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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 2)/Council  
Subject: Concept paper on the deployment of European Migration Liaison Officers

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1. In its Communication on an European Agenda on Migration, issued in May 2015 (see 8961/15), the Commission referred, among the new measures that the EU was to take to face the increased migratory pressure, to the deployment of **European migration liaison officers** (hereinafter EMLOs). The Communication outlined that EMLOs "will be seconded in EU Delegations in key third countries, in close cooperation with the Immigration Liaison Officers Network and with local authorities and civil society, with the purpose of gathering, exchanging and analysing information".
2. The Commission services and EEAS presented a concept paper on the deployment of EMLOs, which was considered by the Strategic Committee on Immigration, Frontiers and Asylum and by the High-Level Group on Asylum and Migration at their joint meeting on 15-16 September 2015.
3. A revised version of the concept paper, which takes into account a number of comments submitted by delegations, was considered by the JHA Counsellors at their meeting on 3 November 2015.

4. The Permanent Representatives Committee and the Council are invited to take note of the concept paper from the Commission services and EEAS on the deployment of EMLOs, as set out in the Annex to this Note.
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**Concept paper on the deployment of European Migration Liaison Officers**

The 23 April 2015 European Council in its concluding statement has committed to deploy European Migration Liaison Officers (EMLO's) in key third countries of origin and transit. It was further confirmed by the European Agenda on Migration adopted on the 13 May 2015 (COM(2015) 240 final) and the EU Action Plan against Migrant Smuggling (COM(2015) 285 final) adopted on the 27 May 2015.

The main goal for the creation and deployment of EMLOs is to step up coordination to maximize the impact of EU action on migration in third countries and to enhance the engagement of key countries of origin and transit on the entire spectrum of migration issues. Firstly, as stipulated by the European Agenda on Migration, EMLOs will contribute to the operational implementation of the comprehensive approach presented in the European Agenda on Migration by inter alia contributing to the prevention and countering irregular migration, to better organising legal migration and mobility and mainstreaming migration issues into development cooperation. The EMLOs will also contribute to the implementation of the bilateral and regional cooperation frameworks on migration. Secondly, as highlighted in the EU Action Plan against Migrant Smuggling, EMLOs will play an important role in gathering, exchanging, analysing and reporting on migratory related developments.

While this paper outlines initial proposals on main characteristics and tasks of the EMLOs, it is also important to note that in 2016 the Commission will evaluate the Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officer network. Without prejudice to the preparation and deployment of the EMLOs which should happen within shortest timelines, it would be most useful to take into account the conclusions and recommendations of this evaluation while shaping the final profiles and mandates of the EMLOs. Additionally, in the framework of a possible revision of the above EU legislation, the Commission will consider further the relations between EMLOs and ILOs.

### **(1) Status of EMLOs**

The EMLO's will be SNEs posted in the EU Delegations under the cost-free formula (namely all salaries and allowances will be covered by Member States while the Commission will cover (civilian) mission and related security costs). They will be working under the authority of the EU Heads of these Delegations and will receive administrative support by these Delegations. EMLOs will be posted for 2 years, with a possibility for renewal for another 2 years. A system allowing for continuity (handover) of established contacts will be foreseen.

The EMLO's should be fully embedded and work in close cooperation with the Immigration Liaison Officers' Networks (as defined in the Council Regulation 377/2004) as well as connected with relevant EU Agencies (Frontex, Europol, EASO, Eurojust).

### **(2) Profile of EMLOs**

All EMLOs will be required to have a solid migration background and experience in relations with third countries on migration issues. Working experience as immigration liaison officers, as well as other liaison officers or diplomats for an EU Member State in a non-EU country who as part of his or her duties was dealing with migration issues would be considered an asset.

EMLOs should be characterised by having an ability to gather and strategically analyse information on migration issues. They should have good negotiation skills as well as preferably a good knowledge of official language of the host country.

### **(3) Tasks of EMLOs**

General scope of the tasks carried out by the EMLOs will include legal and irregular migration, smuggling, trafficking of human beings, return and readmission, asylum and border management. The actual mandate of each of the EMLO will be adapted to the specific situation of the hosting third country, in particular the migratory and security challenges there and the level of its cooperation with the EU.

The tasks of the EMLOs, although matching those of immigration liaison officers under national and Community legislation (Council Regulation 377/2004), should ensure the representation, on behalf of the EU delegation, of EU-wide interests vis-a-vis host countries and cover EU-wide needs in terms of risk analysis and countering and preventing irregular migration, better organising legal migration and mobility as well as official networking or knowledge building.

EMLOs should work in close cooperation with the local or regional ILOs network. Duplication of tasks between national ILOs and EMLOs, and with other liaison officers – including those deployed by EU Agencies - should be avoided and Member States national competences should be respected. The EMLOs will carry out their tasks within the framework of their responsibilities and in compliance with relevant provisions, including those on the protection of personal data.

