



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 October 2012

14481/12

LIMITE

MIGR 97
FRONT 135
COSI 81
COMIX 540

NOTE

from: Presidency
to: Strategic Committee on Immigration, Frontiers and Asylum/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject: EU Action on Migratory Pressures - A Strategic Response
Draft Biannual Update

1. Introduction

The JHA Council approved the 'EU Action on Migratory Pressures - A Strategic Response' at its meeting on 26-27 April 2012¹.

The Council, in approving the EU Action, noted that the document was intended to respond to current migratory challenges in a tangible and realistic way. The Council also stressed that it was important that it becomes a "living document" which would be updated on a regular basis taking account, inter alia, of progress achieved and any relevant recommendations in the annual report of the Commission on asylum and immigration.

¹ (doc. 9650/12 MIGR 45 FRONT 67 COSI 25 COMIX 288)

The Council, therefore, took note of certain arrangements which the DK Presidency proposed for that purpose, including that future Presidencies would be responsible for updating the list of actions set out in the Annex on a biannual basis and that SCIFA/Mixed Committee should oversee the implementation and update of the list of actions. Those arrangements also envisaged that the Presidency would be assisted by Member States who were encouraged to volunteer to monitor various challenges.

The Danish and Cyprus presidencies subsequently put arrangements in place for the purpose of ensuring the necessary follow-up of the EU Action.

2. First update

The Commission's Third Annual Report on Immigration and Asylum was discussed at the informal meeting of SCIFA in Nicosia on 2-3 July 2012 as was the follow-up to the recently approved EU Action. The EU Action was seen in that context as an important tool in responding to migratory pressures and helping ensure the most comprehensive response possible. The Presidency, taking into account the outcome of that discussion, signaled its intention to focus on reporting on the implementation of the existing measures as well as limited updating, if necessary, of these measures by making reference to the developments made in the period specified in the EU Action.

The Presidency has consulted with the delegations for this purpose and updated the EU Action. This shows that work continues to be taken forward on a wide range of the activities foreseen in the EU Action and that progress has been made. It is also the case, however, that in view of the limited time since the preparation and adoption of the EU Action, many of the activities foreseen remain at an early stage of development or in a preparatory phase. Likewise, against that background, delegations did not identify a particular need to update the EU Action at this stage in relation to the activities foreseen other than the suggestion made by Spain to include a further activity under Challenge 7 of Strategic priority I (see page 14 in the Annex).

3. Relationship to COSI - EU Policy Cycle (Operational Action Plans)

The Presidency also draws attention to the fact that certain activities contained in the EU Action correlate to three of the priorities of the operational plans within the framework of the EU Policy Cycle (doc. 11050/11). These three priorities are illegal immigration, trafficking in human beings and the Western Balkans¹.

¹ See doc. 11246/12 ADD 1 RESTRAINT UE/EU RESTRICTED. Cross references to relevant activities under the EU Policy Cycle Operational Action Plan have been made in the Annex.

The Presidency will seek to promote the necessary coherence but also wishes to emphasise the importance of close cooperation between those who have volunteered to monitor activities in connection with the EU Action and the drivers and co-drivers of the relevant Operational Action Plans developed as part of the EU Policy Cycle (see doc. 11568/12).

4. Conclusion

The Presidency invites SCIFA to examine the Draft updated EU Action with a view to submitting it to COREPER / Council for information.

