



Ad-Hoc Query on assisted returns to the country of origin of the illegal Aliens and the controls of the employers of illegal Aliens

Requested by FR EMN NCP on 22th September 2009

Compilation produced on 15th march 2010

Responses from Belgium, Czech Republic, Estonia, Germany, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Finland, United Kingdom (13 in Total)

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1. Background Information

As part of the transposition into French legislation of recent European Directives 2008/115/EC and 2009/52/EC, the Ministry of Immigration would appreciate informations from other Member States on aids to the return of illegal foreigners and controls regarding employment of illegal aliens.




It would be very much appreciated if we could receive our answers by **6th october 2009**

2. Responses¹

		Wider Dissemination? ²	Is there a financial incentive to encourage the voluntary departure of illegal aliens?
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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			If affirmative, how is this assisted return to the country of origin is organized and how much money does the recipient receive? How many illegal aliens have benefited from this program from 2006 to 2008?						
	Belgium	Yes	<p>The Federal Agency for the reception of Asylum seekers (Fedasil) is responsible to ensure that all persons who wish to voluntarily return to their country of origin can make an appeal to a support programme. It organises two programmes: REAB (Return and Emigration of Asylum Seekers ex Belgium) and a Reintegration Fund. The Brussels Office of IOM is responsible for the practical organisation of the REAB programme (www.belgium.iom.int/REAB/). Irregular migrants are one of the categories for which the REAB programme is intended. (The other categories being: failed asylum seekers; asylum seekers who withdrew their asylum application).</p> <p>In case of voluntary the returnee can receive a so-called reinstatement premium of €250 (€125 in case of minors) to help cover the first expenses when arriving back in his/her country of origin.</p> <p>Additionally, the Reintegration Fund supports tailor-made reintegration projects that are small-scale, individual projects intended to facilitate sustainable return. It allocates specific amounts benefiting every returnee above 18 years old and his/her family. This premium is an in-kind assistance valued at €700 per person (or a maximum of 1750 EUR per family). Vulnerable cases (e.g. pregnant women, medical cases, elderly persons, unaccompanied minors) are entitled to an additional €700 in assistance.</p> <p>Number of AVR with REAB programme (all categories) since 2006. It can be stated that more than half of the returnees have never applied for asylum in Belgium.</p> <table border="1"> <tbody> <tr> <td>2006</td> <td>2811</td> </tr> <tr> <td>2007</td> <td>2593</td> </tr> <tr> <td>2008</td> <td>2669</td> </tr> </tbody> </table>	2006	2811	2007	2593	2008	2669
2006	2811								
2007	2593								
2008	2669								
	Bulgaria	Yes							
	Czech Republic	Yes	<p>Part A: Under the Czech legislation, the illegally staying migrants can take advantage of assisted voluntary returns on the basis of the provision of section 123a of the Act on the Residence of Foreign Nationals in the Territory of the Czech Republic. (There are also assisted voluntary returns for refused asylum applicants on the basis of provision of section 54a of the Act on Asylum.) In general, the eligible illegal migrants are those third country nationals who are detained for the purpose of administrative expulsion or those who have been determined by a decision on administrative expulsion a time limit for leaving the Czech Republic.</p> <p><u>Funding of voluntary returns</u></p> <p>As stipulated in Section 123a since 21st December 2007, the Ministry of Interior may, if it is in the public interest, bear the costs associated with a voluntary return of a foreign national:</p> <p>a) who has been detained for the purpose of administrative expulsion; or</p>						

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."





