



Ad-Hoc Query on the Ministry or Ministries responsible for citizenship, legal migration and international protection
Requested by EE EMN NCP on 31th October 2014

Compilation produced on 11th December 2014

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

Estonian Ministry of Interior would like to know which Ministry or Ministries are responsible for developing the policy on citizenship, legal migration and international protection. This information would be an input to Estonian Ministry of Interior analyse document.

For that purpose, we would like to receive your answers to the following questions:

- 1) Which Ministry is currently responsible for:
 - citizenship policy
 - policy on legal migration
 - policy on international protection
- 2) Have these policy areas been previously under a different Ministry?
 - 2.1) If Yes, why it was decided to change the Ministry responsible for that area?

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We would very much appreciate your responses by **21 November 2014**.

2. Responses¹

		Wider Dissemination?²	
	Austria	Yes	1. The Federal Ministry of the Interior. 2. No. Source: Art. 2 Federal Ministries Act.
	Belgium	Yes	<p>1)</p> <ul style="list-style-type: none"> In Belgium, the Federal Ministry of Interior (Home Affairs) is mainly responsible for the policy on legal migration and international protection. The Federal Public Service Home Affairs hosts different authorities responsible for asylum and migration: the Immigration Office, the more independent Office of the Commissioner General for Refugees and Stateless Persons and the Council for Alien Law Litigation, which is an administrative court. <p>Economic Migration (rules for employment of foreign workers) is since 1 July 2014 to a large extent, the competence of the Regions.</p> <p>The reception of asylum seekers is a competence of the Federal Agency for the Reception of Asylum seekers (FEDASIL), which falls under the responsibility of the Federal Ministry of Social Affairs.</p> <p>The Federal Ministry of Justice is responsible for citizenship policy.</p> <p>2)</p> <ul style="list-style-type: none"> Economic Migration (rules for employment of foreign workers) was before 1 July 2014 a shared competence of the Federal Ministry Employment, Labour and Social Dialogue (legislation/framework), while the implementation of the legislation was, to a large extent, the competence of the Regions.

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.

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 for the Compilation for Wider Dissemination 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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	Bulgaria	Yes	<p>1) In Bulgaria the following institutions are currently responsible for:</p> <ul style="list-style-type: none"> • Citizenship policy – Ministry of Justice; • Policy on legal migration – Ministry of Interior; • Policy on international protection – State Agency for Refugees. <p>2) No.</p> <p>3) N/A</p>
	Cyprus	Yes	-
	Czech Republic	Yes	-
	Estonia	Yes	<p>1. The Estonian Ministry of the Interior develops citizenship, migration and asylum policy. The policies are mainly implemented by the Police and Border Guard Board (PBGB) under the Ministry of the Interior, which is involved in processing applications of Estonians, aliens and citizens of the European Union. Although the decision-making capacity (e.g., granting a residence permit, asylum etc.) lies with the Police and Border Guard Board. The Ministry of Foreign Affairs is responsible for visa issues. The Ministry of Social Affairs is responsible for accommodation of asylum seekers operated by external service provider (Vao Accommodation Centre for Asylum Seekers).</p> <p>2. No</p> <p>3. N/A</p>
	Finland	Yes	<p>1. The Ministry of the Interior is responsible for developing policies on citizenship, migration and asylum (including reception of asylum seekers). The Ministry for Foreign Affairs is responsible for visa policy.</p> <p>2. The responsibility for the reception policy was transferred from the Ministry of Labour to the Ministry of the Interior at the beginning of 2008.</p> <p>2.1 The administration and policy development related to migration was combined under one ministry in order to make it more efficient: the ministry responsible for the asylum process took responsibility over the reception system for asylum seekers. This made it possible to observe on the level of the government budget how the efficiency (or correspondingly the delays) in the asylum process are causing significant savings (or costs) for the reception system. This change (comprehensive responsibility under one ministry) was recommended e.g. by the National Audit Office of Finland.</p> <p>(At this point the Ministry of the Interior also became responsible for the integration policy which responsibility was, however, later transferred back to the Ministry of Employment and the Economy.)</p>
	France	Yes	<p>1) In France, the Ministry of Interior (General Directorate for Foreigners in France) is responsible for citizenship policy, policy on legal migration and policy on international protection.</p> <p>2) and 2.1) Yes, these policy areas have been previously under different ministries, depending on the government changes:</p> <ul style="list-style-type: none"> • Citizenship policy: since 2007: Ministry in charge of migration policy or Ministry of Interior; before 2007: Ministry of Social Affairs. • Policy on legal migration: Ministry of Interior or Ministry in charge of migration policy.

