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OUTCOME OF PROCEEDINGS

of Council
on 26-27 April 2012
Subject: EU Action on Migratory Pressures
- A Strategic Response

The Council (Justice and Home Affairs) approved at its meeting on 26-27 April 2012 the EU Action on Migratory Pressures - A Strategic Response and the approach for its follow-up as set out in the attached text.

EU Action on Migratory Pressures -A Strategic Response

I INTRODUCTION

The political commitment of Member States in the fight against illegal immigration has been reflected in previous European Council and Council Conclusions in 2011 and earlier. On the basis of a report on the EU response to increased migration pressures prepared by the Polish Presidency (doc. 18302/11) following discussions in the JHA Council in September and October 2011, the JHA Council on 13-14 December 2011 concluded that the report would form the basis for a paper on action in this area and invited the incoming Danish Presidency to develop such a paper.

Following proceedings in SCIFA on 13 February, at the Working Party on Integration, Migration and Expulsion on 12 March, at the High Level Working Group on Asylum and Migration on 20-21 March, and at the informal SCIFA on 28-29 March 2012, the matter was discussed in SCIFA on 16 April 2012 on the basis of doc. 8688/12. Coreper at its meeting on 18 April 2012 examined the revised text set out in doc. 8714/12. The paper was received favourably by delegations, and the Presidency has, in light of comments made, prepared the text set out in the Annex, with a view to its approval by the April 2012 JHA Council.

II FOLLOW-UP

The EU Action on Migratory Pressures as set out in the Annex includes a non-exhaustive list of strategic priority areas where efforts need to be stepped up and monitored in order to prevent and control existing pressures that derive from illegal immigration as well as abuse of legal migration routes. The order of appearance does not reflect a priority, which the circular figure at the front page also indicates. It addresses issues such as initiatives to strengthen the prevention, control and combat of illegal immigration at the Greek-Turkish border, prevention of illegal immigration from and via the Western Balkans and intensified efforts to combat abuse of free movement rights by third country nationals.

The EU Action on Migratory Pressures is intended to respond to current challenges to the EU in a tangible and realistic way. It is important that it becomes a "living document" which is updated on a regular basis in order to be capable of responding to migratory pressures, which can change rapidly.

The Presidency proposes that after approval by the Council of the EU Action on Migratory Pressures, the following arrangements are put in place to ensure the necessary follow-up:

- Future Presidencies will be responsible for updating the list of actions set out in the Annex on a biannual basis, taking into account developments in relation to migratory pressures, the progress achieved in the implementation of the actions and any relevant recommendations in the annual report of the Commission on asylum and immigration;
- SCIFA/Mixed Committee will oversee the implementation and update of the list of actions;
- Member States are encouraged to volunteer to monitor various challenges, where appropriate, so as to ensure that one party has an overview of the development in the described activities. The aim is to ensure that the various policies and measures are put into effect and to help future Presidencies in their follow up.

EU Action on Migratory Pressures – a Strategic Response



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EU Action on Migratory Pressure – a Strategic Response