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			<p>b) who has been determined, by a decision on administrative expulsion, a time limit for leaving the Czech Republic and who is not a holder of a valid travel document to the country whose citizen the foreign national is, or to any other country which allows the foreign national concerned to enter its territory.</p> <p>A foreign national is obliged to additionally refund to the Ministry of Interior half of the amount of such transport costs. Until such costs are paid the foreign national shall be recorded in the register of personae non gratae.</p> <p>Foreigners do not receive any money from the state under this scheme, however some of them may benefit for reintegration programs organised within the framework of the Czech Republic International Development Aid such as project run by International organization for Migration (IOM) – “Return and reintegration programme in Georgia” in 2003-2006 or “Reintegration project for Moldavian migrants” in 2009. Under the project of IOM “Enhancing mechanism and harmonizing standards in the field of Voluntary Return of Irregular Migrants in Central European Member States” total of 160 immigrants were returned in years 2007 and 2008, out of which 132 took advantage of reintegration assistance in the form of financial contribution for setting up a business plan amounting up to €1500.</p> <p>Organization of voluntary returns</p> <p>A foreign national is to file an application for a voluntary return with the Police (or with the Refugee Facilities Department or IOM employees in case the application is done within the detention), the decision on foreign national’s application for a voluntary return is issued without undue delay by the Ministry of Interior.</p> <p>For the purpose of implementation of the program of voluntary returns the Ministry of Interior cooperates with IOM. This organization runs information campaign about the possibility of returns, provides foreigners with pre-return counselling, personal assistance with arranging the travel documents etc. - either in their office or during their visits to detention centres.</p> <p>Numbers</p> <p>Number of voluntary returns of unsuccessful asylum applicants in 2006 was 93. In 2007 the total number was 190, out of which 93 were unsuccessful asylum applicants and 97 were immigrants held in detention centres. For years 2006 and 2007 data on illegal migrants being returned are not available.</p> <p>In 2008 a total of 163 voluntary returns took place. Out of which 6 were the illegal migrants returned on the basis of provision of section 123a of the Alien Act; 61 were illegal migrants who applied for voluntary return from the detention and 96 were unsuccessful asylum seekers.</p> <p>Part B: In addition, since 15th September till 15th December 2009 illegal migrants can join the temporary <i>Voluntary Returns Project for Illegal Immigrants</i> introduced by the Ministry of the Interior in order to tackle the difficult situation of migrants caused by the impact of economic crisis.</p> <p>This project is open to illegal foreigners who have a valid travel document and who have not have been sentenced for intentionally committing a crime in the Czech Republic and against whom the deportation proceedings have not started. Under this project the foreigners could be provided with guaranteed transport to the country of origin, including an air ticket and necessary assistance. Depending on the length of their illegal stay and whether they pay for their travel costs or not, they are issued a ban from entering the Czech Republic (administrative expulsion) in length ranging from 1 month to 36 months. The only necessary fee they are obliged to pay is CZK 1000 - the law states that this fee must be paid for legal proceedings expenses. The counselling, assistance and other services are provided by NGOs cooperating in this project.</p> <p>Foreigners do not receive any financial contribution or incentive under this scheme.</p>
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	Denmark	Yes	
	Germany	Yes	<p>It exists a Assisted Voluntary Return Program. The program (REAG/GARP) supports the orderly preparation and implementation of voluntary return and third country migration. Prerequisite is that neither the departing person him/herself nor any other person responsible for his/her support can provide the necessary financial support. The program is administered by IOM on behalf of the Ministry of the Interior and the relevant Federal States. It is implemented in cooperation with local and regional authorities as well as voluntary welfare organizations. In addition, states, municipalities and counties may provide other services with separate programs.</p> <p>The following target groups are eligible to receive assistance</p> <ul style="list-style-type: none"> - persons that are eligible under § 1 of the Law governing benefits for asylum seekers (e.g. (rejected) asylum seekers, illegal migrants) - recognized refugees - foreigners whose sojourn is due to the law of nations, humanitarian or political reasons - victims of trafficking or forced prostitution; <p>Following types of assistance are granted:</p> <ul style="list-style-type: none"> a) payment of transportation costs (by plane, train or bus) or b) petrol allowance: €250,- per car c) travel assistance: up to the amount of €200,- for adults/youths and up to €100,- for children under 12 years of age d) Start-Up-Cash: <ul style="list-style-type: none"> €300 per adult/youth and €150 per child under the age of 12 for nationals of: Algeria, Angola, China, DR Congo, Ethiopia, Ghana, India, Lebanon, Morocco, Nigeria, Pakistan, Sri Lanka, Syria, and Vietnam €400 per adult/youth and €200 per child under the age of 12 for nationals of: Armenia, Azerbaijan, Georgia, Iran, Kosovo (except Serbian and Roma minorities), Macedonia, Montenegro, Russian Federation, Serbia, , Turkey and Ukraine. €750 per adult/youth and €375 per child under the age of 12 for nationals of: Afghanistan, Iraq and Kosovo (for Serbian and Roma minorities only) <p>Number of assisted voluntary returns since 2006 :</p> <p>2006: 5.757 2007: 3.437 2008: 2.799</p>
	Estonia	Yes	<p>Yes, in Estonia voluntary return of illegal aliens is encouraged since 2009 by AVRE (assisted voluntary return from Estonia) programme. This project is carried out by Estonian Migration Foundation and is co-financed by the European Union via the European Return Fund and by the Ministry of Interior of Estonia.</p> <p>AVRE programme is for persons</p> <ul style="list-style-type: none"> • who qualify as all other citizens of the third countries or stateless persons staying in the Republic of Estonia, who do not (any



