

Options on developing cooperation with Egypt in migration matters

1. Key Migratory Features of Egypt

Irregular migration from Egypt and the **protection of the concerned migrant and refugee populations** remain issues of concern in Egypt, due to the country's triple quality as a **sending, receiving and transit country for migrants**.

A **significant increase, though from a low baseline, of irregular movements by mixed flows departing from Egypt towards Europe** via the Mediterranean has been observed in 2016. As of 24 October 2016, 12,766 migrants had disembarked in Italy from Egypt during 2016. This represents an increase of + 17,5 % over the same period of 2015 (10,856). To note that Libya remains by far the main country of departure in the Central Mediterranean, with 132,218 arrivals between 1 January and 24 October 2016 (against 124,802 in 2015). **Smuggling** from Egypt is being carried out mostly via non flagged small fishing vessels going directly to Italy or Greece. Smugglers' networks are also said to be active on routes **going west to Libya**. A major incident took place in Egyptian waters on the coast of Rasheed on 21 September, with a death toll of at least 178 migrants.

While **Egyptian irregular migrants** are not among the most represented nationalities arriving in Europe, the percentage of young people and **unaccompanied minors** was the highest of any nationality and continues to increase, accounting for 1,711 arrivals of Egyptian minors between January and October 2016. Over the period January-August 2016, the top three nationalities of unaccompanied minors arriving to Italy were Eritreans, Egyptians and Gambians. Unaccompanied minors represent over 59% of all Egyptians arrived by sea to Italy in the period January-August 2016. Until September 2015, about 4,000 Egyptian nationals applied for asylum in the EU; out of 640 first instance asylum decisions, 365 were positive. In 2015, 5,490 Egyptians were ordered to leave the EU (with FR, IT, EL being the most concerned Member States), with 1,830 effectively returned (IT 570, FR 290 and UK 275, corresponding to a **return rate of 33,3%** (in 2015 the return rate was 47,6%, with 2,990 return decisions and 1,050 effective returns).

In 2015, EU Member States (mainly IT, UK, DE and FR) issued 19 247 first residence permits to Egyptian nationals. Egyptians have constantly been among top 10 nationalities being granted EU Blue Cards, amounting to 548 permits in 2015. The number of **legally staying Egyptians** in the EU in 2015 was estimated at 217,147 (mostly in IT, DE, FR, EL and UK). In 2015, 177,545 applications by Egyptian nationals for Schengen visas were received, and 153,336 visas were issued (incl. 51,602 multiple-entry visas); the refusal rate was 11.4%. Under the **Erasmus+** Credit Mobility Action, a total of 989 Egyptian students and staff have been awarded scholarships for mobility to the EU under the 2015 and 2016 calls; 27 Egyptian students were selected in 2016 for a full master degree under the Degree Mobility Action.

Egypt is the most populous Arab country with over 94 M inhabitants (estimated in July 2016), a third of whom younger than 15 years. The pronounced **demographic expansion** (annual population growth rate estimated at 2.2% for 2010-2015, i.e. daily net increase of 7,000) poses a particular challenge in a difficult macro-economic situation characterised by increasing **unemployment** (12% overall, and 40% among youth), insufficient economic growth to absorb the estimated yearly 600.000 new market entrants, a deficient education system, which leaves about 2.8M of children out of school and difficulties in providing adequate housing and infrastructure to the rapidly growing population. In addition, since 2011, the trends of Egyptians returning from Libya due to insecurity and the Gulf due to

labour market reforms, also require Egypt to simultaneously reintegrate a high number of returnees within its economy and cushion an important decrease in remittances, which traditionally have been among Egypt's largest source of foreign currency.

