



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 July 2011**

**12589/11**

**LIMITE**

**JAI 485  
ASIM 76**

### **OUTCOME OF PROCEEDINGS**

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of: High Level Working Group on Asylum and Migration (HLWG)

on: 4-5 July 2011

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No. prev. doc.: 11049/11 JAI 395 ASIM 62

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Subject: Summary of discussions

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#### **1. Presidency Programme**

The **Chair** provided information on the Presidency programme the main features of which were already outlined at the meeting of the Group held on 23 May 2011 (see 11049/11 JAI 395 ASIM 62, item 5).

The **Chair** also referred to the Trio Programme in the area of JHA External Relations (12004/11 JAIEX 64 RELEX 695 ASIM 69 CATS 57 JUSTCIV 178).

#### **2. RELEX**

The **Chair** provided information on the developments concerning the issues related to migration, which were considered in the framework of the RELEX geographical Working Parties (see Annex to this Note).

### 3. Instruments of the Global Approach to Migration

#### a) Migration Missions

**HU** and the **Commission representative** provided information on the outcome of the Migration Mission to Azerbaijan, held on 16-17 June 2011 in Baku, the report of which is set out in 12236/11 ASIM 73 RELEX 721 COEST 238 (RESTREINT UE/RESTRICTED UE).

#### b) Mobility Partnerships

The **Commission representative** provided information on the state of play of existing (Cape Verde, Moldova and Georgia) and planned (Armenia, Ghana) Mobility Partnerships.

#### c) Rabat-Paris Process

**ES** and **FR** provided information on the developments in relation to the Rabat-Paris process in view of the third Euro-African Ministerial Conference on Migration and Development, which is expected to take place in November 2011.

The **Chair** informed that this item will be included in the agenda of the next HLWG meeting.

### 4. Building Migration Partnerships

**HU** provided information on the outcome of the Senior Officials Meeting (SOM) held in Budapest on 30-31 May 2011.

The **Chair** informed the Group that it will submit at the September HLWG meeting for consideration a new version of the draft Action Plan, as revised following the Budapest SOM, in view of the forthcoming Senior Official Meeting (to which all the partners of the Prague process will take part). The next SOM is expected to take place in September/October.

## 5. EU-LAC

The **Chair, HU** and the **Commission representative** provided information on the V EU-LAC High Level Meeting on Migration, held on 24-25 May 2011 in Brussels, which focused on legal migration matters.

## 6. Evaluation of the Global Approach to Migration

The **Commission representative** provided information on the process of evaluation of the Global Approach to Migration, in view of the preparation of the relevant Commission Communication, which is expected to be issued by the end of this year.

The **Group** had an exchange of views on this subject.

## 7. EU-US

**ES** provided information on the on the Seminar on Unaccompanied Minors held in Madrid on 31 May 2011, organised in the framework of the EU-US Platform on Migration and Refugee Issues.

## 8. EU-ACP

The **Commission representative** provided information on the outcome of the EU-ACP Joint Ministerial Council held in Brussels on 31 May 2011, where it was agreed to pursue the dialogue on migration already established between the two sides. Noting that contacts are ongoing with the ACP side in order to consider how this dialogue could be developed, he said that he information on progress in this area will be provided at the next HLWG meeting.

## 9. EU-Russia

**HU** and the **Commission representative** provided information on the outcome of the first migration dialogue meeting held on 27 June 2011 in Moscow.

Welcoming the successful launch of the EU-Russia dialogue on migration, the **Group** had an exchange of views on future steps in this area.

## 10. Situation in the Southern Mediterranean Region

The **Chair** and the **Commission representative** provided information on the outcome of the European Council of 23-24 June (the Conclusions of which are set out in EUCO 23/11 CO EUR 14 CONCL 4) and of the JHA Council of 9-10 June 2011 (which adopted Conclusions on Borders, Migration and Asylum - Stocktaking and the way forward, as set out in 11476/11 ASIM 64 COMIX 395) in relation to migration issues.

