



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: the Presidency
to: the Permanent Representatives Committee

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Subject : Communication from the Commission to the Council and the European Parliament: Integrating migration issues in the European Union's relations with third countries
- Draft Council conclusions on migration and development

1. On 3 December 2002, the Commission submitted to the Council and the European Parliament the communication above-mentioned, which was intended to follow up the Seville European Council's conclusions on asylum and immigration. This communication has two parts: the first deals with migration and development and the second contains a report on the effectiveness of financial resources available at Community level for the implementation of the asylum and immigration policies.
2. The Commission presented this communication to the General Affairs and External Relations Council on 9 December 2002, and to the Justice and Home Affairs Council on 19 December 2002.

3. On the basis of the first part¹ of the Commission communication, the Greek Presidency has drawn up draft Council conclusions on migration and development. This draft was examined several times jointly by the High Level Group on Asylum and Migration (HLWG) - as the leading group - and the Development Cooperation Group (DCG). The result of the last HLWG and DCG joint meeting, held on 7 April 2003, is attached in annex to this document.

At its meeting on 10 April, the Strategic Committee on Immigration, Frontiers and Asylum was informed by the Presidency on the state of play of this dossier.

A broad consensus exists on the draft Council conclusions attached, which reflect a fair balance between migration and development interests and contain a series of short and mid-term policy measures for the Commission to follow, with a view to paving the way for increasing synergy between migration and development cooperation.

However there are still some reservations, which are mentioned in the footnotes.

4. The Permanent Representatives Committee is invited to examine the issues still pending, with a view to submitting the draft Council conclusions on migration and development to the General Affairs and External Relations Council for adoption, at its meeting in May 2003.

¹ The second part of the communication (financial resources available at Community level) is being examined by the Strategic Committee on Immigration, Frontiers and Asylum.

DRAFT COUNCIL CONCLUSIONS¹
ON
INTEGRATING MIGRATION ISSUES IN THE EUROPEAN UNION'S RELATIONS WITH
THIRD COUNTRIES:
MIGRATION AND DEVELOPMENT

THE COUNCIL

- Recalls the Conclusions of the European Council at Tampere on 15-16 October 1999 and Seville on 21-22 June 2002, and recalls its Conclusions of 18 November 2002 on Intensified Cooperation on the Management of Migration Flows with Third Countries.
- Recalls the joint Council/Commission Statement on EC Development Policy (2000) that establishes poverty reduction as the main objective of Community Cooperation.
- Welcomes the Communication from the Commission to the Council and the European Parliament, presented on 3 December 2002, on integration of migration issues in the European Union's relations with third countries and the emphasis on the potential for greater synergy between migration and development policies.
- Notes that, since the European Council meeting in Tampere, the Commission has already endeavoured to integrate specifically the topic of migration into its cooperation programmes with third countries.
- Reaffirms that the European Union's various external policies and instruments, including development policy, have a significant contribution to make in addressing the underlying causes of migration flows.

¹ **DELETED**: general Parliamentary reservation.

- Recalls the substantial assistance provided by the Community and the Member States to alleviate the plight of refugee populations in developing countries and reaffirms that developing countries hosting large numbers of refugees, especially in protracted refugee situations, should be given adequate attention in the context of EU external actions.

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- Recognises that south-south migration is significant for many developing countries and that it is, therefore, appropriate for the Community, in the context of its development cooperation policy to take account of this.

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- Recognises that, if properly managed, migration can be a positive factor for growth and development of both the European Union and the countries concerned, while illegal migration has negative consequences for individuals and countries of origin, transit and destination. To this end establishment of a successful migration policy requires the development of a real partnership with third countries in improved joint management of migration flows, including border control, readmission, institutional capacity building, and strengthening the safeguards with respect to the international obligations to provide protection for refugees alongside fair treatment of third country nationals who reside legally in the EU.
- Acknowledges the possible synergies between development and migration policies in addressing "push" factors which encourage or force people to leave their own country and "pull" factors which attract them to developed countries.

¹ **DELETED**/Cion: add the following paragraph:

"Recognises that the majority of migrants present in the territory of EU Member States do not originate from low-income countries, but rather from middle income countries and countries in transition".

² **DELETED**: add the following paragraph:

"Recalls that an effective and coherent development policy, including elements such as conflict prevention and resolution, respect for human rights, support for democracy, good governance and the fight against corruption, sustainable development, better market-access, debt-relief and untying of aid, is an essential part of an effective migration policy".

- Welcomes the Commission's intention to propose an increase in the funding available under budget line B7-667 ("Cooperation with third countries in the field of migration") to finance specific, targeted actions in the field of migration in third countries while respecting the financial perspectives.[...]¹

- Notes that the link between development policy and migration is only one part of a comprehensive approach towards migration and that the Commission intends to present proposals on the various interactions between immigration, integration and employment in the coming months.

