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NOTE

from: Presidency
to: Permanent Representatives Committee / Council

Subject: Draft Council Conclusions on the Global Approach to Migration and Mobility

1. In 2005 the European Council defined for the first time the Global Approach as the framework of the EU policy and action in the area of the external relations in the field of asylum and migration. The importance of the Global Approach and the need for further developing and implementing it were restated in the following years by the European Council, as well as by the European Pact for the Migration and Asylum and the Stockholm Programme.
2. The Presidency included among the priorities of its work programme the elaboration of Council Conclusions on the Global Approach on Migration and Mobility, following the Commission Communication on this subject issued in November 2011¹. The objective of the Council Conclusions is to further develop the Global Approach and to reinforce the established framework, as well as to underline the need for clear strategic priorities in the implementation of the Global Approach.

¹ 17254/11 ASIM 122 RELEX 1220

3. The High Level Group on Asylum and Migration extensively considered a series of draft Council Conclusions submitted by the Presidency and at its meeting on 20-21 March 2012 reached agreement on the text as set out in the Annex to this Note.
 4. The Permanent Representatives Committee is invited to endorse the agreement reached by the Group and to prepare the discussions at the JHA Council on 26-27 April 2012 on this subject, which will focus on a first exchange of views on the development and the implementation of the renewed Global Approach.
 5. The Presidency plans to include this item in one of the forthcoming meetings of the General Affairs Council for approval.
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Draft Council Conclusions on the Global Approach to Migration and Mobility

1. The Council welcomes the development and implementation of the Global Approach to Migration since its launch in December 2005. It has proved to be an increasingly important framework for political dialogue and cooperation with third countries in a comprehensive and balanced manner. In its Conclusions of 23-24 June 2011 the European Council invited the Commission to present an evaluation of the Global Approach to Migration.
2. In accordance with the Stockholm Programme and the European Pact on Immigration and Asylum, the Council reaffirms the need for a strong and coherent EU policy in the field of migration and asylum and stresses the need for the Global Approach to become more strategic and more efficient, with stronger links and alignments with other relevant EU policy areas, in particular with the external relations of the EU, including development cooperation.
3. The Council welcomes the Commission's Communication of 18 November 2011 "The Global Approach to Migration and Mobility" as a contribution towards a more consistent, systematic and strategic policy framework for relations with third countries in the area of migration and mobility.

The Global Approach as the overarching framework of the EU external migration policy

4. The Council recognises the Global Approach as the overarching framework of the EU external migration and asylum policy, which defines how the EU conducts its dialogue and cooperation in the area of migration and mobility with third countries and regions and reaffirms the need to ensure strong links and complementarity between the external and internal dimension in EU policies.

5. The Council notes that the implementation of the Global Approach is a common responsibility of the European Commission, the European External Action Service (EEAS), and the Member States, in accordance with their respective competences. The Council stresses the important role of EU Delegations and the Embassies of Member States in the strengthening of dialogue and cooperation at the local level.
6. The Council recognises the High Level Working Group on Asylum and Migration as the central steering forum for strategic discussions and initiatives in relation to the Global Approach and to prepare the ground for concrete actions of implementation, where appropriate, in consultation with other Council Working Parties.
7. Given the importance and scale of mobility of both EU and third country nationals travelling across the external EU borders as well as the strategic importance of orderly mobility the Council acknowledges mobility as an integral part of the Global Approach.

Clear focus on priorities

8. The Council welcomes the focus on the four operational priorities, i) better organising legal migration and fostering well-managed mobility; ii) preventing and combating illegal migration and eradicating trafficking in human beings; iii) maximising the development impact of migration and mobility; iv) promoting international protection and enhancing the external dimension of asylum.
9. The Council emphasises that the respect for the Charter of Fundamental Rights and human rights lie at the basis of the EU migration policy and its relations with third countries. While bearing in mind that Member States' interests are a fundamental element in any EU policy framework vis-à-vis third countries, the Council agrees that the Global Approach should take adequately into account the migrant's perspective. The Global Approach should take due consideration of gender dimensions and migrants in vulnerable situations. It should aim at a stronger involvement in the dialogue and cooperation on migration and mobility with third countries of all relevant stakeholders, including diaspora and migrant organisations.

Better organising legal migration and fostering well-managed mobility

10. The Council recalls that in light of the Europe 2020 strategy, the EU should strive, where appropriate, to organise labour migration in order to promote economic growth while fully respecting the competences of Member States and the principle of EU preference as expressed in the relevant provisions of the Act of Accession of 2007. The potential of the EU acquis, in particular the "EU Blue Card directive", will be exploited. The Global Approach should contribute to this effort through considering non-binding measures aimed at better organising legal migration in cooperation with third countries taking into account the priorities, needs and capacities of each Member State.
11. The Council considers that effective integration policies, including labour market integration, are key to ensuring that migrants, the receiving societies and the countries of origin can benefit from the potential of migration. In this regard, the Council welcomes the efforts to further develop cooperation between Member States on integration policies.
12. The Council recalls the importance of fostering well-managed mobility. This includes making strategic use of the opportunities offered by the EU Visa Code and relevant national legislation as well as, where appropriate, the negotiation of EU Visa Facilitation Agreements. In this connection, the Council confirms that existing and possible future visa dialogues are part of the Global Approach framework. Progress in those dialogues is conditional upon the fulfilment of tailor-made benchmarks, including in matters such as readmission, asylum, border management, document security, prevention and combat of illegal migration, public order and security, and fundamental rights.

