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REVISED NOTE

from: the Presidency
to: delegations
Subject: Ministerial Conference "Building Migration Partnerships" (Prague, 27-28.4.09)

Delegations will find attached a new draft of the joint declaration to be adopted by the above Ministerial Conference. This draft of the joint declaration is also being transmitted in view of the Senior Official meeting due to take place in Antalya (Turkey) on 16 and 17 February 2009, to the non EU partners invited to attend the Ministerial Conference.

BUILDING MIGRATION PARTNERSHIPS
PRAGUE MINISTERIAL CONFERENCE
DRAFT JOINT DECLARATION

We, Ministers responsible of Migration and other representatives from partner countries: Albania; Austria,.... and the European Commission

Gathered, on the invitation of the Czech Republic, in Prague on 27 and 28 April 2009, in the framework of the Ministerial Conference “Building Migration Partnerships”,

Thanked paragraphs....,

Aware that in a globalised world, developments in our countries are intrinsically linked with those in other parts of the globe and that only the development of effective and targeted partnership allows for sustainable and successful planning and implementation of migration policies,

Committed to deepen the cooperation on migration between our countries in full alignment with the European Union’s comprehensive approach to migration policy as defined in the European Pact on Immigration and Asylum and in full coherence with the three strands of the “Global Approach to Migration”: managing legal migration, fighting illegal migration, and fostering synergies between migration and development,

Bearing in mind the existing frameworks for cooperation between our countries on migration issues, especially in the framework of the European Neighbourhood Policy, the enlargement process and the Stabilisation and Association Process, to ensure coherence, to use synergies, and to avoid duplications between these policies,

Convinced that well-designed and coordinated migration policies are beneficial to all parties involved, including individual migrants, not only in response to demographic developments, but also in contributing to social and economic development,

Conscious that the sustainable management of migratory flows cannot be achieved through national policies alone, but requires comprehensive policies and actions that are coordinated among countries linked by these flows,

Bearing in mind that the further development of migration management along the eastern and south-eastern migratory routes needs to take into account the specific situation of transit countries and the challenges of east-east migration,

Aware of the existing diversity in migratory flows according to their respective origins, the need to approach these flows in a constructive and pro-active way and to develop tailor-made approaches in responding to the respective challenges and opportunities according to the migration priorities and interests among our countries,

Aware that the current international economic crisis, which started in 2008, might impact on the size and structure of migratory flows and reduce the level of remittances,

Recognising the joint responsibility not only in terms of comprehensive and cooperative migration management among countries of destination, countries of origin and transit countries, but also towards the people migrating between these countries,

Aware of the need to provide international protection to those seeking asylum in accordance with international law and humanitarian obligations and bearing in mind the need to constantly observe the standards of international law concerning human rights, fundamental freedoms and human dignity,

Affirming that continuous joint action must be taken against illegal migration and the criminal networks behind human trafficking and smuggling, whilst respecting the fundamental rights and dignity of migrants,

Convinced that labour migration represents one of the sources for economic and social prosperity in countries of destination as well as in countries of origin, particularly when labour migration policies are implemented in full compliance with labour market needs and priorities of countries of destination,

Aware of the need to take better advantage of the potential of migrants as a powerful resource for the development, modernisation and innovation of the societies in the countries of origin, transit and destination through adequate social policies, particularly in the fields of education, health, employment, social assistance and integration,

Aware of the need to further develop policies in a partnership approach, promoting mobility and “brain circulation” between countries of origin and destination, avoiding the loss of skills and know-how in the countries of origin (“brain drain”) as well as the loss of added value of migrants’ skills and know-how for countries of destination (“brain waste”),

Recognising that the further development of policies on return, readmission and reintegration in a spirit of partnership among countries of origin, transit and destination forms an integral and crucial part of well-functioning migration policies,

To this end the Ministers agree to strengthen co-operation in migration management, to explore and develop agreed principles and elements for a close **migration partnership** between our countries, following a comprehensive, balanced, pragmatic and operational approach, and respecting the rights and dignity of migrants and refugees:

- (a)** This approach is based on the strong conviction that the management of migration in the wider European region is facilitated by genuine and balanced partnership, designed to promote sustainable economic and social development.
- (b)** This partnership between countries of origin, transit and destination aims to ensure that migration policies offer concrete and comprehensive responses in migration policies, to promote effective management of migratory flows, and to explore the implementation of the measures outlined below, on a voluntary basis and according to the specific nature of the partners’ migratory situation and their ensuing priorities.