THE COUNCIL asserts that action in the area of migration and development should be based on the following key principles:

1. Migration management is a major strategic policy priority for the European Union. An integrated, comprehensive and balanced approach to manage migration flows more effectively, to tackle the root causes of illegal immigration and to combat smuggling and trafficking in human beings should remain one of the European Union's constant long-term objectives. Respecting the overall coherence of EU external policies and actions, integration of migration issues in the EU's relations with countries of origin and transit should be further developed as an area of common action for improved control and management of migration flows, in which illegal migration and the issue of refugees and asylum seekers get appropriate attention. To this end, the Council encourages joint action between the Commission and Member States regarding appropriate coordination of development and migration related policies, and cooperation with regional processes and international organisations operating in the field.

¹ **DELETED**: Scrutiny reservation on the deletion of the last sentence:
"This reinforcement should not reduce those funds which are foreseen for external aid".

2. The long-term objective of the Community should be to continue to address the root causes of migration, in partnership with third countries, in due recognition of the effect of long-term development programmes on migratory flows, in particular in poverty eradication, pro-poor economic growth, job creation, promotion of good governance, support for human rights, institution and capacity building and conflict prevention. Development resources should continue to focus on the central objective of poverty reduction and the achievement of the Millennium Development Goals, based on national poverty reduction strategies, and, where available, Poverty Reduction Strategy Papers.
3. The integration of migration aspects in the external action of the Community should respect the overall coherence of EU external policies and actions. The EU's dialogue and actions with third countries in the field of migration should be part of a comprehensive approach. This approach should be differentiated, taking account of the situation in various regions and in each individual partner country, and should be consistent with the general objectives and the six priorities¹ laid down in the November 2000 Joint Council/Commission Statement on the Community Development Policy.
4. The dialogue with developing countries on general aspects of migration should, where relevant, be on the political dialogue agendas, and should also take place in the strategic framework of the Regional and Country Strategy Papers (RSPs and CSPs). The CSPs mid-term review, scheduled in 2003-2004, offers an opportunity to examine the extent to which specific programmes related to migration should be supported without prejudging the source of finance.

¹ These six priorities are: trade and development, regional integration and cooperation, support to macroeconomic policies and promotion of equitable access to social services, transport, food security and sustainable rural development, and Institutional capacity building.

DELETED: scrutiny reservation.

5. When considering support to any future projects, policy coherence should be sought between long-term assistance aimed at addressing the underlying causes of migration, and specific, targeted actions in the field of migration. Funding priorities should respect the financial perspectives in force and should not be at the expense of levels of Community resources designated for poverty reduction.¹

THE COUNCIL proposes the following policies and measures and invites the Commission to take the appropriate steps in order to ensure their prompt implementation:

6. To take forward the full migration agenda in the dialogue within the context of current and future Association, Cooperation or equivalent Agreements. The root causes of migration and the possibilities to address these in a comprehensive manner, the Community legal migration policy, the joint management of migration flows, including visa policy, border control, asylum, readmission and counteracting illegal migration, and the integration of legal migrants living and working in the EU could be part of such a dialogue.
7. To use the opportunity of the mid-term review of Country Strategy Papers to examine the priority which may² be given to specific programmes relating to migration, in the framework of the programming dialogue. The mid-term review should allow for a case-by-case reassessment of migration issues in concerned countries, taking into account their specific needs while fully respecting the principles of ownership and concentration of assistance.
8. To ensure that by the end of 2004, migration-related assistance in relation to third countries is focused in areas such as:
- i. Strengthening developing countries' capacity to manage migration and combat trafficking and smuggling of human beings, through the transfer of knowledge and, when necessary, by providing equipment, but with all safeguards regarding potential dual-use.
 - ii. Improving national legislation and management of legal migration and asylum, with full respect to the international obligations in this area, and making national legislation more effective to prevent and combat illegal migration, and to strengthen the fight against criminal activities, organised crime and corruption;

¹ **DELETED**: scrutiny reservation on the last sentence.

² **DELETED**: Reservation. Replace " ... to examine the priority which may be given to specific programmes..." by "...to examine the priority of specific programmes...".

