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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE
EUROPEAN PARLIAMENT**

**Priority actions for responding to the challenges of migration: First follow-up to
Hampton Court**

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This Communication represents the starting point for the follow-up to the informal meeting of the EU Heads of State and Government at Hampton Court on 27 October 2005. At that meeting Heads of State called for comprehensive approach to tackle migration issues. President Barroso announced after Hampton Court that ‘the Commission would develop a list of priority actions for improving global migration, with a special focus on the African region’. Both the security and development aspects of migration are addressed here. This is in line with the call for a coherent approach across a number of areas, as set out in the Conclusions on migration and external relations adopted by the Council on 21 November 2005.

The Commission is fully committed to focusing on all aspects of migration. The initiatives on migration issues will be taken forward within the existing framework of the Commission work in the fields of Development, External Relations, in particular the European Neighbourhood Policy, Freedom, Security and Justice, and Employment. They should be provided with the appropriate means to ensure success. Subject to the decision on the financial perspectives, the Commission is ready to intensify its financial assistance in the areas concerning or related to migration.

The EU has recognised on many occasions the importance of taking a balanced and comprehensive approach, aimed at promoting the synergies between migration and development, and based on a long term strategy to address the root causes of forced migration. It is in this context that EU development cooperation has its most important contribution to make.

The Commission recognises the need for a coherent, overall and balanced approach on migration issues, and the fact that setting up a clear and consolidated EU immigration policy adds to the credibility of the EU on the international stage and in its relations with third countries. In this respect, an action plan on legal migration will be presented by the Commission by the end of 2005. While immigration should be recognised as a source of cultural and social enrichment, in particular by contributing to entrepreneurship, diversity and innovation, its economic impact on employment and growth is also significant as it increases labour supply and helps cope with bottlenecks. In addition, immigration tends to have an overall positive effect on product demand and therefore on labour demand. However, it is worth noting that the aspects related to legal migration are not addressed in detail in this Communication.

This Communication is focused mainly on certain aspects of the management of migration in relation to the Mediterranean area and Africa, notwithstanding the importance of efforts to manage migration flows from the East. More specifically, it identifies a framework responding to a series of short term, medium term and long term actions to respond to the challenges of migration.

The Hague Programme, endorsed on 4 and 5 November 2004, provides an ambitious set of measures and commitments designed to improve migration management. With the establishment of the European Agency for the management of operational cooperation at the External Borders (FRONTEX), the EU has equipped itself with an important tool to promote the enforcement of the EU's integrated border management policy together with Member States and third countries. Furthermore, on 1 September 2005, the Commission adopted a package of initiatives that deal with various important dimensions of migration, including integration, the linkages between migration and development and return. The Action Plan on legal migration that the Commission will put forward in December 2005 and the Communication on illegal migration to be presented in 2006 will represent further important contributions to the deepening of the EU's policies in these areas. Nevertheless, recent events in Ceuta and Melilla and the situation in Lampedusa and Malta, as well as in some Greek Islands, are clear indications that urgent action is required.

Migration, if well managed, can be beneficial both to the EU and to the countries of origin. However, with increased migration comes the challenge of combating illegal immigration and human trafficking, including to avert the human tragedy that is a frequent consequence. The European Union is committed to enhance its efforts to respond effectively to these challenges showing responsibility and a strong sense of solidarity. Member States must support the EU in its endeavours and collaborate with each other in their management of migration flows and, at the same time, the EU has to work in partnership with countries of origin and transit and secure financial means to assist them.

Heads of State and Government at Hampton Court called for renewed action to manage migration flows, and for the development of a series of immediate, practical actions to be taken forward in partnership with source and transit countries.

While acknowledging that migration is a global phenomenon, three categories of actions should be envisaged:

- strengthening cooperation and action between Member States on migration issues;
- working with key countries of origin in Africa;
- working with neighbouring countries.

On each of these subjects several actions are already in place; policies have already been developed; dialogues are underway; and significant financial means have been made available for a wide range of migration and development related initiatives. Yet, more can and will be done.

I. Approaching migration as a global phenomenon

The EU is faced with a number of migration-related challenges that stem from various parts of the world. In this sense, it is important to bear in mind that Africa and the Mediterranean countries, even though they are the main focus of this Communication, are only two of the relevant regions of origin. Migration-related issues are an important part of the dialogue between the EU and its Eastern neighbours, whether as part of the enlargement process, or of the stabilisation and association process with the countries of the Western Balkans, in the framework of the European Neighbourhood policy with regard to the Western NIS or in the context of the EU's relations with Russia. Similarly, Latin America and the Caribbean are

another source of migratory flows, and the EU-Latin America Summit scheduled for May 2006 in Vienna will provide an opportunity to discuss a number of migration-related issues of interest to the respective sides. Likewise, Asia is also an important source of migratory flows, including significant flows of illegal migrants who transit via Africa or countries in Europe's neighbourhood.

