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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Migration: state of play and next steps – Exchange of views

During the last months, migration flows in the Central Mediterranean have been experiencing one of the longest lulls since the migration crisis started in 2014. The months of July and August have seen the lowest level for these months since 2014. Since the beginning of 2017, 99 846 persons arrived via this route (as of 4 September), which is 17.7 % less than in the same period of 2016.

Flows in the Western Mediterranean have seen a recent increase. By the end of August, the arrivals have already exceeded the number for all of 2016. There is no firm evidence of a shift from the Central Mediterranean towards this route. The flows in the Eastern Mediterranean route have been low since April 2016, but there was an increase in May-July 2017 compared to the same period last year, while the numbers in August also exceeded those of previous months. Therefore, the trends on all Mediterranean routes must be followed very closely.

Bearing these recent trends in mind and following the European Council Conclusions from 22 and 23 June 2017 and the debate on the Central Mediterranean at the informal meeting of Justice and Home Affairs ministers in Tallinn on 6 July 2017, the Presidency proposes to focus Ministers' discussion on the following items, which should also be treated as priority for our immediate actions and for the coming months:

1. Addressing the flows in the Central Mediterranean. The low figures of arrivals in recent weeks represent a positive trend, which needs to be confirmed. The Commission's Action Plan from 4 July as complemented by the Presidency Implementation Plan from July 26, the Declaration endorsed on 24 July in Tunis at the second Ministerial meeting of the Contact Group on the migration route in the Central Mediterranean, and the joint statement of the Paris meeting on migration on 28 August, contain the main elements for a comprehensive tackling of migration flows in the Central Mediterranean, in support of Italian efforts. It implies in particular:

- Speeding up the training of the Libyan Coast Guard already at the next course starting this month, so that the Government of National Accord continues to reinforce the control of its territorial waters. The extension of the mandate of EUNAVFOR MED operation Sophia until 31 August 2018 offers the required lead time for the Operation to deliver effectively in that regard;;
- Continuing to promote the development of local communities across the migratory routes in Libya, to improve their socio-economic situation and create alternative sources of revenue, in line with the current Italian project of cooperation with 14 Libyan municipalities. The financial means to support such projects should be adequately reinforced, including through the EU Trust Fund for Africa;
- Reinforcing support to border controls in Southern Libya, Niger and Chad to prevent the movement of irregular migrants towards Libya;
- Stepping up support to the work carried out by UNHCR and IOM in the provision of adequate reception conditions for migrants in Libya on the one hand and in the coordination of Assisted Voluntary Returns from Libya and Niger to countries of origin on the other side of Mediterranean;

- Reinforcing support to the most vulnerable populations, including through enhanced voluntary resettlement efforts from the countries along the Central Mediterranean route (Egypt, Libya, Niger, Ethiopia and Sudan), as presented by the Commission at the 8th Resettlement and Relocation Forum and reiterated in the letter of Commissioner Avramopoulos to all Ministers on 25 August 2017 and in coordination with UNHCR. Increased resettlement efforts from Niger and Chad will be needed to ensure the success of the temporary mechanism for emergency evacuation from Libya that UNHCR plans to launch.
- It is also important that Member States increase their contribution to the Africa Trust fund.

2. Improving results regarding the return of irregular migrants. The work underway to conclude effective arrangements with third countries to expedite return operations should continue to be pursued, in full coherence with the Partnership Framework approach, using all necessary levers and incentives. It is relevant to effectively link different EU policies with return and readmission. For instance, the mechanism set-up to link return and visa policy should be further used towards countries that do not cooperate in the area of return and readmission and should therefore continue to be explored.

There are also aspects that should be dealt with internally in order to increase the effectiveness of return policy. It is important to further address gaps between asylum and return policies, to achieve mutual beneficial effects and contribute to increasing the number of returns. In addition, the new capacities of the European Border and Coast Guard in the field of return must be urgently mobilised to its full potential, with also additional support from Member States.

3. Continuing the implementation of the EU-Turkey Statement. The situation in the Eastern Mediterranean route is relatively stable and the illegal border crossings through the route into the EU have been low since April 2016, although an increase has been detected in recent months. In general, the EU-Turkey Statement is holding in terms of low migrant arrivals and enables to ensure an effective management of migratory flows along the route. However, Turkey has demonstrated a lack of cooperation regarding the readmission of returnees not falling under the scope of the EU-Turkey Statement and has been reluctant to accept certain readmission requests. As such, challenges remain: the continuing arrivals are still putting the Greek asylum system and the hotspots facilities on the islands under pressure and the returns to Turkey have not picked up. Increasing the efficiency and speed of the appeal process for asylum cases and the capacity to return from the islands remains a priority and all available tools should be applied, including making full use of European Border and Coast Guard new capacities. On more general terms, it is important to continue monitoring the situation along the Western Balkan route. Support to countries along the route is to be continued to increase effective border control and efforts regarding the fight against smuggling of and trafficking in human beings.

4. Relocation and contributing experts to the Agencies. The total number of people present and eligible for relocation in Greece and Italy has turned out to be well below what was foreseen in the Council Decisions from 2015. Nevertheless, there are still eligible applicants in both countries that still need to be relocated. Taking into account the progress registered so far, Member States are invited to demonstrate political will and to take determined action to deliver on the relevant Council decisions and continue relocations under the financial possibilities provided by the Asylum and Migration Fund (AMIF).

There are still gaps in the deployment of experts by EBCG and EASO in on-going operations. Member States are invited to deliver on their commitments and fill the remaining gaps.

5. The concept of "safe third country". As requested by the European Council on 22 and 23 June 2017 and in order to enhance cooperation with third countries and prevent new crisis, the Council, in the context of the CEAS reform, will work towards aligning the concept of "safe third country" with the effective requirements arising from the Geneva Convention and EU primary law, while respecting the competences of the EU and the Member States under the Treaties.

Strengthening the Common European Asylum System is key for building a crisis resilient migration management system. Work on that is ongoing and the Presidency will report to Ministers on the progress made in the next meetings of the ministers.

6. Strengthening cooperation with key third countries. Effective action to curb irregular migration necessarily requires a close cooperation with countries of origin and transit. Solid cooperation that has been developed for a long time by some Member States, the added value of their experience in this field and their bilateral relations should be preserved in favour of the comprehensive migration policy of the European Union. In this regard, efforts made by partner African countries concerned by migratory flows, both in fighting against smuggler-driven migration and in managing such flows, should be commended. Also, further support is needed in order to strengthen the Union's contribution to reinforce such efforts.

Questions:

Do Ministers agree with the approach set out by the Presidency?

Are there any additional aspects or actions that Ministers would like to point out and discuss?