- (c) This partnership is without prejudice to the obligations towards refugees resulting from the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967, and without prejudice to the obligations towards other persons in need of international protection resulting inter alia from the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- (d) This partnership will take different forms according to migration challenges, migratory routes and priorities of the partners. It will address the issue of migration partnership by pursuing the following **objectives**: to prevent and fight illegal migration, to promote readmission, sustainable return and reintegration, to better manage labour migration, to further promote the integration of migrants in their host societies, and to make migration and mobility positive forces for development.
- (e) This partnership will draw on existing instruments under the Global Approach to Migration, such as migration missions, cooperation platforms, mobility partnerships and migration profiles, and will use existing structures for dialogue and cooperation. It will pay particular attention to cooperation with instruments already established under the Global Approach, such as the “Cooperation Platform on Migration in the Black Sea region” and the “Mobility Partnership between the European Union and the Republic of Moldova”.
- (f) This partnership will address the issue of **preventing and fighting illegal migration** by:
- intensifying cooperation at operational level and fostering multi-agency approaches and comprehensive responses to the challenge of illegal migration,
 - intensifying cooperation on investigating and countering cross-border crime, while at the same time facilitating border crossing for bona fide travellers,
 - further promoting border control and cooperation in the framework of integrated border management, fostering the use of modern technologies for identifying irregular migrants and the organisers of illegal migration movements (smugglers and traffickers) and for detecting forged and falsified travel documents,
 - further promoting the introduction of biometrics in travel documents in full respect for privacy and human dignity,
 - further improving the capacities of civil status registry systems and the security of civil status documents,

- improving information exchange and enhancing operational cooperation with Frontex,
 - improving information exchange between responsible authorities and fostering the development of common standards between countries on information collection and information sharing,
 - improving consular and visa cooperation, cooperation with migration authorities in countries of origin as well as cooperation and coordination between Immigration Liaison Officers,
 - taking a firm stand against the smuggling of migrants and trafficking in human beings and combating the criminal networks behind these and other types of migration-related crime, while promoting assistance and protection for victims of trafficking and other vulnerable groups of migrants,
 - addressing the issue of visa-overstayers and other forms of visa misuse and developing targeted and joint action to tackle this significant type of illegal migration,
 - placing particular emphasis on the further implementation of already existing commitments and agreements between the partners, such as visa facilitation and readmission agreements.
- (g) This partnership will address the issue of promoting **readmission, sustainable return and reintegration** by:
- prioritising voluntary return and further promoting reintegration measures and reintegration assistance,
 - pursuing, at the same time, policies to enforce the return of irregular migrants to their home countries, and to ensure the obligation of countries of origin to readmit their nationals, especially by negotiating and concluding bilateral and multilateral readmission agreements,
 - guaranteeing return in a humane manner and with full respect for the fundamental rights and dignity of returnees,
 - developing, at the same time, programmes to support and improve the administrative capacities of countries of origin to receive, accommodate and reintegrate returned migrants in a sustainable manner,
 - improving cooperation with countries of origin on identification issues,

- exploring ways to further develop consultation mechanisms in the area of return and readmission between countries of origin, transit and destination,
- promoting multilateral discussion on operational cooperation on matters of return and readmission along migratory routes,
- examining ways to deepen cooperation on return and readmission between countries of destination and countries of origin along specific migratory routes,
- enhancing cooperation between countries of origin and destination on policies fostering sustainable return and reintegration,
- promoting where appropriate cooperation with competent international organisations in effecting return policies,
- acknowledging sustainable return as a joint responsibility between countries of destination, transit and origin, and examining ways to reflect this conviction in the development of innovative approaches.

