

# Table of contents

<b>United Nations</b> .....	<b>17</b>
<u>Human rights</u>	
International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (excerpt).....	19
General Recommendation XXII on article 5 of the Convention on Refugees and Displaced persons of 24 August 1996 .....	21
General Recommendation XXX on discrimination against non-citizens of 1 October 2002 .....	23
International Covenant on Civil and Political Rights of 16 December 1966 (excerpt) .....	27
General Comment No. 15: The Position of Aliens under the Covenant of 11 April 1986 .....	31
General Comment No. 27: Freedom of Movement (Article 12) of 1 November 1999 .....	33
International Covenant on Economic, Social and Cultural Rights of 16 December 1996 (excerpt).....	37
Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979 (excerpt).....	39
General Recommendation No. 26 on Women Migrant Workers of 5 December 2008.....	41
General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women of 14 November 2014.....	51
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (excerpt).....	67
General comment No. 1 on the Implementation of Article 3 of the Convention in the Context of Article 22, revised draft of 2 February 2017.....	69
Convention on the Rights of the Child of 20 November 1989 (excerpt).....	81
General Comment No. 6 on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin of 1 September 2005 .....	85
Convention on the Rights of Persons with Disabilities of 24 January 2007 (excerpt).....	103
International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006 (excerpt).....	107
<u>Nationality and statelessness</u>	
Convention on Certain Questions Relating to the Conflict of Nationality Law of 13 April 1930.....	109
Convention Relating to the Status of Stateless Persons of 28 September 1954.....	115
Convention on the Reduction of Statelessness of 30 August 1961 .....	123
<u>Labour migration</u>	
International Labour Organisation Convention for Employment Migration (Revised) (No. 97) of 1 July 1949.....	129
International Labour Organisation Recommendation Concerning Migration For Employment (Revised) (No. 86) of 8 June 1949.....	139
International Labour Organisation Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143) of 4 June 1975 .....	151
International Labour Organisation Recommendation Concerning Migrant Workers (No. 151) of 24 June 1975.....	155

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 18 December 1990.....	161
General Comment No. 1 on Migrant Domestic Workers of 23 February 2011 .....	183
General Comment No. 2 on the Rights of Migrant Workers in an Irregular Situation and Members of their Families of 28 August 2013 .....	193
Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration of 16 November 2017 .....	209
Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return of 16 November 2017 .....	221
<u>Asylum</u>	
Convention Relating to the Status of Refugees of 28 April 1951 .....	235
Protocol Relating to the Status of Refugees of 31 January 1967 .....	245
<u>Irregular migration</u>	
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000.....	247
<u>Trafficking in human beings</u>	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949.....	255
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000.....	261
<u>Soft law</u>	
Universal Declaration of Human Rights of 10 December 1948 (excerpt).....	267
Statute of the Office of the United Nations High Commissioner for Refugees of 14 December 195 ..	269
Declaration on Territorial Asylum of 14 December 1967 .....	273
Declaration on the human rights of individuals who are not nationals of the country in which they live of 13 December 1985 .....	275
Resolution adopted by the General Assembly on Protection of Migrants (67/172) of 20 December 2012 .....	277
Resolution adopted by the Human Rights Council on Human Rights of Migrants (20/3) of 16 July 2012 .....	281
Resolution adopted by the General Assembly: New York Declaration for Refugees and Migrants (71/1) of 19 September 2016.....	283

<b>Council of Europe .....</b>	<b>303</b>
<u>Human rights</u>	
Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (excerpt).....	305
Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto of 16 September 1963, as amended by Protocol No. 11 (excerpt).....	309
Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 22 November 1984, as amended by Protocol No. 11 (excerpt).....	311
Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 2000 (excerpt) .....	313
European Social Charter (revised) of 3 May 1996 (excerpt).....	315
<u>Equal treatment, non-discrimination, racism and xenophobia</u>	
Convention on the Participation of Foreigners in Public Life at Local Level of 5 February 1992.....	317
<u>Nationality and statelessness</u>	
Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality of 6 May 1963 .....	321
Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality of 24 November 1977 .....	325
Additional Protocol to the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality of 24 November 1977 .....	327
Second Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality of 2 February 1993.....	329
European Convention on Nationality of 6 November 1997 .....	331
Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession of 19 May 2006 .....	339
<u>Citizenship, residence &amp; free movement</u>	
European Convention on Establishment of 13 December 1955, and Protocol thereto.....	343
European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe of 13 December 1957.....	353
European Agreement on the Abolition of Visas for Refugees of 20 April 1959.....	355
European Agreement on Travel by Young Persons on Collective Passports between the Member Countries of the Council of Europe of 16 December 1961 .....	357
<u>Labour migration</u>	
European Convention on the Legal Status of Migrant Workers of 24 November 1977 .....	361
<u>Asylum</u>	
European Agreement on Transfer of Responsibility for Refugees of 16 October 1980.....	371
<u>Trafficking in human rights</u>	
Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005.....	375

**European Union .....387**

Primary legislation

Treaty on the Functioning of the European Union of 25 March 1957 (consolidated version) (excerpt)..... 389

