



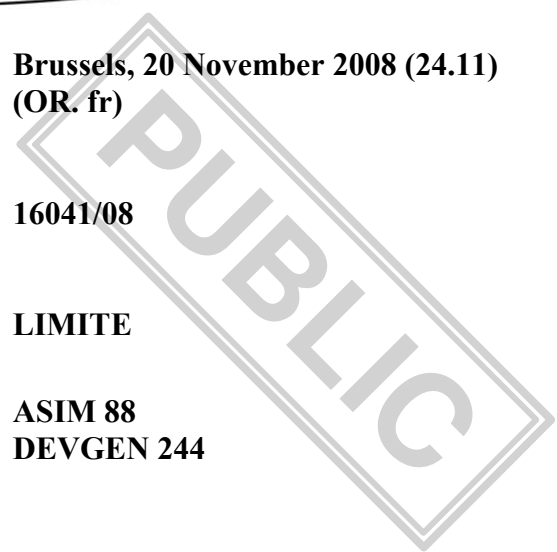
**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

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Subject: Draft Council conclusions on the evaluation of the Global Approach to Migration and on the partnership with countries of origin and transit

Further to the agreement reached at the meeting of the Permanent Representatives Committee on 19 November 2008, the Council (Justice and Home Affairs) is invited to approve the following conclusions, which will then be submitted to the GAERC for adoption.

Draft Council conclusions
on the evaluation of the Global Approach to Migration
and on the partnership with countries of origin and transit

1. The Council recalls the conclusions of the European Council of 19 and 20 June 2008 on enhancing the Global Approach to Migration.
2. The Council also recalls the adoption by the European Council on 15 and 16 October 2008 of the European Pact on Immigration and Asylum, which highlights the importance of the external dimension of the European Union's migration policy and the importance, in relations with each third country, of examining the quality of the existing dialogue with that country on migration issues.
3. In this context, the Council welcomes the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 8 October 2008, entitled "Strengthening the Global Approach to migration: increasing coordination, coherence and synergies", which responds to the invitation by the European Council to report on measures taken for the implementation of the Global Approach.

In view of the above, the Council approves the following conclusions:

4. The Council reaffirms that the Global Approach remains wholly relevant and that the guidelines identified in its earlier conclusions remain valid, particularly as regards the three components of the Global Approach and the need for their balanced implementation: good organisation of legal migration, the effective prevention of and fight against illegal immigration and the strengthening of the relationship between migration and development.
5. The Council underlines that the Global Approach is based on respect for international law, in particular concerning human rights and human dignity, and concerning refugees, including the Geneva Convention.

6. The Global Approach helps to make the action of the Community and the Member States more consistent. This has already been reflected in several concrete and positive initiatives promoting a better understanding of all aspects of migration and new forms of dialogue and cooperation.
7. The Global Approach offers a common policy framework which makes it possible to improve the integration of migration issues into the European Union's external relations, on the basis of an effective and balanced partnership with third countries. This reference framework governs the European Union's constructive dialogue on migration issues with other regional groupings and several third countries, while its integrated implementation is aimed at the south (Africa and the Mediterranean) and at the east and southeast of the European Union.
8. However, the Council notes that the implementation of the Global Approach has yet to face some challenges, linked in particular to:
 - the limitations of the various partners' administrative and technical capacity;
 - the time needed to develop initiatives and to obtain concrete results in this sensitive area;
 - the coordination required between the competent administrations on both sides;
 - the complexity of the financial tools;
 - the need to improve the coordination with overall external relations with the interested country or the region in question.
9. The Council believes that the success of the Global Approach in practice calls for more coordination and consistency between policies, particularly in the relationship with the external relations of the European Union and with development policies, sustained political commitment, and expanded and improved capacities to act.
10. With this in mind, the Council highlights the following priorities.

I. Consistent use of the various tools of the Global Approach

The Council underlines the importance of coordination in the implementation of the tools of the Global Approach, so as to promote synergies between them.

11. **Mobility Partnerships** are an essential element of the way in which the Global Approach is applied to a country. They are the framework of increased dialogue and cooperation for ensuring the concrete, concerted and balanced implementation of the three components of the Global Approach. Their content must be adapted to each of the countries involved.

