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NOTE

From: Presidency
To: Integration, Migration and Expulsion (IMEX Expulsion) working party
Subject: Presidency discussion paper on liaison officers as partners to build a stronger common European return system

Delegations will find in annex a discussion paper on the above-mentioned topic for the Integration, Migration and Expulsion (IMEX Expulsion) working party meeting on 8 February 2024.

**LIAISON OFFICERS AS PARTNERS TO BUILD A STRONGER COMMON EUROPEAN
RETURN SYSTEM**

From the 1980s onwards, Member States have deployed immigration liaison officers to facilitate contacts with third countries and prevent irregular migration. Considering the evolution of migration flows and the common concerns about the Schengen area's external borders, the operational support expected from liaison officers increased, existing mandates were expanded, and new ones were created. Over the years, they have become important assets in the continuously developing European return system. Having liaison officers deployed in key third countries to facilitate contacts with third countries on preventing irregular migration, return and readmission plays an important role in building a stronger common EU system for return.

In the "Operational strategy for more effective returns", drafted in the beginning of 2023 to instruct the work of the EU Return Coordinator and High-Level Network for Returns, liaison officers were identified as key contributors to the targeted return actions envisaged to respond to immediate needs and obstacles in the return process. The discussions accelerated in October 2023, following the Commission's President von der Leyen letter for the European Council of 26-27 October 2023, which announced the launch of a roadmap on targeted return actions. The EU Return Coordinator started then to work closely with Member States in the High-Level Network for Returns to develop it. This roadmap, which is a living document, identifies, among other elements, the important role played by liaison officers in facilitating and supporting returns.

At the Schengen Council in December 2023, Member States recalled the importance of working on the external dimension of returns and further enhancing cooperation with third countries. Finally, within the framework of the publication of the anti-smuggling package, the European Commission emphasized the role of the liaison officers in the prevention of irregular migration and the fight against migrant smuggling.

The Belgian Presidency would like to take advantage of these recent developments and build on past discussions to encourage the optimisation and the use of the liaison officers' networks while also emphasising the need of improving the communication and cooperation between liaison officers deployed in third countries. Ultimately, those common efforts will contribute to making the return system more effective, which is a long-standing objective for the EU.

An insight on liaison officers

There are currently four main types of liaison officers deployed in third countries, with return being (at least) a part of their mandate:

- **European Migration Liaison Officers (EMLOs)** were introduced by the “Council Concept paper on the deployment of European Migration Liaison Officers” published in November 2015,¹ which followed the call made by heads of states and governments in the of their extraordinary meeting in April 2015. EMLOs are seconded national experts deployed by the European Commission in the diplomatic posts of Member States. Their role is to support the effective implementation of the EU policy on irregular migration, migrant smuggling and return, human trafficking, border management, international protection and resettlement, and legal migration. EMLOs publish monthly activity reports on a dedicated workspace under the European Migration Network Information Exchange System (EMN-IES).
- **Frontex Liaison Officers (FLOs)** can be deployed by the Agency in accordance with Article 77(1) of Regulation (EU) 2019/1896. In this context, Frontex can provide experts from its statutory staff and other experts as liaison officers. FLOs are hosted in the diplomatic posts of Member States and help implement Frontex mandate, including in the field of return. They have an operational role (facilitate and support the negotiation and implementation of working arrangements and status agreement with third countries, establish and maintain contacts with relevant authorities to contribute to the prevention of and fight against illegal immigration and the facilitation of returns, etc.), a liaison role (with relevant authorities and other liaison officers deployed in the host country) and a supporting role (assist in the implementation of other activities between the Agency and the third country, such as technical assistance projects, seminars, trainings or return-related activities of the Agency). FLOs deployed in third countries share information with the Agency’s headquarters, regularly and on an *ad hoc*

¹ 13435/15.

basis. Some FLO reports are available on the EMN-IES platform, in the ILO-dedicated space related to the local meetings facilitated by FLOs in the absence of EMLOs.

- **European Return Liaison Officers (EURLOs)** were part of an AMIF-funded project initially developed by the Belgian Immigration Office in 2015, which was transferred to Frontex in 2021. In accordance with Article 77 (4) of Regulation (EU) 2019/1896, Frontex can assist Member States in the deployment of liaison officers in third countries where no return liaison officers are deployed by the Agency. EURLOs are national immigration liaison officers deployed by Member States in accordance with Regulation (EU) 2019/1240 (see below). Frontex coordinates the EURLO network and covers all deployment related costs. EURLOs serve the interests of all Member States, Frontex and the Commission, and help promoting cooperation on return with national authorities, local and international partners in the host third country. EURLOs also provide operational support in all phases of the return process, namely on the identification and documentation, return operations, including handover and transfers as well as reintegration. Reports from EURLOs can be found on the Integrated Return Management Application (IRMA) platform.
- **Immigration Liaison Officers (ILOs)** are representatives of the EU Member States, posted in national diplomatic posts by the immigration services or other competent authorities to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of irregular migration, the return of irregular migrants and the management of legal migration. EMN-IES is the platform which was established so that ILOs could share information.

