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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Prague Process - draft Joint Ministerial Declaration and draft Action Plan
2023-2027
- Approval

1. In order to reach the objectives of the EU's external dimension of migration, intergovernmental dialogues on migration provide an influential platform to reach a common understanding, exchange new insights and facilitate the process of establishing a functioning operational cooperation between the EU Member States and partner countries. The Prague Process aims to promote these migration dialogues between the countries of the EU, Liechtenstein, Norway, Switzerland, Eastern Partnership, Western Balkans, Central Asia, Russia and Turkey.

Due to the Russian Federation's military aggression against Ukraine, Russia is currently not participating in the process. Together with Belarus, it was not invited to the Senior Officials' meeting on 12-13 May in Vienna, in line with the decision to fully implement all restrictive measures against the Russian Federation.

The final discussion and adoption by the Ministers responsible for migration of the participating states will take place at the Ministerial Conference on 24 – 25 October 2022 in Prague.

2. Following the Senior Officials' meeting on 12-13 May, the third version of the draft Ministerial Declaration and of the Action Plan was discussed at EMWP on 15 July. Following that meeting, the Presidency received several comments and suggestions, which were reflected in the subsequent version of the document (10917/1/22 REV1).
3. On 6 September at EMWP, the revised version of the draft Ministerial Declaration and of the Action Plan of the Prague Process as set out in 10917/1/22 REV1 was discussed with the aim of reaching a final agreement on the draft documents. During that meeting, some Member States still expressed reservations about the text.
4. Following written comments and with a view to obtaining an agreement by all, the Presidency on 20 September circulated a revised version of the draft texts (10917/2/22 REV2) under an informal silence procedure. No objections were raised to these texts set, which are set out in the annexes to this note.
5. In the light of the above, the Permanent Representatives' Committee (COREPER) is invited to:
 - confirm its agreement on the text of the draft Joint Ministerial Declaration and of the draft Prague Process Action Plan 2023-2027, as set out respectively in Annex I and in Annex II to this note; and
 - recommend to the Council to approve the text of the draft Joint Ministerial Declaration and of the draft Prague Process Action Plan 2023-2027, as set out respectively in Annex I and in Annex II to this note, with a view to their adoption at the Ministerial Conference on 24 – 25 October 2022 in Prague.



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Prague Process

4th Ministerial Conference of the Prague Process

Draft Joint Declaration

Preamble

1. We, the Ministers and Representatives of the Prague Process Member States (hereinafter: 'the Parties') responsible for migration and migration-related matters of Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kosovo*¹, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan, and the European Union, represented by the European Commission; in the presence of [representatives of the European Union Agency for Asylum, the European Border and Coast Guard Agency, the International Centre for Migration Policy Development, the International Organization for Migration, the United Nations High Commissioner for Refugees [add other if necessary...]] (hereinafter: 'the Partners');

¹ * This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Gathered at the invitation of the Czech Republic under the auspices of the Czech Presidency of the Council of the European Union, in Prague on 24-25 October 2022 within the framework of the Fourth Ministerial Conference;

Recalling the principles and political commitments framed at the First Ministerial Conference on 'Building Migration Partnerships' held in Prague on 27 and 28 April 2009 and expressed in the "Building Migration Partnerships" Joint Declaration;

Further recalling the Ministerial Conference held in Poznań on 3 and 4 November 2011 and its outcome – the Prague Process Action Plan 2012-2016 – as well as the Ministerial Conference held in Bratislava on 19 and 20 September 2016 and its outcome – the Joint Declaration;

Welcoming the progress achieved by the Parties over the previous implementation period and their willingness to sustain cooperation within the Prague Process;

Deploring in the strongest terms the aggression by the Russian Federation against Ukraine, as a gross violation of international law and the involvement of Belarus, as it is complicit in the aggression against Ukraine;

Expressing grave concern over the impact of the Russian aggression on the humanitarian situation in Ukraine also regarding numbers of internally displaced persons and refugees in need of humanitarian assistance;

Realizing the severe security, political, economic and social implications the Russian war against Ukraine and its manifold repercussions have on migration and mobility across the Prague Process region;

Deeply concerned about recent global security, health and socioeconomic developments with severe implications on migration and mobility for the Prague Process Parties and Partners, resulting in large-scale displacement of migrants and refugees and noting the need to build preparedness to address such challenges in the future;

Condemning the instrumentalisation of migration for political purposes and as a form of hybrid threat;

Inspired by previous achievements, *reaffirming* the joint commitment to strengthen cooperation and calling for sustainable partnerships to address migration and mobility-related challenges;

