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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Joint Declaration on a Mobility Partnership between the Republic of Belarus and the European Union and its participating Member States

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1. Belarus is among the third countries with which the EU intends to develop cooperation in the area of migration. As Mobility Partnerships have already been established with a majority of countries belonging to the Eastern Partnership (namely Armenia, Azerbaijan, Georgia and the Republic of Moldova), it has been felt appropriate to develop such a framework of cooperation also with Belarus.
2. A draft Joint Declaration establishing a Mobility Partnership EU-Belarus was submitted by the Commission services to the High-Level Group on Asylum and Migration (the Group) and considered at its meetings on 8 December 2014 and 2 February 2015. The Group reached agreement on the text as set out in the Annex to this Note, which will constitute the EU approach in view of the launch of negotiations for the establishment of a Mobility Partnership EU-Belarus.
3. The Permanent Representatives Committee and the Council are invited to confirm the agreement reached by the Group on the text of the draft Joint Declaration, as set out in the Annex to this Note, in view of submitting it to the Belarusian authorities and to start negotiations.

**Joint Declaration on a Mobility Partnership  
between the Republic of Belarus and the European Union and its  
participating Member States**

The Republic of Belarus, the European Union, and the participating Member States of the European Union, namely the XXX, and XXX (hereinafter referred to as "the Signatories");

- ACTING within the existing framework of the EU-Republic of Belarus relationship;
- RECALLING the Joint Declaration of the 2009 Prague Eastern Partnership Summit, the Joint Declaration of the 2011 Warsaw Eastern Partnership Summit and the Joint Declaration of the 2013 Vilnius Eastern Partnership Summit;
- NOTING the benefits and opportunities that a well-managed migration can bring to migrants and to the Signatories alike.
- DRAWING ON the Global Approach to Migration and Mobility adopted by the EU as well as the Belarusian government's priorities in these matters;
- RECALLING that respect for human rights underpins the EU's migration and mobility policies, including in relations with third countries, and inviting the Republic of Belarus to follow the same approach;
- CONFIRMING their commitment to improving people-to-people contact between the Republic of Belarus and the European Union, whilst working to ensure better management of migration flows, including preventing and reducing irregular migratory flows;
- EMPHASISING the Republic of Belarus' continued efforts to combat cross-border networks involved in trafficking in human beings and smuggling of migrants;

- RECALLING the good operational cooperation between the Republic of Belarus border authorities and the neighbouring Member States border authorities as well as the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (Hereafter referred to as FRONTEX);
- RECALLING the three signed Local Border Traffic agreements between the Republic of Belarus and Latvia, Lithuania and Poland;
- RECALLING the active participation of the Republic of Belarus in the Eastern Partnership Panel on Migration and Asylum;
- RECALLING the European Parliament's recommendation report to the Council and the European Commission from July 2013, which recommended, amongst others, the signing of the Mobility Partnership between the Republic of Belarus and the European Union;
- RECALLING the European Commission report on the implementation of the Global Approach to Migration and Mobility from February 2014, which identified the Republic of Belarus as a suitable candidate for a Mobility Partnership;
- RECOGNISING the benefits and positive impact of well-managed migration and mobility, both for the signatory parties and for the persons involved, by its contribution to the development of people-to-people contacts, cultural, social and economic ties and commercial exchanges between the parties;
- REAFFIRMING the strong commitment of the Signatories to simultaneously conclude and effectively implement future agreements concerning the facilitation of the issuance of short-stay visas and the readmission of persons residing without authorisation;
- ACTING without prejudice to the competences of the EU and of the EU Member States as laid down in the Treaty on the Functioning of the European Union;
- ACTING in compliance with the legislative framework of the Republic of Belarus;

HAVE DECIDED to establish a Mobility Partnership based on reciprocity. The Mobility Partnership will be based on a partnership, with the purpose of:

