



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 March 2012

7262/12

LIMITE

MIGR 25

NOTE

from:	Presidency
to	Working Party on Integration, Migration and Expulsion
on	12 March 2012

Subject:	Road map to ensure coherent EU response to continued migratory pressures
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Development of a future road map to ensure coherent EU response to continued migratory pressures

1. Background

In December 2011, the Polish Presidency presented to the JHA Council a report addressing the EU response to increased migration pressures (18302/11).

The Polish Presidency's report was presented as a reply to the request from the JHA Council following Council meetings in September and October 2011 to prepare a set of proposals for possible common actions in order to face the challenges posed by the increased migration pressures.

The Council's request was a specific follow-up to the increased mixed migratory flows along the Southern and South-Eastern borders of the EU throughout 2011. Reference was made to European Council Conclusions from March and June 2011, and Council Conclusions from April and June 2011 addressing illegal immigration. In addition, the Commission adopted two Communications in May 2011 aiming at identifying further measures to prevent and combat illegal immigration. In that regard, the migration situation throughout 2011 had demonstrated the need to further improve the effectiveness of the implementation of all relevant existing measures.

With this in mind, the Polish Presidency report from December 2011 noted that the EU and its Member States must focus on precisely targeted measures to combat illegal immigration in its different forms, and that such responses should be tailor-made to the different challenges encountered. The report also noted that illegal immigration is a multidimensional phenomenon that demands a comprehensive response. The following aspects of illegal immigration were recognized as the most important: 1) Illegal crossing of the EU's external borders; 2) Abuse of legal migration channels; and 3) Smuggling and trafficking in human beings.

The Presidency paper also had reference to other ongoing activities in the framework of the EU Policy Cycle currently being developed by COSI.

Placing an emphasis on a more effective implementation of the already existing processes and measures agreed at EU level in previous years as well as planned ones, the report went on to identify the following priorities for future measures: I) Cooperation with third countries of transit and origin; II) Concrete solidarity between Member States; III) Enhanced and coordinated operational activities; IV) Mobilisation of appropriate financial means, and V) New developments.

In conclusion, reference was made to the fact that the Danish Presidency "*will take forward work in this area with a view to establishing a road map to ensure coherent EU response to the increased migration pressures*".

At its meeting on 12 – 13 December 2011, the JHA Council took note of this report from the Polish Presidency. It was concluded that the report and the comments made by delegations would now provide the basis for the development of the roadmap.

2. Content and way ahead

In the Presidency's view, the effective management of the increasing migration pressure requires a multifaceted and comprehensive approach, but also an approach that draws on the challenges experienced by Member States, and which delivers concrete and action orientated solutions to solving those challenges in practice.

This approach implies that the Presidency will involve the relevant Council Working Parties in drafting a road map.

In addition, the Presidency also works closely with the Commission in preparing the draft road map to ensure that all relevant frameworks, legislation, practices, experiences, information and data – including data and knowledge from various EU agencies – are taken into account in the preparatory work.

Furthermore, it is crucial for the Presidency to anchor the preparatory work in the challenges experienced by Member States, in order to provide concrete answers to real and current problems.

Thus, the Presidency asked SCIFA delegations on the occasion of the SCIFA meeting on 13 February 2012 to comment on some basic questions seeking to address the main challenges. The questions included which solution oriented actions that are needed to effectively address Member States' main challenges through effective implementation of existing and already planned measures, and if any additional measures are deemed necessary.

Based upon SCIFA delegations' answers to the questions, the Presidency has prepared a first draft of a road map.

3. Framework for taking work forward

The analytical framework for the Presidency's draft road map is shaped by what has already been done, and what is the current state-of-play with regard to tackling the migration pressures.

On this basis, the Presidency seek to identify the key challenges experienced by Member States, and list concrete and action oriented measures to overcome them. The Presidency also propose to address the issue of follow-up actions and stakeholders involved, and thereby assuring that each action oriented solution is defined within a clear and transparent framework.