Promoting tailor-made, beneficial partnerships between Prague Process Parties and Partners and countries of origin while addressing shared challenges;

Highlighting the role of the EU Agencies, notably the European Union Agency for Asylum and the European Border and Coast Guard Agency, and the role of international organizations in the implementation of the Prague Process;

In the light of the aforementioned, *emphasizing* the key role of regional processes on migration in achieving shared objectives and highlighting the need for a balanced approach taking into account regional specificities and differences, and also bearing in mind the importance of a whole-of-route approach, engaging the Parties and countries of origin on equal footing;

Guided by the consultations between the Parties and Partners while also taking into account the national competencies, *recognizing* the continuing validity and comprehensive nature of the previously identified six thematic areas:

1. Preventing and fighting irregular migration and migrant smuggling
2. Strengthening capacities in the area of asylum and international protection and expanding protection capacities in the region
3. Promoting readmission, voluntary return, and sustainable reintegration
4. Addressing legal migration and mobility with a special emphasis on labour migration
5. Promoting integration of legally residing migrants in their host societies
6. Making migration and mobility positive forces for development

Further considering the following horizontal issues permeating the thematic areas for cooperation:

1. Sharing of information, as applicable, know-how and good practices that allow for strengthening of migration and asylum systems and mutual approximation
2. Capacity-building measures
3. Promoting different modes of cooperation on the local, regional, and global level
4. Digitalization and use of modern technologies in related areas

In the light of the aforementioned, the Parties of the Prague Process agreed to:

Further cooperate in a good spirit to achieve the highest possible level of mutual joint benefits and avoid steps that could harm the cooperation.

Pursue common goals and address joint challenges, such as the Russian aggression against Ukraine resulting in large-scale displacement of millions of people, the implications of the Covid-19 pandemic, the instrumentalisation of migration, the deteriorating humanitarian situation in Afghanistan and all other pressing challenges of mutual concern in a coordinated manner.

Sustain the balanced work of the Prague Process within the framework of the six thematic areas emphasizing the operationalization of cooperation and strengthening the ability to respond to emerging challenges for the upcoming five-year period 2023-2027, as outlined in the Action Plan.

Maintain the Prague Process activities and expand on existing tools contributing to the operationalization of the overall policy objectives, particularly through the Training Academy and its e-learning Platform aiming to provide tailor-made targeted training to Prague Process representatives working in the areas of migration and asylum.

Further expand the capacities of the Migration Observatory for the purpose of collecting data and providing evidence-based, reliable and comprehensive analysis for the use of the Prague Process Parties and Partners, including through improved crisis preparedness and foresight.

Welcome the establishment of Migration Resource Centers in countries of origin to enhance current mechanisms to provide thorough information on the risks associated with illegal migration, empower migrants and refugees to avoid perilous journeys, assist with their pre-departure language and vocational training, prepare them for the effective channelling of remittances and contributions to development in their countries of origin and work with local public and non-governmental stakeholders on the sharing of best practices, as applicable.

Establish expert networks on priority areas that would provide an operational platform for information sharing, as applicable, on best practices and allow for inclusive expert-level discussions and communication among existing networks.

Regarding the need to adapt to the modern era, address digitalization that becomes a fundamental aspect of daily work of asylum, migration and other relevant services while building provisions of various online/digital services for migrants and refugees, also contributing to information awareness on the risks of illegal migration.

Foster closer coordination, and where possible cooperation, with other regional actors in the pursuit of common goals, including the EU agencies, to ensure complementarity of action and avoid duplication of capacity development efforts.

Ensure the possibilities for sufficient funding and engagement for the next implementation period of 2023-2027, taking into account the enormous challenges arising from the Russian war of aggression against Ukraine and the large-scale displacement of people, as well as the manifold political, security and socioeconomic repercussions of the conflict, while not losing sight of the volatile situation in Afghanistan and Syria, which may have considerable implications for migration and mobility in their direct neighborhood, as well as, potentially, in other regions covered by the Prague Process.

Regularly monitor and evaluate the implementation of the Action Plan 2023-2027 at the annual senior officials' meetings.

Prague Process Action Plan 2023-2027

Introduction

Since its establishment in 2009, the Prague Process has grown into a mature inter-governmental migration dialogue among its participating states. To date, three Ministerial Conferences (Prague 2009; Poznan 2011; Bratislava 2016) have set the overall direction of the Process. The annual Senior Officials' Meetings have represented the decisive body of the Prague Process, which continues to be characterised by its voluntary, informal and non-binding nature, equal footing, mutual trust and genuine partnerships.