Egypt has also become an important **destination** country. As of 30 September 2016, it accounted for **190,468 refugees and asylum seekers officially registered** with UNHCR. Among them, 62% were Syrians, 16% Sudanese and 6% Ethiopians. The total population of concern registered in 2016 (29,846 individuals as of 30 September) represents a 50% increase compared to the entire year 2015 (19,715 individuals), with a large number from Syria (representing about 53% of newly registered arrivals (10,527 individuals), 50% entering irregularly from Sudan). Palestinians are not counted as refugees in Egypt (and de facto have no legal status), nor most of the estimated 5,000 Yemenis being stranded in Egypt in 2015. Together with workforce coming from other regions such as Asia, as well as clandestine entries, the overall number of refugees and migrants present is probably **around 1M** (IOM estimate). Their situation remains highly vulnerable, due to bureaucratic difficulties, and problems to obtain access to the labour market (only Palestinians and Sudanese are granted work permits), education and social services.

Egypt is a party to the 1951 Refugee Convention and its 1967 Protocol, having however ratified with a series of reservations. The new 2014 Constitution acknowledges the right of political asylum, but a **domestic asylum legislation and system remains to be developed**; registration, documentation and RSD was delegated to UNHCR under an MoU signed in 1954.

Egypt has been stepping up efforts to control its northern coast borders, and has intercepted and arrested about 4,640 individuals between January and September 2016 for attempting to irregularly depart from the country's coast. Trafficking is being addressed since 2010 with the creation of the National Coordinating Committee on Combating and Preventing Trafficking in Persons (NCCTIP) and respective anti-trafficking legislation, however with a weak National Referral Mechanism. A **new, revised anti-smuggling law**, drafted by the National Coordinating Committee on Preventing and Combatting Illegal Migration (NCCPIM, established in 2014), was adopted on 17 October 2016. This law provides for a shift in legislation, through a criminalisation of the smugglers (while considering irregular migrants as victims), and includes a provision for the creation of a fund to assist trafficked individuals. Nevertheless, a total of 2,516 foreign nationals (mostly Sudanese and Somalis), including asylum seekers and refugees, were detained for irregular departure from the northern coast at the end of June 2016, which represents an 58% increase compared to 2015. A new, separate Ministry of State for Migration Affairs and Egyptians Abroad was created with the September 2015 government reshuffle (its mandate still pending approval in Parliament).

Overall, it is important not to exaggerate the risk of a growing flow of migrants direct from Egypt. The distance is too great and the costs too high for it to match the flow from Libya. But the risk of more Egyptians being forced to migrate is greater, and an increase in their number arriving by other routes needs to be watched for. At the same time it is important to flag to Egypt that we have a shared interest for Egypt not to become a transit country with all that implies in terms of illegal economy and corruption, and that the fight against smuggling should therefore constitute a shared priority.

2. EU-Egypt Relations and Current State of Play of the Dialogue on Migration

Relations between the EU and Egypt are framed by the **Association Agreement** (in force since 2004), which also contains provisions on cooperation in the area of JHA and migration. An offer made by the EU in 2011 to launch a Dialogue on Migration, Mobility and Security has so far not been taken up by the Egyptian side. After a lengthy post-2011 interruption, the formal EU-Egypt dialogue under the European Neighbourhood Policy (ENP) was revived in 2015 and the **Sub-Committee on Migration, Social Affairs and Health** met again on 21 January 2016.

Under the revised ENP, **Partnership Priorities** are currently being negotiated, which provide for the **overarching political framework and priorities to guide relations between the EU and Egypt for the next three years**. They contain a chapter on strengthening cooperation in the areas of migration and mobility. Migration management, combatting irregular migration, trafficking and smuggling of human beings, addressing the root causes of irregular migration as well as exploring cooperation on voluntary return and reintegration are included in this specific part¹.

At **regional** level, Egypt has played an active role within the Valletta Process and notably the Khartoum Processes, which the country co-chaired during 2015. Egypt is eligible under the **Madad and the Emergency Trust Fund for Africa (EUTF - North Africa Window)**. In the framework of the Khartoum Process, and more recently the EUTF, discussions have been conducted between the EU and the Egyptian authorities in order to define common interests and areas of possible strengthened cooperation in the field of migration, articulated as follows: 1/migration governance, 2/ promote mutually beneficial legal migration, 3/ protection of those in need, 4/ tackle the root causes of irregular migration.