EU Action on Migratory Pressures – a Strategic Response



List of contents

I. Strategic priority area: Strengthening cooperation with third countries of transit and origin on migration management

1. Preventing and combating illegal migration by orderly return of illegal migrants
p. 6

2. Implementation of EU readmission agreements
p. 7

3. Capacity building of countries of origin and transit
p. 8

4. The Southern Mediterranean
p. 9

5. The Eastern partners
p. 11

6. The Western Balkans
p. 13

7. The Western Mediterranean and the Western Atlantic coast
p. 14



II. Strategic priority area: Enhanced border management at the external borders

1. Strengthening political guidance and legal framework
p. 15

2. Strong and efficient external border controls
p. 16



III. Strategic priority area: Preventing illegal immigration via the Greek-Turkish Border

1. The Greek-Turkish border
p. 18

2. Combating illegal immigration transiting Turkey to EU
p. 19



IV. Strategic priority area: Better tackling of abuse of legal migration channels

1. Unfounded asylum applications upon visa liberalisation and over stayers
p. 22

2. Illegal immigration caused by visa liberalisation
p. 22



V. Strategic priority area: Safeguarding and protecting free movement by prevention of abuse by third country nationals

1. Abuse of free movement rights and organised migration related crime
p. 24

2. Fraudulent acquisition and abuse of free movement rights
p. 28



VI. Strategic priority area: Enhancing migration management, including cooperation on return practices

1. Migration management systems and fluctuating migration pressures
p. 30

2. Common EU approach in the field of return
p. 32



EU Action on Migratory Pressure – a Strategic Response

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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>PRES, COM, WP on Migration (expulsion)/HLWG/SCIFA, EEAS</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>i) The DK PRES circulated a questionnaire to all MS to identify new third countries for readmission agreements with the EU in June 2012. The WP on Integration, Migration and Expulsion considered the replies on 26 September 2012. The top three third countries with which MS would like to start negotiations on readmission agreements were: Afghanistan, Nigeria, India and Bangladesh (joint third). Other priority third countries that were identified were Tunisia and Egypt.</p> <p>The PRES and the COM will now reflect on these replies in the context of the broader strategy on cooperation with third countries in light of GAMB priorities. Work will be taken forward.</p> <p>Work is ongoing in the context of the questionnaire that was circulated for actions ii, iii, iv.</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>PRES, COM</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>PRES, COM</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</p>	<p>PRES, COM</p>		

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		<p>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>	PRES, COM	iv) Starting June/July 2012.	
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.	First JRC held with Pakistan on 12 June 2012. Continued pressure on Sri Lanka to organise first JRC.
	Ensuring effective implementation of Article 13 of the Cotonou agreement.	B: Full and effective use of Joint Readmission Committees, including, where applicable, active participation of Member States.	COM, MS	Continuous.	<ol style="list-style-type: none"> 1) JRC with Georgia held on 13 March 2012 in Tblisi. 2) JRC with Ukraine held on 15 May 2012 in Kiev. 3) JRC with Moldova held on 23 May 2012 in Chisinau. 4) JRC with Russia held on 10 July 2012.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		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.	Frequent remarks made by third countries in context JRCs and in bilateral contacts with COM regarding inconsistent application of EURAs by Member States.
		D: Exercise pressure through diplomatic channels and other regular contacts with relevant third countries.	EEAS, COM, MS	Continuous.	Call for improvements in readmission cooperation within existing and developing Migration Dialogues, for instance with India, China, as well as ongoing visa dialogues. In addition, irregular migration including readmission is regularly addressed in each of the seven regional dialogues 'certified' under GAMM: Rabat, MME, Prague, EaP, Budapest, CELAC, ACP.
		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.	24 April 2012 EU-ACP Migration Dialogue on readmission – expert recommendations on readmission endorsed by EU-ACP Ministers