- iii. Elaborating, in consultation with Member States' migration and development experts, practical guidelines for migration-related assistance taking into account the policy framework set out in these conclusions as well as in the Commission's Communication of 3 December 2002, and best practices and relevant experiences from international organisations, in order to achieve greater effectiveness, coordination and complementarity. An important focus should be put on ways how to increase synergy between migration and development cooperation policies.
 - iv. To implement the appropriate measures, by the end of 2004, to facilitate the sustainable return of migrants through the elaboration of programmes accommodating the needs of both the returnee and the country of origin with a component to assist their integration into the labour market. Further work should be undertaken to assess the potential for programmes on voluntary return to support local development through the repatriation of skills and resources and to consider to what extent post-return incentives, training programmes and micro-credit schemes can complement this process. Arrangements such as the recognition of education and experience obtained abroad could be also envisaged.
9. The Commission is invited to present, before the end of 2004, further elaborated proposals on the suggestions it has presented on:
- i. Ways of regulating, in conformity with the needs of the labour market of the Member State concerned as assessed by that Member State in accordance with its competencies in the labour market sector, demand and supply and organising access of labour, e.g. through temporary residence – work permits. Ways to facilitate “brain” and high skilled labour circulation, e.g. through promoting outsourcing arrangements from EU Member States to developing countries.
 - ii. Facilitation of efforts of migrants residing in the EU who intend to contribute to the economic and social development of their country of origin. In this context one area of attention could be the strengthening of communication facilities between trans-national communities and their country or region of origin.

- iii. Remittances as a development potential, having in mind that they are private money. The flows of remittances should be addressed, with the aim to improve their efficient utilisation in the macro-economic development of countries of origin. In this respect the Commission is invited to investigate how the transfer of funds from the EU to source countries can be made cheaper and more reliable, and to propose, where appropriate, pilot programmes to channel remittances into productive investment in countries of origin and assess their impact on migratory flows in the long-term.
- iv. Better integration of legal migrants living and working in the EU, with emphasis:
 - on measures likely to afford them rights and obligations comparable to those of citizens of the European Union and aimed at enhancing language skills, knowledge of the legal and social system in the Member State concerned as well as on policies which should also promote non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia;
 - education and training of legal migrants living and working in the EU, including their vocational integration. Special attention must be paid in this context to socially vulnerable groups.
- v. Since problems may arise from recruiting highly skilled labour from some developing countries, Member States could address these issues in their policies, taking into account the objectives of development policy.
- vi. A review of development cooperation related job policy and the feasibility and impact of generalising the hiring of staff originating from target countries for development cooperation under financial conditions sufficiently attractive to provide an alternative for emigration.

10. Emphasising the obligation¹ of each State to readmit its own nationals, the Commission is invited to step up its efforts on concluding EC readmission agreements with those countries for which it has received a mandate and to include in any future Association, Cooperation or equivalent Agreements a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration, as urged by the European Council in Seville; the Council further asks the Commission to regularly provide an update on the state of negotiations and the main problems encountered. The Council welcomes the readiness of the Commission, if and when requested, to start negotiations for readmission agreements with ACP countries, on the basis of the Cotonou Agreement. Finally, taking into consideration the Seville European Council Conclusions, the Council considers it necessary to systematically evaluate the relations with those third countries which do not cooperate with the EU in the fight against illegal migration, while fully respecting the integrity of EC Development Cooperation objectives². Insufficient cooperation could hamper the establishment of closer relations with the Union.³

¹ **DELETED** All delegations considered that the word "obligation" should be kept, in order not to weaken the Commission's position while negotiating the readmission agreements for which it received a mandate from the Council.

² **DELETED**: reservation. Add at the end of the sentence: "and honouring the Union's contractual commitments".

³ **DELETED**: scrutiny reservation on the end of the paragraph ("Finally, taking into consideration...closer relations with the Union").

11. Taking account of both the financial and institutional capacities of many developing countries and of the fact that refugees can put considerable strain on their social and political structures, the Commission is invited to consider ways to strengthen their reception capacity and to elaborate further on the use of development cooperation in the search of durable solutions for refugees, in voluntary return and reintegration as well as local integration, and to develop concrete proposals on how more aid could be directed towards assisting refugees in the region, while targeting poverty reduction in host communities. Added value could ensue from increasing support and devising long-term interventions that offer sustainable improvements to refugees as well as to local communities in countries hosting large populations of refugees. In doing so, the Council and the Commission will pay particular attention to the implementation of the UNHCR Agenda for Protection adopted in October 2002 with a view to strengthen and modernise international protection and focus on three priorities: access to protection, durable solutions and better responsibility sharing with third countries. They will also consider exploring new ways to better manage asylum flows, in partnership with the third countries concerned and the relevant international organisations.

12. In order to preserve the overall coherence of the Union's action towards the third countries concerned, the Commission is invited to encourage complementarity between the Commission and the Member States in order to further improve coordination of the development and migration related policies at national and EU levels, between headquarters as well as in the field.

13. Finally, the Council invites the Commission to present, following consultations with the Member States, a comprehensive report to the Council, including migration statistics and data, and containing policy recommendations on further actions in the field of migration and development by the second half of 2004. The Council asserts that the EU's objective is to implement a long-term strategy on migration, but considers that there is also scope for significant progress in the short term, in order to achieve concrete results as soon as possible. Therefore the Council calls for swift implementation of the policies and measures proposed above in accordance with the timetable indicated.