and **Portugal** (5.9). On the contrary, the lowest naturalisation rates were seen in **Slovakia** (0.3), the **Czech Republic** and **Denmark** (both 0.5).

ECJ – Case law

Minister van Buitenlandse Zaken v K and A, [C-153/14](#), 9 July 2015

This ruling concerns two third country nationals (an Azerbaijani national and a Nigerian national) who have seen their applications for temporary residence permits rejected by the Dutch authorities. Both had invoked health and psychological problems that prevented them from taking the civic integration examination required by the Dutch legislation in the context of family reunification procedures.

Against this background, the European Court of Justice noted that measures such as the civic integration examination can be considered legitimate only if they are capable of facilitating the integration (development of social relations, access to labour market and vocational training) of the third country nationals. Also, according to the ECJ, national authorities must make sure that these requirements do not undermine the objective of family reunification pursued by [Directive 2003/86/EC](#). Moreover, specific individual circumstances (age, level of education, economic situation, health) have to be taken into consideration in order to dispense the concerned family members from taking or passing the examination.

The Court concluded that, by not respecting the above mentioned elements, the Dutch national legislation makes family reunification impossible or excessively difficult and that the costs of the examination preparation pack (€350 – course fees) contribute to this.

CGIL and INCA v. Presidenza del Consiglio dei Ministri, Ministero dell'Interno, Ministero dell'Economia e delle Finanze, [C-309/14](#), 2 September 2015

In this case, the Italian General Confederation of Labour and the National Institute of Social Assistance requested the Regional Administrative Court of Lazio to annul the 2011 decree amending the Italian law consolidating the provisions regulating immigration and the rules relating to the status of foreign nationals. The object of litigation was the amount of money third country nationals had to pay – under the provisions of the decree – for the issuance of a residence permit. This amount was ranging between 80 EUR and 200 EUR depending on its period of validity (at least eight times higher than the costs of issuing an identity card, which are approximately 10 EUR).

In this context, the Lazio Court asked a preliminary question to the European Court of Justice in order to check whether the amendment was compatible with [Directive 2003/109/EC](#) concerning the status of third-country nationals who are long-term residents.

The ECJ recalls that the purpose of the EU Directive was to integrate third-country nationals who are settled on a long-term basis in a member state. The Court also underlines that EU states may make the issue of residence permits pursuant to Directive 2003/109 subject to the payment of charges and that national authorities are free to fix the amount of those charges. However, the ECJ highlights that the significant sum that migrants have to pay may constitute an obstacle to the exercise of the rights conferred on them by that directive. Therefore, according to the EU judges, the Directive 2003/109/EC precludes such legislation if the fee is disproportionate in the light of the objective of integration pursued by that directive and can create an obstacle to the exercise of the rights conferred by the EU legislation.

Jobcenter Berlin Neukölln v Alimanovic, C-67/14, 15 September 2015

The Alimanovic case is about a family of Swedish nationals who moved to Germany in June 2010. After moving to Germany, Ms Alimanovic and one of her daughters worked on a temporary basis until May 2011. Once unemployed, the two women asked for social assistance benefits. The German national court asked a preliminary questions to the European Court of Justice in order to check whether the two women were entitled to the benefits they had applied for.

The ECJ found that the EU citizens Directive 2004/38 and the principle of equal treatment did not apply to the Alimanovic women anymore because they had lost their worker status. Indeed, six months after becoming unemployed, Germany terminated their worker status, as allowed within EU rules. As a consequence, they are no longer entitled to social assistance benefits and the equal treatment principle does not apply to them anymore.

Commenting on this ruling, Steve Peers (University of Essex) points to ECJ's inconsistency with previous case-law. Indeed, according to the scholar, in the Saint Prix ([C-507/12](#)) judgement, the ECJ presented the concept of "worker" as being set out in EU's primary law (treaties). In this case, EU judges need to interpret it and give it substance. Conversely, in the Alimanovic case, the Court states that it simply follows the Directive's definition of former worker, without referring to the prior judgment. This can have important consequences in terms of legal certainty.

The EPC considers this case as being very relevant in the context of EU-UK membership negotiations. While the ECJ gives governments tools to fight abuses of social systems, it also underlines that EU citizens cannot be expelled simply by arguing that they are unemployed or jobseekers. Therefore, it will be difficult for the British Prime Minister to convince its EU partners to show more flexibility on this issue and accept a treaty/secondary law change.



EU Calendar

Upcoming events



Council

The Justice and Home Affairs Council will meet on **3 and 4 December** in **Brussels**.



European Parliament

Next LIBE Committee meetings will take place on **10 and 16 November 2015**.

Next EP Plenaries will take place between **26-29 October 2015** and **23-26 November 2015**.



Other Events

19 October 2015

European Policy Centre is organising:

Post-Summit briefing to discuss the results of the discussions between EU Heads of state and governments with a focus on the refugee crisis, in Brussels.

20 October 2015

Migration Policy Institute Europe is organising:

[Videochat](#) – ‘Responding to the European refugee crisis: what’s next for the European Asylum Support Office?’

20 October 2015

International Catholic Migration Commission is organising:

[Share network final conference](#) – ‘Protecting and welcoming refugees in Europe’, in Brussels

1 December 2015

Public Policy Exchange is organising:

6th Annual International [Symposium](#) on Preventing Human Trafficking, in Brussels.



Strategic events

11-12 November 2015 – Valetta Conference on Migration

Called for by the European Council, this conference will aim discuss migration issues with African and other key countries and is expected to focus on assistance to partner countries, the strengthening of cooperation on migration and a better targeting of development cooperation and investments in Africa.