Ongoing cooperation in the migration sector with Egypt is **mainly composed of regional programmes**, through grants provided to Civil Society Organisations under the thematic programme on Non-State Actors and the Civil Society Facility (*a list of on-going migration-related projects is attached*). The **Regional Development and Protection Programme (RDPP) for North Africa (protection and development pillars)**, has been launched, with the aim of safeguarding international protection needs in the context of mixed migration by supporting the activities of the UNHCR in Egypt. Egypt is also a beneficiary of the **Global Action against Trafficking in Persons and Smuggling of Migrants (GLO.ACT)**, a four-year (2015-2019) EU funded programme implemented by UNODC and UNICEF across 13 countries in view of supporting development of more effective response to trafficking in human beings and migrant smuggling.

A first project on Egypt ("Enhancing the Response to Migration Challenges in Egypt") amounting 11,5 million EUR to be funded under the EU Trust Fund/North Africa window has been formulated and proposed to the first Operational Committee on 16 June

¹ The draft reads as follows: c) **Managing migratory flows for mutual benefit**

The political declaration of the Valletta Summit will provide the main context for cooperation between the EU and Egypt in the field of migration. The EU will support the Egyptian government's efforts to strengthen its **migration governance** framework, including elements of legislative reform and strategies for migration management. The EU will support Egypt's efforts to prevent and combat irregular migration, trafficking and smuggling of human beings, including identifying and assisting victims of trafficking. It will also seek to support and strengthen Egyptian capacity to protect migrants' rights and to provide protection to those who qualify for it, in line with international standards. The EU and Egypt will explore cooperation on the voluntary return of irregular migrants to their country of origin to ensure that migration is globally managed in a legal manner. This will go hand in hand with cooperation in addressing root causes of irregular migration, in particular underdevelopment, poverty and unemployment.

Mobility of persons can contribute to the development of skills and knowledge which could in turn contribute to the development of Egypt. It can also build sustainable bridges between a high skilled labour force in the EU and Egypt. The EU and Egypt are committed to the full protection of the rights of migrants.

2016, with two main strategic axes: migration governance, livelihoods and protection/resilience. It includes elements of some of the 25 projects proposals submitted by the Egyptian side for consideration under the Trust Fund. The Egyptian authorities have been delaying the process since the Operational Committee in June, and this programme has not endorsed yet. This blocks any further engagement with Egypt under the Trust Fund, while this programme is supposed to actually kick start a broader cooperation on migration resulting in more substantial funding.

Egypt is one of the **priority regions under the current EU-level resettlement scheme** for 22 504 people in need of protection launched on 20 July 2015. Under this scheme BE, DE, FI, SE, UK have already resettled people in need of protection from Egypt. In addition to resettlement under this European scheme, Member States resettle people also under their own national programmes.

Procedures are on-going for the deployment of a **European Migration Liaison Officer (EMLO)** in EUDEL Cairo by end of the year; the Egyptian authorities still have to provide diplomatic agreement for the selected candidate.

Egypt has recently confirmed the appointment of an Egyptian **contact point for EUNAVFOR Med Sophia** to seek flag state consent.

Separately, in terms of humanitarian assistance for refugees and asylum seekers, the EU through ECHO has in 2016 initiated a small-scale humanitarian operation (EUR 4M) to address the needs of the most vulnerable refugee population in Egypt. Whilst the Syrian refugees remain ECHO's entry point, the most in need among other refugees groups can be also assisted. The response strategy is two-fold: strengthening protection for the most vulnerable (UNHCR, UNICEF) and enhancing access to emergency health and emergency education services (PLAN, UNFPA), on the basis of the vulnerability criteria as identified in UNHCR National Response Plan and in the Regional Refugee and Resilience Plan for the Syria Crisis 2016-2017 (3RP-Syria/Egypt component).

