



**COUNCIL OF
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"I" ITEM NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee
Subject: Draft Joint Declaration on a Common Agenda on Migration and Mobility between India and the European Union and its Member States

1. In its Conclusions on the Global Approach to Migration and Mobility of May 2012, the Council has identified the Common Agenda on Migration and Mobility (hereinafter 'CAMM') as a new framework which the EU and of its Member States may use, along the already existing ones, in particular the Mobility Partnerships (hereinafter 'MP'), to develop cooperation in the area of migration with relevant partner countries.
2. Like the MP, the CAMM sets a number of common recommendations, targets and commitments for dialogue and cooperation and includes a package of specific support measures offered by the EU and interested Member States. Both frameworks are to be established by a joint political declaration between the EU and interested Member States, on the one hand, and the partner country on the other. Both are tailor made, flexible, balanced and comprehensive, covering all thematic pillars of the Global Approach to Migration and Mobility. Both address mobility issues, including where appropriate visa issues, as well as the need to facilitate return and readmission of irregular migrants.

3. The main differences between a CAMM and an MP would be the following:
 - establishing an MP would include the negotiation of visa facilitation and readmission agreements. Moreover, the size of the support package underpinning the MP will usually be larger than the one supporting a CAMM;
 - the 'governance' of a CAMM is expected to be lighter, in terms of procedures and resources, than that of required by a MP, since the first should as much as possible be implemented and developed at the local level;
 - while in the MP the Annex is developed in advance and attached to the Joint Declaration, for the CAMM the Annex with the list of participating Member States and the indication of the specific measures and actions to be implemented will be drawn up at a later stage at local level.

4. As a result of the discussions which took place in the High Level Group on Asylum and Migration (hereinafter 'the Group') India was indicated as the partner country with which negotiations for the establishment of a CAMM could be launched. A draft Joint Declaration for the establishment of a CAMM with India was considered at the meetings of the Group held on 26-27 November 2012, as well as on 21 January and 14-15 March 2013.

5. Agreement was reached on the text as set out in the Annex to this Note as the draft Joint Declaration which will be submitted to the Indian authorities to start negotiations for the establishment of a CAMM.. The text as set out in the Annex to this Note can be considered as a format of a Joint Declaration for a CAMM in the perspective of future negotiations with other partner countries.

6. The text of the draft Joint Declaration as it will result following negotiations with the Indian authorities will be submitted to the Group for agreement, to be confirmed by Permanent Representatives Committee/Council prior to the establishment of a CAMM with India.

7. The Permanent Representatives Committee is invited to take note of the text of the draft Joint Declaration for the establishment of a CAMM with India as set out in the Annex to this Note.

Draft Joint Declaration
on a Common Agenda on Migration and Mobility between India and
the European Union and its Member States

The Republic of India and the European Union, and the participating Member States of the European Union, (hereinafter referred to as "the Signatories");

ACTING within the existing framework for cooperation, in particular the 1994 EU-India Co-operation Agreement as well as the 2004 EU-India Strategic Partnership, and the Joint Action Plan as agreed in 2005 at the EU-India Summit in The Hague and revised in 2008 at the EU-India Summit in Marseille;

RECALLING the February 2012 EU-India Summit, and particularly the December 2010 EU-India Summit, which recognised the important implications of the movement of people for India and the EU, and agreed to explore initiatives that could lead to a regular, comprehensive and structured dialogue on migration issues, with a view to deepening cooperation in this field;

BUILDING on the results of the EU-India High Level Dialogue on Migration and Mobility and in particular on the Joint Conclusions of its meeting of 2 July 2012 in New Delhi;

STRESSING the benefits and opportunities that well-managed migration and mobility can bring to both migrants and the Signatories;

ACTING without prejudice to the competences of the EU and of the EU Member States as laid down in the Treaty on the Functioning of the European Union;

REAFFIRMING the shared commitment to facilitate the mutually beneficial movement of persons between India and the European Union, whilst ensuring better management of these migration flows, including the prevention and combating of irregular immigration in accordance with applicable international standards;

RECALLING the EU Global Approach to Migration and Mobility, adopted by the Council of the European Union on 29 May 2012, [*add possible reference to comparable policy framework of GoI*];

NOTING the high degree of convergence between India and the EU on policy objectives and priorities in the field of migration and mobility, and the common emphasis on evidence-based research;

RECOGNISING the existing migration-related bilateral agreements and arrangements between India and several EU Member States;

ACKNOWLEDGING the shared interest of the EU and India in further exploring possibilities for cooperation concerning the facilitation of the issuance of visas and the return of persons residing without authorisation;

HAVE DECIDED to establish a Common Agenda on Migration and Mobility (CAMM). The EU-India CAMM will be based on partnership and reciprocity, and provide a framework for agreeing on joint objectives and actions as well as common recommendations with a view to better organising legal migration, fostering well-managed mobility, preventing and combating irregular migration, eradicating trafficking in human beings, promoting international protection, and maximising the development impact of migration and mobility, while respecting human rights and international norms regarding persons in need of protection as applicable to the Signatories, and taking account of the perspective of individual migrants as well as the socio-economic situation of the Signatories.