The establishment of pilot partnerships is in progress. Their evaluation, requested for June 2009, is needed to enable a decision to be taken to extend these partnerships by 2009 and the process to be initiated in several additional countries. The choice of new partnerships must meet several criteria, including:

- the benefits of implementing such a measure as regards the migration flows with the country concerned, its economic and social situation, the migration profiles where appropriate, and the cooperation frameworks that already exist;
- the willingness of both sides and their capacity to become involved in this measure in a constructive and active fashion;
- the need to cover the diversity of migration routes;
- the lessons learned from the implementation and evaluation of existing partnerships.

12. European Union migration **missions** must continue to take place on a regular basis. They make it possible to launch political dialogue with third countries on the migration issue. They are intended especially to provide an opportunity to evaluate whether it would be appropriate or possible to implement such partnerships or other tools of the Global Approach. Efforts are needed to ensure local, regular and operational follow-up of the missions conducted.

13. Cooperation **platforms** offer a framework for local coordination between the different interested players in the pursuit of a dialogue on migration or for the implementation of mobility partnerships. They are also established and developed at regional level and will be continued for the implementation of regional initiatives on migration and the consolidation of the regional dialogue on this subject with third countries.

Stronger coordination and coherence between Community actions and Member States' actions is needed when operating the cooperation platforms.

14. **Migration profiles** are a reference tool for supporting mobility partnerships too. Their use should be generalised, their quality reinforced and their comparability increased. They should also be updated. The third countries concerned must be encouraged to take this tool on board; in future, its standing could be increased by creating a network of migration observatories. This analysis tool should also help in the formulation of appropriate migration policies, in taking account of migration in poverty reduction policies, in giving better guidance for the programming of financial instruments and in facilitating the impact assessment of the initiatives implemented.
15. In accordance with the European Pact on Immigration and Asylum, the Council also invites the Member States to take account of the three components of the Global Approach when concluding **bilateral agreements** with countries of origin and transit.

II. The themes of the Global Approach

The Council recalls the importance of the three components of the Global Approach, and has decided to consider the following aspects in more depth.

Organising legal migration: promoting mobility

16. **Mobility** must be an element of the Global Approach to be promoted, in accordance with national competences and needs.
- (a) Member States should facilitate, within the framework of their national legislation, the emergence of legal migration opportunities, in particular according to the needs of their labour market;
 - (b) categories such as students, researchers and academics, businessmen, people in highly-qualified occupations should, under certain conditions, be able to move more easily. The rules on visas and residence permits should take account of this aim;
 - (c) co-development measures can facilitate circular migration, including return and assistance to the migrant for effective reintegration in its country of origin in order to maximise the positive development effects of migration. Circular migration could also be encouraged through the implementation of adapted legal instruments, in particular to allow migrants to travel to their countries of origin without losing the benefit of their resident status in the country of destination.

The Council underlines the need to be vigilant in order to avoid brain drain and brain waste when implementing the abovementioned measures.

Fighting illegal immigration: the effectiveness of the return of illegal immigrants

17. Priority must be given to **voluntary return**, with programmes to assist return, in cooperation with competent international organisations, and projects to promote re-integration in the country of origin.
18. **Readmission agreements** are, in compliance with the law and with the dignity of the persons concerned, a priority objective which must be more closely linked to the Global Approach.
- (a) Effective cooperation on readmission is a condition for a comprehensive and trusting partnership in the migration area. It is important in this regard to conclude the ongoing negotiations at Community level as fast as possible and to begin negotiating other agreements or arrangements in an appropriate manner.
- (b) Community agreements in this area, although they may vary, must pursue some important objectives, particularly as regards:
- scope, in order to include third-country nationals and all applications received after the entry into force of the agreement;
 - time limits for a response, to be compatible with Member States' legislation and the practical constraints on them in this respect;
 - the effectiveness of the agreement, the application of which must not be subject to specific protocols;
- (c) From this point of view, the effective and satisfactory implementation of existing agreements, whether Community readmission agreements or other forms of obligation such as those resulting from the Cotonou Agreements, must be given particular attention in the context of the overall relationship with the third country concerned.
- (d) At general level, exchange programmes between officials in departments responsible for readmission should be developed.

Enhanced synergies between migration and development

19. With regard to commitments made within the European consensus on development, to the Council conclusions of 19 November 2007 on coherence between EU migration and development policies, and to the request by the European Council of 14 December 2007 that this work should be continued:
- (a) more systematic attention must be paid to the role and the contribution of **diasporas** to the development of their countries of origin, particularly through the development of associations and their networking and the reinforcement of their capacities;
 - (b) the **transfer of remittances** must be facilitated. In particular, this means improving information about and access to banking services and to other financial operators, as well as promoting cooperation between the relevant operators. Productive investments by migrants in their countries of origin could also be supported by means of mechanisms to encourage such investment, such as special savings instruments;
 - (c) the emphasis must be on **supporting employment policies** and developing the productive sector in countries of origin;
 - (d) the opportunities for **intra-regional migration** for employment purposes should be further promoted.

