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From:	Presidency
To:	Council
Subject:	Migration: state of play

I. Introduction

During the first months of 2018, the overall numbers of arrivals in the EU continued to decrease, compared to the previous year, mainly because of lower migratory pressure on the Central Mediterranean route.

As of May 2018, almost 26 000 migrants entered Europe by sea in 2018¹. The total number for the same period in 2017 was more than 50 000 arrivals and around 200 000 at this time in 2016². Hence, in absolute numbers, the arrivals via the Mediterranean amount to half of last year's level, and about 10% of 2016's numbers.

¹ as of 13 May 2018, ISAA report 116

² Frontex

While this shows the overall success of common efforts by the EU and the Member States, the situation differs between the different migration routes across the Mediterranean Sea: the arrivals in Italy dropped by approximately 78%, arrivals in Spain rose by 50% and arrivals in Greece even increased to 161% compared to last year's figures³.

In parallel to this, the EU asylum system continues to be under strain with more than 220 000 applications lodged since the beginning of 2018⁴.

In addition to that, a new trend emerged over the last months as regards arrivals in Greece, where a particular pressure was observed on the land border. At the same time, increased movements have been reported during the first quarter of 2018 in the Western Balkans through Albania, Montenegro and Bosnia and Herzegovina towards the Croatian border and onwards to Slovenia, including reports on migrants present in Serbia joining this route, in the attempt to circumvent the enhanced controls at Serbia's borders with Croatia, Hungary and Romania.

The increase of arrivals in Greece can be broken down as follows:

Regarding arrivals by land, during the first four months of 2018, illegal border crossings by land increased more than nine times compared to the same period in 2017. In 2018 so far (as of 20 May), 6 754 migrants arrived to Greece by land, with 3 626 arrivals just in the month of April. The main registered nationalities by land in 2018 are so far (as of 20 May): Syrian (42%); Turkish (25%); Iraqi (14%) and Afghani (10%).

Regarding arrivals by sea, 10 609 migrants arrived to the Greek Aegean island in 2018 so far (as of 20 May), compared to 6 387 in the same period of 2017, which constitutes a 66% increase. The main nationalities registered in 2018 in the islands (as of 13 May): Syrian (40%); Iraqi (25%); Afghani (11%).

As a result of the higher number of arrivals, the hotspots on the islands face serious challenges.

³ as of 20 May 2018, ISAA report 117

⁴ as of 20 May 2018, ISAA report 117

As illustrated by the above, despite the decrease in absolute numbers, the situation remains volatile. Continuous monitoring of the different routes is of utmost importance. This also implies that the EU should remain extremely vigilant so as to be able to react quickly to new patterns and changing trends and to effectively stop the development of new routes of illegal migration.

In this context, the continuous lack of a fully-fledged EU crisis mechanism providing for a clear chain of responsibilities and tasks to be undertaken as well as clear criteria for determining the level of pressure pose challenges to the overall EU response, in particular if the flows were to increase significantly once again.

II. Way forward

In order to ensure an effective and comprehensive answer to the newly emerging and on-going migration challenges via the Mediterranean Sea and the Western Balkans, and in particular to avoid deterioration of the situation on the Eastern Mediterranean route where Greece is again facing a significant burden, the following immediate and short-term measures should be undertaken in order to consolidate our accomplishments and further develop a crisis-resistant migration response:

Measures to be taken immediately:

1. EU-Turkey Statement

The EU-Turkey-Statement has proven to be an effective tool to manage migration flows via the Eastern Mediterranean route. Its effective application should be ensured in order to continue to deliver concrete results in reducing irregular and dangerous crossings.

While a political agreement has been reached in the Council on the principle of the second tranche of the Facility for Refugees in Turkey, it needs to be ensured that this is now translated swiftly into the necessary operational arrangements. We should also strengthen the operational dialogue with the Turkish authorities to further enhance border control and strengthen the level of returns by effective application of the readmission agreements in force.

Moreover, the pace of returns to Turkey should be increased urgently by applying swift procedures for issuing return orders and ensuring the localisation and transfer of the migrant. In addition, the EU should continue to insist upon the full and effective application of the EU-Turkey Readmission Agreement, notably as regards the return of third-country nationals, but in parallel continue to engage with Turkey to ensure the application of existing bilateral readmission obligations with its neighbours. Cooperation with Turkey should also be reinforced to prevent emerging new routes in line with the EU-Turkey Statement.

2. *Returns and readmission*

Effective returns have a strong dissuasive impact on irregular migration.