Challenge	Goal	Activity	Responsible party	Target Date	Results
I. Strategic priority area: Strengthening cooperation with third countries of transit and origin on migration management					
<p>1. Preventing and combating illegal migration by ensuring smooth and orderly return of illegal migrants between States, including respect for the obligation of each State under customary international law to readmit its own nationals.</p>	<p>EU readmission agreements as tools of an effective return policy in order to tackle illegal immigration.</p> <p>Initiation and continuing of negotiations on EU readmission agreements with relevant third countries, including further appropriate steps when negotiations stall.</p>	<p>A: Operationalising Council Conclusions of June 2011 defining an EU strategy on readmission (doc. 11260/11 MIGR 118).</p> <p>i. Launching a substantive discussion based on PRES questionnaire to identify new third countries, with which concluding an EU readmission agreement would be of EU interest, in particular with countries of origin of illegal migration.</p> <p>ii. Preparation of a comprehensive overview of EU and Member States relations and agreements with third countries eligible for negotiation of EU readmission agreements.</p> <p>iii. Discussion and consideration of the use and the content of proportional, tailor-made incentives offered to those identified third countries with which EU readmission agreements are to be negotiated, in combination with the principle of conditionality applied in an appropriate manner.</p> <p>iv. Clarification of Council’s criteria regarding rules on accelerated procedures, transit operations, and obligations to readmit third country nationals and stateless persons, in order to assess how these issues should be taken into account on a case by case basis in EU readmission agreements with identified countries.</p>	<p>PRES, COM, WP on Migration (expulsion)/HLWG/SCIFA, EEAS</p> <p>PRES, COM</p> <p>PRES, COM</p> <p>PRES, COM</p> <p>PRES, COM</p>	<p>i) PRES synthesis in June 2012.</p> <p>ii) PRES synthesis in June 2012.</p> <p>iii) Starting June/July 2012.</p> <p>iv) Starting June/July 2012.</p>	