(h) This partnership will address the issue of **better managing labour migration** by:

- acknowledging the EU Member States competence to determine the volumes of persons to be admitted to their labour markets for work purposes,
- making better use of the potential of labour migration and its beneficial effects on the development of countries of origin and countries of destination, while taking into account the different labour market needs,
- promoting policies which foster circular and temporary labour migration and improving the exchange of know-how, “Best Practices” and “lessons learned” regarding current labour migration programmes,
- improving the dissemination of information and awareness raising among potential labour migrants on existing labour migration opportunities as well as on the risks involved in illegal migration,
- improving the capacity of public employment services in countries of origin to better advise prospective migrants about legal employment opportunities abroad and to better assist return migrants to reintegrate into domestic labour markets,
- promoting the matching of the labour market needs of countries of origin and countries of destination and further developing policies on the mutual recognition of professional skills and qualifications,

- examining ways to develop targeted admission procedures in full compliance with the labour market needs and priorities in countries of destination,
 - taking firm action against all forms of exploitative employment of both legal and irregular migrants.
- (i) This partnership will address the issue of promoting the **integration of legally residing migrants** in host societies by:
- emphasising pro-active integration policies for legally residing migrants and combating all forms of discrimination and exclusion, such as xenophobia and racism,
 - emphasising, at the same time, that integration is to be understood as a mutual and reciprocal process, requiring the involvement of both migrants and host societies and entailing rights, opportunities and obligations for both,
 - enhancing the possibilities for migrants to acquire skills by allowing them improved access to labour markets in knowledge based economies and societies,
 - further promoting “pre-departure” integration training in countries of origin, such as language training, orientation courses, knowledge of the fundamental values in the country of destination, and training on migrants’ rights and obligations,
 - enhancing the involvement of social actors such as migrant diasporas, associations, civil society organisations and faith-based community organisations in the development and implementation of integration policies,
- (j) This partnership will address the issue of **making migration and mobility positive forces for development** by:
- ensuring coherence between development cooperation and migration policies,
 - promoting policies which foster circular labour migration, skills matching and educational exchange between countries of origin and destination,
 - taking into account the objectives of development cooperation in initiatives related to migration management,
 - developing voluntary return and reintegration programmes specifically addressing the issue of “brain gain” in the countries of origin,
 - promoting policies which create productive job opportunities in countries of origin in order to better tackle the root causes of emigration flows,

- promoting policies which foster labour rights, social welfare and social dialogue in countries of origin,
- promoting policies which create effective incentives for migrants and their relatives to make use of remittances for investment in countries of origin in full respect for the private nature of remittances,
- exploring ways to strengthen the financial and banking sectors in countries of origin, to build the basis for targeted migrants' investment and to promote the link between remittances and micro-finance,
- fostering the use of new technologies for the facilitation of remittances,
- encouraging financial and political support by countries of origin for investments of remittances when they are used in the infrastructure and economy in countries of origin in the framework of existing cooperation programmes,
- acknowledging the important role of migrant diasporas, and strengthening the dialogue with migrant communities in countries of destination on the further promotion of functioning policies on migration and development.

- (k) This partnership will be pragmatic and operational. To this end the component elements of the partnerships will be jointly drawn up and analysed with a view to facilitating their integration in future partnership agreements.
- (l) The development of partnership strategies will be based on the implementation of this Joint Declaration, comprehensive mapping and an inventory of Best Practises of successful partnership policies, as well as on an impact assessment of the concrete effects of these policies.
- (m) The development of partnership strategies will be based on the concept of "migratory routes", will examine trends and developments along the eastern and south-eastern migration routes, will analyse and present related data in form of an IT-based information gathering and exchange tool.

- (n) Fully aware of our shared responsibilities in ensuring the implementation of migration partnerships, we commit ourselves to addressing the challenges and opportunities of international migration, to start integrating the elements of migration partnerships into our strategies, policies and actions, whilst preserving the comprehensive and balanced nature of the approach.

With regard to this and to the follow-up, we mandate our senior officials to draw up a comprehensive set of elements for our migration partnerships including an impact assessment for those elements which have already been implemented, and propose to organise a second Ministerial Conference in due time.