If ILOs were initially bilateral instruments deployed by Member States, an ambition to create a more European dimension to their work gradually emerged. It resulted in the adoption of the Regulation 377/2004 on the creation of an immigration liaison officers network (ILO Regulation), aiming at establishing formal cooperation channels, exchanging information and best practices among liaison officers. With the evolution of migration flows and the creation of the aforementioned new profiles of liaison officers, the European Commission suggested a recast of the regulation to consolidate this multi-level and fragmented framework. The network is currently regulated by Regulation 2019/1240.

It should be noted that the term “ILO” initially referred to officers deployed by Member States. With the new regulation, according to Article 2(1), the term “ILO” refers now more commonly to a generic definition of the various types of liaison officers deployed abroad “by the competent authorities of a Member State, or by the Commission, or by a Union agency, [...] to deal with immigration-related issues, also when that is only a part of their duties.” The Regulation encourages more coordination and an optimised utilisation of the network of liaison officers deployed to third countries in order to respond more effectively to the Union priorities in all migration policy areas by bringing together the liaison officers deployed to third countries by the Member States, the Commission and the EU agencies.

Moreover, Regulation 2019/1240 expects the ILOs to work in local and regional networks. Those networks are facilitated by the liaison officers deployed by the Commission (EMLOs). In locations where the Commission does not deploy immigration liaison officers, immigration liaison officers deployed by Union agencies shall facilitate and support the ILO network. In locations where neither the Commission nor Union agencies deploy immigration liaison officers, the network shall be facilitated by an immigration liaison officer, as agreed by members of the network.

Since immigration liaison officers are an important tool to demonstrate a strong Team Europe spirit, the Presidency encourages Member States to take advantage of this important resource. There is much room to use the ILO Regulation to the full extent, i.e. by the joint deployments of ILOs in third countries (Article 6), by reinforcing the situational picture of migrant smuggling towards the EU to better design our responses, by contributing to the early warning system in cases of instrumentalization of migration or by reinforcing third countries capabilities through targeted projects making use of the funds available for the network. An active participation of Member States in the ILO Steering Board is also key for giving a clear strategic direction. Finally, the ILOs registration on the EMN-IES platform is important to build up the local and regional networks, promote operational cooperation and ensure effective information sharing and coordinated approach towards and with the host country.

Deployments of liaison officers in third countries

EURLOs, EMLOs, FLOs and national liaison officers are deployed in third countries to support the interests and activities of the EU and/or Member States in the field of migration. To this day, around 500 national liaison officers are deployed around the world. “European” liaison officers are mainly deployed in Europe, Asia and Africa. The Presidency emphasises the importance of having the countries identified as priorities by the High-Level Network for Returns (Iraq, Bangladesh, Pakistan, Tunisia, Nigeria, Senegal, The Gambia and Ethiopia) constantly covered by the “European” liaison officers’ deployments. It should be noted that in priority third countries where there is no EURLO deployment, the return related matters should be taken up by the EMLO or the FLO present.

Most priority countries are currently covered by at least one “European” liaison officer, except for Pakistan and Iraq. However, the EMLO vacancies in Pakistan, Nigeria and The Gambia are expected to be filled in the coming months. Negotiations are also underway for the deployment of a FLO in Pakistan and preparatory work will be launched soon within Frontex for the deployment of a FLO in Morocco. Two EURLO positions are still vacant in Iraq and in Bangladesh. The Presidency strongly encourages all Member States to submit applications for the open EURLO positions and to increase coordination between Member States, Frontex and the Commission before deployment of new liaison officers of any kind, to ensure maximum coherence and best use of resources.

Liaison officers as contributors to the swift return of third country nationals representing a security threat

In the face of the tragic events that occurred last year, the swift return of third country nationals posing a security threat came back at the top of the European agenda on migration.

In October 2023, the High-Level Network for Returns launched discussions on the return of those posing a security threat. During the Schengen Council in December, Member States widely agreed to prioritize the return of third country nationals representing a security threat. In the meantime, initiatives were already taken and/or discussed to intensify efforts in this regard: the roadmap on targeted return actions (and notably, action 5), the development by the EU Return Coordinator of good practices concerning a security checklist, a priority access to charter flights or special charter flights for such cases organized by Frontex, discussions on the full use of the tools offered by the SIS Return, etc.