In addition, the Presidency focus on existing measures in order to make sure that new initiatives are only undertaken, insofar as existing measures are deemed inadequate. Thus, the Presidency focus on consolidating, implementing and tying together existing initiatives before steps are taken to introduce new initiatives.

4. Overview and introduction – preliminary draft road map

In the Annex to this note, the Presidency presents its proposal on a road map to ensure coherent EU response to continued migratory pressures.

The road map is intended to be a ‘living document’ in the sense that any initialisation or fulfilment of the listed measures and activities is to be mirrored in the matrix in order to clearly show the progress down the road map’s coordinates.

Also, the road map is at this stage a preliminary draft that needs to be expanded and confirmed through the contributions from relevant Working Parties and other stakeholders. Thus, for the time being only the thematic issue of cooperation with third countries (including return issues) has been elaborated upon, and not necessarily to the full extent.

In connection to the road map, the Presidency for the time being considers the added value of presenting each identified challenge in a fiche, allowing for a more thorough description of the current status or state-of-play concerning the elements in that particular challenge, and the action(s) or initiative(s) needed to handle the challenge(s) adequately. Such a fiche could also include the timing for implementing the proposed action(s) or initiative(s), as well as the responsible parties.

The matrix itself presents the identified thematic issues as headlines. Under each thematic issue, the main challenges are listed together with a short description of the ultimate target or goal, the proposed measure, the results so far (if any), and the forthcoming activities needed to reach the set goals and fulfil the measures. Finally, the leader and participants are indicated together with the timing.

Road map to ensure coherent EU response to continued migratory pressures (preliminary draft)

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
Thematic issue: Border management							
...							
Thematic issue: Abuse of legal migration channels							
...							
Thematic issue: Cooperation with third countries of transit and origin							
1. Preventing and combating irregular migration by ensuring smooth and orderly return of irregular migrants between States, including respect for the obligation of each State under customary international law to readmit its own nationals.	EU readmission agreements as tools of an effective return policy in order to tackle illegal immigration. Initiation and continuing of negotiations on EU readmission agreements with relevant third countries, including further appropriate steps when negotiations stall.	A. Operationalising Council Conclusions of June 2011 defining EU strategy on readmission (doc. 11260/11 MIGR 118).	NA	1) Launching of a substantive discussion and identification of new third countries, with which concluding an EU readmission agreement would be an EU interest, with a focus on countries of origin of irregular migration. Discussion to be performed on the basis of PRES questionnaire and synthesis.	PRES COM	WP on Migration (expulsion) [in liaison with HLWG [and other relevant geographical and expert working parties]]	1) PRES synthesis in June 2012. Discussion in WP (expulsion) meeting on 20 June 2012. Relevant countries to be identified immediately hereafter.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				<p>2) Preparation of a comprehensive overview of EU and MS relations and agreements with third countries eligible for negotiation of EU readmission agreements, as identified cf. above.</p> <p>Overview to be performed on the basis of PRES questionnaire and synthesis.</p>	PRES COM		2) PRES synthesis in June 2012.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				3) 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, cf. above, in combination with the principle of conditionality applied in an appropriate manner.	PRES COM		3) Immediately upon identification of the relevant third countries.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				4) Elaboration of the Council's criteria re. rules on accelerated procedure, transit operations, and obligations to readmit third country nationals and stateless persons in order to clarify whether such rules may be omitted from EU readmission agreements with identified countries, cf. above.	PRES COM		4) Immediately upon identification of the relevant third countries.
				5) Analysis by the Commission of the outcome of future pilot projects on monitoring of the impact of the implementation of the readmission agreements singled out for examination.	COM		5) No deadline.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
2. Ensure implementation of all EU readmission agreements to their full effect.	Full implementation of EU readmission agreements by third countries and MSs alike.	A. Further efforts by COM and MS in relation to third countries with which EU has concluded readmission agreements that are not being fully implemented.	NA	1) Full and effective use of Joint Readmission Committees, including active participation of Member States.	COM	MS	1) Continuous.
				2) Exercise pressure through diplomatic channels and other regular contacts with relevant third countries.	COM MS		2) Continuous.
		B. Coherent implementation by Member States of EU readmission agreements avoiding use of pre-existing bilateral agreements or arrangements.		1) ...			