Challenge	Goal	Activity	Responsible party	Target Date	Results
2. Ensure implementation of all EU readmission agreements to their full effect.	Full implementation of EU readmission agreements by third countries and Member States alike facilitated by practical arrangements.	A: Further efforts by COM and MS in relation to relevant third countries aimed at full implementation of EU readmission agreements that are not being fully implemented.	COM, MS	Continuous.	
		B: Full and effective use of Joint Readmission Committees, including, where applicable, active participation of Member States.	COM, MS	Continuous.	
	Ensuring effective implementation of Article 13 of the Cotonou agreement.	C: Coherent implementation by Member States of EU readmission agreements. Due attention should also be given to the implementation of bilateral readmission agreements or arrangements concluded by Member States when compatible with the EU readmission agreements.	MS	Continuous.	
		D: Exercise pressure through diplomatic channels and other regular contacts with relevant third countries.	EEAS, COM, MS	Continuous.	
		E: Further efforts by COM and MS to ensure that partner countries fully implement Article 13 of the Cotonou agreement, including through targeted dialogues with priority countries.	COM, MS	Continuous.	
3. Enhancing the capacity of countries of origin and transit to manage mixed migration flows.	To equip the countries of first asylum with the necessary means to be able to guarantee refugees protection that meets international standards.	A: Strengthening the use of Regional Protection Programmes and similar national initiatives aiming at long term capacity building in the field of international protection in order to provide protection to persons in need thereof as soon as possible after the initial displacement and as closely as possible to their home areas. Thus, enabling asylum seekers to apply for and find effective protection in the region of origin.	COM, MS	Continuous.	
	To assist third countries to better manage mixed migratory flows.	B: Building capacity in third countries in order for them to better tackle the challenges of mixed migratory flows.	COM, MS	Continuous.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
	To avoid secondary movements.	C: Improving availability and access in third countries of first asylum to means for self-reliance to avert secondary movements.	COM, MS	Ongoing.	
	To establish Mobility Partnerships with relevant third countries.	D: Contributing to enhance local employment opportunities in countries of origin.	COM, MS	Ongoing.	
4. Prevention of illegal migration from the Southern Mediterranean countries.	To extend dialogues on migration, mobility and security with the Southern Mediterranean countries with a view to establishing Mobility Partnerships.	A: Implementing the European Council Conclusions on 23-24 June 2011 and of 2-3 March 2012 emphasising the need to establish and to expand a structured dialogue on migration, mobility and security with the southern Mediterranean countries. The cooperation should be founded on a performance based approach and on appropriate conditions.	COM, MS HLWG	First semester 2012.	
		B: Conclude Mobility Partnerships with Morocco and Tunisia.	COM, MS	First semester 2012.	
		C: To consider launching Dialogues on migration, mobility and security leading towards Mobility Partnerships with Jordan and subsequently, once possible with other Southern Mediterranean countries (with priority given to Egypt and Libya).	COM, MS, HLWG	2012	
		D: FRONTEX should strengthen its operational cooperation with the competent border control authorities of the Southern Mediterranean countries.	FRONTEX	2012 and onwards.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
		E: As soon as possible EASO should become fully operational and contribute to building asylum capacity in the Southern Mediterranean countries.	EASO	2012 and onwards.	
		F: Building on existing cooperation, MS-third countries regional network of cooperation in the Mediterranean should continue also within the future framework of the Eurosur proposal.	MS, COM, FRONTEX	Ongoing.	
		G: Strengthen the capacity of the Southern Mediterranean countries for the control and surveillance of their external borders and for the return of the illegal immigrants to the countries of origin in a dignified manner.	MS, COM	Ongoing.	
5. Ensuring that the fight against illegal migration is taken into account when developing dialogues with the Eastern partners (including the Eastern Partnership countries and non – EU Prague Process partners).	To enhance further the level of political and operational cooperation with the Eastern Partnership countries in the JHA areas.	A: Conclude agreements on Mobility Partnerships with relevant third countries.	COM, MS	Ongoing.	
		B: Further cooperation and coordination in the prevention of and the fight against illegal migration, organised crime, trafficking in human beings, money laundering and terrorism.	COM, MS	Ongoing.	
	To ensure mobility in a secure and well managed environment.	C: Convening meetings at ministerial level to ensure appropriate political guidance and coordination.	MS	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
6. Prevention of illegal immigration via the Western Balkans.	<p>Intensify cooperation primarily with Serbia, to prevent and to fight increased illegal immigration pressure on the Hungarian-Serbian border.</p> <p>Enhance the EU's policy response to illegal immigration in the region.</p> <p>Continue assisting the relevant authorities of the Western-Balkan countries and especially Serbia in strengthening their capacity to combat illegal immigration.</p>	A: FRONTEX should make full use of its recently expanded mandate to step up assistance for border control activities at the Hungarian-Serbian border.	FRONTEX	Ongoing.	
		B: Implementation of the Action Plan with Serbia to implement joint operations, law-enforcement training, legislative alignment, develop migration and asylum capacities and establish a Common Contact Point – making full use of IPA Projects.	MS, Hungary, COM	Ongoing.	
		C: Provide IPA assistance and continue monitoring of the further development of border, migration, asylum and visa systems in Western-Balkan countries.	COM, MS	Ongoing.	