The **Group** had an exchange of views on future steps to be taken in this area and in particular on the issue of the launch of dialogues on migration, mobility and security with the relevant countries in the Southern Mediterranean Region. In the framework of the discussion it was underlined that the Presidency and the Member States should be fully associated with the Commission and the European External Action Service in such dialogues.

## 11. A.O.B.

- The **Chair** provided information on the following events:
  - The next ASEM Conference for Directors General of Immigration on the management of Migratory flows, which will take place in Ulan Bator (Mongolia) on 5-7 September 2011;

- The Conference "The role of migration in the development of post-revolution Tunisia", organised by Tunisia, in cooperation with CZ and with the support of ICMPD, held in Tunis on 12 July 2011;
  
  - The Conference "Migration Profiles: lessons learned", held in Batumi (Georgia) on 18-19 July, organised by Georgia, Moldova and Switzerland in the framework of the activities undertaken by the Swiss Chair for the preparation of the 2011 Session of the Global Forum on Migration and Development.
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**HLWG 4-5 July 2011 - RELEX general overview on Migration from the Presidency (update 1st July 2011)**

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This overview aims at informing delegations on external relations dossiers of particular interest to the High Level Working Group on Asylum and Migration, which are likely to be dealt with in the coming months.

The present overview contains, if relevant, the following categories per geographical region:

- I. Home Affairs clauses in agreements
- II. Visa and readmission
- III. Subcommittees (in particular Justice and Home Affairs Subcommittees)
- IV. Migration and mobility partnerships
- V. Summit, ministerial and senior official meetings
- VI. General information

A new heading "Other JHA-RELEX issues" has been added.

**AFRICA**

I. Justice and Home Affairs clauses in agreements

- Article 13 of the ACP-EU Partnership Agreement

II. Visa and readmission

- Visa and readmission was discussed at the 2nd session of the EU-ACP dialogue on migration and development on 13 December (Brussels).
- On that occasion NL proposed to hold a specific follow-up meeting on readmission.

III. Subcommittees

IV. Migration and mobility partnerships

- The 4th and last session of the EU-ACP dialogue on migration and development was hosted by the EU on 6 April and focused on remittances. The presentation of the report which is going to be prepared for the ACP-EU Joint Ministerial Council was discussed and also the Global Approach to Migration was presented.
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## V. Summit, ministerial and senior official meetings

- **Ministerial:**
  - ACP-EU Joint Ministerial Council (30-31 May, Brussels, Belgium)
  - 21st ACP-EU Joint Parliamentary Assembly (16-19 May, Budapest, Hungary)
  - 22nd ACP-EU Joint Parliamentary Assembly (19-23 Nov. tbc, Freetown, Sierra Leone)
- **SOM:**
  - ACP-EU Committee of Ambassadors (April, Brussels)

## VI. General information

- 3rd Euro-African Ministerial Conference within the frame of the Rabat Process on Migration and Development is planned to take place in Senegal on 22 November 2011.
- Liaison Officers' meeting took place in Rabat (Morocco) on 3 May.

## ASIA AND OCEANIA

### I. Home Affairs clauses in agreements

- **Mongolia:**

On December 20, a Partnership and Cooperation Agreement was established between Mongolia and the European Union (EU) in Ulaanbaatar, and the phase of talks was successfully concluded. The text following the Inter-Service Consultations was adopted by Commission decision on 14 March 2011.

- **Vietnam:**

The PCA EU-Vietnam was initialled in the margins of the ASEM Summit on October 4. The agreement might be signed during the second half of 2011.

- **Philippines:**

The PCA agreement was signed by 26 EU MS by the end of February. The Council decision to sign the PCA EU-Philippines agreement on behalf of the EU should be adopted as quickly as possible in 2011. Subsequently, the agreement should be signed together with the Philippines.

- **Australia:**

- New Framework Agreement will be negotiated (and possibly concluded) in 2011, including standard migration clause. A mandate for negotiations will be requested soon.  
- The EU-Australia PNR Agreement has been initialled and sent to Council and EP.