In 2016, the third Ministerial Conference granted the Prague Process a political mandate for the period 2017-2021, confirming the continued validity of the six thematic areas and 22 concrete priorities set out in the Poznan Action Plan of 2011, and requesting a final review of its implementation at Ministerial level thereafter.

This Action Plan stems from the consultations carried out among the Parties at expert and senior level throughout 2021 and 2022, in line with the *Roadmap for the Future*, issued by the Czech Republic at the occasion of assuming the Chairmanship of the Prague Process during the Senior Officials' Meeting in 2020.

The intergovernmental consultations have shown that most of the Parties considered the 2012-2016 Action Plan as valid and comprehensive, underlining the continued need for balancing among the different modes of cooperation. Some saw the necessity to update and complement the provisions of the six thematic areas, with others calling for stronger operational cooperation. Two recurring issues shared by many were the manifold challenges posed to migration and mobility by the COVID-19 pandemic, as well as the growing importance of digitalisation and modern technologies in all thematic areas. The Prague Process Action Plan also aims to reflect on and address the consequences of today's most urgent crises, most notably the Russian war against Ukraine and its implications for migration and mobility across the Prague Process region.

Reflecting the main migration challenges and resulting policy developments of the past decade, the newly formulated Action Plan shall guide the cooperation among the Parties in the coming five-year period (2023-2027). Specific actions to be implemented in the framework of Prague Process Action Plan 2023-2027

I. Preventing and fighting irregular migration and migrant smuggling

1. Strengthen cooperation and partnership between state authorities, state authorities and migration-related agencies, as well as international organisations and other relevant stakeholders, including by:
 - a) Employing a whole-of-route approach by jointly assessing the migration routes within the region from the perspectives of countries of origin, transit and destination alike. This shall allow benefiting from the knowledge of all Parties and thereby contribute to a better understanding of the inherent dynamics along these routes, including the root causes of irregular migration, and improve joint reactions;
 - b) Employing a whole-of-government approach by involving a broader range of ministries and state bodies whose responsibilities relate to irregular migration, its causes and implications;
 - c) Carrying out needs assessment, focusing on priority countries of origin and transit, in order to prevent irregular migration and to fight migrant smuggling and trafficking in human beings;
 - d) Promoting stronger operational cooperation and facilitating joint investigations and operations via working arrangements and projects where relevant;
 - e) Enhancing cooperation with local communities, diaspora and civil society along migration routes.

2. Further support and strengthen awareness-raising campaigns in countries of origin and transit on the risks of irregular migration, including smuggling of migrants and trafficking in human beings, the promotion of a fact-based narrative to combat false expectations of migrants regarding life and prospects in Europe, preventing the instrumentalization of migrants through deliberately spreading disinformation and reference to alternative perspectives in the region of origin as well as options for voluntary return from transit countries.
3. Promote well-functioning documentation processes, reliable data collection, comparability of statistics, and the exchange of relevant analytical methods focused on irregular migration channels by strengthening and supporting sustainable analytical capacities of partner states.
4. Further promote the exchange of information and best practices among all relevant authorities focusing on:
 - a) Addressing the root causes of irregular migration, including through consideration of targeted and tailored development aid or investment policies, as well as legal pathways, in line with national competencies;
 - b) Combating organised crime networks involved in the smuggling of migrants and trafficking in human beings;
 - c) Identifying and providing adequate protection and assistance to vulnerable groups, in particular unaccompanied minors and potential victims of trafficking in human beings;
 - d) Establishing the identity and/or nationality of irregular migrants;
 - e) Preventing and countering the instrumentalization of migrants for political purposes;
 - f) Implementing international standards regarding security of travel documents, visas and other relevant documents, including use of biometrics.

5. Contribute to ensuring the respect for fundamental rights of migrants while protecting borders and effectively reducing irregular migration.
6. Promote Integrated Border Management, including the standards and good practices offered by the Technical and Operational Strategy for European IBM through the development of a comprehensive and targeted training strategy on border management and mechanisms to ensure access to international protection for those in need taking into account the volume and nature of threats at the borders, the setting up of an inventory of existing border security technologies, and the identification of technological needs.
7. Enhance the overall resilience of the Parties through improved crisis preparedness and foresight, timely information exchange, risk analysis and early warning systems that would allow for addressing new migration dynamics and emergencies in a quick and flexible manner. The Migration Observatory is well-placed to address these issues in a structured way.
8. Address digitalisation and the increased use of modern technologies comprehensively, especially in the area of border management and in view of dealing with the challenges related to the spread of infectious diseases.
9. Support communication and synergies between relevant platforms of cooperation dealing with preventing and effectively reducing irregular migration such as the Joint Coordination Platform or similar networks in their efforts to advance migration control.