13. The Council reiterates that circular migration, if well managed, may contribute to economic growth and flows of competencies and knowledge to the beneficial development of both sending and host countries, while at the same time offering a credible alternative to illegal immigration. Further efforts should be explored to promote circular migration by interested Member States as a development instrument. This may include measures such as permitting longer periods of absence without loss of residency status, granting work permits for longer periods for labour migrants and increased measures to facilitate reintegration.

Preventing and combating illegal migration and eradicating trafficking in human beings

14. The Council underlines that well-functioning border management and effective return and readmission policies are a prerequisite for well-managed migration and remain a central part of the Global Approach. It also acknowledges that its effective implementation can contribute to the security of the EU.
15. The Council reiterates the need to further increase efforts to enable the conclusion of EU readmission agreements, particularly with EU neighbouring countries and other key countries of origin and transit, while recognising the need to consider tailor-made measures, which could bring negotiations to a successful end.
16. The Council stresses the importance of ensuring proper implementation of existing readmission agreements and readmission obligations laid down by other agreements concluded by the EU. Due attention should also be given to the implementation of bilateral readmission agreements or arrangements concluded by Member States within their area of competence. The Council furthermore recalls the obligation of each State under customary international law to readmit and facilitate the readmission of its own nationals without further conditions. It reiterates that human rights standards will continue to be fully respected in the framework of return policy.

17. The Council stresses the importance of the return and reintegration of illegally staying migrants and urges Member States to design and implement voluntary return programmes and plans for enforced return while fully respecting the human rights of migrants in accordance with the EU acquis and international obligations.
18. The Council recalls the need for further actions to be taken in the fight against trafficking in human beings and smuggling of migrants, paying particular emphasis on prevention, prosecution of perpetrators, protection of victims and the specific situation of unaccompanied minors.
19. The Council recalls the importance of supporting third countries in the field of integrated border management capacities and invites FRONTEX to use its expanded mandate to the advantage of improved management of EU external borders, including increasing its operational cooperation with competent authorities in third countries.

Maximising the development impact of migration

20. The Council underlines that development must remain a core element of the EU's long-term efforts to ensure that migration is a choice rather than a necessity and recognises that the EU and its Member States have made important contributions to unleash the positive impact of migration on development. In this regard, the Council reiterates the need to foster stronger coherence of migration policy with other policy areas in line with EU's Policy Coherence for Development commitments.
21. The Council acknowledges that key challenges remain to further enhance the positive development effects of migration, as well as minimising the negative effects, including the social costs of migration, the still-limited knowledge and awareness of the impact of migration on socio-economic development, and the persistence of drivers of migration such as insecurity and lack of employment opportunities in countries of origin.

22. In view of the increased regional and global mobility of persons, the specificities and the development impact of South-South migration should be further examined and taken into account in line with relevant EU priorities. In this context, special emphasis should be given to promoting a human rights based approach.
23. The Council emphasises its commitment to assist partner countries to further mainstream migration into development planning and actions as well as into a broad range of sectorial public policies, including by making full use of the development of migration profiles. Further measures are also needed for enabling members of the diaspora and migrant organisations to contribute actively to development in their country of origin, including the promotion of productive investments and the temporary return of qualified migrants.
24. The Council reaffirms the need to ensure faster, easier and cheaper remittance transfers and enhance the impact on development of social and financial remittances, while ensuring coherence with other development priorities. The negative effects of brain drain should be avoided by policies that address underlying structural problems. This requires a comprehensive approach, including ethical recruitment policies and practices and taking into account analyses of labour markets in countries of origin.
25. The EU should consider targeted efforts to promote the interrelationship between migration, development and employment. Special attention should be given to meet the expectations of the young generation for opportunities in their countries of origin, thus enhancing their potential as driving force for inclusive and democratic change.
26. The Council recognises the need to further explore the linkages between climate change, migration and development, including the potential impact of climate change on migration and displacement.

27. The Council calls upon the Commission to ensure a more ambitious and forward-looking policy development on the migration and development nexus, and to strengthen its effective implementation based on development and aid effectiveness principles, and in line with the priorities identified by partner countries and the EU's "Agenda for Change" on increasing the impact of EU development policy.

Promoting international protection and enhancing the external dimension of asylum

28. The Council welcomes the confirmation of international protection and the external dimension of asylum as part of the Global Approach, building on i.a. Regional Protection Programmes (RPPs), resettlement on a voluntary basis and further integration of protection of refugees in the dialogue with third countries and in relation to development programmes. Where appropriate this dialogue would also address protection issues related to internally displaced persons. Further, the Council recognises the need to strengthen capacities in third countries to handle mixed migration flows.
29. The Council emphasises the need to strengthen in particular the use of RPPs, in line with the recommendations of the latest evaluation, in order to assist third countries to become robust providers of effective protection in accordance with international law. Recognising that the majority of refugees worldwide reside in their region of origin, protection in the region at the earliest possible stage is, in principle, the preferred protection modality. The Council underlines the need to contribute, in a spirit of shared responsibility, to more accessible, equitable and effective international protection.