Europe's commitment to support the development efforts of countries of origin and transit is an obvious response to these challenges. By helping create livelihood opportunities that offer alternatives to emigration, EU development policy, centred on the eradication of poverty and the achievement of the Millennium Development Goals, including through the promotion of economic growth and job creation and the promotion of good governance and human rights, helps address the root causes of migration. In this respect, the EU must honour its recent commitments to increase its development assistance effort both in quantity and in quality, as stated in the "European consensus on development" and in the May 2005 Council Conclusions on the Millennium Development Goals.

The increasing perception of the importance of the linkages between migration and development is demonstrated by the organisation in September 2006, in the context of the 61st General Assembly of the United Nations, of a High Level Dialogue on International Migration and Development. The Commission will actively participate in the preparation of this event. It intends to present in the next semester a Communication to this effect, taking into consideration the EU's policies on migration issues related to development in the perspective of a comprehensive dialogue on globalisation and regional cooperation with developing countries.

II. Increasing operational co-operation between Member States

Member States already work together on many initiatives to better manage migration. The establishment of the FRONTEX Agency has provided the EU with a necessary tool to make a decisive step towards strengthening operational cooperation. In its proposals on the new financial perspectives the Commission has demonstrated a clear commitment to securing significant financial resources to support these efforts. The Hague Programme identifies the prevention of humanitarian tragedies that occur in the Mediterranean Sea and of illegal migration as the most pressing issue and calls on Member States to intensify their cooperation. In order to respond to this call for action, the following short-term actions should be taken forward:

- FRONTEX:
 - will, among its priorities, implement, as a matter of urgency, the border management measures envisaged in its 2006 work programme to combat illegal migration in the Mediterranean region, in particular by pilot projects and joint operations.
 - will present a Risk Analysis report on Africa to the Council by May 2006.
 - will be requested to launch in 2006 a study on the possibilities to reinforce the monitoring and surveillance of the Mediterranean Sea. This study will consider the feasibility of a **Mediterranean Coastal Patrols Network**. This network would ensure permanent contact and coordination between Member States' sea border surveillance authorities and search and rescue services if necessary and

would also connect similar services of North African countries that could be involved in the development of this project. To promote the timely launch of the Coastal Patrols Network, FRONTEX will launch a pilot project for the organisation and the day-to-day running of a network of national contact points in Member States for control and surveillance of the external maritime borders in the Mediterranean. In parallel, FRONTEX, together with Member States, should organise pilot projects aimed at better patrolling the EU maritime borders. If the experience proved positive, the network could be the basis for a more permanent structure under FRONTEX which would promote cooperation between all sides of the Mediterranean Sea, east and west. In these endeavours, it would be important to make use of modern technology. The EU must look into the technical feasibility of establishing a surveillance system to eventually cover the whole of the Mediterranean Sea, thereby providing the necessary tools to detect illegal immigration and save lives at sea in a timely and efficient way.

- Networks of Immigration Liaison Officers: Member States and the Commission will promote the use of Member States' Immigration Liaison Officers (ILOs) posted in, and responsible for liaison with priority countries of origin and transit, and establish regional ILO networks. ILOs present in the key African countries of origin and transit, in connection with those already present in the Mediterranean countries, will report in close cooperation with EU Delegations on the situation in priority countries on illegal immigration and trafficking in human beings towards the EU with the aim of preparing joint cooperation between the EU and these countries. These reports shall be submitted to the Commission and Council by May 2006.
- Rapid reaction teams: The Commission will bring forward by spring 2006 a proposal for the creation of teams of national experts able to provide rapid technical and operational assistance on border control to Member States faced with exceptional migratory pressures or influxes of migrants.
- **Tackling immigration in the Mediterranean region and the law of the sea:** The Commission will present its analysis of the existing international instruments on the law of the sea and their efficiency in the fight against illegal migration by March 2006.

III. Dialogue and cooperation with Africa and in particular sub-Saharan countries of origin

Migration, if well managed, can be a positive force for development in both Africa and Europe. In its Conclusions of 21 November the Council provided the political guidelines for the implementation of the proposals presented by the Commission in its Communication on migration and development on 1 September 2005. The Commission, in close cooperation with Member States, will play an active role in promoting an integrated and coherent approach and should take measures to begin early implementation, including encouraging the involvement of migrants themselves.