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			<p>more) comply with the terms of entering and/or staying in the country</p> <p>Foreigners who do not (any more) comply with the terms of entering and/or staying in the country include, <i>inter alia</i>, persons:</p> <ul style="list-style-type: none"> • who have never had legal basis to enter Estonia or stay in Estonia • whose visa has expired or has been declared invalid • whose period of stay in Estonia has ended or has been terminated before the prescribed time • whose temporary residence permit has expired or has been declared invalid • whose permanent residence permit has been declared invalid <p>Based on the applicants' needs AVRE offers:</p> <ul style="list-style-type: none"> • personal social and legal counselling • help in getting a travel document • reimbursement of travel expenses • financial help to facilitate initial coping in the country of origin <p>Each application is reviewed independently, assessing each applicants needs but maximum amount of the return support for one adult person is 20 000 EEK (€280) including all expenses. The funding is paid in one instalment either to the bank account or by bank cheque.</p> <p>Since AVRE programme started in 2009, no data is available before this year. By 06.10.2009, 2 adults and 1 child have received AVR support in amounts of 800 EEK (€50) and 8000 EEK (€110).</p>
	Ireland	Yes	
	Greece	Yes	
	Spain	Yes	
	France	Yes	<p>It exists in France an assisted voluntary return (“aide au retour volontaire”) to encourage illegal foreigners to return to their country of origin (There is also an assisted return for humanitarian cases: the humanitarian return assistance (“aide au retour humanitaire).</p> <p>Foreigners eligible: Foreigners who have been denied residence permit with an obligation to leave French territory, if they are not in detention.</p> <p>a) The organization of the return: obtaining travel documents, management of airline ticket and secondary transport on arrival in the country of return, management of excess baggage of 40 kg per adult and 10 kg per child, transport to the airport of departure and, in return countries, social support for people living in extremely precarious.</p> <p>b) The funding: 2000 €for a single adult, €3,500 for a couple €1,000 per minor child until the 3rd included, 500 €from the 4th child.</p>