Many efforts by the EU and its Member States are ongoing internally and in our external relations to improve the effectiveness of return. During the last years, the EU succeeded to conclude a number of important arrangements with third countries, e.g. Standard Operating Procedures. Now we should step up the efforts to ensure their effective implementation and to return those who have no right to remain within the Union. With regard to those countries who do not cooperate, we should continue our efforts, including the identification of appropriate levers and incentives, such as visas, development and trade, to achieve tangible results. The European Border and Coast Guard Agency (Frontex), the European Return and Reintegration Network as well as all other programmes and tools set up by the Member States and the EU should be fully used to provide assistance, reduce hindrances to return and increase the success of the EU return policy.

3. *Resettlement*

Resettlement is one of the key measures to build a resilient migration management system. It is not only an important tool for offering protection to forcibly displaced persons but is also a demonstration of global solidarity with third countries and a strategic instrument to manage migration. Through common resettlement efforts, the EU will be able to provide assistance and support to persons in need of international protection as close as possible to conflict areas to prevent dangerous journeys and will help to reduce the incentives for irregular migration. Following the Commission recommendation for a new EU resettlement scheme, Member States pledged more than 50 000 resettlement places, making it the largest collective commitment of the EU and its Member States on resettlement until now.

In order to be perceived by persons in need of international protection as a better or fully equivalent alternative to the illegal routes, we have to make sure that there is available information, accessible and transparent procedures and enough places in Member States to reduce the risk of people resorting to criminal smuggling networks and taking dangerous journeys to Europe.

In order to support the work of the Joint AU-EU-UN Taskforce to address the migrant Situation in Libya, the resettlement of persons evacuated from Libya to Niger is particularly urgent.

Resettlement from Turkey under the EU-Turkey Statement is currently at a slower pace compared to last year. According to the European Commission, only seven Member States have contributed to resettlement from Turkey so far this year and only four Member States are currently active while 16 Member States contributed in 2017. Since mid-March 2018, only 1 330 Syrians have been resettled, taking the total since the Statement to 13 806 persons (as of 21 May). This might be one of the causes for the sudden movement of the Syrians within Turkey.

The Union Resettlement Framework Regulation should be adopted as a matter of priority. All Member States should commit to increase their resettlement and humanitarian admission efforts in order to exploit the full strategic potential of resettlement and humanitarian admission.

– Short-term measures

1. Establishment of an EU prevention and crisis management mechanism for migration and asylum

Despite the fact that the Union is facing unprecedented migration flows at least since 2014, no structured crisis mechanism for migration management has been established so far. The Union institutions and the Member States have activated, made use and adjusted, where necessary, all the available and applicable EU crisis management tools (RABITs, Asylum Support Teams, Argus, IPCR, ISAA reporting). Other measures were implemented rather as ad hoc solutions (i.e. temporary relocation schemes, hotspot approach). In parallel, Member States took several actions without which it would have been impossible to adequately address the crisis, in particular the EU-Turkey Statement and closing of the Western-Balkan route.

However, there are no predefined criteria to determine the levels of pressure and what measures such levels should entail. EU is also lacking assessment tools. Most of the measures that have been taken stem from ad-hoc decisions. This makes the EU vulnerable to sudden changes of the trends, especially as regards the possible emerging of new routes.

At the same time, the migration pressure is not likely to decrease soon as political conditions in the areas surrounding the Union remain partly unstable. Thus, despite current low numbers of arrivals, we must not pay less attention to developments along the main migration routes. On the contrary, as migration flows - and those, who exploit them for personal gains - adapt fast to measures taken, our vigilance is needed to monitor developing trends and shifting migratory pressure between the routes, in particular if this results in significantly higher numbers of asylum applicants. Therefore the establishment of the foundations for a fully-fledged crisis mechanism was proposed under the new Dublin Regulation, notably by providing for coordinated and targeted measures to be taken swiftly at EU level both as regards internal and external dimensions.

Building on the experiences from the past years, the EU efforts should focus on consolidating and streamlining all the existing measures and tools related to crisis management into one comprehensive process with the view to provide, once a crisis occurs, for their automatised as foreseen in the respective legal basis, integrated planning and to optimise their effective coordination. Thanks to these efforts, the coordination should not only take place once a crisis occurs, but should be anticipated and planned among the various actors to enhance preparedness to deal with the various levels of crises while performing their routine operational activities. Following the discussions in SCIFA on 15th of March 2018, the Commission is currently working on a paper setting out the different elements of a consolidated and comprehensive crisis coordination mechanism which would accompany the future implementation of the new Dublin rules. This mechanism should be presented as soon as possible and supported by an appropriate structural set up.