		D: Develop cooperation at all levels with Western-Balkan countries in combating criminal organisations dealing with migrants' smuggling and trafficking in human beings.	MS, COM	Ongoing.	
		E: Enhance inter-agency cooperation, notably between FRONTEX, EUROPOL and EASO in accordance with their mandates, to address cross border crimes related to illegal immigration and contribute to assist asylum capacity in Western-Balkan countries.	FRONTEX, EUROPOL, EASO, COM	Ongoing.	
		F: Support voluntary return and reintegration programmes of Western Balkan countries, as appropriate and in a manner which avoids the risk of creating pull factors.	MS, COM, IOM	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
7. Prevention of illegal immigration via the Western Mediterranean and the African Atlantic coast.	Ensure that the illegal immigration pressure in this area stays under control and does not develop negatively.	A: Efforts to maintain and develop the current effective handling of the situation should continue to ensure that the illegal immigration in this area stays under control and does not develop negatively.	FRONTEX, MS	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
II. Strategic priority area: Enhanced border management at the external borders					
1. Strengthening political guidance and the legal framework regarding border control.	Strengthening of the political Schengen Governance. Conclude negotiations on proposals put forward by the Commission.	A: Mixed Committee to start up regular political discussions on Schengen Governance at ministerial level.	COM, Council, EP	First time June 2012.	
		B: Conclude negotiations on the proposals on the Schengen Borders Code, the Schengen Governance-package and the Eurosur-proposal.	MIXED COM, PRES	Schengen: possibly First semester 2012. Eurosur: Possibly beginning 2013.	
		C: COM to put forward proposals on the Entry/Exit System and the Registered Travellers Programme.	COM	Summer 2012.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
2. Preventing and combating illegal immigration by ensuring strong and efficient external border control.	Strengthening the security and control at the Schengen external borders.	A: COM to present its first regular report to the European Parliament and to the Council on the functioning of the Schengen cooperation and the application of the Schengen acquis.	COM	May 2012.	
	Implementation of the FRONTEX regulation.	B: FRONTEX to offer the coordination and organisation of joint operations and improve cooperation with other agencies and competent border control authorities of Member States and implement the new FRONTEX regulation.	FRONTEX	Ongoing.	
	Enhance inter-agency cooperation and cooperation between agencies and Member States.	C: Member States should where relevant make use of passenger data for improving border controls and combating illegal immigration in accordance with requirements in Directive 2004/82/EF.	MS	No deadline.	
	Member States making full use of passenger data in accordance with directive 2004/82/EF.	D: An external evaluation of Directive 2004/82 (Advanced Passenger Information) is ongoing. Results to be shared with Member States.	COM	2012	
	Strengthening identification of illegal immigration routes inside the Schengen area.	E: Develop cooperation at appropriate levels with countries of origin and transit in combating illegal immigration, criminal organisations dealing with smuggling of migrants and trafficking in human beings.	MS, FRONTEX, EUROPOL	Ongoing.	
		F: Improve co-operation through exchange of information and best practices in order to identify and curb illegal immigration routes inside the Schengen Area.	MS, COM	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
		G: Enhance inter-agency cooperation, notably between FRONTEX, EASO and EUROPOL. Cooperation between EUROPOL and FRONTEX should also concern serious crimes at the external borders.	FRONTEX, EUROPOL, EASO	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
III. Strategic priority area: Preventing illegal migration via the Greek-Turkish Border					
1. Ensuring effective border controls are in place at the Greek-Turkish border.	To fight illegal border crossings by ensuring that efficient measures are in place for the detection, prevention and interception of illegal migrants at the Greek-Turkish border.	A: Swift conclusion of negotiations of a working arrangement between the competent border control authorities of Turkey and FRONTEX.	FRONTEX	May 2012.	
		B: Fully implement the findings of the 2005 and 2010 Schengen evaluation reports.	Greece	2005 findings to be implemented before end of 2012. 2010 findings ongoing.	
	Increase capacity in Greece by introducing sustainable measures to reduce illegal immigration.	C: Intensify monitoring of the Schengen Action Plan for Greece.	Council	Ongoing.	
		D: Intensify support for Operations Poseidon and Attica through increased contributions from Member States.	FRONTEX, MS	June 2012 - November 2012.	
		E: Swift implementation of the Greek National Action Plan on Managed Migration and Asylum Reform, focusing on increased operational capacity at the border, notably by optimising synergies between the different actors involved, including the Task Force on Greece.	Greece, COM, MS, EASO	Ongoing.	
2. Combating illegal immigration transiting Turkey to EU.	To obtain an effective engagement of Turkish authorities to prevent illegal immigration transiting through their territory towards the EU external borders.	A: Continue assisting Turkish authorities through IPA and bilateral MSs' funds in strengthening their capacity to combat illegal immigration.	COM, MS	Ongoing.	
		B: Continue promoting the reform of border, migration, asylum and visa systems in Turkey	COM	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
	To sign and conclude the EU-Turkey readmission agreement. Intensify trilateral cooperation between Greece, Bulgaria and Turkey for joint border management and police cooperation.	C: Develop cooperation at appropriate levels in order to combat organised crime facilitating smuggling of migrants and trafficking of human beings.	MS, FRONTEX, EUROPOL	During 2012.	
		D: Continue and step up the dialogue with Turkey launched on 15 March 2012 in cooperation within the JHA area.	COM	Ongoing.	