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			<p>This funding is paid in 3 installments amounts (30% paid in France before departure, 50% 6 months after return , 20% after 12 months back, the amounts payable abroad are paid through the Embassies and Consulates of France or by the representations of the office for immigration and integration (OFII) abroad.</p> <p>Number of assisted voluntary returns since 2006 :</p> <p>2006: 1 991 2007: 2 040 2008: 2 227</p>															
	Italy	Yes																
	Cyprus	Yes																
	Latvia	Yes	<p>IOM Riga Office is performing assisted voluntary return within the project funded by the European Return Fund. Foreigners eligible: Foreigners who has no legal reason to reside in Latvia.</p> <p>b) The funding for one person is 400 € (to start up living). This funding does not include travel costs.</p> <p>Number of assisted voluntary returns since 2006 :</p> <p>2006: none 2007: none 2008: none until October 2009: 18</p>															
	Lithuania	Yes	<p>The Government of Lithuania does not have financial incentives to encourage the voluntary return of illegal aliens.</p> <p>Financial initiatives are only available for persons returning using voluntary return (AVR) programmes.</p> <p>IOM Vilnius office: provides counselling and information support that helps a migrant to make an informed decision about assisted voluntary return, helps in obtaining needed travel documents, arranges the trip and secures international and local travel, provides departure, transit, arrival assistance and escort (if needed), provides modest pocket allowance to cover immediate needs upon return, provides basic information about reintegration possibilities, from 2009 also provides reintegration assistance in the country of origin.</p> <p>Foreigners who are eligible (according to Refugee Fund and from 2009 Return Fund requirements)</p> <table border="1"> <thead> <tr> <th></th> <th>2005</th> <th>2006</th> <th>2007</th> <th>2008</th> </tr> </thead> <tbody> <tr> <td>Asylum seekers whose asylum application was denied</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Asylum seekers in the</td> <td></td> <td>X</td> <td>X</td> <td>X</td> </tr> </tbody> </table>		2005	2006	2007	2008	Asylum seekers whose asylum application was denied	X				Asylum seekers in the		X	X	X
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			<p>procedure, i.e. who are awaiting for the final decision</p>				
			<p>Third country nationals who have received any kind of international protection in Lithuania but decide to return to their country of origin</p>		X	X	X
			<p>Pocket money: In 2008 it was 300 Euros (covered from the Refugee Fund). In 2009-2010 it will be 400 Euros (covered from the Return Fund).</p> <p>Reintegration package: 2009-2010 assisted voluntary return programme includes re-integration package (pilot activity for selected countries) in the country of origin. It is 2300 Euros.</p> <p>Number of assisted voluntary returns since 2005: 2005 - 35 2006 - 3 2007 - 12 2008 - 15</p>				
	Luxembourg	Yes					
	Hungary	Yes	<p>Hungarian Assisted Return and Re-integration Program (HARRP)</p> <p>The original Hungarian Return Program, started in 1994, was without a re-integration component. There has always been some “pocket-money” involved in voluntary return in the range of 50 US Dollars to the more recent 100 Euros, but it cannot really be considered as a real help to re-integrate. It is more of a small incentive to return and money given to cover the trip from the destination airport to the home of the return migrant. The re-integration assistance is always in kind, no cash is provided, therefore achieving the goal of the assistance is hard to jeopardize. The amount of the re-integration assistance is maximum 2000 Euros per person. The grant is non-repayable.</p> <p>The target group of the action consists of third-country nationals who make use of voluntary return, namely: third-country nationals who have not yet received a final negative decision in relation to their request for international protection, third-country nationals who enjoy a form of international protection and third-country nationals who do not or no longer fulfil the conditions for entry and stay in a Member State.</p> <p>Assisted voluntary return programmes are complex programmes in terms of services, since they include the provision of travel assistance and secondary transportation for returnees to their final destination in the destination country, essential expenses before and after return,</p>				