In this framework, liaison officers can also be an important link in the chain of return of those posing a security threat. Indeed, they can contribute to the exchange of information which is of primary importance for the internal and external security of the EU. They can also facilitate the identification and the issuance of travel documents in problematic cases and maintain good working relations with key countries of origin.

Liaison officers can bring added value even if they are posted for a short term. For example, in April 2023, the Swedish Presidency presented the ARLO project, which consists of the fast deployment of return liaison officers during relatively short periods of time (from 6 days to 3 months), to improve the execution of return decisions.² Moreover, EURLO short-term deployments are also mentioned in the Return Coordinator's roadmap on targeted return actions to strengthen identification and issuance of travel documents. The possibility to intensify deployments (including the short-term deployments) in third countries could also be envisaged in the specific context of returnees posing a security threat to ensure their swift return.

² WK 5300/2023

Liaison officers as contributors to ensuring sustainable returns

In 2019, the Finnish Presidency held a discussion on cooperation with third countries on returns and reintegration through the deployment of liaison officers.³ Delegations concluded that liaison officers could be used in the field of reintegration, as long as the focus was not taken away from their main return-related activities, i.e. the identification of returnees in the case of EURLOs.

Since then, a few important developments took place. In 2021, Frontex took over the management of the EURLO network, in April 2021 the European Commission published the first EU strategy on voluntary return and reintegration⁴ and the Joint Reintegration Services (JRS) were launched in April 2022.

The discussion on sustainable reintegration is not new, but in recent years the EU strategy on voluntary return and reintegration brought it back to the fore of return policies. The strategy indicates that the EU Member States, supported by EMLOs, should maintain engagement with the various stakeholders in third countries involved in reintegration processes to build understanding of the local context and needs, and coordinate with the Member States in a Team Europe approach. It also encourages the deployment of liaison officers in third countries to contribute to readmission, reintegration and capacity building as well as to foster the ownership of foreign authorities on the reintegration process.

Liaison officers as contributors to the fight against migrant smuggling

The 2019 ILO Regulation reinforced the gathering and sharing of information through a new framework of cooperation and coordination among liaison officers. It provided for a broader range of potential tasks for liaison officers, including enhancing the intelligence picture on migrant smuggling from countries of origin and transit. The European Commission also emphasized the role of liaison officers in its renewed EU action plan against migrant smuggling (2021-2025).⁵

³ 13213/19

⁴ 8153/21+ADD1

⁵ 12761/21

In November 2023, the European Commission proposed a new legislative package to further prevent and fight migrant smuggling. It notably contains a proposal for a regulation aimed at strengthening police cooperation and Europol's support in the fight against migrant smuggling. Liaison officers deployed in third countries are in this regard identified as assets to ensure the sharing of information and the operational cooperation with Europol directly, or via the platform SIENA. Indeed, Article 8 (5) of the proposed regulation requires (with certain exceptions) Member States to connect its immigration liaison officers deployed in third countries to the platform to ensure the exchange of information with Europol. Besides, the network is well placed to provide support in the framework of EMPACT Migrant smuggling priority and also to support the continuation of migrant smuggling investigations, overcoming the legal challenges of information sharing with third countries and acknowledging that significant number of high value targets are managing the criminal networks outside of the EU.

Questions for discussion

At the forthcoming Integration, Migration and Expulsion (IMEX Expulsion) working party meeting on 8 February 2024, the Presidency invites delegations to share their views on the following questions:

1. As far as the eight priority countries of the High-Level Network for Returns are concerned (Iraq, Bangladesh, Pakistan, Tunisia, Nigeria, Senegal, The Gambia, Ethiopia):
 - (a) Do you consider the deployments of European ILOs sufficient to support effective returns?
 - (b) What could increase the attractiveness of the European ILOs posts to ensure that the priority countries are constantly covered?
 - (c) Do you consider that the joint deployments of national ILOs could represent an innovative solution?
2. Do you face obstacles which prevent the deployments and the optimal use of the different types of immigration liaison officers in the field of return? If so, what could be done to improve the situation?

3. How could the ILO Network be used in order to reinforce and increase the strategic use of liaison officers in third countries?
 4. How do you use or intend to use the immigration liaison officers to contribute to the swift return of third-country nationals posing a security threat? Which kind of deployment do you consider as the most relevant?
 5. Do your national authorities in charge of reintegration request the assistance of liaison officers on reintegration? If so, what kind of liaison officers? How would you evaluate the cooperation with liaison officers regarding reintegration?
 6. Are your immigration liaison officers active in the fight against migrant smuggling? If this is not the case, are there any obstacles which prevent them from doing so?
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