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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.				
	To avoid secondary movements.				
	To establish Mobility Partnerships with relevant third countries.	B: Building capacity in third countries in order for them to better tackle the challenges of mixed migratory flows.	COM, MS	Continuous.	Identification of new actions aiming at strengthening third countries capacities is ongoing. Planning and programming of future financial instruments to start soon.
		C: Improving availability and access in third countries of first asylum to means for self-reliance to avert secondary movements.	COM, MS	Ongoing.	
		D: Contributing to enhance local employment opportunities in countries of origin.	COM, MS	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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.	There has been a transmission by the EU side of the Draft Joint Declaration of the EU- Morocco Mobility Partnership on 17 July 2012. The negotiations on the draft Political Declaration in the framework of the Rabat Process will start from 18-19 October 2012. The preliminary date for the 3rd meeting of the Dialogue on migration, mobility and security with Tunisia is foreseen in the second half of October 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.	The SAHaraMED project started in February 2010 (co-financed by the EU) what was suspended due to the Libyan crisis in 2011. See further OAP on illegal immigration action 6.1.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		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.	<p>Planning is continuing on the launching of the ‘Seahorse Mediterraneo’ project in the framework of EUROSUR.</p> <p>FRONTEX will also organise a workshop in the second half of 2012 on gathering intelligence on illegal migration.</p> <p>See further OAP on illegal immigration action 6.2 and 7.1.</p>
		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.	<p>In 2012 CEPOL organised a course “Markets related to illegal immigration, detecting, tackling and repatriation”. A further workshop has been organised by CEPOL in Greece on 15-16 October 2012.</p> <p>See further OAP on illegal immigration action 3.1.</p>

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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	<p>To enhance further the level of political and operational cooperation with the Eastern Partnership countries in the JHA areas.</p> <p>To ensure mobility in a secure and well managed environment.</p>	A: Conclude agreements on Mobility Partnerships with relevant third countries.	COM, MS (<i>Poland</i>)	Ongoing.	<p>Work progressing on the preparation of Mobility partnerships with Eastern Partnership countries, such as Moldova, Georgia, Armenia and Azerbaijan. Implementation process will constitute part of the 1st and 2nd pillar of GAMM.</p> <p>Kick-off Workshops on the Legal Migration Pilot Project and the Migration and Development Pilot Project was organised in the framework of the Prague Process on 25-26 September 2012.</p>

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
Process partners).		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 <i>(Poland)</i>	Ongoing.	<p>Work has been taken forward in the framework of JAIEX WP on mapping of cooperation and projects with the Eastern countries on illegal migration in connection to: organised crime; THB; money laundering; other types of crime. Moreover, a questionnaire has been circulated gathering best practices of MS, EU institutions and agencies. Other activities include:</p> <ul style="list-style-type: none"> - Eastern Partnership Panel on Migration and Asylum (Moldova) - topic: Circular migration that will take place on 18-19 October 2012. - Prague Process Kick-off Workshop of the Illegal Migration Pilot Project (Ukraine) taking place on 8-9 November 2012. <p>Cooperation has also been reinforced through the ongoing visa liberalisation dialogue with Ukraine, Moldova and Georgia (recently re-started).</p>
		C: Convening meetings at ministerial level to ensure appropriate political guidance and coordination.	MS <i>(Poland)</i>	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
6. Prevention of illegal immigration via the Western Balkans.	Intensify cooperation primarily with Serbia, to prevent and to fight increased illegal immigration pressure on the Hungarian-Serbian border.	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 (Hungary)	Ongoing.	FRONTEX published its Western Balkans Annual Risk Analysis in May 2012. See further OAP on illegal immigration action 2.2.
	Enhance the EU's policy response to illegal immigration in the region.	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, COM (Hungary)	Ongoing.	
	Continue assisting the relevant authorities of the Western-Balkan countries and especially Serbia in strengthening their capacity to combat illegal immigration.	C: Provide IPA assistance and continue monitoring of the further development of border, migration, asylum and visa systems in Western-Balkan countries.	COM, MS (Hungary)	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 (Slovenia)	Ongoing.	See further OAP on Trafficking in Human Beings.
		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 (Hungary)	Ongoing.	EASO and FRONTEX signed a Working Arrangement on 26 September 2012 in Warsaw formalising existing cooperation between the two Agencies and providing a framework for developing closer ties and mutual support in the future.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		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 (Hungary)	Ongoing.	
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 (Spain)	Ongoing.	
		B. To start a "lessons learned" exercise on how the reduction of migration flows was achieved in the West mediterranean and the African Atlantic Coast. In particular, to study whether similar efforts to prevent illegal migration in origin and transit Countries would also be helpful to deal with migration flows coming from other Regions. Further implications.	(Spain)		Information will be provided at SCIFA 8-9 October 2012.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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.	The first discussion was held at the June JHA Council on the basis of COM report and PRES paper. The next discussion is organised by the PRES in December 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 end 2012. Eurosur: Possibly beginning 2013.	Discussions are ongoing on the Schengen Governance package however there are still hurdles to overcome with the EP on the legal base before any conclusion can be reached.
		C: COM to put forward proposals on the Entry/Exit System and the Registered Travellers Programme.	COM <i>(Germany)</i>	Summer 2012.	Proposals are now due to be presented at the end of 2012.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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.	The COM submitted its first biannual report covering the period 1 November-30 April that was the subject of the JHA Council in June 2012. The second bi-annual report will be adopted at the end of November 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 (<i>The Netherlands</i>)	Ongoing	
	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.	