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			temporary accommodation, measures facilitating the returnees to integrate or re-integrate into the country of return and other services. 2006: 212 2007: 225 2008: 218
	Malta	Yes	
	Netherlands	Yes	<p>In the Netherlands, there are several programmes to encourage illegal foreigners to return to their country of origin. Only the main programmes are described here.</p> <p>There is a standard programme called REAN (Return and Emigration of Aliens from the Netherlands). REAN is implemented by IOM and is funded by the Ministry of Justice.</p> <p>The REAN scheme provides foreign nationals with information about return and plane tickets for departure to their countries of origin or third countries and may reimburse the costs involved in obtaining a replacement travel document. Foreign nationals may also be eligible for travel costs within the country of destination, to their place of residence. Furthermore, there is a supporting contribution for living expenses in the initial period following departure from the Netherlands.</p> <p>This supporting contribution is either:</p> <ol style="list-style-type: none"> 1. a standard contribution of €500 per adult or single minor and €100 per minor family member. Foreigners who meet the following criteria are eligible: <ul style="list-style-type: none"> - are still in a immigration law procedure or for whom the departure date has not elapsed, and who have resided in the Netherlands for over three months; - have a residence permit 2. a limited contribution of €200 per adult or single minor and €40 per minor family member. Foreigners who meet the following criteria are eligible: <ul style="list-style-type: none"> - are still in a immigration law procedure or for whom the departure date has not elapsed, and who have resided in the Netherlands for less than three months; - are no longer legally entitled to remain in the Netherlands. <p>Complementary to the REAN scheme, there is a scheme called The Return and Reintegration Regulation. This regulation is implemented by IOM and funded by the Ministry of Foreign Affairs. Only (ex-) asylum seekers are eligible if certain legal conditions are met. Who meets the criteria of the regulation is eligible for a complementary contribution of €1.750 per adult or (ex) single minor and €875,- per minor family member.</p> <p>Besides a plane ticket and a supporting contribution from the REAN programme, foreign nationals can also receive information on reintegration possibilities in the country of origin (e.g. on training, the labour market, or schools) further to a specific question in this regard. This concerns mediation by IOM further to a specific request for help. IOM also offers extra support to:</p>

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			<p>Minor returnees, by tracing members of their families or (in Angola and the DRC) offering shelter; Victims of human trafficking, when requested by them, by, for example, calling in the IOM mission in the country of origin to establish contact with family members, shelter or (in some countries) a full reintegration programme; Individuals with medical and/or psychological problems, by mediating for the provision of a supply of medicines, offering the assistance required during the trip or providing topical information on medical provisions in the country of origin.</p> <p>Number of returns with IOM (rounded figures): 2006: 3.100 2007: 1.100 2008: 1.800</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Poland	Yes	<p>In Poland assisted voluntary returns are conducted on the basis of the agreement between The Minister of Internal Affairs and IOM signed in 2005. IOM cooperates with the Office for Foreigners and Border Guard. Target groups eligible for AVR are following:</p> <ol style="list-style-type: none"> 1. aliens who applied for refugee status: <ol style="list-style-type: none"> a) whose applications have been left without examination for formal reason; b) who have been refused refugee status and have not been granted permission for tolerated stay (national protection status); 2. aliens who applied for refugee status and then withdrew or did not pursue their claim; 3. aliens who applied for asylum and who have been refused asylum in the Republic of Poland; 4. aliens who have been issued the decision which indicates an obligation to leave the territory of the Republic of Poland. <p>Return assistance provides: assisting in arranging travel documents, arranging for "fit to travel" assessment and for medical examination, arranging an escort, coordinating transportation with IOM offices in the transit countries, and the countries of origin, purchasing a ticket for the most convenient mode of transport, assisting vulnerable returnees with the journey to the airport of departure or the railway station, providing transit assistance to returnees, providing reception assistance and organising transportation to final destination in the country of origin.</p> <p>The AVR scheme is enhanced by the reintegration component within the frames of EC funded projects. In 2008 the reintegration grant in the amount of EUR 100 - 200 (depending on the phase of the project) was paid by IOM missions in countries of origin upon arrival. Additionally every returnee had an opportunity to take part in business plan competition (13 business plans were implemented) – resulting in granting amount of EUR 1500 – 2000.</p> <p>Number of assisted voluntary returnees: in 2006 – 416, in 2007 – 740, in 2008 – 962, I-VII 2009 – 715.</p>
	Portugal	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.