		E: Develop cooperation between EUROPOL and Turkish Police.	EUROPOL	Spring 2012.	
		F: FRONTEX should make full use of its recently expanded mandate and strengthen its operational cooperation with the competent border control authorities of Turkey.	FRONTEX	2012	
		G. Establishment of a trilateral common contact centre for police, border and customs cooperation between the Republic of Bulgaria, The Hellenic Republic and the Republic of Turkey in coordination with FRONTEX and EUROPOL within their respective mandates.	Bulgaria, Greece, Turkey	2012	
		H: Enhance cooperation with the relevant Turkish authorities in order to ensure the implementation of escorted transit and assisted voluntary return projects via Turkey.	MS, COM	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
IV. Strategic priority area: Better tackling of abuse of legal migration channels					
1. Prevent an increase of unfounded asylum applications as a direct consequence of introducing a visa free regime for a third country and decrease the number of over-stayers in the Schengen-area.	Decrease the number of unfounded asylum applications from visa free third countries.	A: Assess expected impact on migration and risks to EU's internal security before launching a visa liberalisation dialogue with third countries.	COM, FRONTEX, EASO, EUROPOL	Continuous.	
		B: Assess the functioning of existing readmission agreements with potential visa liberated third countries before launching a visa liberalisation dialogue.	COM, MS	Continuous.	
		C: Continued monitoring of the effects of current visa free regimes with assistance of FRONTEX and EASO in accordance with their mandates and in close cooperation with the third countries in question.	COM, MS, FRONTEX, EASO	Continuous.	
2. Combating and preventing illegal immigration caused by visa liberalisation.	Decrease the level of illegal work-force.	A: Political agreement on the Commission proposal to amend Visa Regulation 539/2001 establishing a suspension mechanism allowing for the rapid, temporary suspension of the visa waiver for a third country in the event of a sudden and considerable abuse of asylum procedures.	Council and EP	First semester 2012.	
		B: Make use of accelerated procedures and swift returns in full respect of EU and international standards as regards manifestly unfounded claims in case of abuse of visa liberalisation.	MS	Ongoing.	
		C: Gradual steps towards visa liberalisation with selected third countries while fully involving the Council on a case by case basis.	COM and Council	Continuous.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
		D. Ensuring that visa liberalisation processes are based on progress in the third countries concerned involves the Council in the process and is not automatic.	COM and Council	Continuous.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
V. Strategic priority area: Safeguarding and protecting free movement by prevention of abuse by third country nationals					
1. To improve the understanding of abuse of free movement rights by third country nationals and organised crime aiming at facilitating illegal immigration.	To gather, analyse and share data on the fraud and abuse at the EU level.	A: Improve understanding of possible abuse of family reunification rights experienced by Member States in light of the EMN study on “ <i>Misuse of the Right to Family Reunification: marriages of convenience and false declarations of parenthood</i> ”.	COM, MS	May 2012.	
	To agree on a common methodology of gathering of data upon consultation of the EMN study on “Misuse of the Right to Family Reunification: Marriages of Convenience and False Declarations of Parenthood”.	B: Consider whether and to what extent EUROPOL, in line with its mandate, could gather and analyse data on the facilitation by organised criminal groups of sham marriages and EU documentation fraud within the scope of EU crime priorities.	PRES, COM, EUROPOL	2012	
		C: Consider how better to gather and analyse data on EU documentation fraud and facilitators detected at the external EU border.	MS, COM,FRONTEX	2012	
	To improve the dissemination of information, intelligence and best practice between Member States to deter and investigate abuse of free movement rights.	D: Identify desired EU actions to tackle abuse and continue to support existing work to tackle trafficking of human beings and organised crime aiming at facilitating illegal immigration.	COM, MS	Ongoing.	
		E: Make effective use of Joint Investigation Teams (JITs) to investigate sham marriages and EU documentation fraud.	PRES, COM	Ongoing.	
		F: Further develop the existing work of national contact points established in the context of the FREEMO expert group and prepare a handbook on marriages of convenience, including indicative criteria to assist in the identification of sham marriages.	MS, COM	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
	<p>To improve information sharing within Member States (between authorities involved in registering marriages, social and legal protection of children, deciding on applications for residence, awarding social benefits and job centres).</p> <p>To identify and direct the action required to tackle the abuse.</p>	G: Consider making use of EUROPOL Platform for Experts as a forum to share best practice and experience.	MS	Ongoing.	
		H: Make full use of the national contact points established in the context of the FREEMO expert group of contacts in Member States for queries in individual cases.	MS	Continuous.	
<p>2. To prevent the fraudulent acquisition and use of free movement rights by third country nationals.</p>	<p>To ensure that travel documents used within the EU, including their issuance and validation, meet minimum security standards, with a particular focus on ID and residence cards.</p>	A: Implement enhanced security standards for EU documentation on legal stay (residence cards etc.) together with secure issuing processes on the basis of improved source documents (residence cards etc.) including the ability to take biometrics for third country nationals and work towards common validation standards at borders and domestic controls.	MS, COM, Article 6 Committee	2012	
		B: Improve the security of the application and issuance processes for identity/EU documentation.	PRES, COM, MS	2012	

