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"I" ITEM NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee

Subject: Guidelines for Migration Missions

1. In 2005 the European Council identified migration missions as a valuable tool for the implementation of the Global Approach to Migration. In 2008 the Permanent Representatives Committee has established some guidelines for the organisation of Migration Missions¹.
2. With a view to implementing the mandate of the European Council, fifteen EU Migration Missions have been organised so far, targeting countries in Africa, as well as countries in Eastern and South-Eastern regions, neighbouring the EU. A Mission on Migration issues to Peru was also organised in 2010.
3. On the basis of the experience acquired, EU migration missions have proven to constitute a useful instrument to launch and to strengthen dialogue on migration issues with the relevant third-countries, in particular at local level.

¹ See doc. 6054/08 ASIM 10 RELEX 70 DEVGEN 16

4. With the objective of improving the preparation, organisation, effectiveness and follow-up of Migration Missions, the High Level Group on Asylum and Migration has addressed the issue of updating and revising the Guidelines established in 2008, on the basis of an initiative taken by the Danish Presidency. This exercise is part of the development and implementation of the renewed Global Approach to Migration and Mobility, which was defined in the Council Conclusions of May 2012².
5. The text of the Guidelines was considered for the first time by the Group at its meeting on 25 May 2012 and has been agreed upon in August.
6. The Permanent Representatives Committee is invited to confirm the agreement reached by the Group on the text as set out in the Annex to this Note.

² See doc. 9417/12 ASIM 50 RELEX 396 DEVGEN 116

1. Context

In continuation of the discussion in the High Level Working Group (HLWG) on 19-20 April and 25 May 2012, and building on the guidelines established on this subject by the Permanent Representatives Committee in 2008³, this Note intends to provide overall guidance on the future use of Migration Missions within the framework of the renewed Global Approach to Migration and Mobility (GAMM).

In 2006, the European Council developed the concept of Migration Mission to explore, establish or deepen cooperation and dialogue with third countries in the field of migration and asylum. Since then, fifteen Migration Missions have been organised to third countries: Cape Verde, Ghana, Mauritania, Senegal, Ethiopia, Nigeria, Republic of South Africa, Armenia, Georgia, Tanzania, Belarus, Kenya (with a regional outlook on Somalia), Ukraine, Cameroon and Azerbaijan. A Mission on Migration issues to Peru was also organised in 2010.

Migration Missions have proven to be a valuable tool not least for collecting information, establishing contacts and obtaining an overall impression of a third country's capacity and interest in entering into deeper dialogue or practical cooperation with the EU. At the same time, lessons learned from past Missions as well as the new strategic orientation of the GAMM require a review of existing guidelines to enhance the strategic potential of Migration Missions.

2. Objective

The aim of Migration Missions is to exchange information and/or to explore the potential of establishing or deepening dialogue and practical cooperation on migration and mobility with third countries where shared interests and concerns have emerged, and/or where no adequate framework for dialogue on migration is yet in place.

³ See doc. 6054/08 ASIM 10 RELEX 70 DEVGEN 16

3. Identification of third-countries

The identification and preparation of Migration Missions will be conducted within the framework of HLWG's regular strategic discussions on geographical priorities, in line with the Council Conclusions on the GAMM. This will enable a more selective use of Migration Missions based on the EU's evolving strategic interests and an evidence-based analysis of options for responding to changing needs and opportunities in the relevant third countries. Migration Missions should be considered in relation to other relevant instruments of the GAMM, where a Migration Mission may constitute a first step towards deepening cooperation with a third country. This may include exploring the need and feasibility of establishing bilateral frameworks of cooperation (i.e. Common Agenda on Migration and Mobility or Mobility Partnerships) that bring together the third country concerned, EU institutions, Member States as well as relevant international organisations.

As a general rule, priority should be given to the EU's immediate Southern and Eastern neighbourhood, to countries of origin or transit of important irregular migration to the EU or to countries that represent a specific EU interest in any of the other GAMM priority areas.

The selection of relevant third-countries should be based on clear criteria and well-defined strategic objectives on the expected outcome of a Migration Mission (e.g. gathering information or exploring possibilities for deepening cooperation).