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
3. Combating illegal migration transiting Turkey to EU	<p>To obtain an effective engagement of Turkish authorities to prevent illegal migration transiting through their territory directed towards the EU external borders</p> <p>To sign and conclude the EU-Turkey readmission agreement</p> <p>To alter Turkey's liberal visa policy towards "high risk" third countries.</p>	A. Continue assisting Turkish authorities in strengthening their capacity to combat against irregular migration	NA	1) Launch a dialogue with Turkey on visa, mobility and migration (CC of 25 February 2011)	COM MS	HLWG Frontiers WP	1) June 2012.
		B. Continue promoting the reform of border, migration, asylum and visa systems in Turkey		2) Provide IPA assistance and continue monitor and promote reforms in Turkey			2) [...]
				3) Develop cooperation between Europol and Turkish Police			3) During 2012.
				4) Step up efforts to conclude negotiations of a working arrangement between Turkey and FRONTEX			4) Dec 2012.
				5) FRONTEX should make full use of its recently expanded mandate and strengthen its operational cooperation with Turkey			5) Ongoing.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				6) Enhance inter-agency cooperation, notably between FRONTEX and EUROPOL, to also address cross border crimes			6) Ongoing.
				7) MS should endeavour to return directly to countries of origin those with no legal right to stay in the territory of the MS.			7) Ongoing.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
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 establish Mobility Partnerships	A. Implementing the European Council 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 (doc x).	NA	<ol style="list-style-type: none"> 1) Conclude agreements on Mobility Partnerships with Morocco and Tunisia. 2) Launch Dialogues on migration, mobility and security leading towards Mobility Partnerships with Algeria, Jordan, Egypt and Libya once possible. 3) FRONTEX should strengthen its operational cooperation with the Southern Mediterranean countries. 	COM MS	HLWG	1) First semester 2012.

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				<p>4) Once fully operational, the European Asylum Support Office should contribute to building asylum capacity in the Southern Mediterranean countries.</p> <p>5) Building up of MS-third countries regional network of cooperation in the Mediterranean within the framework of the EUROSUR programme.</p>			

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				6) EU and MS should strengthen the use of Regional Protection Programmes to ensure that assistance reflects the different needs in the affected regions and countries and supports third countries in becoming robust providers of effective protection.			

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
Thematic issue: [Migration management]							
1. Maximising the potentials of a common EU approach in the field of return, both voluntary and assisted/forced in compliance with existing EU acquis.	To increase numbers of irregular migrants returned and to develop swift and effective return using a common EU approach, including more effective joint return operations.	<p>A. Ensuring that MS fully implement existing acquis.</p> <p>B. Ensuring that MS share best practises on return, both voluntary and assisted/forced.</p> <p>C. Improve operational co-operation on joint return operations.</p>		<p>1) [...]</p> <p>2) PRES questionnaire and synthesis on possible common EU approach and best practices.</p> <p>3) FRONTEX to offer assistance with capacity building, coordination and organisation of joint return operations.</p> <p>4) [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.]</p>	MS FRONTEX [...]	WP on Migration (expulsion)	<p>1) [...]</p> <p>2) PRES synthesis in June 2012. Discussion in WP (expulsion) meeting on 20 June 2012.</p> <p>3) [...]</p>

Challenge	Target	Measure	Results	Activity	Leader	Participants	Timing
				5) [FRONTEX should establish the Code of Conduct.] 6) [FRONTEX should enhance cooperation with third country authorities on best practices on acquisition of travel documents and return – and regularly report back to Council on results achieved.]			