The specific tasks should be the following:

1. Establish and maintain direct contacts with competent national and regional authorities to promote and support engagement with the EU on the entire spectrum of migration issues.
2. Gather knowledge and information related to migratory situation and specific migratory trends (flows, routes, risks, modi operandi used by smugglers and related criminal activities) as well as to policy developments in the host country (policy of the official authorities, legislative basis, social/public trends). Share these with the Commission, the EEAS, the Council and the relevant EU Agencies, in particular for purpose of risk analysis developed by Frontex and investigations at EU level supported by Europol. All reporting and information will be transferred via duly protected communication channels. By doing so, EMLOs will contribute to enhanced EU efforts to combat smuggling and trafficking. EMLOs will also provide analysis and recommendations and contribute to the reporting of the concerned EU Delegations.

3. Coordinate and support the Immigration Liaison Officers' Network in the country or region of posting. EMLO should facilitate contacts between MS immigration liaison officers and other liaison officers dealing with migration issues as part of their duties (e.g. document advisors, airline and law enforcement liaison officers), by organising regular meetings of the Network and assisting them with contacts with the authorities of the host state. By assuming, on behalf of the EU delegation, the coordination role for the ILO Network, EMLOs will create a coordinated EU representation vis-à-vis hosting country, ensure better pooling of resources and better sharing of information.
4. Cooperate and liaise with all relevant interlocutors present in the country, including EU and non-EU countries' liaison officers, international organisations, CSDP missions and EU agencies, MS consular authorities, participate in Local Schengen Cooperation (LSC) meetings and support the LSC contact point where relevant. EMLOs should also cooperate closely with the contact points for trafficking in human beings at the EU Delegation. Such platforms of cooperation will lead to improving coherence between external actions of the EU, MS and other stakeholders, to maximizing impact of EU efforts and avoiding duplication. Where relevant, the EMLOs will also contribute to the preparation of migration-related projects.
5. Support the effective implementation of the EU return policy, in particular by supporting practical cooperation as well as providing policy analysis and advise on the implementation of the existing readmission agreements. In this regards, EMLOs will cooperate with those Immigration Liaison Officers (ILOs) who are, in line with the article 2(2) of the Council Regulation 377/2004, tasked with assisting in establishing the identity of third country nationals and facilitating their return to their countries of origin as well as with the Return Liaison Officers deployed as a part of the EURLO network funded under Specific Action of the Asylum, Migration and Integration Fund (AMIF 2014-2020) and other networks on return and readmission (e.g. EURINT).

6. Regular reporting to the EEAS, relevant Commission services and EU Agencies. In this regard, the reporting obligation of the EMLO should be twofold: 1) ad-hoc flash reports in case of events that require immediate early warning system or alerts (primarily shared with EU Agencies) and 2) periodical strategic reports on trends, political situation, policy development (primarily shared with EEAS and COM services).
7. The EMLOs shall work closely with the other members of the delegation to ensure that migration is mainstreamed, as appropriate, in other issues such as development cooperation or the implementation of the bilateral and regional cooperation frameworks on migration in order to ensure consistent implementation of the EU policy and better achieve the above mentioned objectives (e.g. especially effective cooperation on readmission and enforcement of the return decisions).

#### **(4) Priority countries for the posting of EMLOs**

The draft list of countries where there is a need for deploying EMLOs concentrates on key countries of origin and transit of irregular migration. This draft list considers the feasibility of deploying liaison officers in certain countries and the possibility of using a regional approach in some cases to ensure maximum coverage. It also takes into account whether existing liaison officers or seconded EU staff can assume the functions of EMLOs in certain EU Delegations. For instance in Turkey – a key country regarding migration - the EMLO functions, based on the tasks and reporting requirements described in this paper, will be shared by the DG HOME official posted in the EU Delegation in Ankara and the future Frontex Liaison Officer.

Based on these considerations, the priority countries where EMLOs should be deployed are:

1. Egypt (regional mandate covering East and initially Horn of Africa)
2. Morocco
3. Lebanon (covering Syria)
4. Niger
5. Nigeria

6. Senegal (regional approach to be considered as regards reporting on neighbouring countries)
  7. Pakistan (regional mandate covering also Afghanistan)
  8. Serbia (regional approach to be considered for Western Balkans)
  9. Ethiopia (regional mandate covering Horn of Africa, in particular Somalia, Kenya, Djibouti, South Sudan)
  10. Tunisia (covering Libya)
  11. Sudan (regional mandate covering Horn of Africa, in particular Eritrea which cannot be covered through Ethiopia)
  12. Turkey
  13. Jordan
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