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			<ul style="list-style-type: none"> Policy on international protection: since 2007: Ministry of Interior or Ministry in charge of migration policy; before 2007: Ministry of Foreign Affairs.
	Germany	Yes	<ol style="list-style-type: none"> Citizenship policy, policy on legal migration and policy on international protection in Germany lies within the responsibility of the Federal Ministry of the Interior (Bundesministerium des Innern). No N/A
	Greece	Yes	<p>1) The Hellenic Ministry of Interior is responsible for citizenship policy and policy on legal migration (Directorate General for Citizenship and Migration Policy). The competency for the implementation of citizenship and migration policy (issuance of the residence permits) lies with the respective citizenship and migration services of Decentralised Authorities of the country. On the other hand, the policy on international protection lies with the Ministry of Public Order and Citizenship Protection. In particular, the Asylum Service reports directly to the Minister of Public Order and Citizen Protection and is the first autonomous structure of the country dealing with the implementation of asylum and international protection policy. Additionally, the First Reception Service is an independent agency also reporting directly to the Minister of Public Order and Citizen Protection. The mission of the First Reception Service is the effective management of third country nationals entering the country illegally, with respect for human rights and dignity, and the implementation of the procedures First Reception (“screening” procedure). Finally, the Ministry of Foreign Affairs is responsible for visa issues.</p> <p>2) The competencies related to the above-mentioned policy areas has not changed, as far as the Ministries responsible are concerned, for the past 10 years. It should be noted that Asylum and First Reception Ministries are relatively new structures, introduced on 2011.</p> <p>2.1) N/A</p>
	Hungary	Yes	<ol style="list-style-type: none"> In Hungary, the Ministry of Interior is responsible for citizenship policy, policy on legal migration and policy on international protection. The Ministry of Interior used to be part of the Ministry of Justice and Law Enforcement before 2010.
	Italy	Yes	<ul style="list-style-type: none"> Which Ministry is currently responsible for citizenship policy? Citizenship policy, and the related procedures for granting citizenship to eligible foreigners, is the responsibility of the <i>Ministry of the Interior – Department for Civil Liberties and Immigration – Central Directorate of Civil Rights, Citizenship and Minorities</i>. Which Ministry is currently responsible for policy on legal migration? Legal migration policy is the responsibility of the <i>Presidency of the Council of Ministries</i> and the <i>Ministry of the Interior</i>. Article 2 bis (3) of the <i>Consolidated Act on Immigration</i> provides for a <i>Technical Working Group</i> established by Decree of the Ministry of the Interior. The Technical Working Group is made of the representatives of all the Administrations concerned by the phenomenon of immigration and three experts designated by the <i>Unified Conference</i> (a body made of the representatives of State, Regions and Local Autonomous Authorities). The Technical Working Group consists of thematic subgroups and is chaired by a <i>Central Director for Immigration and Asylum Policies</i>. Representatives of national associations and bodies as well as of workers’ and employers’ organizations may be invited to the meetings of the Working Group. Which Ministry is currently responsible for policy on international protection?