- better managing the mobility of persons for short periods and legal and labour migration, including circular and temporary migration, within the limits of the respective competences of the Signatories and taking into account their labour market and socio-economic situation;
- preventing and combating irregular migration, including smuggling of migrants and trafficking in human beings, including by promoting an effective return and readmission policy, in accordance with full respect of human rights and international law, including in the area of international protection;
- promoting international protection, enhancing its external dimension, strengthening the capacity to manage the inflow of asylum seekers and refugees in line with international standards; and
- maximising the development impact of migration and mobility, in order to exploit the potential of migration and its positive effects on the development of the Republic of Belarus and the participating EU Member States, while respecting human rights and international norms regarding persons in need of protection, and taking account of the perspective of individual migrants as well as the socio-economic situation of the Signatories.

To this end, they will ENDEAVOUR to develop further their dialogue and cooperation on migration and mobility in a spirit of shared responsibility and solidarity, in particular along the following lines:

## **Migration management**

1. To enhance the capacity to monitor migration, in particular by strengthening the Republic of Belarus' capacity to manage migration, including through deepening inter-agency cooperation and coordination for effective exchanging information, as well as in the field of improving the legal framework and monitoring its implementation, especially through qualified human resources' development;
2. To support the establishment and regular updating of the Republic of Belarus' migration profile and to develop the legal and technical framework on migration related data collection and management, including cooperation with national institutions and European agencies.

## **Mobility and legal migration**

3. To promote a better framework for legal and labour mobility, including through the facilitation of temporary and circular migration, supported by more information and concrete and effective initiatives or projects as well as ensure that migrants enjoy the rights to which they are entitled to according to the respective legislation;
4. To better inform Belarusian citizens, in particular through online migration portals and awareness raising projects, about the options for legal migration to the EU, including labour migration, including the entry conditions and the rights and duties arising from these.
5. To better inform Belarusian citizens with the requisite qualifications about the employment, study and training opportunities available in the participating Member States, in particular through online migration portals and awareness raising projects

6. To explore the possibilities of promoting labour migration and developing legal frameworks relating to employment conditions for migrants, while matching labour market opportunities, fully respecting Signatories' competences in this field and taking into account the different labour market situations and needs in the Republic of Belarus and the EU Member States', including by exploring the possible negotiation of bilateral labour agreements; by exchanging information on job opportunities, the labour market situation and migration policies in the Republic of Belarus and in the European Union;
7. To further strengthen the social protection of legal migrants and members of their families, including by promoting the negotiation of bilateral agreements on social security between interested Member States and the Republic of Belarus;
8. To develop and implement pre-departure training, especially in the area of vocational education and training and language training; to promote or establish exchange programmes and joint programmes in the area of vocational education and training and higher education, including academic and professional mobility schemes; to cooperate closely in order to facilitate mutual recognition of vocational and academic qualifications as well as to develop curricula in such a manner as to enhance recognition of Belarusian qualifications within the EU and other destination countries;
9. To improve synergies between policies promoting mobility of persons and other areas of sectoral cooperation (trade, education and vocational training, research, youth, culture) in order to make it easier for Belarusian and EU Member States' representatives of these sectors to enter, and stay on, the territory of the EU Member States and Belarus, respectively, in accordance with the applicable legislation of the signatories.
10. To stimulate mobility towards the EU based on qualifications, taking into account the needs of the Member States' labour markets, for the purpose of acquiring vocational or academic skills that will enable Belarusian nationals to develop viable economic activities and improve their employability within the global labour market.

11. To continue the dialogue and cooperation on visa issues, notably through the conclusion and effective implementation of the EU-Republic of Belarus Visa Facilitation Agreement, and to improve the Republic of Belarus' and EU Member States consular capacities.