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		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.	
		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.	See further OAP on Illegal Immigration action (strategic goal 4).

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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. Increase capacity in Greece by introducing sustainable measures to reduce illegal immigration.	A: Swift conclusion of negotiations of a working arrangement between the competent border control authorities of Turkey and FRONTEX.	FRONTEX (Denmark)	May 2012.	Memorandum of Understanding (MoU) was signed between FRONTEX and Turkey establishing practical cooperation between FRONTEX and Turkish border authorities (risk analysis, training, research, exchange of experience and best practices) on 28 May 2012 There is also foreseen the possibility of deployment of Turkish officers to selected border crossing points at the EU external borders with a view to facilitating contact between the relevant Turkish and EU MS authorities.
		B: Fully implement the findings of the 2005 and 2010 Schengen evaluation reports.	Greece (Denmark)	2005 findings to be implemented before end of 2012. 2010 findings ongoing.	The NAP was presented in November 2010. Greece has reported regularly on the progress achieved in fulfilling the recommendations and remedying the shortcomings. A first peer-to-peer review mission to assess the achieved progress was conducted in March 2011. A second peer-to-peer review mission, conducted from 28.5. – 2.6.2012 has shown improvements in many fields. The mission report is currently under preparation.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		C: Intensify monitoring of the National Action Plan “ Greece – Schengen ”.	Council (Denmark)	Ongoing.	On 29 June 2012 a workshop was organised by DG HOME to identify needs and coordinate assistance from MS to EL. Concrete requests for technical assistance and operational cooperation have been submitted. This needs assessment/matching exercise is to be finalised in October 2012.
		D: Intensify support for Operations Poseidon and Attica through increased contributions from Member States.	FRONTEX, MS (Denmark)	June 2012 - November 2012.	In 2012 additional €4.9m were relocated for the purpose of implementation of the joint activities. The total budget of Joint Operation Poseidon Land 2012 and Project Attica is €1.5m. A similar level of operational support to EL is also foreseen in the planning for Joint Operation Poseidon Land 2013.
		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 (Denmark)	Ongoing.	On 1 June 2012 a meeting was held to identify needs for Greece. The outcome of this meeting was reported to the JHA Council on 7-8 June 2012 and the informal JHA Council on 23-24 July (Nicosia). The needs assessment exercise is to be finalised in October 2012.
2. Combating illegal immigration transiting Turkey to EU.	To obtain an effective engagement of Turkish authorities to prevent illegal immigration transiting through their	A: Continue assisting Turkish authorities through IPA and bilateral MSs' funds in strengthening their capacity to combat illegal immigration.	COM, MS (Denmark)	Ongoing.	

