

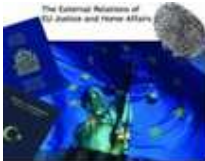


Malta-EU Steering & Action Committee

## JUSTICE AND HOME AFFAIRS

Sectoral Committee  
Weekly Update  
14.05.10

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### **COM(2010)213 – Communication from the Commission to the European Parliament and the Council: Action Plan on Unaccompanied Minors (2010 – 2014)**

Data from Eurostat indicate that the number of unaccompanied minors entering the EU is on the increase. In 2009, 10 960 unaccompanied minors lodged applications for asylum in 22 Member States (excluding Czech Republic, Denmark, France, Poland and Romania), when compared to 2008 when there were 9 695 asylum applications.

This Communication lays down an Action Plan intended to increase the protection of unaccompanied minors entering the EU, encompassing common standards for guardianship and legal representation. The aim of the Plan is to create a common European approach to make sure that a decision on the future of each unaccompanied minor is taken by the competent authorities as soon as possible. As a priority, Member States should trace the families of the unaccompanied minors and carefully monitor their reintegration in their home society. If it is in the best interest of the child, Member States should find alternative solutions including granting international protection status or resettlement in the EU.

The Action Plan is based on the following ten principles:

1. All children should be treated first and foremost as children.
2. All children should be treated in accordance with the rules and principles followed in the European Union and its Member States.
3. All possible efforts should be made to create an environment allowing children to grow up in their countries of origin with good prospects for personal development and decent standards of living.
4. Children should be protected from traffickers and criminal groups and other forms of violence or exploitation.
5. Every effort should be made to find the family of the child and to reunite the child with his or her family provided that this is in the best interest of the child.
6. Child-specific reception measures and procedural guarantees should apply from the moment the child is found at the external border or within a Member State until a durable solution is found. Guardianship and legal representation of the child are of crucial importance.
7. A decision on the future of each child should be taken within the shortest possible period, preferably within six months.
8. Unaccompanied minors should always be placed in appropriate accommodation and treated in a manner that is fully compatible with their best interests.
9. Durable solutions should be determined on the basis of an individual assessment of the best interests of the child.
10. All interested parties – EU institutions, Member States, countries of origin and transit, international organisations and civil society organisations – should join forces and strengthen their efforts in addressing the issue of unaccompanied minors and ensuring that the best interest of the child is protected.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF>



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# **COM(2010)214 – Report from the Commission to the European Parliament and the Council: First Annual Report on Immigration and Asylum (2009)**

In the European Pact on Immigration and Asylum, adopted in October 2008, the European Council made five basic commitments on legal immigration and integration, illegal immigration, border controls, asylum, and partnership with countries of origin and transit. This is the Commission's 1st Annual Report on the implementation of the Pact. It will contribute to preparing the European Council's annual debate on immigration and asylum policies.

Section 2 summarises and assesses developments at EU and national levels and presents recommendations, looking in turn at each of the five areas of the Pact:

### **1. Legal Immigration — Integration**

*Main commitment:* Organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration.

### **2. Illegal Immigration**

*Main commitment:* Control illegal immigration in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country.

### **3. Border Control**

*Main commitment:* Make border controls more effective.

### **4. Asylum**

*Main commitment:* Construct a Europe of asylum.

### **5. Global Approach to Migration**

*Main commitment:* Create a comprehensive partnership with the countries of origin and of transit to encourage synergy between migration and development.

Given that this will be an annual exercise, the recommendations highlight points which the Commission considers need particular attention over the coming year. The commitments in the Pact will also be developed under the Stockholm Programme and its Action Plan.

Section 3 looks at the effects of the economic crisis on migration.

In its conclusion the Commission states that progress has been made at national and EU levels in developing immigration and asylum policies in line with the Pact. However, further development of the EU's migration policy is needed.

The Commission notes that a first generation of instruments of the comprehensive EU migration policy are now in place: legislation, the four Funds, agencies and networks, and agreements with third countries; but also stresses the need that some policy frameworks such as the Policy Plan for Legal Migration and the Global Approach be further developed.

The Commission urges the European Parliament and Council to agree on the tabled proposals to upgrade the first-generation instruments by creating a Common European Asylum System and upgrading FRONTEX.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0214:FIN:EN:PDF>



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## **COM(2010)221 - Report from the Commission to the European Parliament and the Council: on the Development of the Second Generation Schengen Information System (SIS II)**

This progress report describes the work carried out in the second semester of 2009, concerning the development of the second generation Schengen Information System (SIS II) and the migration from SIS 1+ to SIS II.

During this period work was focussed on activities to follow up the orientations provided by the Conclusions of the Justice and Home Affairs Council in June and November 2009 respectively.

The Commission agreed with other stakeholders that the milestone tests requested by the Council in June would provide an indication as to the stability, reliability and performance of the central system. The outcome of these tests would constitute an important element in discussions on the future direction of SIS II.

The Commission has worked in close partnership with the Member States to implement the above-mentioned conclusions and has kept the European Parliament informed of developments. In particular, the Commission has ensured that the legal, technical, organisational and contractual elements have been fully put in place to allow the main development contractor to run the first milestone test under positive conditions. In line with the orientations of the Council in June, the Commission integrated the first milestone into the main development contract.

The Council, at its meeting on 30 November, set 29 January 2010 as a deadline for the accomplishment of the first milestone test. A sufficient number of Member States were able to demonstrate their compliance for taking part in this test.

If the first milestone test proves unsuccessful, the Commission agreed that it would support the Council in its reflection process on the further direction of SIS II by providing, in written form, the necessary financial and budgetary information.

Exploratory negotiations with the French authorities were commenced for a possible decision by the Commission to discontinue the current SIS II project and proceed on the basis of an alternative technical scenario for implementing the SIS II functionalities, should one of the milestones be judged by the Council to have failed.

In addition, during the period covered by this report, the Commission organised the necessary work to allow extensive analysis, together with the experts of the Member States, of the technical specifications of SIS II, in order to be able to guide decisions for the future.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0221:FIN:EN:PDF>