3. Key Interests in a Strengthened Bilateral Engagement on Migration

The Egyptian president al-Sisi highlighted his country's role as host country (quoting a figure of 5 million refugees and migrants) during his meeting with President EC Tusk in the margins of the United Nations General Assembly (UNGA) in September. Al-Sisi also put forward Egypt's efforts to control the borders with Sudan and Libya, as well as on the northern coast. Egyptian authorities are keen to be **recognised by the international community as providers of national and regional stability, capable of controlling their borders**, also bearing in mind their interest in attracting European tourists, trade, and investment. But on the other hand, there are also clear expectations that the EU should provide **more substantial financial support** to Egyptian efforts taking into consideration the important challenges the country is facing and the EU's own interests in this field. Requests for increased legal migration opportunities towards European have regularly been raised.

The EU has a strategic interest in **addressing departures and irregular flows from Egypt**, which have shown a rising pattern in recent months, as well as in a stronger engagement on smuggling and trafficking in human beings and protection of vulnerable migrant on the move along the Eastern African route. Existing cooperation with EU Member States in this area is limited to a 2007 Readmission Agreement with Italy, which currently encounters difficulties in implementation and a police cooperation agreement of 2000 (which started the

joint control of the Suez Canal to stop irregular transit of migrants from Sri Lanka), as well as a 2015 agreement between Egypt, Greece and Cyprus on security, which also covers the fight against irregular migration.

There are also important concerns about **ensuring protection, livelihoods and access to services for refugees and migrants** in Egypt, as well as ensuring the **creation fully-fledged asylum and migration management systems compliant with international conventions and human rights**.

Against the background of the Egyptian current political and socio-economic situation and continuing demographic pressure, **addressing the root causes of irregular migration** will remain an important task for the EU in the medium and long-term, including in the area of governance and respect for human rights.

4. Possible Areas of Cooperation

A strengthened strategic engagement with Egypt would have to be considered on the basis of a larger package, bringing together a set of initiatives, capacity-building and further financial support. Actions could be developed in the following areas:

1) Rights-based migration governance and management, including prevention and fight against smuggling/human trafficking:

- Recently created Egyptian structures and legislation on **anti-trafficking and anti-smuggling** provide the opportunity for **further technical assistance and financial support** in this area (notably to put into effect the recently adopted anti-smuggling law and the UN Convention against Transnational Organised Crime and Protocols), based on already existing EU funding to the National Coordinating Committee on Combatting and Preventing Trafficking in Persons (NCCTIP) (€ 500,000, project implemented by IOM for 2014-2016). This should also facilitate a more systematic judicial cooperation with relevant EU MS in migrant smuggling cases. Cooperation on countering migrant smuggling can also be carried out via the establishment of an EU Cooperation Platform on migrant smuggling. Support in this area would improve Egypt's overall capacity to fight trafficking and smuggling networks active both on sea, as well as on land routes (Sudan/Libya).
- Strengthened cooperation with **EUNAVFOR Med Sophia** could again be proposed, starting with the confirmation that a dedicated contact point within the Egyptian authorities has now been identified, and based on on-going discussions for the use by Sophia of an Egyptian hospital, and MoU on Boarding of Egyptian flagged vessels. Information sharing on the trafficking networks could also be explored.
- Under the new legal framework (which will apply as of 1 May 2017), closer contacts with **EUROPOL** could be explored and further cooperation could take place in the context of the on-going regional programme with EUROPOL, CEPOL and INTERPOL.
- Having better data on migratory flows and smuggling activities is considered extremely important in the shaping of the cooperation in the field of migration and should be considered a priority.

2) Cooperation with FRONTEX and Seahorse:

- Based on the existing **FRONTEX** mandate for the negotiation and conclusion of a working arrangement with Egyptian authorities, as well as the extended role of the new European Border and Coast Guard Agency on international cooperation, cooperation and assistance could be pursued, following a first exploratory mission by FRONTEX to Egypt on 25-27 October 2016. The conclusion of a working arrangement would formalize the cooperation between FRONTEX and Egypt.
- The on-going **Seahorse Mediterranean Network Project**, which establishes a regional communications network among national border guard services, is open for participation by Egypt. Contacts and exchanges in this context could be further explored. Egypt has been repeatedly invited but not yet agreed to join the Seahorse Mediterranean Network, which is currently being set up between the border and coast guards of the seven Mediterranean Member States (ES, PT, FR, IT, MT, EL, CY) to cooperate with the Libyan Coast Guard to exchange information on irregular migration and cross-border crime. The project has been prolonged recently until 2018 to allow the border and coast guards of Tunisia, Algeria and Egypt to join this network.