**Fight against irregular immigration and trafficking in human beings, readmission, security of identity and travel documents, border management**

12. To enhance Signatories' efforts to fight further irregular migration, smuggling of migrants and trafficking in human beings, to strengthen the implementation of the integrated border management, including through further improvement of border surveillance, border management capacities and cross-border cooperation, according to Integrated Border Management (IBM), which, among others, include the enhancement of international, inter-service and intra-service cooperation; to strengthen the security of travel documents, identity documents and residence permits, anti-corruption measures at the borders and to fully cooperate on return and readmission;
13. To support the Republic of Belarus in its efforts to enhance capacity at the legislative, administrative and operational level, in particular for judicial, police, border and immigration authorities, in order to prevent irregular migration and investigate and prosecute trans-national crime networks involved in the smuggling of migrants;
14. To support Republic of Belarus' efforts in addressing trafficking in human beings in all its forms through promoting legal and administrative reforms and capacity building initiatives in order to dismantle trans-national criminal networks, protect and assist victims of trafficking;
15. To develop effective mechanisms and concrete initiatives for preventing and combating irregular migration in the area of inter-agency cooperation, coordination and exchange of information both within Belarus and between Belarus and the EU;

16. To cooperate in conducting information and awareness-raising campaigns on the risks and dangers of irregular migration, with special regards to smuggling of migrants and trafficking in human beings, in particular by promoting the role of civil society.
17. To enhance operational cooperation on return, including through the conclusion and effective implementation of the EU-Republic of Belarus Readmission Agreement, with provisions relating to third country nationals based on clear and transparent criteria to be laid down in the agreement, and implementing joint programmes on these issues;
18. To enhance the security of identity documents as well as to facilitate the authentication of citizens through development and introduction of the necessary for this purpose fingerprints searching systems as well as of the multifunctional electronic identification cards;
19. To improve the joint fight against irregular migration and related cross border crime through joint operational measures including the exchange of information, best practices and risk analysis as well as improving the operational interoperability between the relevant border guard organisations of the EU Member States and the Republic of Belarus. In this context, and in conjunction with the working arrangement in place with the State Borders Committee, FRONTEX may be involved in this partnership, as and when appropriate.
20. To further enhance procedures for the security and issue of travel documents, including through biometrics, and other official documents issued by the Republic of Belarus authorities, in compliance with international standards.

### **Migration and development**

21. To prevent, reduce and counteract the negative effects of the brain drain and brain waste, including through return policies targeting in particular skilled Belarusian migrants and taking into consideration best standards of ethical recruitment; to develop labour-matching tools, to enhance exchange of students and academic staff, researchers, young people and youth workers, and specialists, training and temporary exchange and work programmes, including with the assistance of European Training Foundation (hereafter referred to as ETF);



22. To promote and support voluntary return and sustainable reintegration of returning migrants through development and implementation of specific joint programmes offering training, possibilities to improve migrants' employment qualifications and assistance in finding jobs; to provide joint specific programmes devoted to protection of and assistance for vulnerable categories of returning migrants; to develop entrepreneurship and build a legal framework in the field of small and medium enterprises;
23. To promote the integration of legal migrants, so as to enhance their capacity to contribute to the development of their host countries, and to ensure respect of the fundamental human rights of all migrants.
24. To enhance cooperation with Belarusian communities abroad, including through the support to programmes creating the conditions for boosting the Republic of Belarus' migrants investment in their country of origin, including efforts to facilitate cheap and secure transfer of remittances and maximize their development impact; to cooperate further in the field of eliminating the double taxation; to explore, with interested Member States, possible options for portability of certain rights; to involve the Republic of Belarus' migrants in sustainable return or circular migration activities.
25. To encourage migrants to invest productively in the Republic of Belarus, in particular by promoting the financial education of migrants and recipient families.