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			<p>International protection policy is the responsibility of the <i>Ministry of the Interior</i> through the <i>National Commission for the Right to Asylum</i>, attached to the <i>Department for Civil Liberties and Immigration</i>. The Commission works through <i>Territorial Commissions</i> dealing with the recognition of the refugee status and international protection.</p> <ul style="list-style-type: none"> • Have these policy areas been previously (10-year period) under a different Ministry? No.
	Latvia	Yes	<ol style="list-style-type: none"> 1) Currently the Ministry of Interior is responsible for all the mentioned areas. Policies are mainly implemented by the Office of Citizenship and Migration Affairs under the Ministry of Interior. 2) Until March 1, 2010 citizenship policy was under a responsibility of two ministries – Ministry of Justice and Ministry of Interior. Before March 1, 2010 Naturalization Board (institution responsible for admission of persons to citizenship of Latvia via naturalization procedure) was under the supervision of Ministry of Justice. From March 1, 2010 Naturalization Board was incorporated into the structure of the Office of Citizenship and Migration Affairs and Ministry of Interior became the only responsible institution. 3) The decision to incorporate Naturalization Board into the structure of the Office of Citizenship and Migration Affairs was taken to reduce the number of state administration institutions and to reduce administrative burden.
	Lithuania	Yes	<ol style="list-style-type: none"> 1. Ministry of the Interior is responsible for organization of state's policy on migration (except economic migration) and implements state's policy in the area of visas, citizenship, legal immigration and international protection, etc. For more detailed description of functions, please refer to http://123.emn.lt/en/migration-institutions. 2. -
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. The Ministry in charge of citizenship policy is the Ministry of Justice. Policy on legal migration and international protection are of the competence of the Ministry for Foreign and European Affairs. The Minister for Foreign and European Affairs is also the Minister in charge of Immigration and Asylum. The Ministry for Family Affairs, Integration and Greater Region is responsible for the integration of foreigners, the reception facilities and social aid for asylum applicants. 2. From 2004 to 2009, the Ministry for Foreign Affairs and Immigration was responsible for legal migration and international protection under the political authority of a Minister for Foreign Affairs and Immigration and a Minister delegate for Foreign Affairs and Immigration. From 2009 to 2013, the Ministry for Foreign Affairs and Immigration has been renamed into Ministry for Foreign Affairs, to which the Directorate of Immigration has been attached. The minister in charge of Immigration has been also the minister of Labour and Employment. With the new elected government in 2013, the Ministry for Foreign Affairs has been renamed into Ministry for Foreign and European Affairs. The Ministry for Family Affairs and Integration has been renamed into Ministry for Family Affairs, Integration and Greater Region. 3. N/A

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	Malta	Yes	Policy on the related fields has for the last decade been mainly under the remit of the Ministry responsible for Home Affairs, currently the Ministry for Home Affairs and National Security. For a recent period, the Citizenship and Expatriate Affairs Department responsible for the implementation of policy on citizenship and residence permits fell under the Ministry for Foreign Affairs (2008 - beginning 2013).
	Netherlands	Yes	<p>1. The Dutch Ministry of Security and Justice develops citizenship, migration and asylum policy. The policies are mainly implemented by four different departments of this Ministry: the Immigration and Naturalisation Service which is responsible for decision making in asylum and migration affairs and in Dutch citizenship; the Centraal Orgaan Asielzoekers (COA) is responsible for the reception of asylum seekers; the Repatriation & Departure Service is responsible for the repatriation and departure of aliens who have to leave, the National Police is responsible for the protection of the borders and the public order and security. The Ministry of Foreign Affairs is responsible for issuing visa and for the issuing of country reports with information on the security situation of countries of asylum on which the Dutch asylum policy is based.</p> <p>2. Have these policy areas been previously under a different Ministry? Yes, from 14 October 2010 until 26 September 2012 the Ministry of Interior was responsible for asylum, migration and citizenship. The change was politically inspired.</p>
	Poland	Yes	-
	Portugal	Yes	-
	Romania	Yes	-
	Slovak Republic	Yes	<p>1) The Ministry of Interior of the Slovak Republic is responsible for the area of citizenship, legal migration and international protection, namely through the Bureau of Border and Alien Police of the Police Force Presidium, Migration Office of the Ministry of Interior of the Slovak Republic, Section of Public Administration, Ministry of Interior of the Slovak Republic. Granting of residence permit is within the scope of the Bureau of Border and Alien Police. International protection along with basic care for asylum seekers including accommodation is managed by the Migration Office of the Ministry of Interior of the Slovak Republic. Moreover, the Migration Office cooperates with NGOs in the area of integration of persons with granted international protection. As for the area of legal migration, Migration Office contributes to the formation of the migration policy of the Slovak Republic. The employment, social security and integration of foreigners are areas of responsibility of the Ministry of Labour, Social Affairs and Family of the Slovak Republic. Citizenship policy including acquisition as well as loss of nationality is within the scope of the Section of Public Administration, Ministry of Interior of the Slovak Republic. Moreover, the Ministry of Foreign and European Affairs of the Slovak Republic is responsible for issuing visas. Apart from this, it cooperates in the area of voluntary returns, expulsion and readmission agreements.</p> <p>2) No.</p>