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	Romania	Yes	
	Slovenia	Yes	
	Slovak Republic	Yes	
	Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Sweden	Yes	
	United Kingdom	Yes	<p>The UK operates the Assisted Voluntary Return for Illegal Migrants (AVRIM) programme, which is administered by IOM. The programme facilitates the return of those who are in the United Kingdom illegally and wish to return to their home country. It is open to migrant who are residing in the UK illegally, including those who:</p> <ul style="list-style-type: none"> • have been accepted by the UK Border Agency as a victim of trafficking;; • have entered the United Kingdom illegally, having been smuggled from abroad; • have otherwise entered the United Kingdom illegally; • have been granted conditional leave to enter or to remain, but has breached one or more conditions of that leave e.g. visa overstayers³. <p>Under AVRIM, returnees can be assisted at every stage of the returns process. This includes obtaining the necessary travel documentation, arranging and paying for the flight home, providing airport assistance, meeting returnees at the departure airport, helping them through transit if requested, and helping them get from the airport to their final destination. The programme does not generally provide reintegration assistance, except for particularly vulnerable groups which are decided on a case by case basis, e.g. unaccompanied minors, victims of trafficking, etc. In these cases reintegration assistance is made available to a maximum of £1,000 which can be used for business start-up, education and vocational training. Furthermore, this group can also use their assistance for counselling, which is particularly important for those who were victims of sex trafficking or unaccompanied minors.</p> <p>Number of assisted voluntary returns under the AVRIM programme since2006 :</p> <p>2006: 860 2007: 1 290 2008: 1 595 (data for 2007 and 2008 are provisional)</p>
		Wider	To discourage the employment of illegal aliens, controls must be effective and regular.






³ For a full breakdown of eligibility criteria, see: <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/avrim/>

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		Dissemination? ⁴	What is the number of checks in your Member State to employers on employment of illegal aliens (2006 to 2008)?																																													
	Belgium	Yes	<p>Note: The most recent available numbers date from 2007</p> <table border="1"> <thead> <tr> <th colspan="9">Number of detected offences of illegally employed foreign workers</th> </tr> <tr> <th></th> <th>Total</th> <th>Hotel/restaurant</th> <th>Construction</th> <th>Agriculture</th> <th>Retail trade</th> <th>Transport</th> <th>other</th> <th>unknown</th> </tr> </thead> <tbody> <tr> <td>2005</td> <td>1955</td> <td>493</td> <td>475</td> <td>133</td> <td>147</td> <td>136</td> <td>495</td> <td>76</td> </tr> <tr> <td>2006</td> <td>2106</td> <td>505</td> <td>746</td> <td>146</td> <td>136</td> <td>41</td> <td>467</td> <td>65</td> </tr> <tr> <td>2007</td> <td>2886</td> <td>565</td> <td>703</td> <td>115</td> <td>164</td> <td>9</td> <td>317</td> <td>1013</td> </tr> </tbody> </table>	Number of detected offences of illegally employed foreign workers										Total	Hotel/restaurant	Construction	Agriculture	Retail trade	Transport	other	unknown	2005	1955	493	475	133	147	136	495	76	2006	2106	505	746	146	136	41	467	65	2007	2886	565	703	115	164	9	317	1013
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	Czech Republic	Yes	<p>The controls of employers are pursued on the regularly basis by the labour offices. According to the annually published <i>Information on checks carried out by the Labour Offices</i> there were following number of checks:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Checks of employers focusing on compliance with the Employment Act</th> <th>Controls where violations of the Employment Act were found</th> <th>Violations of provisions related specifically to illegal employment of foreigners</th> </tr> </thead> <tbody> <tr> <td>2006</td> <td>11 495</td> <td>4 377</td> <td>505</td> </tr> <tr> <td>2007</td> <td>8 865</td> <td>3 283</td> <td>141*</td> </tr> <tr> <td>2008</td> <td>8 775</td> <td>3 246</td> <td>346</td> </tr> </tbody> </table> <p>* Data available only for the first half of year 2007</p>	Year	Checks of employers focusing on compliance with the Employment Act	Controls where violations of the Employment Act were found	Violations of provisions related specifically to illegal employment of foreigners	2006	11 495	4 377	505	2007	8 865	3 283	141*	2008	8 775	3 246	346																													
Year	Checks of employers focusing on compliance with the Employment Act	Controls where violations of the Employment Act were found	Violations of provisions related specifically to illegal employment of foreigners																																													
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	Germany	Yes	Data for illegal employment, 2006 to 2008																																													

⁴ A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated further. In case of "No", then the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."