II. Promoting readmission, voluntary return and sustainable reintegration

1. Under the international law obligation to readmit own citizens, strengthen the cooperation and facilitate the functioning of readmission procedures among the PP states but also between the PP states and other third countries through:
 - a) a. Providing technical support for the implementation of readmission procedures and for the preparation and negotiation of reciprocal, well-functioning readmission agreements and/or arrangements between themselves as well as between the Parties and countries of origin and/or transit, based on a common understanding that the Parties shall re-admit their nationals that do not have the legal right to stay in another country, as accepted under customary law and as agreed in readmission agreements signed among the states involved in the Prague Process. Moreover, Parties should promote adaptation to health protocols in order to facilitate readmissions;
 - b) The exchange of experiences and best practices on practical and operational implementation of readmission cooperation.
2. Strengthen practical cooperation of voluntary return and support the establishment of related programmes, particularly in countries that do not have such programmes. In this context, mapping of return and reintegration programmes in non-EU states shall identify existing gaps and needs.
3. Continue promoting programmes aimed at the reintegration of migrants into labour markets in their countries of origin, taking into account the proper use of their skills and competencies acquired abroad.
4. Support sustainable reintegration through building up links with development-oriented activities in third countries as well as appropriate infrastructure that facilitates the access of returnees to the labour market, e.g. by dedicated websites, databases of job vacancies and vocational training courses, and CV databases, in line with data protection and privacy rules.

5. Continue sharing best practices related to return, readmission and reintegration of vulnerable persons such as victims of trafficking in human beings and unaccompanied minors.
6. Promote efficient coordination through a network on return, readmission and reintegration to coordinate actions and policy approaches and enhance practical cooperation among the Parties.
7. Enhance the potential benefits of digitalisation in speeding up return processes and/or improving counselling services, and promote the further setting up of electronic return case-management systems and other existing tools, processes and platforms, through the exchange of related best practices and lessons learned.

III. Addressing legal migration and mobility with a special emphasis on labour migration

1. Further strengthen the capacities of employment services and authorities to manage labour migration to better respond to national labour market needs, and to better inform potential migrants on the possibilities of legal migration, while ensuring to provide precise information on the applicable national provisions pertaining to the labour market.
2. Continue sharing experiences and best practices in organising labour migration, including, where relevant, through an intergovernmental expert network on labour migration, which would allow for targeted cooperation and information exchange based on arising needs – both in terms of policy and practical challenges encountered in the daily work.
3. Continue sharing experiences and best practices on social protection schemes, and encourage, where appropriate, negotiations and the conclusion of bi- and multilateral agreements on social security and protection of migrant workers as well as labour mobility, especially in the context of post-COVID recovery.

4. Further strengthen cooperation on the assessment of migrants' skills, talents and competencies between countries of origin and destination to avoid "brain waste", including by reinforcing the comparability of professional profiles.
5. Continue promoting an exchange of students, researchers and academic staff between higher education institutes of the Parties.
6. Facilitate the introduction and expansion of digital solutions in labour migration management, ranging from improved information provision and awareness-raising to better labour matching instruments and outreach to potential labour migrants, as well as electronic visa issuance, without the presumption of the issuance of residence permits.
7. Facilitate closer engagement of the private sector, public employment services, social partners and the International Labour Organization to enhance the overall understanding of labour market dynamics and promote decent work for migrant workers.
8. Exchange best practices concerning the operationalisation of Migrant Resource Centres for an effective provision of pre-departure information as well as vocational and language training to potential migrants, also addressing their financial literacy.
9. Pursue a holistic approach in terms of monitoring new trends and mobilise, where appropriate, the potential of labour migration in tackling key challenges such as demographic decline, irregular migration, labour exploitation or trafficking in human beings, while acknowledging the role of circular and seasonal migration.
10. Continue respecting national competences regarding legal migration.
11. Exchange of good practices and experiences in order to promote standards for management of other forms of legal migration, at the national level of the Parties.