III. Administrative capacity-building

20. The Council believes that for the above guidelines to be implemented effectively, support for administrative capacity-building in third countries and regional organisations is a priority in the following areas:

- (a) **the design and management of migration and asylum policy**, with the support, as appropriate, of:
- technical assistance and the provision of training, with particular emphasis on the definition and the development of a political and legal framework on migration issues, the fight against immigrant smuggling and trafficking in human beings, and international protection;
 - the twinning of administrations and agencies;
- (b) **establishing a link between migration and other policies**, particularly as regards development, vocational training and employment. In particular, this means promoting better knowledge of labour markets, and thus the matching of supply of and demand for labour, as well as cooperation between administrations and bodies responsible for employment and immigration;
- (c) **improving the quality of registry office records and stepping up action against document fraud** by
- introducing an effective obligation to register;
 - improving registry office services and developing technical assistance;
 - using of modern technologies including biometrics;
- (d) **putting in place an integrated national border-management strategy** through
- exchange of relevant information about migratory routes;
 - assistance with training in skills which relate to border control, international protection and the fight against illegal immigration;
 - the development of networks of contact points for the exchange of information;

- technical support and equipment for border posts, and for the surveillance of land, sea and air borders;
- regular meetings between those responsible for border control, in the context of increased operational cooperation in this area, which may include joint surveillance and control measures;
- the mobilisation, depending on the needs expressed, of the competent authorities of the Member States and of the Frontex agency.

IV. Geographical diversity of implementation

21. The Council reaffirms that the Global Approach must continue to apply, as such, **to the south, as well as to the east and south-east of the European Union**. Implementation efforts must focus on these regions, bearing in mind the objective of balance and added value.

Application of the Global Approach to these geographical regions must also:

- vary according to their respective situations;
- be based as far as possible on existing frameworks and processes, including at regional level;

22. For **other geographical regions**, in particular Latin America, the Caribbean and Asia, while the idea is the same, the approach, less integrated at this stage, must focus on a genuine and comprehensive dialogue as well as practical cooperation.

The Council underlines in this regard, for example, that the Declaration of the Summit of Lima of 16 May 2008 envisages the establishment of a structured and comprehensive dialogue on migration. The modalities for the establishment of this dialogue should be examined as soon as possible.

Finally, the establishment of a **tripartite dialogue** between countries of origin, destination and transit in different geographical areas must be explored.

V. Themes and methods to be developed

23. The Council believes that certain themes deserve more attention in the Global Approach, in particular:

- consistency with the **external dimension of the European policy on asylum**, which should be fully integrated into the Global Approach;
- consideration of new issues, such as the effect of **climate change** on migration;
- attention must be given to the possible effects of the **international financial crisis** on economic and social balances and therefore on migratory phenomena;
- **consistency** with all other policies that might have a significant impact on sound management of migration flows;
- the issue of **unaccompanied minors**, which must be a specific item in the dialogue and cooperation with the third countries concerned.

24. The Council considers that an organised and effective **information and communication policy** is necessary:

- to raise awareness of European policy in this area and of its balance; to associate local authorities and other players, and to give the Global Approach a higher profile within the existing structures for dialogue;
- to make a particular effort as regards information about the opportunities for legal migration and the rules which must be complied with in this area, particularly by means of information centres and sites, and also as regards information on the dangers of illegal immigration, particularly by means of local campaigns and audiovisual material.

25. The Council considers that the successful practical implementation of the Global Approach requires a better use of existing dialogue and cooperation structures. It depends very much on the involvement of **the Member States' diplomatic representations and of Commission delegations**, both in the regular dialogue with local authorities on migration issues and in the organised follow-up to initiatives and projects; and, finally, on the ability of the Member States and the Commission to cooperate with one another.

In this context, the various forms of joint use of **liaison officers** responsible for migration issues must be actively developed.

26. The Council recommends that the opportunities for making **better use of existing Community financial instruments** for the implementation of the Global Approach should be examined and evaluated, in particular by considering how to facilitate their use, including by co-financing, and how to increase their comprehensibility and their consistency.