30. The Council underlines the need to align efforts to support refugee-hosting communities with self-reliance strategies and with national poverty reduction strategies. The RPPs need to contribute to offsetting negative impacts and supporting positive impacts in local communities. The Council believes that improved safety and availability and access to means for self-reliance can avert secondary movements and is an important precursor to a durable solution.
31. The Council recalls that resettlement of refugees from outside of the EU represents a durable solution for some refugees, in particular those who continue to be trapped in protracted refugee situations. The Council stresses the importance of strategic use of resettlement, on a voluntary basis, as a tool to unlock and solve protracted refugee situations. In this respect, the Council welcomes the recent agreement on increased funding possibilities for resettlement activities.
32. The Council recalls that the 1951 Geneva Convention on Refugees remains a corner stone for the international protection system and recognises the special mandate given to the UNHCR. The Council reiterates that cooperation and exchange of views with third countries in the context of the Global Approach should aim at enhancing the system by furthering a common understanding of the concept of international protection, including subsidiary and complementary forms of protection.
33. Promoting and assisting capacity building in third countries' asylum and reception system and supporting resettlement activities in Member States are important objectives. The Council is convinced that, once fully operational, the European Asylum Support Office will play an important role in this regard.

Applying the Global Approach globally with clear geographical and strategic priorities

34. The Council recognises the need to apply globally the framework and methodology of the Global Approach with relevant third countries in line with the EU's overall foreign policy and migration and asylum policies.
35. In view of the EU's strategic interests, and considering the scarce resources in terms of human and financial means available for Migration and Mobility dialogues, the Council stresses the need for further prioritisation, focusing and consolidation of activities, giving priority to the EU's immediate southern and eastern neighbourhood. Priority should also be given to migratory routes and countries of origin and transit of strategic interest of the EU, notably those countries that share interests with and are ready to engage in mutual commitments with the EU and its Member States.
36. As regards the regional dialogue processes, priority should be given to the Africa-EU Partnership on Migration, Mobility and Employment and the Rabat Process in the South, to the Prague Process and the Eastern Partnership panel on Migration and Asylum in the East, as well as to the EU-LAC migration dialogue. Efforts should also be made to establish an effective dialogue with the countries along the Silk-route, including in the framework of the Budapest Process.
37. The Council supports the efforts to further streamline and rationalise regional processes in order to avoid duplication of activities.
38. To steer an on-going process of prioritisation and result-orientation, the Council invites the High Level Working Group on Asylum and Migration to hold strategic discussions on a regular basis on geographical priorities and necessary actions based on the evolving strategic interest of the Union and with the contribution of all relevant actors.

Improving the instruments of the Global Approach

39. The Council recalls that the EU's external migration policy is based on a broad spectrum of tools and instruments, including legal instruments such as visa facilitation, readmission agreements, political instruments, operational support, as well as programme and project support. These tools should be applied in a tailor-made way and customised depending on the shared interests and concerns of the relevant third country and EU, and founded on a performance based approach and on appropriate conditions.
40. The Council emphasises the need for close cooperation, where appropriate, between EU implementing agencies and international organisations to enhance results through coherence and synergies.
41. The Council confirms the *Migration and Mobility Dialogues* as the drivers of the Global Approach in both regional processes and in relation with key partner countries. These dialogues should be carried out in conjunction with broader frameworks for bilateral relations and dialogue, such as Strategic Partnerships, Association Agreements or Partnership and Cooperation Agreements, Cooperation Councils, Cooperation Committees or JLS Subcommittees.
42. The Council notes that *Mobility Partnerships* have proven to be an important implementation mechanism of the Global Approach. Mobility Partnerships should continue to be of voluntary and non-binding nature and be considered a privileged instrument contingent upon progress in the migration and mobility dialogues. The Council considers Mobility Partnerships as the prime bilateral framework to address relevant migration and mobility issues of mutual concern primarily with EU neighbourhood countries, including, where appropriate, short- and long-term mobility. The Council reiterates that visa facilitation agreements should only be considered in parallel with EU readmission agreements and be strategically viewed within the context of the more-for-more principle and the EU external relations.

43. The Council considers the *Common Agenda for Migration and Mobility* a useful alternative framework for cooperation in cases where one side or the other is not ready to enter into the full set of obligations and commitments implied by a Mobility Partnership. Cooperation based on this framework should address all issues of mutual concern on the basis of all relevant components of the Global Approach.
44. The Council calls on the Member States and the Commission to ensure that sufficient financial resources are allocated for the implementation of the Global Approach within the existing financial framework.
45. The Council confirms the need to monitor the implementation of the Global Approach systematically through biennial implementation reports, starting in June 2013, as well as to project evaluations and to invest in a broad communication on the Global Approach, including through a dedicated website.
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