Protocol No. 19 on the Schengen acquis integrated into the framework of the European Union (see *Schengen*)

Protocol No. 23 on external relations of the Member states with regard to the crossing of external borders of 2 October 1997..... 397

Protocol No. 24 on asylum for nationals of Member States of the European Union (see *Internal asylum*)

Treaty on European Union of 7 February 1992 (consolidated version) (excerpt) ..... 399

Charter of Fundamental Rights of the European Union of 7 December 2000 (excerpt)..... 401

Equal treatment, non-discrimination, racism and xenophobia

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ..... 405

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ..... 409

Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ..... 415

Citizenship, residence & free movement

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ..... 419

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents..... 423

Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance)..... 435

Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') ..... 447

Proposal 2016/0070 for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of The European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ..... 461

Borders, border management & entry

1. Schengen

Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ..... 465

Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders..... 471

Protocol of 2 October 1997 integrating the Schengen acquis into the framework of the European Union .....	489
Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).....	493
Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II).....	511
Council Regulation (EU) No 1272/2012 of 20 December 2012 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast) .....	533
Council Regulation (EU) No 1273/2012 of 20 December 2012 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast) .....	541
Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) .....	549
Proposal 2016/0407 for a regulation of the European Parliament and of the Council of 21 December 2016 on the use of the Schengen Information System for the return of illegally staying third-country nationals .....	569
Proposal 2016/0408 for a regulation of the European Parliament and of the Council of 21 December 2016 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 .....	577
<i><u>2. Border management</u></i>	
Regulation (EU) 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) .....	603
Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC .....	615
<i><u>3. Visa</u></i>	
Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.....	657
Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS).....	665
Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.....	667
Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) .....	675
Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) .....	693

Proposal 2014/0095 for a Regulation of the European Parliament and of the Council of 1 April 2014 establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008 ..... 719

#### 4. Passenger data & PNR

Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data ..... 725

Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime ..... 729

#### 5. ETIAS

Proposal 2016/0357 for a Regulation of the European Parliament and of the Council of 16 November 2016 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624 ..... 739

Draft Regulation (EU) 2016/0357 of 16 November 2016 amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS) ..... 781

#### 6. EES

Regulation PE-CONS 47/17 of the European Parliament and of the Council of 20 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 ..... 783

#### Labour migration

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ..... 827

Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State ..... 837

Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers ..... 843

Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers ..... 855

Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer ..... 859

Directive 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing ..... 873

#### Family reunification

Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification ..... 895

## Asylum, subsidiary & temporary protection

### 1. Internal asylum

Consolidated version of the Treaty on the Functioning of the European Union - Protocol (No 24) on asylum for nationals of Member States of the European Union..... 903

### 2. Dublin

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person..... 905

Proposal 2016/0133 for a Regulation of the European Parliament and the Council of 4 May 2016 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)..... 927

### 3. Eurodac

Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person..... 953

Proposal 2016/0132 for a Regulation of the European Parliament and of the Council of 4 May 2016 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast)..... 973

### 4. Asylum Support

Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office ..... 997

Proposal 2016/0131 for a Regulation of the European Parliament and of the Council 4 May 2016 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010..... 1013

### 5. Qualification

Joint Position of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugee ..... 1039

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted..... 1045

Draft Regulation No 2016/0223 of the European Parliament and of the Council of 13 July 2016 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, and amending Council Directive 2003/109/EC [...] concerning the status of third-country nationals who are long-term residents and deleting Council Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted ..... 1057

## 6. Procedures

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.....	1065
Proposal 2016/0224 for a Regulation of the European Parliament and of the Council of 13 July 2016 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.....	1089

## 7. Reception conditions

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection .....	1117
Proposal 2016/0222 for a Directive of the European Parliament and of the Council of 13 July 2016 laying down standards for the reception of applicants for international protection (recast).....	1129

## 8. Relocation

Resolution of the Representatives of the Governments of the Member States meeting within the Council of 22 July 2015 on relocating from Greece and Italy 40 000 persons in clear need of international protection .....	1143
---	------

## 9. Temporary protection

Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7 August 2001).....	1145
---	------

## Irregular migration

Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.....	1153
Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.....	1155
Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.....	1157
Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders .....	1161
Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.....	1163
Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.....	1171

## Trafficking in human beings

Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.....	1177
Council Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA .....	1183



## Information & implementation

Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network.....	1191
Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC.....	1195
Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC.....	1209

## Policy

Green Paper of 11 January 2005 on an EU approach to managing economic migration.....	1225
The Hague Programme: strengthening freedom, security and justice in the European Union .....	1233
Policy Program of 21 December 2005 on Legal Migration, COM/2005/0669.....	1249
Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 February 2008 - Preparing the next steps in border management in the European Union .....	1263
The Stockholm Programme - An open and secure Europe serving and protecting the citizen.....	1265
The European Agenda on Security of 28 April 2015, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.....	1303
A European Agenda on Migration of 13 May 2015, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.....	1319
Back to Schengen - A Roadmap of 4 March 2016, Communication from the Commission to the European Parliament, the European Council and the Council.....	1337