As agreed in the Council conclusions on the EU Strategy for Africa adopted on 21 November 2005, the EU will develop approaches on migration to optimise the benefits of migration for all partners in a spirit of partnership, with the following elements:

- a balanced dialogue on a broad range of migration issues, in partnership with the African Union, regional organisations and African states;

- building capacity for better management of migration, including providing technical and financial assistance (to be agreed in context of new Country Strategy Papers);
- addressing the root causes of migration, such as poverty and insecurity;
- fostering the linkages between migration and development, e.g. by promoting safer, easier and cheaper remittance transfers, facilitate the role of diasporas as agents for development; explore options for temporary or circular migration; mitigate the impact of skill losses in vulnerable sectors;
- combating smuggling and trafficking in human beings and illegal immigration, including implementing readmission obligations, as provided for, inter alia, in Article 13 of the Cotonou Agreement;
- strengthening protection for displaced persons and refugees and their access to durable solutions, in accordance with the relevant international instruments.

More specifically, the following priorities will be pursued:

- Migration as an integral part of the political dialogue between the EU, the African Union and other regional organisations The work undertaken by the African Union presents an excellent opportunity for the AU and the EU to cooperate in a spirit of constructive partnership on a series of migration related issues that are of interest to both continents.
- EU-Africa Ministerial conference: Given the importance of developing a clear common political approach, a Ministerial conference on migration between Africa and the EU will take place in the first half of 2006.
- Migration routes initiative: Joint initiatives to develop a strategy and operational cooperation between countries of origin, transit and destination in order to manage migration more effectively along key migration routes should be encouraged. This dialogue, based on solidarity, could cover actions aimed at making legal migration a success while ensuring a more effective fight against illegal migration and trafficking in human beings.
- Dialogue with key countries of origin: migration issues will be discussed within the framework of the dialogue with ACP countries. Where appropriate, concrete actions in the area of migration and development will be identified in the context of the dialogue on the new Country Strategy Papers, in partnership with the countries concerned. In this framework, specific attention will be paid to a number of specific area:
 - **Remittances:** the EU is taking action aimed at increasing competition in the EU payments market¹. This should have a positive impact on the remittances market and reduce the cost of remitting money by improving market access and competition. It may also help to foster transparency and support innovative remittance schemes. Moreover, the EU should work to improve financial intermediation in countries of origin so as to facilitate productive use of

¹ Reference to the draft payment services directive, to be adopted in principle on 1 December 2005.

remittances in the framework of its assistance to the development of the financial services sector, including micro-financial institutions.

- **Capacity building** on migration management: the EU and developing countries should further enhance their cooperation in the area of migration management, e.g. by improving national legislation and management of legal migration and asylum; making national legislation more effective to prevent and combat illegal immigration, and to strengthen the fight against criminal activities, organised crime and corruption; institution building and technical assistance to strengthen developing countries' capacities to combat the trafficking and smuggling of human beings; capacity building in the field of visas and border management, including providing equipment when necessary, but with all the necessary safeguards in particular regarding potential dual use.
- **Management of migration flows and skills:** In order to raise the awareness on legal channels for migration to the Member States – as suggested in paragraph 6 of the Council Conclusions on Migration and External Relations – the Commission will provide an overview of the possibilities and procedures for legal migration to the Member States, and will evaluate possible methods to raise awareness thereof in countries of origin. The EU and the respective countries of origin should identify and support projects through which the legal movement of students, researchers and workers, on a permanent or temporary basis, can be favoured. In addition, the Commission will soon present proposals for addressing the human resources crisis in the African health sector, which is partly due to brain drain to the EU. Preventing and combating illegal work should be another priority, where the EU and the identified key countries should start their cooperation by exchanging experiences and expertise.
- **Improving integration in destination countries:** further efforts should be undertaken by EU Member States to ensure that integration of migrants will be effective and sustainable, recognising the rights and responsibilities of the migrant and the host society. Particular attention should be paid to the necessity to facilitate the swift and early integration of migrants arriving legally as well as asylum seekers by ensuring appropriate reception conditions as well as, where possible, pre-arrival training courses. Similarly, projects will be supported in view of raising awareness in EU Member States of the contribution immigration can bring to the host societies. It is also important to recognise the link between members of the diaspora and their country of origin.