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
	territory towards the EU external borders. To sign and conclude the EU-Turkey readmission agreement. Intensify trilateral cooperation between Greece, Bulgaria and Turkey for joint border management and police cooperation.	B: Continue promoting the reform of border, migration, asylum and visa systems in Turkey	COM (Denmark)	Ongoing.	
		C: Develop cooperation at appropriate levels in order to combat organised crime facilitating smuggling of migrants and trafficking of human beings.	MS, FRONTEX, EUROPOL (Denmark)	During 2012.	COSI is in the process of monitoring the implementation of the operational action plans of the EU policy cycle for organised crime and serious international crime. This action is ongoing. MS are continuing to develop contacts with non-EU countries. See further OAP on Trafficking in Human Beings action 7.2.
		D: Continue and step up the dialogue with Turkey launched on 15 March 2012 in cooperation within the JHA area.	COM (Denmark)	Ongoing.	The Council Conclusions on a broader cooperation in the JHA area between EU and TR have been adopted on 21 June 2012. A non-paper regarding a broader dialogue and cooperation framework in the JHA area between EU and TR was presented at the WP on Enlargement (COELA) on 20 July 2012. The discussions on the non-paper are ongoing.
		E: Develop cooperation between EUROPOL and Turkish Police.	EUROPOL (Denmark)	Spring 2012.	A follow-up meeting took place from 25-27 April 2012 held by DG HOME, discussing the enhancement of cooperation between the parties and in particular, the issue of hosting a Turkish LO at Europol. See also III.2.D above.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		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 (Denmark)	2012	FRONTEX has engaged in a number of relevant activities including a 3-day training workshop for Turkish border control authorities (incl. practical issues regarding information exchange, statistical data exchange). A review of the initial data exchange will be carried out including a discussion on the possibilities for a joint analytical work in 2013 will be carried out in December 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 (Denmark)	2012	Proposal for this purpose has been put forward by BG with support of EL.
		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 (Denmark)	Ongoing.	The Council Conclusions on cooperation with Turkey have been adopted 21 June 2012.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
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 <i>(Switzerland)</i>	Continuous.	No specific EU action has been taken so far concerning the assessment of the functioning of readmission agreements with potential visa liberated third countries. CH has consulted Member States by means of a questionnaire, sent out on 28 September 2012. The replies to this questionnaire are expected for October 12th.
		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 <i>(Belgium)</i>	Continuous.	An information exchange will be developed about the actions taken by MS confronted with an important increase of asylum applications, including an analysis of the effects of these actions. A questionnaire will be circulated by BE to the MS concerned by similar phenomena in order to identify best practices.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
2. Combating and preventing illegal immigration caused by visa liberalisation.	Decrease the level of illegally staying work-force.	A: Adoption of the Commission proposal to amend Visa Regulation 539/2001 and 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 or increase in the number of irregular migrants.	Council and EP	Second semester 2012.	Negotiations on the proposal are progressing and they are expected to be finalised within coming months.
		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 (Slovenia)	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.	Visa dialogues are ongoing with: Russia, Ukraine and Moldova.
		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	Status/Observations
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.	<p>To gather, analyse and share data on the fraud and abuse at the EU level.</p> <p>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”.</p> <p>To improve the dissemination of information, intelligence and best practice between Member States to deter and</p>	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 (Germany, the Netherlands, UK)		<p>Promotion of better use of the EMN studies.</p> <p>Proposed methods for consideration by all responsible parties:</p> <p>In FREEMO, COM has established templates aimed at facilitating and making more coherent methodologically the collection of data on abuse for all Member States. On this basis possibilities for further advice/guidelines on the best practical methods to collect evidence by MS of the abuse for dissemination via SCIFA, FREEMO and/or new expert group on family reunification and possible input into the handbook on marriages of convenience (Action F).</p>