ENDEAVOUR, to this end, to further develop their dialogue and cooperation on migration and mobility, in particular along the following lines:

Priority areas

1. Work towards a better management of migration and mobility, supported by an improved knowledge base of migration flows of all kinds between India and the EU, while ensuring the human rights of migrants, serving the interests of, and taking account of the respective competences of the Signatories, and concentrating on the following four priority areas:
 - better organising legal migration and fostering well-managed mobility;
 - preventing and combating irregular migration and eradicating trafficking in human beings;
 - maximising the development impact of migration and mobility;
 - promoting international protection.

Dialogue, recommendations and actions

2. Hold dialogue at high level as well as working level in order to exchange information and views on legislation, policies and best practices and continuously explore possibilities for concrete cooperation, make policy recommendations, and gradually develop actions in any of the four priority areas.
3. In relation to the priority area of **legal migration and mobility**, through dialogue, recommendations or actions, address issues, such as:
 - supporting evidence-based research, which underpins the dialogue and cooperation between the Signatories, and with a view to making relevant and innovative policy recommendations;
 - collecting, analysing, sharing and comparing information and statistics regarding labour and other legal migration flows between the EU and India;

- enhancing the efficiency and security of respective procedures for entry, residence and registration, where necessary by improving relevant legislation and practices;
- building legal and administrative capacity to monitor and manage migration, *inter alia* through the development of human resources;
- exploring possibilities for attracting in particular highly skilled workers, including scientists and technologists, with a view to strengthening mobility for these categories and fostering innovation in a reciprocal manner including consideration of circular migration;
- matching immigration to labour market needs and, in this context, stimulating targeted and appropriate skills development;
- making progress towards the mutual recognition of foreign qualifications;
- developing programmes and policies for pre-departure orientation including those with a view to integration (language skills and civic orientation);
- exploring possibilities for enhanced mobility and exchange of students and researchers;
- exploring possibilities for facilitating the mobility of categories of persons such as diplomatic passport holders and other *bonafide* travellers in a safe and secure environment.

4. In relation to the priority area of **irregular migration and trafficking in human beings**, through dialogue, recommendations or actions, address issues, such as:

- supporting evidence-based research, which underpins the dialogue and cooperation between the Signatories, and with a view to making relevant and innovative policy recommendations;
- collecting, analysing, sharing and comparing information and statistics, and undertaking risk analysis regarding irregular migration flows and routes between the EU and India;

- improving relevant legislation and its implementation;
- building capacity in border management and prevention of irregular migration;
- reducing visa overstay;
- joint training of border guards, including on preventing trafficking of human beings (THB) and the common development of risk profiles of victims of THB;
- strengthening interagency cooperation, coordination and exchange of information both within India and between India and the EU;
- improving travel document security, including through biometrics, and strengthening capacity to detect forged and falsified documents;
- exploring possibilities for engaging in cooperation on the return of irregular migrants in a safe and secure environment, offsetting the risk of irregular migration that may result from increased mobility;
- increasing speed and efficiency of procedures for returning and receiving irregular migrants, especially with regard to the identification of own nationals and the issuance of travel documents required for return, while safeguarding respect for human rights.

5. In relation to the priority area of **migration and development**, through dialogue, recommendations or actions, address issues, such as:

- supporting evidence-based research – *inter alia* on root causes of all forms of migration to India as well as from India to the EU, and including the drawing up of an Extended Migration Profile of India – which underpins the dialogue and cooperation between the Signatories, and with a view to making relevant and innovative policy recommendations;
- harnessing the contribution of migrants to the economy of destination countries as well as countries of origin;
- facilitating the flow of remittances and their development effect;

- supporting diaspora networks and the integration of migrants in the interest of development of countries of origin and destination;
- mitigating the social consequences of migration for countries of origin including consideration of circular migration and the balance between brain drain and brain gain;
- optimising the benefits deriving from return migration;
- enhancing capacity to incorporate the migration dimension in the design and implementation of development strategies and other public policies, according to the relevant practices of the Organisation for Economic Cooperation and Development (OECD).

6. In relation to promoting **international protection**, through dialogue, recommendations or actions, address issues, such as:

- collecting, analysing, sharing and comparing information and statistics regarding flows of persons in need of international protection from and to India and the EU;
- sharing of information on practices and concepts, related legislation and transposition of applicable international norms regarding international protection of those in need with a view to enhancing mutual understanding of respective protection systems;
- strengthening cooperation with international organisations such as UNHCR and other relevant agencies, including of the EU;
- meeting the specific needs of unaccompanied minors and other vulnerable groups in need of international protection;
- building capacity and devising methodology and/or training tools for interviewing persons claiming international protection and for collecting country of origin information;
- building capacity for the reception of persons in need of international protection.

Framework for cooperation

7. Confirm that a Common Agenda is an open ended, flexible framework for cooperation of mutual interest to the Signatories based on the principle of voluntary participation of interested EU Member States, the overall steering of which will be provided by the EU-India High Level Dialogue on Migration and Mobility that will hold yearly meetings alternating between Brussels and New Delhi, supported in this task by a Joint Working Group on Migration and Mobility based in New Delhi.
8. Note that actions may be undertaken with India at EU level, between India and individual, or groups of Member States, and between India and agencies of the EU – such as Frontex, Europol, and the European Asylum Support Office (EASO) – or of the Member States.
9. Note that these actions are to be included and described in an Annex to this Joint Declaration drawn up by the Joint Working Group, listing also the participating Member States.

Done in on

India, the European Union