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From: Presidency
To: Delegations

Subject: Joint issues paper on The External Dimension of the EU's Migration Policy under the New Pact on Migration and Asylum

Delegations will find enclosed a Joint Issues Paper on the External Dimension of the EU's Migration Policy under the New Pact on Migration and Asylum, with a view to the Informal Videoconference of Foreign Affairs and Home Affairs Ministers on 15 March.

**Informal Videoconference of Foreign Affairs Ministers and Home Affairs Ministers
15 March**

Joint issues paper on *The External Dimension of the EU's Migration Policy under the New Pact on Migration and Asylum*

On 15 March 2021 Foreign Affairs and Home Affairs Ministers will discuss the external dimension of the EU's migration policy. The aim of the exchange at this meeting is to further guide the EU's approach through a fresh and operational look at the concept of partnership, as well as at ways of enhancing cooperation and coordination among EU actors.

In the various discussions held in the Council, EU Member States have welcomed that the New Pact on Migration and Asylum foresees to further strengthen the external dimension of the EU migration policy. Member States have already expressed in different fora their views on the specific objectives to pursue in that context, as well as the need to develop a clear and common understanding on the partners with whom to prioritise cooperation, including an understanding on concrete next steps and initiatives to deepen our partnerships with key countries of origin and transit.

Comprehensive and tailor-made partnerships with third countries, which are beneficial for both sides, are central. To maximise their impact, the EU and its Member States must work together more closely and constructively with third countries. In doing so, stronger engagement by the Member States will be key, and the EU and its Member States should also ensure full coordination and consistent action and messages towards partner countries. Initial elements have been rolled out during the last months. On this basis, two questions should guide the discussion:

1. Mutually-beneficial partnerships with key third countries –Migration as a core element in bilateral relations

For countries of origin, transit and destination, well-managed migration can bring benefits to their economies, sustainable development, education, stability and security. However, inevitably, both the EU and our partner countries can have different interests, commitments and priorities, and some elements of migration policy can be politically sensitive, including return and readmission.

As emphasised in the New Pact, migration objectives have proven to be best achieved when tailor-made migration partnerships covering relevant aspects of migration and forced displacement are embedded in the EU's overall relations with third countries. These aspects include:

- protecting those in need and supporting host communities; promoting effective integration of migrants in third countries, building economic opportunities and addressing the root causes of irregular migration and forced displacement;
- strengthening migration and asylum management and governance, including capacity-building in border management and fighting migrant smuggling and human trafficking;
- fostering effective cooperation on return, readmission and reintegration - including by facilitating voluntary returns both from the EU to countries of origin and between third countries, on which the Commission will present soon a Voluntary Return and Reintegration Strategy;
- and stepping up legal pathways, including through Talent Partnerships.

Dealing with migration as part of a comprehensive relation allows for a broader and tailor-made dialogue with partners centred on respective interests and common priorities. This dialogue needs to be as transparent as possible to ensure ownership and buy-in of the partner country and take account of interests and commitments in other policy areas. This approach also enables the EU to mobilise relevant policies and tools including development cooperation, security, visa, education, mobility or trade in order to improve cooperation on migration matters and foster a balanced relationship.

The annual assessment on readmission cooperation provided for under the Visa Code is one recent tool the EU has at its disposal to pursue its migration policy objectives. On 10 February, the Commission adopted its first report assessing readmission cooperation and an accompanying Communication. Furthermore, the Commission is discussing its findings with the Council to agree on the next steps in the dialogue with partner countries in order to improve cooperation on readmission. In line with the Visa Code, the Commission has the possibility to make a proposal to the Council on more restrictive or more favourable visa measure where necessary, taking into account the Union's overall relations with the countries concerned. Consideration of measures in policy areas other than visa in order to incentivise cooperation on readmission is an additional potential tool, in line with the comprehensive leverage mechanism endorsed by Coreper in June 2020 and article 7 of the proposed Regulation on asylum and migration management.

When engaging with key third partners, a thorough case-by-case consideration needs to be made on which combination of tools and policies best serves the EU's overall interests and promotes mutually beneficial migration partnerships. In line with the New Pact, it is therefore key to ensure tailor-made approaches with main partner countries of origin and transit, as well as with the main host countries of refugees and displaced persons. The discussion with the partner country must include an open conversation on the envisaged tools and goals, to ensure a true partnership and a shared vision of the way forward.

How do we ensure that migration, in all its relevant aspects, becomes an important and constructive aspect of our overall bilateral relations with the key third countries of origin, transit and destination, in line with the comprehensive approach promoted by the New Pact on Migration and Asylum? Through which policy tools could progress be made and what should the next steps be?

2. Enhancing coordination and cooperation among EU actors to best achieve our migration objectives

Stronger engagement of the EU Member States and more effective coordination and cooperation with the EU are essential to establish or further strengthen the EU migration partnerships with third countries. The EU and Member States must work together with joint priorities and objectives, and consistent outreach and messaging, while pooling their financial and human resources, policy leverage and expertise. Having emerged as an effective single framework for the EU's external action, the "Team Europe" approach can certainly provide inspiration for the strengthening of migration partnerships.

Full coordination is needed both at the level of the EU (EU institutions and relevant EU Agencies), as well as at national level with relevant Ministries agreeing on common approaches, and between the two levels. Additionally, it is important for both EU external and home affairs actors, at all levels, to speak with one voice.

In the last MFF period, the EU Trust Funds proved useful as a flexible tool to pool EU resources to achieve our migration-related objectives. While the Neighbourhood, Development and International Cooperation Instrument (NDICI) would already earmark indicatively 10% for management and governance of migration and forced displacement and actions to address the root causes of irregular migration and forced displacement, when they directly target specific challenges related to migration and forced displacement, Team Europe funding initiatives on migration would usefully pool resources from the EU and Member States to achieve common objectives. Spain, for example, has proposed a "Contribution to a Toolbox for Comprehensive Migration Approach in the Maghreb, Sahel and West African Countries". Other Member States are encouraged to bring their contribution to this Team Europe Initiative or to propose similar migration-related actions in other regions.

There have been other recent examples of relevance when considering further coordination and cooperation among EU actors. Joint missions of European Commissioners and Member States' Ministers to Tunisia and Mauritania have shown the benefits of building on the experience and privileged relationships of some EU Member States. So have Member States-led initiatives such as the counter-smuggling conference with African partners of 13 July 2020, hosted by Italy. The Portuguese Presidency has proposed to extend the model of political-level dialogues on Justice and Home Affairs to North Africa, under a comprehensive approach to JHA matters, that will work as a facilitator for the establishment of comprehensive and resilient partnerships.

How can the EU and its Member States improve their coordination and cooperation in line with the “Team Europe” approach to build effective and mutually beneficial migration partnerships including by mobilising bilateral tools?