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
	<p>investigate abuse of free movement rights.</p> <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>	<p>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.</p>	<p>PRES, COM, EUROPOL FRONTEX <i>(Germany, the Netherlands, UK)</i></p>	<p>2013</p>	<p>There has been an initial discussion conducted with Europol on the data collection and data analysis on organised sham marriage and documentation fraud made by Europol in order to identify the sort of information/data and the level of its usefulness.</p> <p>Proposed methods for consideration by all responsible parties:</p> <ol style="list-style-type: none"> 1) Considering joint cooperation with Europol and FRONTEX on the implementation of this activity. 2) Considering close cooperation with Divers and Co-Drivers of the EMPACT project (to understand synergies between organised crimes elements in the EU Action and the EU Policy Cycle Crime priorities on illegal immigration) in order not to duplicate and cut across that activity.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		C: Consider how better to gather and analyse data on EU documentation fraud and facilitators detected at the external EU border.	MS, COM, FRONTEX <i>(Germany, the Netherlands, UK)</i>	2012	<p>A process of identification of any possible gaps or areas where further work is needed has been started. A relevant discussion at the WP on False Documents with the participation of FRONTEX should be initiated.</p> <p>Proposed methods for consideration by all responsible parties:</p> <ol style="list-style-type: none"> 1) Considering specific requests to FRONTEX for products which support the aims of strategic priority V. 2) Holding a discussion with Europol and FRONTEX on the possibility of their support in implementation of this activity.
		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 <i>(Germany, the Netherlands, UK)</i>	Ongoing.	Good practices for identifying sham marriages taking place outside and inside the EU can be used for input into the proposed handbook on sham marriages (Activity F).

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		E: Make effective use of Joint Investigation Teams (JITs) to investigate sham marriages and EU documentation fraud.	PRES, COM <i>(Germany, the Netherlands, UK)</i>	Ongoing.	<p>A discussion with operational stakeholders, including Met Police in the UK and NL, how to best use the potential of JITs (e.g. dissemination of public information on Operation Fry) has been commenced.</p> <p>Proposed methods for consideration by all responsible parties:</p> <ol style="list-style-type: none"> 1) Consider the necessity for another presentation of Operation Fry to FREEMO experts in light of any recent developments. 2) Addressing a request to MS to highlight relevant JITs operating on their territory. 3) Possibility to organise conferences/seminars to share information and best practices. 4) Conducting an investigation on the possibility to fund JITs.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		<p>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.</p>	<p>MS, COM (Germany, the Netherlands, UK)</p>	<p>Ongoing.</p>	<p>The opportunities to identify criteria and best practices related to detection of marriages of convenience (following Council Resolution 97/C 382/01 of 4 December 1997) are being explored.</p> <p>Proposed methods for consideration by all responsible parties:</p> <p>1) At the meeting of the FREEMO expert group on 24 September 2012, the Commission proposed to draft, with the active involvement of Member States, an operational handbook on marriages of convenience which would specifically address the needs and set the correct legal framework for the action of national authorities on the ground. All Member States are invited to contribute to this exercise with their expertise.</p> <p>2) In light of the work carried out in the FREEMO expert group as regards exchanges of information on emerging trends and identified patterns of abuse consider the need for additional ways for MS to report abuse by third- country nationals.</p>

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		G: Consider making use of EUROPOL Platform for Experts as a forum to share best practice and experience.	MS <i>(Germany, the Netherlands, UK)</i>	Ongoing.	A discussion with Europol about the Europol Platform for Experts (EPE) that could serve as a support in implementing this activity has been envisaged. Moreover, it is important to ensure the EPE contact points are up-to-date.
		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 <i>(Germany, the Netherlands, UK)</i>	Continuous.	The list of national contact points within FREEMO is being continuously updated (most recently on 24 September 2012) and is readily accessible. Following discussions at the FREEMO meeting of 24 September it will be expanded to include not only operational but also policy contact points. The same discussion showed that as regards the form and use of this network no further steps or improvements are deemed necessary at present. Discussions with operational personnel about the desirability and feasibility of establishing an additional EU-wide network of operational contacts for queries in individual cases and for sharing intelligence have been initiated. Discussions should take into account the need to avoid duplications.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
2. To prevent the fraudulent acquisition and use of free movement rights by third country nationals.	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.	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 <i>(Germany, the Netherlands, UK)</i>	2012	Discussions with the Article 6 Committee and the False Documents Working Group about the inclusion of actions A & B in their work programmes have been initiated. The EMN has been recommended to launch a study on issuance processes for residence cards issued under the Free Movement Directive. Proposed methods for consideration by all responsible parties: 1) Considering the link between abuse of free movement rights by TCNs and the abuse of source (breeder) documents issued within and outside the EU. 2) Continuing work on source documents (established by WP on False Documents) to produce a report to the COM containing recommendations for possible minimum security standards for source documents.
		B: Improve the security of the application and issuance processes for identity/EU documentation.	PRES, COM, MS <i>(Germany, the Netherlands, UK)</i>	2012	