2. *Strengthening border management*

Since 2016, the EU has made significant amendments towards improving the level of border control and ensuring effective border management. The adoption of the European Border and Coast Guard Regulation (EBCG) turned the Frontex Agency into a fully-fledged European Border and Coast Guard Agency and provided for essential instruments to monitor the border capacities to face increased migratory pressure. Under the coordination of the Agency, EBCG teams can now also be deployed to perform operations in neighbouring countries. A draft Status agreement between the EU and Albania was initialled in early February 2018 by Commissioner Avramopoulos in Tirana. The Commission will adopt the proposals for the signature and the conclusion of this agreement very soon. The negotiations with the former Yugoslav Republic of Macedonia have been concluded on 30 April 2018. The negotiations with Serbia were stalled for some time but are about to restart. The Commission hopes to open negotiations with Montenegro at the end of June 2018 and the negotiations with Bosnia and Herzegovina should also start soon. The consent of the European Parliament must be obtained before these agreements may enter into force.

These future status agreements will allow the deployment of European Border and Coast Guard Agency teams with executive powers regarding the management of migration flows, illegal migration and cross-border crime in the zones bordering the EU external border in support of national border authorities.

In addition, new border management systems have been agreed such as ETIAS and the Entry-Exit System allowing full use of the information technologies in protecting our external borders. All the efforts now should be focused on timely and effective deployment of the new systems. No delays can be afforded in building the systems necessary for ensuring stronger control at the external borders.

The inter-institutional negotiations on three legislative proposals on further strengthening the operational effectiveness of the Schengen Information System (SIS) will be finalised before mid June. Besides the legislative proposals, intensive work continues on improving the SIS. In March 2018, the Automated Fingerprint Search (AFIS) functionality to the Schengen Information System was successfully launched. This will help to reliably identify serious criminals and terrorists travelling under false identities on the basis of their fingerprints.

The establishment of interoperability of our information systems will lead to even more security regarding the identity of those who enter our territory. In cases of illegal migration, especially in situations of sudden influx, we need a prompt and resolute reaction to stop these developments.

Where Member States affected need support, this should be provided through operational and financial means from other Member States or from EU agencies. In order to be better prepared for this kind of situations, Union and Member States should finalise the work on the European Integrated Border Management (IBM). This entails that the European Border and Coast Guard Agency would establish the technical and operational strategy by the end of this year, and the Member States would adopt or update their national IBM strategies by mid-2019, with the European Commission then carrying out a thematic evaluation of the national strategies in 2019-2020.

3. Finalising the CEAS reform and ensuring effective implementation of the new procedures

While during the recent years the EU border control and border management has been boosted to a complete new level, the EU asylum policy remained unchanged. The CEAS reform initiated in 2016 provides for fundamental changes in EU asylum policy. The seven legislative proposals complement and reinforce each other providing for more effective and efficient procedures for people who are eligible for international protection while at the same time introduce rigid consequences including sanctions for those who abscond or abuse the system.

Asylum-shopping and applicants' free choice of destination due to weaknesses and gaps in our asylum system should be brought to an end. The CEAS package provides for a number of new tools to put in place a more effective and efficient asylum policy in the Union such as a reinforced and more operational European Union Asylum Agency, a flexible EU resettlement framework, a strengthened Eurodac, the application of safe country concepts and a multilayer solidarity mechanism.

All these improvements are of crucial importance in order to equip the EU with the necessary instruments to manage migration effectively. It is now time to conclude the negotiations with the European Parliament on the Qualification Regulation, the Reception Conditions Directive, the Union Resettlement Framework as well as Eurodac and to agree on a Council position on the Dublin Regulation and the Asylum Procedure Regulation for negotiations to start with the European Parliament. It is essential that these proposals be adopted swiftly so that the focus can shift towards putting the new rules into practice and ensure that the Union is prepared for any future crises.

4. *Ensuring sufficient and timely funding*

The EU Emergency Trust Fund for Africa continues to play a critical role in the EU's work.

As of 29 May 2018, 161 programmes have been agreed for a total amount of around EUR 3 060.4 million divided between the three windows, including the four cross-window programmes. A total of 241 contracts with implementers have been signed so far for a total of amount of EUR 1637 million, and total disbursements amount to EUR 681 million.

Resources currently allocated to the EU Trust Fund for Africa amount to EUR 3.39 billion including more than EUR 2.98 billion from the European Development Fund and the EU budget. In total, EU Member States, Norway and Switzerland have contributed EUR 413.9 million, of which EUR 379 million have been paid so far. The contribution of Member States to the North Africa window of the EU Trust Fund was of particular importance in being able to deliver a new approach with Libya: European Council discussions triggered Member States pledges of EUR 178.6 million, mainly to replenish the North Africa window.

