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From: Presidency
To: Permanent Representatives Committee/Council
Subject: The external dimension of migration. From a reactive to a preventive model
– Discussion paper

INTRODUCTION

In recent years, migration and asylum pressures have highlighted the importance of the external dimension in managing flows to the EU. The increase in arrivals as a result of the war in Syria in 2015, the situation in the Central Mediterranean in 2016, the Western Mediterranean in 2018, the Atlantic coast in 2020, the instrumentalization by Belarus in 2021 and the massive displacement of people following the Russian aggression in Ukraine from the beginning of 2022 are good examples.

The Atlantic Route has also witnessed a significant rise of the arrivals in the last months due to the instability that Senegal is going through. The migratory pressure on Greece and Cyprus continues to build up, both through the maritime and land routes, and in the case of Cyprus through the occupied areas, as it is also the case in the rest of land routes. Against this backdrop, it is essential to ensure a swift and efficient implementation to the Action Plans presented for the concerned routes, including a swift adoption of the Action Plan for the Eastern Mediterranean route.

Moreover, the war in Sudan, the coup d'état in Niger, and the natural disasters in Morocco and Libya, could also have additional serious negative migratory consequences for the European Union and its Member States.

The peak of growing migratory pressure on all routes has recently focused in Italy. The Central Mediterranean route, which has undergone a sharp increase in irregular migrant arrivals largely due to Tunisia's internal problems, has suffered a critical situation in recent weeks in Lampedusa with the arrival of thousands of irregular migrants concentrated in just a few days.

This bleak outlook reminds us of the need to continue our efforts to strengthen the external dimension of migration, in particular the challenge of combating irregular migration. In order to be able to respond more efficiently to critical situations that may arise (such as the recent one in Lampedusa). But also, essentially, to be able to prevent them from occurring, by committing to an external migratory dimension based, in a decisive and continuous manner, on close and permanent collaboration with the key migratory transit and origin countries.

TOWARDS A "PREVENTIVE MODEL" IN THE RESPONSE AGAINST IRREGULAR MIGRATION

Regarding migratory challenges, the efforts developed by the European Union and its Member States have been eminently reactive in nature, sometimes giving the impression that the Union is in a state of recurrent 'crisis management'.

The sustained increase in migratory flows to the EU in recent decades, and the human suffering associated with this phenomenon, should encourage us to continue to improve

In particular, the prevention of irregular migration is one area where the EU and its Member States have significant room for improvement:

The Spanish Presidency is a firm believer in the need to strengthen the external dimension in order to face the migratory challenges the Union shares with other continents and countries. Cooperation with countries of origin and transit to prevent irregular migration is the only effective and humane response in this area. The measures are well known: a coordinated combination of development assistance to fight against the root causes of migration, the fight against migrant smuggling, the development of more legal pathways as an alternative to illegal migration and a sustainable readmission and return policy.

Irregular migratory flows are driven by structural causes (political and economic instability, demographic growth, poverty, climate change, social inequalities), to which can be added short-term causes (coups d'état, pandemics, natural disasters, etc.).

The Spanish Presidency considers that our growing capacity to react must be complemented by a permanent and even greater effort to prevent irregular flows. We need to move towards a "preventive model" in which we provide structural answers to structural problems. The emphasis must be on preventing irregular departures. This is not a matter of nuance, but of a radical change in our approach to migration.

There is no doubt that the EU and its member states are making preventive efforts, but they are not enough to meet the challenge we face. This is what our partners, the countries of origin and transit on all migratory routes to the EU, are demanding.

This "preventive model", aiming at reducing the number of irregular departures and thus the human tragedies resulting from the risk to which the criminal networks expose migrants, many of whom are vulnerable, would lead to more effective control and greater resilience of the external borders and reduced pressure in the internal area.

A robust "preventive model", driven by the EU as a whole and its Member States, should be characterised by cooperation with countries of origin and transit, including at least the following elements:

- A sense of shared responsibility, with both parties working together towards goals that are perceived as mutually beneficial.
- Mutual trust built up over time through active listening to the needs of our partners and regular contacts at all levels.
- Emphasis on joint and regular operational cooperation, including, for example, joint patrols, joint operational centres and exchange of operational information aimed at dismantling people trafficking and smuggling networks in origin and transit countries, accompanied by increased efforts to combat these criminal organisations on European soil.
- Cooperation must be sustained over time and predictable, regardless of arrivals. It should include material assistance, financial and operational support, as well as training and capacity building. Such cooperation should also include, when needed, support to transit countries for the return of third-country nationals who are irregularly present on their territory, to their countries of origin.
- Enhancing the development of orderly, regular and safe migration pathways by aligning them with the needs of both origin and transit countries, as well as destination countries, can strengthen cooperation and trust among them. These improvements would also provide secure alternatives for individuals seeking to migrate.

FINANCING THE "PREVENTIVE MODEL" FOR IRREGULAR MIGRATION

For this "preventive model" to work it must be supported with sufficient resources to develop preventive cooperation on migration with a real operational impact in countries of origin and transit.

There is no doubt that the funds available for external migration (NDICI, Pre-Accession Assistance, Asylum, Migration and Integration Fund, Border Management and Visa Instrument, Internal Security Fund, etc.) make it possible to finance a large number of operational migration-related projects. The revision of the MMF is an opportunity to provide this preventive model with the solid funding it needs.

There is room for improvement in terms of how much and for how long these funds are actually used to support the border management of countries of origin and transit or their fight against human trafficking or smuggling networks, also, in terms of beneficiaries. These aspects are of the greatest interest to our partners.

It must also be underlined that all routes and projects deserve and need attention, and (as previously pointed out) that our cooperation must be sustained over time and predictable, regardless of arrivals.

In line with the above, EU delegations should probably devote more attention to migratory projects with real operational impact, which should also be one of their priorities.

External border control is not effective if actions are only limited to EU's territory. Consequently, the EU agencies' role in third countries, in particular Frontex', should be further enhanced in order to strengthen their (operational) engagement with partner countries, in line with EU overall relations with these countries. Europol can also play an important role through cooperation projects to dismantle human trafficking networks.

Finally, in the view of this Presidency, other aspects that are essential for the development of a true "preventive model" are greater flexibility in the decision-making process and a greater contribution by the Member States in the implementation of projects.

In view of the above, the Presidency proposes a debate to allow Ministers to hear first-hand from Italy about the recent situation in Lampedusa, as well as the measures that have been adopted and implemented, including the Action Plan announced by the Commission. And, also, to express their views on the UE's external dimension of migration and the improvements it needs to be more effective and preventive. In this regard, the following questions are proposed for discussion

- *In order to tackle irregular arrivals to the EU, especially those occurring at sea, what elements do you consider essential for an effective "preventive model" of the EU and its Member States in the fight against irregular immigration?*
- *What aspects should be prioritized for the proper financing of a "preventive model" in all routes (focused on acting in advance to the illegal arrivals at the EU's external borders)?*