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
VI. Strategic priority area: Enhancing migration management, including cooperation on return practices					
<p>1. Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures.</p>	<p>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.</p> <p>Developing an early warning system based on data received by Member States.</p>	<p>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 facilitate the efficient and effective operation of immigration systems, including processing and removing illegal migrants.</p>	<p>MS (Denmark)</p>	<p>Ongoing.</p>	<p>According to information provided by the COM all MS and associated countries (except for one) have implemented Return Directive.</p> <p>COM has issued reasoned opinions requesting Belgium, Luxembourg and Sweden to bring their laws into line with the Employer Sanctions Directive</p> <p>A study analysing the transposition of the Employer Sanctions Directive is underway which will serve to inform the any further infringement proceedings plus the Commission's report on the implementation of the Directive (Q2/3 2013).</p>

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		B: Ensuring statistical data and analysis is in place.	COM, MS, EASO, FRONTEX (Denmark)	Ongoing.	<p>The dialogue between EASO and Eurostat on availability of asylum statistics collected by Eurostat under Art. 4 of the Migration Statistics Regulation have been launched.</p> <p>The process of enrichment of the FRONTEX risk analyses by the monthly data on regular passenger flows (including visas) provided by the MS is envisaged.</p> <p>The 3rd Annual Report on Immigration and Asylum (2011) [COM (2012) 250] provides an extensive overview, including in a Statistical Annex in the accompanying SWD, of migration statistics, primarily coming via Eurostat.</p> <p>In addition, the EMN Bulletin provides an overview of latest published (Eurostat) statistics. The EMN also serves to provide analysis of and statistics on topics of relevance to policymakers (e.g. its study on irregular migration available from http://www.emn.europa.eu under "EMN Studies".)</p>

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		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 (Denmark)	End 2012.	For the purposes of the Early Warning and Preparedness System, EASO uses Eurostat data-source. EASO gathers also early, non-validated data from MS on monthly basis. For the time being, EASO is in process of developing this system.
		D: Closely monitor developments in respect of migration movements from Syria.	EASO (Denmark)	First semester 2012.	Ongoing monitoring of the situation by COM, EASO, IOM and UNHCR. A discussion on the humanitarian situation in Syria took place on 23-24 July 2012 at the Informal JHA Council in Nicosia. Ministers agreed that the idea of a Regional Protection Programme could be part of a suitable solution for addressing the refugee situation in neighbouring countries to Syria, as well as increased support from EASO and FRONTEX to monitor migratory flows to the EU.
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.	The PRES questionnaire has been issued. Results are being examined. See item: I.1.A. An operational workshop to further build Greece capacity in the field of return will take place in Athens on 15-16 October.

Challenge	Goal	Activity	Responsible party	Target Date	Status/Observations
		C: Improve operational co-operation on joint return operations.	MS, FRONTEX	Ongoing.	
		D: PRES questionnaire and synthesis on possible common EU approach and best practices.	PRES	Ongoing.	The PRES questionnaire has been issued. Results are being examined. See item: I.1.A.
		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.	