IV. Work with neighbouring countries

Strengthening cooperation on migration issues with countries neighbouring the EU is crucial and must take into account their double role as countries of origin and of transit. For those countries that have already negotiated an Action plan, the European Neighbourhood Policy provides both sides with a structured framework for dialogue, including a specialised sub-committee. Such joint approach has already allowed the EU to develop a tailor-made response to the requests and concerns expressed at bilateral level by its neighbouring partners, including those reflecting their national sensitivity. For those countries that have not yet negotiated an Action plan, the Association Agreements or the Partnership and Cooperation Agreements provide a legal basis for further action and dialogue.

In Eastern European, Southern Caucasus and Central Asia countries financial assistance has been provided in the past years for improving border management both under bilateral and regional assistance programmes. The Commission intends to continue to provide financial assistance in this domain in the future Country and Regional ENPI programmes.

Conclusion of readmission agreements is an important part of the comprehensive approach towards migration. When implementing these agreements, human rights implications need to be given careful attention and solidarity and partnership with the neighbouring countries must be ensured.

EU neighbouring partners, and in particular EUROMED partners, must intensify their efforts, in a spirit of constructive partnership, to improve the management of migration. With the political framework now in place, the following steps should be taken:

- The EU will work with North African and other neighbouring countries to assist them in their efforts to better manage migration, including helping them meet their obligations under the 1951 Geneva Convention and other relevant international instruments on international protection, fighting illegal migration, trafficking in human beings, as well as promoting legal channels for migration. The EU will support these countries by making available technical experts, increasing the use of twinning programmes, providing training, providing equipment where necessary and providing financial support to initiatives by EU Mediterranean partners. In order to increase the EU's efforts to provide international protection, a Commission Communication of 1 September 2005 encourages the establishment of Regional Protection Programmes.
- Legal migration: the Commission will explore the establishment of an adequate information flow on legal migration with interested neighbouring countries. Its main purpose will be to collect, in a structured manner, information about the work on offer and skills available in Mediterranean partner countries. This would also have a role in informing partners about employment opportunities in Europe and the procedures that are in place to apply for jobs in the EU Member States. This would need to be done in compliance with the principle of Community preference, as it is clear that full use has to be made of the labour resources available within the EU.
- EUROMED Ministerial Meeting: A meeting of JHA EUROMED Ministers on justice, security, migration and social integration of migrants will take place as early as possible in 2006.
- Mediterranean Coastal Patrols Network: in order to make the Coastal Patrols network (see above) as effective as possible, it should be extended as soon as technically feasible to Mediterranean third countries. A pilot project to be launched in 2006 will explore the possibility of associating them closely in the development of this initiative.
- Morocco: increase EU efforts to assist this country in migration management, especially through effective implementation of projects to help combat trafficking in human beings, concluding negotiations of the EC-Morocco readmission agreement and improving the controls of its southern and eastern borders.
- Algeria: Take forward cooperation with Algeria on the basis of the migration provisions of the EC-Algeria Association Agreement including on legal migration, control of illegal

migration, integration of the migration and development agenda and open negotiations on an EC-Algeria readmission agreement. A first meeting should be held in early 2006.

- Libya: in light of the significant progress made in EU-Libya relations a first EU-Libya ad hoc senior level meeting on migration will be held in December and will agree the EU-Libya Action Plan on illegal migration. The Action Plan will include joint cooperation on search and rescue in the Mediterranean Sea and Saharan desert. Implementation of several projects contained within the Action Plan in 2006 should be ensured.
- EU/Mediterranean dialogue on migration: The ways to facilitate these bilateral and multilateral cooperation initiatives should be explored. While fully respecting the political and institutional frameworks in place, which allow flexible intra-regional initiatives, and avoiding duplication, this work could advantageously take into account the experience of the existing informal 5+5 Ministerial Western Mediterranean dialogue and linked with the overall framework of the Barcelona process and the technical subcommittees. It could also aim at identifying matters of common concern and possibilities for further cooperation, in areas such as the fight against illegal migration and trafficking in human beings.
- Intensifying research: in order to improve the understanding of migratory movements, their causes and consequences for countries of origin, transit and destination, the activities started under the migration component of the regional JHA I MEDA programme will be continued and further consolidated in order to ensure coordination with the European Migration Network (EMN).

Conclusion:

These priority actions mark an important step towards improving migration management by making better and more coordinated use of existing EU instruments and policies. The Commission will work in close partnership with the Member States and third countries to further develop these actions in a true spirit of solidarity and partnership. In doing so, the EU will be able to respond to the opportunities migration presents and provide the appropriate answers to the challenges that come with it. The monitoring of the proposed initiatives should enable the Commission to report back to the Council on the first results of the suggested initiatives by the end of 2006. These results should be taken into account when adjusting the general priorities as part of the mid-term review of the Hague programme.