Challenge	Goal	Activity	Responsible party	Target Date	Results
VI. Strategic priority area: Enhancing migration management, including cooperation on return practices					
1. Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures.	Putting in place a sustainable and credible EU policy approach to the management of migration and ensuring contingency measures are in place for unexpected flows of migration.	A: Ensure that EU legislation in the field of asylum and migration is fully implemented including the Return Directive and the Directive on Employers' Sanctions. This will also facilitates the efficient and effective operation of immigration systems, including processing and removing illegal migrants.	MS	Ongoing.	
		B: Ensuring statistical data and analysis is in place.	COM, MS, EASO, FRONTEX	Ongoing.	
	Developing an early warning system based on data received by Member States.	C: EASO will develop an early warning system based on data received by Member States which includes tailor-made assistance to Member States asylum systems, for capacity building.	MS, EUROSTAT, COM	End 2012.	
		D: Closely monitor developments in respect of migration movements from Syria.	EASO	First semester 2012.	
2. Maximising the potentials of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis.	To increase numbers of returns of illegal migrants and to develop swift, sustainable and effective return using a common EU approach, including more effective joint return operations.	A: Ensuring that EU legislation in the field of migration and asylum is fully implemented and facilitates efficient and effective returns.	COM, MS	2012-2013	
		B: Ensuring that MS share best practises on return (both voluntary and forced) and encouraging cooperation between the stakeholders in the field.	MS, FRONTEX, IOM WP on Migration (expulsion)	PRES synthesis in June 2012.	
		C: Improve operational co-operation on joint return operations.	MS, FRONTEX	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Results
		D: PRES questionnaire and synthesis on possible common EU approach and best practices.	PRES	Ongoing.	
		E: FRONTEX to offer assistance with capacity building, coordination and organisation of joint return operations.	FRONTEX	Ongoing.	
		F: MS to regularly inform FRONTEX of their needs for assistance or coordination by the agency. FRONTEX should draw up a rolling operational plan to provide MS with necessary operational support.	MS, FRONTEX	Ongoing.	
		G: FRONTEX should establish the Code of Conduct on return.	FRONTEX	2012	
		H: FRONTEX should enhance cooperation with third country authorities on best practices on acquisition of travel documents and return – and regularly report back to the Council and the FRONTEX Management Board on results achieved.	FRONTEX	Ongoing.	
		I: Support voluntary return programmes, improve operational co-operation on assisted voluntary return programmes.	MS, COM	Ongoing.	