### **Asylum and international protection**

26. To support the Republic of Belarus in its efforts to enhance capacity at the legislative, institutional and operational level in the field of asylum and international protection, fully in line with the relevant international norms and including subsidiary protection, with particular attention to vulnerable persons.
27. To strengthen the capacity of the Republic of Belarus' government to implement an asylum policy and provide international protection according to best international standards;

28. To facilitate the reception of asylum seekers and submission of asylum requests through the development and implementation of specific procedures, including providing adequate support to those with special needs.
29. To promote the dignity of both irregular migrants not applying for asylum and asylum seekers whose application for asylum was rejected and who are awaiting deportation by enhancing detention conditions, for those kept in detention, according to best international standards.

### **Horizontal initiatives**

30. To increase the capacities of civil society players to contribute to the improvement of migration management in the Republic of Belarus, in particular by promoting their activities and cooperation with national authorities to assist migrants and refugees, protect their rights and raise awareness about the risks they may face.
31. To improve and implement the policies and the legal framework governing migration, encouraging on the one hand the appropriate treatment of the various categories of migrants, and on the other hand the involvement of civil society in drawing up and monitoring those policies.
32. To pay greater heed to migration issues in the development and implementation of the signatory parties' policies, particularly with regard to development, employment and training, commercial and economic policy and gender issues, and to ensure that they are fully consistent with one another.
33. To ensure that accurate and reliable data are collected on migratory movements so that they can inform policy through adequate mechanisms or institutions in place in order to achieve mutually beneficial migration management.

## Implementation

34. The Mobility Partnership is conceived as a long term co-operation framework in line with the Global Approach to Migration and Mobility and with Belarusian migration policy and based on political dialogue and cooperation, which will be developed on the basis of the existing relationship between the Republic of Belarus and the European Union and its Member States, and will evolve over time;
35. The signatory parties take the view that the elements contained in the various components of this partnership will be implemented using a balanced overall approach and constitute a package.
36. The EU intends to contribute to implementing the partnership through EU and its Member States' initiatives, in accordance with their respective competences, in conformity with the applicable procedures and with due regard for the principle of EU preference. The EU agencies, in particular ETF, the European Asylum Support Office (EASO) and FRONTEX, will be involved, as appropriate, in the implementation of the partnership. The partnership remains open to any other EU Member State wishing to participate;
37. In order to determine the issues of common interest and needs linked to migration and asylum, the Signatories intend to further develop their dialogue and consultation, in a spirit of partnership;
38. The Republic of Belarus will take action to ensure that the objectives of this partnership are attained, taking account of the technical and financial means available.
39. In order to determine issues of common interest, monitor implementation of the partnership and, where necessary, reconsider its priorities, in accordance with the migration strategies of the signatory parties, and also to develop that partnership further, the Signatories intend to meet at least once a year at an appropriate level decided by mutual agreement. A Joint working Group on Migration and mobility based in Minsk could be established for the regular monitoring and follow up of the implementation.

40. The Signatories intend to cooperate, at an operational level in the field, to further ensure coordination between them and avoid overlapping of activities for the implementation of this partnership, including by incorporating relevant partners and actors present in the Republic of Belarus through a cooperation platform as appropriate;
41. With a view to implementing the Mobility Partnership, the Signatories confirm their intention to elaborate, follow up and regularly update an indicative annex setting concrete activities. Partnership actions will be implemented subject to the financial and technical resources to be deployed by the EU, the EU Member States, the Republic of Belarus, and, in the case of the EU, in compliance with the division of competences between the EU and the Member States. They intend to ensure good coordination of their respective efforts.
42. The Signatories intend to ensure proper coordination of their respective efforts and to update the Annex of activities, to be finalised by the parties, on a regular basis. An update of the actions identified in the current partnership will be made in the light of the progress made.
43. Whenever appropriate, the Signatories will conduct an evaluation of the current partnership.
44. The provisions of this joint declaration and its Annex are not designed to create legal rights or obligations under international law.

Done in ..... on .....

The Republic of Belarus, the European Union, and the participating Member States of the European Union, namely XXX,

For the Republic of Belarus,

For the European Union,

For the (EU Member States individually)

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