3) Additional support to socio-economic development and migration-prone groups and host communities, and protection of refugees (including through resettlement) and other vulnerable groups of migrants:

- Based on an assessment of existing humanitarian and assistance projects, **further support will be identified, notably in the context of the upcoming programming exercise** (once there is an agreement on the Partnership priorities that should be the guiding document for the preparation of the next Single Support Framework), e.g. support to vulnerable groups in migration-prone areas, to Egyptians returning from abroad, support and protection to refugees, asylum seekers and vulnerable migrants, including their host communities. Particular attention will be continued to be paid to improving sustainable socio-economic development, notably to foster inclusive growth and job creation particularly for youth and women. In this context, the European External Investment Plan will provide for further opportunities to promote socio-economic investment via the private sector and to address the root causes of migration.
- **Further assistance and capacity-building on asylum and international protection** (by supporting the UNHCR and IOM actions through the regional development and protection programme - RDPP as well as possibly via the European Asylum Support Office - **EASO**, on the basis of its extended mandate) could be considered.
- **Refugee resettlement** from Egypt to the EU is currently taking place either through the European resettlement scheme of 20 July 2015 or through Member States' national resettlement programmes. COM proposed in July a regulation establishing an EU resettlement framework, under which resettlement at EU level would be set annually, including as regards the numbers and priority countries from which resettlement should take place.

4) Pilot initiatives on legal migration and mobility (also involving Egyptian diaspora):

- Additional projects involving the **Egyptian diaspora** in the EU and **study opportunities** under Erasmus Plus could be considered (possibly following the model of Tunisia, based on the creation of an additional window via ENI funding).

5) Practical cooperation to foster the return of irregular migrants to Egypt:

- Based on EU experience on flexible return cooperation (such as Standard Operating Procedures), **practical arrangements** for the return of irregular Egyptian migrants from the EU could be explored with the Egyptian authorities as well as sustainable reintegration. Support to **assisted voluntary return and re-integration** from Egypt to countries of origin could be also envisaged, with special attention given to the promotion of long-term solutions upon return. Discussions on the possibility of returning third-country nationals to Egypt could also be considered.
- Possible support to the civil registry and AFIS systems of Egypt

6) Asylum and Regional Protection and Development Programme:

- Work can be pursued in the framework of the RDPP and under the Trust Fund in order to strengthen asylum and protection regimes in Egypt taking into consideration the significant displaced population.

7) Humanitarian assistance:

- Pursue well-targeted humanitarian assistance for the most vulnerable refugee and asylum seeker population in accordance with humanitarian principles.

Conclusions

These proposals could be presented during an inter-service mission at senior officials level, led by EEAS with the participation of DG HOME and NEAR, so as to further develop the dialogue with the Egyptian authorities and explore possible avenues for a stronger and more strategic engagement on migration. Similarly these could also be explored during the upcoming planned mission of Egyptian authorities to Germany where EU has been invited.

Activities proposed will have to be pursued in the wider context of the implementation of the Partnership Priorities, in line also with COM (2016)385 establishing a new Partnership Framework with third countries under the European Agenda on Migration. The limitations on the scope of the EU cooperation with Egypt, as set out in the Foreign Affairs Council Conclusions of 21 August 2013 and 10 February 2014 will have to be duly taken into consideration.

Close cooperation between Member States, EEAS and the Commission is of paramount importance in order to achieve results, and efforts on today's migration need to be closely co ordinated with action in other areas, such as economic development, to address also the roots of potential future migration.