IV. Promoting integration of legally residing migrants in their host societies

1. Exchange information and experiences on integration policies and receiving countries instruments' to provide recommendations on ways of involving national and local governments, civil society and diaspora communities in the integration process.
2. Strengthen capacity and share best practices and experiences on integration among the responsible authorities, including on the challenges faced amidst the COVID-19 pandemic as well as the resulting introduction of digital solutions and remote services.
3. Promote coordination, complementarity and synergies between the state and local level through mutual exchange and the elaboration of joint approaches in key integration areas, as well as their implementation by the Parties.
4. Support data collection and information exchange while aligning pre-departure and post-arrival measures, skills development and the recognition of informal skills.
5. Facilitate identification of proper integration indicators, as well as monitoring and evaluation of the set measures, bearing in mind that there is no single success model applicable to all migrants and countries.
6. Support the Parties in their work with media and journalists to improve their communication on migration and foreigners, as well as to address gender-related aspects, xenophobia and all kind of discrimination that could undermine integration efforts, while also capitalising on the role of social media in the integration of youth and the second generation.

V. Making migration and mobility positive forces for development

1. Bring together representatives of diaspora communities and governments of countries of origin and destination for round-table debates on sharing best practices and on recognising the role and needs of diaspora communities in development and investment in countries of origin as well as in integration in the host societies.
2. Widen the current expert network connecting experts by new digital means and study the relevant state policies, legislation and successful practices of facilitating circular migration that help to ensure legal, safe and decent employment opportunities abroad, focusing in particular on:
 - a) migrant workers' qualifications and their recognition with the help of new technologies, as well as employment of migrant workers according to these qualifications, and the protection of their rights;
 - b) stronger engagement of businesses and associations.
3. Expand efforts countering brain drain through maximising the overall benefits of return migration.
4. Examine the possibility of developing a framework for disseminating information on channels for remittances, their cost, new remittance technologies and the prevention of money laundering, with the aim of promoting investment in countries of origin.
5. Exchange information about the social consequences of migration for migrants' families, performing an analysis on the situation, roles and needs of vulnerable groups, such as women and children left behind, especially in rural and remote areas, identify best practices to address these issues and strengthen the protection of the most vulnerable, including by supporting female entrepreneurship.

6. Support the gradual elimination of push factors that lead to mass emigration and the potential displacement of populations through development tools and transformative policies.
7. Increase the resilience of origin and destination countries to crises, such as the COVID-19 pandemic, by promoting private sector engagement, development of investment opportunities, and the mobilisation and matching of microfinance for social investment.
8. Addressing the manifold impacts of climate change on livelihood and migration and vice versa.
9. Ensure a better mainstreaming of migration and development policies using the Sustainable Development Goals as guidance at national and local levels, thereby safeguarding a positive environment in countries of origin as well as in other areas.

VI. Strengthening capacities in the area of asylum and international protection

1. Improve inter-state cooperation and, in collaboration with UNHCR, EUAA and other competent authorities where applicable, assist the Parties in developing and strengthening their asylum systems, including national asylum legislation, to ensure compliance with international standards.
2. Support authorities of the Parties in strengthening reception capacities and improving reception conditions for asylum seekers and persons in need of international protection, ensuring efficient access to adequate support to vulnerable groups;
3. Strengthen access to international protection and enhance the efficiency of asylum procedures, including accelerated procedures, and safe country lists where applicable.

4. Strengthen the capacities of asylum authorities in gathering and analysing information on asylum seekers' countries of origin, as well as in sharing of such information and standard operational procedures.
5. Promote the development of training programmes for law enforcement bodies, border authorities and the judiciary on international protection standards and on the principle of non-refoulement.
6. Expand the expert pool on asylum and international protection and support continued and tailor-made capacity building, both in person and online.
7. Address the issues of voluntary resettlement, humanitarian admission and legal pathways, including continued discussions for the expansion of programs, together with the UNHCR and IOM, as well as discussions on the possibilities for the development of common criteria for resettlement and a common strategy on the identification of protection needs and integrated procedures.
8. Ensure stronger engagement of relevant EU agencies, international and non-governmental organisations, promoting a whole-of-route and whole-of government approach.
9. Put stronger emphasis on preventive measures, such as the elaboration of contingency plans, early warning and vulnerability assessments, and support the development of measures to prevent the abuse of asylum systems and the instrumentalisation of migration as well as other threats and onward movements.
10. Promote the active use of digital means for the provision of asylum services on the ground and for information exchange between the Parties, as well as to set up effective evaluation and monitoring systems at all stages of the asylum process and in line with international standards and the respect of human rights, while also exploring ways for linking protection to development.
11. Share experiences, good practices and lessons learned in addressing situations of mass influx of people in need of protection.