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			3) N/A.
	Slovenia	Yes	Q1.; For migration, asylum and citizenship policy is responsible in general the Ministry of the Interior. For mentioned policies are responsible different divisions within Migration Office, which is one of two main offices within the Internal Administrative Affairs, Migration and Naturalisation Directorate (IAAMND). Division for Citizenship and Naturalisation is responsible for citizenship policy and citizenship applications and Division for Migration Policy and Legislation is responsible for policy on legal migration and policy on international protection (such as Alien Act, International Protection Act, etc). For economic migration is responsible Ministry for Labour (such as Alien Employment Act, etc). Q2. ; No
	Spain	Yes	
	Sweden	Yes	1. All of the listed policies are the responsibility of the Ministry of Justice. Please note that in Sweden the government/ministries are only responsible for the policy making. The implementation of the policy is the responsibility of a government agency, when it comes to these areas the implementation is for all of them the responsibility of the Swedish Migration Board. In Sweden “ministerial rule” is prohibited meaning that the government has no powers to intervene in an agency’s decisions in specific matters relating to the application of the law or the due exercise of its authority. 2. No, not within the last decade at least. This goes for the responsibility both for the ministry and for the agency. 3. NA
	Croatia	Yes	-
	Norway	Yes	1. In Norway different Ministries are responsible for the portfolios in question: <ul style="list-style-type: none"> a. The <i>Ministry of Children, Equality and Social Inclusion (BLD)</i> for citizenship policy. b. The <i>Ministry of Labour and Social Affairs (ASD)</i> for labour based migration, c. The <i>Ministry of Justice and Public Security (JD)</i> for other areas of legal migration. d. The <i>Ministry of justice and Public Security (JD)</i> for international protection. e. The implementation of all these policies rests with the <i>Norwegian Directorate of Immigration</i>, in cooperation with the <i>Consular Services of the Ministry of Foreign Affairs</i>, the <i>Police Immigration Service</i> (under JD), and the <i>Directorate of Integration and Diversity</i> (under BLD). 2. The responsibility for these portfolios has shifted between Ministries a number of times. The present division of labour has been in place since 2009. In the period 2005-2009 the then <i>Ministry of Labour and Social Inclusion</i> was responsible for all these policy areas. 3. The changes reflect different governments’ policy priorities and their view on how these different policy areas are interlinked with other policies.
	United Kingdom	Yes	1) The Government Department responsible for citizenship policy, policy on legal migration and policy on international protection is the Home Office. The Home Office is responsible for immigration, counter-terrorism, crime and policing policy, drugs policy, and related science and research. It is supported by 27 agencies and public bodies.

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			2) These policy areas have not previously been under a different Ministerial Department.
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