- **Malaysia:**

PCA negotiations with Malaysia were launched on 5 October 2010. A first negotiating round was held on 21/22 February 2011.

- **Singapore:**

PCA negotiations started again in March 2011 following an interruption since May 2006.

## II. Visa and readmission

- **China:** strategy regarding the future Chinese request for visa facilitation: COM encourages the Council to discuss the general approach towards a strategy on migration with China, with a particular focus on readmission and the Chinese request for visa facilitation. A PCA Steering Group will be organised in the autumn.
- **Sri Lanka:** Readmission agreement entered into force in 2005; meeting of the Joint Readmission Committee will take place before the end of the year 2011.
- **EU-Pakistan readmission agreement:** entered into force on 1 December 2010.

## III. Subcommittees

- N/A

## IV. Migration and mobility partnerships

- **India:** The first EU-India high level meeting on migration since 2006 was held in Brussels on October 22, 2010. The possibility for a structured Migration dialogue was explored. A high level visit to India by Commissioner Malmström in 2012 is being envisaged

## V. Summit, Ministerial Meetings

### LATIN AMERICA

#### I. Justice and Home Affairs clauses in agreements

- N/A

#### II. Visa and readmission

- Visa waiver agreements with Brazil for holders of diplomatic and service passports entered into force on 1 April. The agreement on holders of ordinary passports has yet to be approved by the Brazilian Congress.

#### III. Subcommittees

- N/A



#### IV. Migration and mobility partnerships

- The V EU/LAC High Level Meeting on Migration took place on 24-25 May 2011. The meeting was dedicated to different aspects of regular migration.

#### V. Summit, ministerial and senior official meetings

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#### VI. General information

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#### ENLARGEMENT

##### I. Justice and Home Affairs clauses in agreements

- N/A

##### II. Visa and readmission

- Turkey: negotiations on the EU-Turkey readmission agreement are currently at a standstill. The JHA Council on 24 February adopted Council conclusions on the subject (7023/11).
- **Former Yugoslav Republic of Macedonia:** meeting of Joint Readmission Committee took place in Skopje on 13 May.

##### III. Subcommittees

- **Turkey:** Association Committee meeting took place in Brussels on 24 March 2011.
  - **Croatia:** Justice and Home Affairs Sub-committee took place in Brussels on 16 May 2011. The accession negotiations with Croatia were formally closed at Ministerial level of the Accession Conference held in Brussels on 30 June 2011
- **Former Yugoslav Republic of Macedonia:** Justice and Home Affairs sub-committee is planned for September 2011 in Skopje (TBC).
- **Montenegro:** JLS Subcommittee took place on 12 April 2011.

#### IV. Migration and mobility partnerships

- N/A

## V. Summit, ministerial and senior official meetings

- N/A

## VI. General information

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## EASTERN EUROPE AND CENTRAL ASIA

### I. Justice and Home Affairs clauses in agreements

- The JHA Chapter of the Association Agreement with Ukraine and Republic of Moldova are currently under negotiation.

### II. Visa and readmission

- **Belarus:**

The negotiation mandate for the visa facilitation and readmission agreements with Belarus was adopted by the TTE Council on 28 February 2011. On 1 June Commission sent a letter to Belarus inviting them to start negotiations on visa facilitation and readmission agreements.

- **Georgia:**

The readmission and visa facilitation agreements were adopted by the Council on 18 January 2011. The VFA subsequently entered into force on 1 March. The Joint Readmission Committee has not been established yet. Both joint visa facilitation and readmission committees took place on 1 June 2011.

- **Republic of Moldova:**

Visa dialogue: on-going

Visa facilitation: The Joint Committees on Visa Facilitation and Readmission Agreements met on 12 May in Brussels. Negotiations on amending the Visa Facilitation Agreement were launched on 12 May, in Brussels.