Nevertheless, a significant funding gap is likely to occur already in 2018. The pipeline for the three windows, which includes essential actions such as continuing the work in Libya, and maintaining the pace of assisted voluntary returns and evacuations, is estimated at around EUR 2 billion. While remaining resources can cover some priorities, a total funding gap of just over 1 billion has been identified for the three windows, if the current level of ambition is to be maintained.

Most recent arrivals along the Central and the Western Mediterranean routes towards Italy and Spain underline once more the importance of ensuring adequate funding. This is necessary to be able to continue addressing - with a degree of urgency - the needs, particularly, of the North African partners, such as Libya, Morocco, Tunisia, Egypt and Algeria with the EU TF North Africa. Continued engagement in the Horn of Africa and Sahel and Lake Chad regions are crucial to ensure a holistic and effective response across the entire Central Mediterranean Route. EU action needs to be sustained, for instance in Niger, including on resettlement, return and sustainable reintegration through the EU partnership with IOM and UNHCR, but also in the Horn of Africa, including to continue supporting countries in the region to address their protracted forced displacement situations.

The EU continues to provide financial support to all Member States that are facing migration-related challenges pressures; notably those along the migratory routes.

For Greece, the EU provides substantial funding to Greece to reinforce its migration management capacities under the Home Affairs Funds. Greece's total allocation for 2014-2020 under its national programmes amounts to approximately EUR 561 million. On top of this support, the European Commission has allocated EUR 393 million as emergency funding to Greek authorities and International organisations operating in Greece since 2015. In addition, the EU Emergency Support Instrument (ESI) is working with humanitarian partners to provide over 24 500 rental accommodation places. It also empowers refugees with monthly cash to meet their basic needs thus supporting the purchasing powers within the local economy. Through ESI, refugees have also access to medical, psychological and other targeted services . To ensure that funding from all sources available is used optimally to cover Greece's most pressing needs as regards reception facilities, the Commission services and the Greek authorities agreed on a Financial Plan 2018. This plan ensures adequate support to reception facilities and related services for up to a total of 47 500 reception places.

For Italy, the EU provides EUR 654 million under the Home Affairs Funds for the period 2014-2020. On top, emergency assistance provided to Italy amounts to a total of EUR 193.5 million since 2014. In addition to that, another total of EUR 100 million will be made available aimed at supporting integration at local level, protect victims of trafficking in human beings, and enhance the effectiveness of asylum and return procedures. The Italian authorities are currently focusing on implementing the Action Plan on Support to Italy of 4 July 2017, in the area of medical assistance, inter-cultural mediation, equipment for screening of migrants in the hotspots and operations for maritime border surveillance and search and rescue.

In view of the increasing number of migrants arriving to Spain, the competent national authorities have submitted two Emergency Assistance applications for a total amount of EUR 30.9 million to provide immediate response to migrants after arrival (emergency health care, food, shelter, hygiene material and timely support to the rescue in marine environment) and to improve return capacities (increased detention capacity with better accommodation conditions and mobility between detention centres). The emergency assistance requested by Spain is being evaluated and complements over EUR 692 million in EU support to Spain's Home Funds.

Financial support was also provided to other Member States put under migratory pressure for strengthening border management and enhancing reception capacities.

5. Strengthening cooperation with key third countries

Special focus at EU level should be also put in further assisting the Libyan authorities, North African countries and partners in the Sahel region to enhance the national border management capacity and increase cross border cooperation.

Migratory flows along the Western Mediterranean route are increasing steadily, despite proven, long lasting cooperation and efforts made by key third countries like Morocco, Algeria and Mauritania, in order to control departures to the EU. This situation demands close monitoring and effective actions, including stronger material support from the EU to enhance the capacities of these countries to stem the irregular flows. Such a support should be prioritized for Morocco.

In addition, the increased movements on possible alternative routes in the Western Balkans should be closely monitored.

Against this background, delegations are invited to express their opinions on the following questions:

- 1. Do you agree with the measures proposed above, to be taken collectively at EU level and in a coordinated manner by individual Member States?*
 - 2. Are there any other measures that could be taken at EU level to minimise departures towards the EU?*
 - 3. Are there additional measures that could be taken in cooperation with Western Balkan partners to stem the flows in the region, particularly as regards Montenegro and Bosnia and Herzegovina which are currently put under increased pressure?*
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