The following criteria should be considered by the HLWG when selecting relevant third-countries:

- i. The potential, and interest of a critical mass of EU Member States, of establishing closer practical cooperation and dialogue with the relevant country in relation to the operational priorities of the GAMM;
- ii. The extent of migratory pressure emanating from the respective country towards the EU; EU priorities for concluding readmission agreements and/or arrangements for returning illegally staying persons;

- iii. Possible shared interests in facilitating mobility, promoting migration and development and/or enhancing international protection;
- iv. Consideration of the institutional capacity and willingness of the respective country to cooperate with the EU and its Member States in all aspects of migration;
- v. EU's general cooperation and relations with the country, including its proximity to the EU; and its strategic importance for EU foreign policy and development cooperation; commitment in the areas of human rights, rule of law and democratic standards;

The identification of relevant third-countries will be founded on:

- a) evidence-based analysis of needs,
- b) available resources and
- c) the potential added-value of Migration Missions.

Migration Missions will thus be applied selectively contributing to maintaining momentum on the HLWG's overall strategic framework of priorities for engagement with third countries.

4. Preparation, shared expectations and effective implementation

Thorough preparation and the establishment of shared expectations with the third country concerned is essential to ensure effective implementation of Migration Missions. The exchange of information and communication before, during and after a Mission must be strengthened to establish a common framework of understanding between the EU and the third countries as well as to avoid creating unrealistic expectations in the third country concerned.

In this regard, the use of clear Terms of Reference, agreed in advance among the EU and the third country concerned, is critical. Local contact points should be established and efforts to explain the purpose of the Migration Missions as well as the overall Global Approach framework must also be promoted. Local EU Delegations and diplomatic representations of the Member States play an essential role in ensuring effective preparation and implementation of Migration Missions.

5. Formats of Migration Missions

The traditional Migration Missions, as they have been conducted in the past, are co-chaired by the Commission and the Presidency, with the active participation of representatives of interested Member States and the EEAS. With a maximum composition of 12 EU representatives, they aim at discussing the full spectrum of issues under the Global Approach with representatives of relevant ministries and authorities, as well as with civil society and international organisations active in the country concerned.

In addition to the traditional Migration Missions, informal missions could, in exceptional cases, be conducted by the Commission, the EEAS and the Presidency of the Council on behalf of the EU Member States on the basis of a specific decision in this respect adopted by the HLWG. This new format would be lighter and more flexible and should be applied only on a case-by-case basis by the HLWG where a traditional Migration Mission is not considered appropriate (e.g. the need to avoid creating unrealistic expectations in a third country concerned about future cooperation that traditional Migration Missions may entail or logistical considerations). Care should be taken not to conduct similar missions or dialogues outside the ambit of the HLWG and the strategic priorities agreed under the GAMM.

For both types of formats, identification and preparations of the Migration Missions will be the responsibility of the HLWG and full debriefings will be organised locally and in the HLWG. Moreover, the use of follow-up Migration Missions (in the traditional setting or in a smaller format) could also be considered in relation to countries of particular strategic importance where a local migration dialogue needs to be reinvigorated and/or strengthened.

6. Follow-up

Migration Missions require systematic follow-up mechanisms and activities at local level, coordinated by the EU Delegations, which could also include possible follow-up Missions or, where appropriate, the negotiations of a bilateral partnership framework.

Clear guidelines, which still remain relevant and valid, were established by COREPER in 2008 for locally anchored follow-up whereby the EU Delegation and the local Presidency assume responsibility for the continuation of a local dialogue on migration. However, there is clear potential for improvement which could be enhanced if all relevant parties invest in the necessary resources, including by providing the required capacity and know-how on migration, to ensure the success of the dialogue. With the new role acquired by the EU Delegations following the Lisbon Treaty, efforts should be made to strengthen their role, capacity and knowledge to successfully steer a local dialogue on migration.

Wherever possible, Migration Missions should feed into ongoing dialogues on migration. For example, in ACP countries, the political dialogue under article 8 of the Cotonou Agreement could be more systemically used to also discuss migration issues (ref. Article 13), in particular in countries where a migration mission has already been organised. For other countries, dialogue could be continued on the basis of 'Migration Articles' in current or future PCA agreements.