- **Russia:**

- Visa dialogue: the text resulting from the last senior officials meeting held on 27 June in Moscow was transmitted to the MS (COEST). The next SOM is planned for 12 July.
- Visa facilitation: the draft mandate for renegotiation presented by the COM in the end of October was adopted by the JHA Council on 11-12 April. First negotiation round has taken place. Meeting of the Joint Committee monitoring the existing agreement took place on 27-28 April. Readmission: next Joint Readmission Committee meeting will take place in Brussels on 13 July 2011.

- **Ukraine:**

- Visa dialogue: A SOM took place on 5 April.
- Visa facilitation: The Joint Committees on Visa Facilitation and Readmission Agreements met on 5 May in Brussels. Negotiations on amending the Visa Facilitation Agreement were launched on 6 May, in Brussels. A second round will take place on 11 July in Kyiv.

### III. Subcommittees

- **Georgia:** Justice, Freedom and Security Sub-committee took place on 21 June in Brussels
- **Uzbekistan:** Justice and Home Affairs Sub-committee was held in Taschkent on 23-24 June 2011
- **Ukraine:** Justice, Freedom and Security Sub-committee was held in Brussels on 26-27 May 2011
- **Armenia and Azerbaijan:** next Justice, Freedom and Security Sub-committee in Brussels by the end of the year 2011 (tbc)

### IV. Migration and mobility partnerships

- **Russia:** The launch of the Migration dialogue with the Russian Federation was agreed at the JHA PPC ministerial meeting in St. Petersburg on 19 May. The first meeting of the EU-Russia Migration Dialogue took place on 27 June in Moscow and focused on the exchange of information on the use of modern technologies in the field of migration and on labour migration.
- **Armenia:** Mobility Partnership under preparation.
- **Republic of Moldova:** a meeting in the framework of Mobility partnership will take place on 5 July in Chisinau

### V. Summit, ministerial and senior official meetings

- **Russia:** EU-Russia Justice and Home Affairs Permanent Partnership Council took place in St. Petersburg on 19 May 2011. Next JHA PPC meeting planned to take place on 10-11 October in Warsaw.
- **Ukraine:** Next EU-Ukraine Justice, Liberty and Security Ministerial Meeting took place in Kyiv on 16 June 2011.
- International Conference "The Eastern Partners' contribution to Stockholm Programme: Synergies to improve mobility and strengthen security took place in Chisinau (Moldova) on 24-25 January. COM will present a Communication on cooperation with the EaP countries in the area of JHA.
- **Georgia:** The next EU-Georgia Cooperation Council meeting will take place in the autumn 2011.
- Eastern Partnership Summit planned for 29-30 September 2011 under the Polish Presidency.

### VI. General Information

- Liaison Officers' meeting in Kiev (Ukraine) took place 23 May 2011. The next LO meeting planned to take place on 14 September.
- Next LO meeting in Moscow planned to take place on 12 October.

## USA AND CANADA

### I. Justice and Home Affairs clauses in agreements

- **Canada:**
  - A mandate for an EU-Canada Framework Agreement was adopted last December. Negotiations will begin once Canada has obtained a mandate.
  - Negotiations for an EU-Canada PNR Agreement are well underway.
- **US:**
  - Negotiations for an EU-US PNR Agreement are also well underway

### II. Visa and readmission

- **N/A**

### III. Subcommittees

- **N/A**

### IV. Migration and mobility partnerships

- EU-US Platform for Cooperation on Migration and Refugee issues. Last meeting of Steering Committee took place on 26 April 2011, in Brussels.

### V. Summit, ministerial and senior official meetings

- **US:**
  - EU-US JHA Ministerial meeting took place on 13-14 April in Budapest.
  - The next EU- US Senior Officials' JHA meeting is planned to take place on 25-26 July in Krakow.
  - The next EU-US JHA ministerial meeting planned to take place in Washington in November (TBC).