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			2006	2007	2008																																		
			Workplace checks on people	423,175	477,035	481,996																																	
			Checks on employers	83,258	62,256	46,058																																	
			Completion of preliminary proceedings resulting from criminal offences	91,820	117,441	106,960																																	
			Completion of preliminary proceedings resulting from infringements	54,087	72,969	63,274																																	
			EUR Mio.																																				
			Sum of fines	46.4	51.9	56.7																																	
			Sum of monetary penalties	19.8	25.4	33.9																																	
			Loss ascertained in the course of the preliminary proceedings	603.6	561.8	549.7																																	
	Estonia	Yes	We can only give the numbers of proceeded misdemeanours by Estonian Citizenship and Migration Board for allowing an illegal to work, which are: 2006 - 98 2007 - 71 2008 – 94																																				
	Ireland	Yes																																					
	Greece	Yes																																					
	Spain	Yes																																					
	France	Yes	<p>Number of offenses and% of illegal aliens (by economic sector) :</p> <p>(figures for 2008 are not definitively known)</p> <table border="1"> <thead> <tr> <th></th> <th>Number of offenses in 2006</th> <th>including use of foreign untitled (en %)</th> <th>Number of offenses in 2007</th> <th>including use of foreign untitled (en %)</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>980</td> <td>11</td> <td>1 026</td> <td>10</td> </tr> <tr> <td>Industries</td> <td>653</td> <td>14</td> <td>1 317</td> <td>14</td> </tr> <tr> <td>Hotel, restaurant, coffee shop and pubs</td> <td>2 482</td> <td>12</td> <td>3 478</td> <td>14</td> </tr> <tr> <td>building, public works</td> <td>5 121</td> <td>16</td> <td>6 557</td> <td>14</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th></th> <th>2006</th> <th>2007</th> <th>2008</th> </tr> </thead> <tbody> <tr> <td>total persons for whom an offense</td> <td>12 219</td> <td>12 953</td> <td>14 477</td> </tr> </tbody> </table>					Number of offenses in 2006	including use of foreign untitled (en %)	Number of offenses in 2007	including use of foreign untitled (en %)	Agriculture	980	11	1 026	10	Industries	653	14	1 317	14	Hotel, restaurant, coffee shop and pubs	2 482	12	3 478	14	building, public works	5 121	16	6 557	14		2006	2007	2008	total persons for whom an offense	12 219	12 953	14 477
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			has been found				
			Aliens charged	4 213	4 417	5 157	
			Part of the Aliens	34,5 %	34,10 %	35,62 %	
	Italy	Yes					
	Cyprus	Yes					
	Latvia	Yes	There is no definite number of controls to discourage the employment of illegal foreigners. In 2008 10139 checks were performed by the State Border Guard in close cooperation with the Office of Citizenship and Migration Affairs, the State Police and the State Labour Inspectorate of the Ministry of Welfare.				
			Year	LV residents fined for employing foreigners without work permits	Foreigners detained for working without work permits	LV residents fined for providing foreigners an opportunity to reside in state illegally	
			2006	31	131	92	
			2007	32	98	152	
			2008	76	174	-	
	Lithuania	Yes	Number of checks for illegal employment, number of offenses and number of illegally employed aliens				
				2006	2007	2008	2009 Jan-Jun
			Total checks for illegal employment	1986	1917	1717	861
			Illegally employed persons	876	857	808	256
			Illegally employed foreigners (%)	7 (0,8%)	18 (2.1%)	161 (20%)	10 (4%)
			Data: Lithuanian Labour Inspection				
			By sectors				
			Sectors	2006	2007	2008	2009 Jan-Jun
			Construction	5	10	26	0
			Agriculture	0	0	41	0
			Transport, storage	0	0	3	0
			Hotels, restaurants	0	0	11	1
			Trade	0	0	14	4