### VI. General Information

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## WESTERN BALKANS

### I. Justice and Home Affairs clauses in agreements, discussed within COWEB

- **Albania:** SAA Title VII (Justice, freedom and security)
  - Art. 78, Reinforcement of institutions and rule of law
  - Art. 79, Protection of personal data
  - Art. 80-81, Cooperation in the area of movement of persons
  - Art. 82-84, Cooperation on combating money laundering, terrorism financing, illicit drugs and cooperation in counter-terrorism
  - Art. 85, Cooperation in criminal matters
- **FYROM:** SAA, Title VII Justice and Home Affairs, Articles 74-79 headings - Reinforcement of institutions and rule of law, visa, border control, asylum, migration, prevention and control of illegal immigration, readmission, combating money laundering, preventing and combating crime and other illegal activities, cooperation on illicit drugs.

### II. Visa and readmission

- A post visa liberalisation monitoring mechanism for the Western Balkans has been set-up, where FRONTEX plays a key role. In this context, FRONTEX has finalised its fourth Tailored Risk Assessment. Discussion on the post-visa liberalisation mechanism took place in COWEB on 23 May with the presence of JAI Counsellors. The Commission Staff Working Paper on the post- visa liberalisation monitoring for the Western Balkan countries based on the Commission Statement of 8 November 2010 was presented at the JHA Council on 9 June.
- **Bosnia and Herzegovina:** next Joint Readmission Committee in Albania and in Bosnia-Herzegovina foreseen in the 2nd semester of 2011.
- **FYROM:** the Joint Readmission Committee was organized in Skopje on 13 May 2011.
- **Serbia:** the Joint Readmission Committee took place in Belgrade on 28 April 2011.
- **Albania:** the Joint Readmission Committee took place in Tirana on 24 May 2011

### III. Subcommittees

- **Albania:** Justice and Home Affairs Sub-committee took place in Tirana on 26 May 2011. 2nd meeting of the EU-Albania SAA Committee took place in Brussels on 5 April. Justice, Freedom and Security issues were also discussed with the Albanian side.
- **Bosnia and Herzegovina:** pending on the entry into force of SAA, Justice and Home issues have been dealt with in two different forums. . An EU-BiH SAA structured dialogue on justice was launched in Banja Luka on 6-7 June 2011. A high-level meeting in the framework of the Post-visa Liberalisation Monitoring Mechanism was held in Brussels on May 11.
- **FYROM:** JHA Sub committee met most recently 27 September 2010, next one foreseen for September 2011 in Skopje.
- **Montenegro:** A meeting of the JLS Subcommittee took place in Brussels on 12 April 2011
- **Serbia:** meeting on Justice, Liberty and Security in the framework of relevant Enhanced Permanent Dialogue took place on 8-9 June 2011 in Belgrade

#### IV. Migration and mobility partnerships

- N/A

#### V. Summit, ministerial and senior official meetings

- The Western Balkans Ministerial JLS Forum planned to take place on 3-4 October in Ohryd (FYROM).

#### VI. General information

- Liaison Officers' meeting took place in Montenegro on 6 May.

### **MASHREK/MAGHREB**

#### I. Home Affairs clauses in agreements

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#### II. Visa and readmission

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#### III. Subcommittees

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- **Jordan:** Justice and Home Affairs Sub-Committee and Working Group on Social Affairs and Migration in Brussels was held on 22-23 June 2011.

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- **Morocco:** Justice and Home Affaires Subcommittee took place in Brussels on 1 April 2011.

- **Israel:** working group on Migration/Social Affairs is planned to take place in Brussels on 14 March 2011.

#### IV. Migration and mobility partnerships

- N/A

#### V. Summit, ministerial and senior official meetings

- N/A

## OTHER JHA-RELEX ISSUES

- The JHA Council on 9-10 June also discussed a number of recent communications from the Commission, including a Communication on migration (9731/11), Communication on migration and asylum in the EU in 2010 (10772/11) and a Communication on a dialogue for migration, mobility and security with the Southern Mediterranean (10784/11).
- The JHA Council on 9-10 June also discussed the Commission Staff Working Paper "Report on the post-visa liberalisation monitoring for the Western Balkan countries in accordance with the Commission Statement of 8 November 2010" (10997/11).
- Regarding visa issues, the June JHA Council discussed also the recent COM proposal to amend the rules governing the EU's visa-free regime (10834/11)