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	Luxembourg	Yes																										
	Hungary	Yes	<p>Data for 2006 (by Hungarian Labour Inspectorate): From the inspected 252 123 employees 8 105 person were foreigners, whose 76,9% (6 230 person) were insulted by violation of labour regulation affected by the employer. Altogether 594 employers employed 1 605 foreigners without work permit, and on account of that 730 788 666 HUF were paid into the Employment Basic Part of the Labour Force Fund. According to our statistics 61,4% of the foreigners were employed without work permit, worked in the construction sector.</p> <p>Data for 2007 (by Hungarian Labour Inspectorate): From the inspected 216 788 employees 8 255 person were foreigners, whose 74,9% (6 181 person) were insulted by violation of labour regulation affected by the employer. Totally 676 employers employed 2 440 foreigners without work permit, because of that 1 151 637 580 HUF were paid into the Employment Basic Part of the Labour Market Fund. According to their statistics, 61,4% of the foreigners being employed without work permit, worked in the construction sector.</p> <p>Data for 2008 (by Hungarian Labour Inspectorate): In the last year 1 631 foreigners were employed by altogether 414 employers without work permit.</p>																									
	Malta	Yes																										
	Netherlands	Yes	<p>Number of checks of employers: 2006: 11.026 2007: 10.931 2008: 10.383</p> <p>Number of illegal employees discovered: 2006: 5.478 2007: 2.849 2008: 2.007</p>																									
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.																									
	Poland	Yes	Available data on illegal employment in Poland, by sector of economic activity																									

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		2006	
Sector of economic activity	Number of recognized employers of employing illegally	as Illegally employed Poles	Illegally employed foreigners
Construction	610	1160	40
Retail & Trade	2166	1570	1399
Other services	1199	1691	151
Other	1034	2918	128
Total	5009	7339	1718

Source: Ministry of Labour and Social Policy



Since July 2007 issues related to inspection of employment legality and performance of work by foreigners are within the scope of tasks of the National Labour Inspectorate (since 2008 supported by the Border Guard officers). In the second half of 2007, the most cases of detected illegal employment of foreigners was in construction industry (24%), processing industry (21%), agriculture and hunting (19%) but in hotels and restaurants sector - only 7% of all cases. 770 inspections of employment legality and performance of work by foreigners have been carried out, the subject of control were 735 firms, employing 3.484 foreigners (246.800 people employed in total) - work permits have been required in 1313 cases (of these 3.484 checked foreigners). Irregularities have been found in 82 firms (26%) and concerned 269 foreigners (20% all foreigners checked).

In 2008, the subject of such inspections were 1.682 firms employing 7.889 foreigners (639.000 people in total) - work permits have been required in 3.911 cases (in 980 firms), 3.978 foreigners were allowed to work without work permit. Offences have been detected in every fourth firm – the most often in the processing industry sector (31% of total detected cases, 107 illegally employed foreigners); retail and trade (24% - 81); hotels and restaurants (16% - 56) and construction industry/building (11% - 37). 343 foreigners (4% of all foreigners checked) have performed work illegally.

Source: National Labour Inspectorate

	Portugal	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Romania	Yes	
	Slovenia	Yes	
	Slovak Republic	Yes	
	Finland	Yes	The only available data on checks regarding this question is, that the number of checks made in 2008 is 20 000. This number

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			covers all branches of employment (industry, constructing, hotels, restaurants etc.). 29 of them led to criminal investigation.
	Sweden	Yes	
	United Kingdom	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
