

ANNEX

Thematic Programme "Cooperation with Third Countries in the areas of Migration and Asylum" 2011-2013 Multi-Annual Strategy Paper

EXECUTIVE SUMMARY

The importance of the phenomenon of international migration for both the EU and its partners makes it keenly relevant for the Commission to continue incorporating the questions related to migration and asylum in its cooperation with third countries. Following the overhaul of the financial instruments for the EU's international cooperation, the Commission has been implementing since 2007 a Thematic Programme entitled "Cooperation with Third Countries in the areas of Migration and Asylum", which complements the contribution of the "geographical financial instruments" in assisting third countries in their efforts on migration and asylum matters. The implementation of this Thematic Programme is based on Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (DCI Regulation). As foreseen in its legal basis, a Mid-Term Review has been carried out aiming essentially at defining the programme's **multi-annual strategy for the period 2011-2013**, which is the subject of this document.

The general objective of the Thematic Programme is to support third countries in ensuring better management of migratory flows in all their dimensions. The Programme covers all the essential thematic facets of the migratory phenomenon (migration and development, labour migration, irregular immigration, trafficking in human beings, migrant's rights, asylum, and international protection). The Thematic Programme seeks to enhance capacity building and encourage cooperation initiatives in the areas of migration and asylum, without, however, directly addressing the root causes of migration as this is already supported by other financial instruments.

The Thematic Strategy contained in this document offers a brief insight into the current international situation, which is marked by a rise in the number of migrants, changes in migration patterns, an increased migratory pressure on industrialised countries in parallel to the continuation of south/south migration; the search for solutions to illegal immigration; a continued emphasis on the migration and development nexus; the existence of protracted refugee situations; and the emerging of new phenomena, such as the impact of climate change on migration flows. The Strategy outlines the current EU context, policy framework and priorities, which is marked by an increasing migratory pressure on the EU's Southern and Eastern borders. EU policy in this area continues to be based on a balanced approach to the migratory phenomenon in line with the Global Approach to Migration.

Operations financed in the past and lessons learned from previous and ongoing initiatives are also outlined. In developing this new Strategy, account has been taken of the experience gained through interventions financed by the geographical instruments, the 2001-2003 preparatory actions for cooperation with third countries under budget heading B7-667, the AENEAS Programme and, particularly, the implementation of the 2007-2010 Strategy for the Thematic Programme. In doing so, this document has benefited from two external evaluations carried out respectively on AENEAS and on the first phase of implementation of the Thematic Programme (2007-2010). This review benefitted also from extensive consultation of all the programme's stakeholders, namely through an external online consultation published on the European Commission's website. Stakeholders had also the opportunity to participate

in several meetings during which the perspectives on the future of this thematic programme were discussed.

In terms of the Programme's **geographical** approach, a clear priority is given to the Southern Mediterranean, African and Eastern European regions; however, the new strategy also pays attention to other regions confronted with important migratory flows and resulting challenges (South, Southeast and East Asia and the Pacific; Latin America and the Caribbean). In this regard, the document outlines the EU approach to each one of these geographical priorities and sets out the indicative type of interventions for the upcoming 2011-2013 period.

Although the response strategy proposed for the period 2011-2013 remains mostly based on a geographical approach, which better corresponds to the way migration matters are envisaged at EU level, priority will also be given to certain **themes**, initiatives and instruments of the Global Approach to Migration, notably Mobility Partnerships, Regional Protection Programmes (RPPs), Readmission Agreements, Migration Profiles, protection of migrant's human rights, unaccompanied minors, fight against trafficking in human beings, labour migration, support to circular migration and links between migration and development.. The priorities emerging from this twin track approach will be further refined in the context of the elaboration of the Annual Action Programmes and should be implemented by using the various implementation modalities available under the Community financial and contractual rules. In this regard, both call for proposals and direct agreements (targeted projects) will remain the backbone of EU support to third countries. An indicative breakdown of the financial resources available for the 2011-2013 Strategy of the Thematic Programme (i.e. €179 million in current prices) details the indicative funding both per geographical area and for targeted measures on some thematic priorities.

1. ANALYSIS OF THE INTERNATIONAL SITUATION AND THE EU POLICY FRAMEWORK

1.1. Analysis of the international situation

According to the most recent data, there are currently 214 million international migrants in the world (against 191 million in 2005), representing 3.1 percent of the world's population¹, while the number of internal migrants is estimated at approximately 740 million people². Most of these international migration flows take place between developing countries, as just over a third of international migrants move from a developing to a developed country. It is estimated that approximately half of migrants are women. However, this aggregate percentage hides important variations between countries and regions. While the feminisation of migration seems least evident in Africa (although the proportion of female migrants is increasing), in regions like Southeast and East Asia women significantly exceed men among the migrants. In Europe, women predominate in migratory flows that originate in Eastern Europe, Latin America and the Philippines. The widespread smuggling of human beings, the growth of Diaspora communities and the strengthening of their ties with people in their country of origin, the diversification of destinations and origins, as well as the increase of mixed flows, with different types of migrants and refugees/asylum seekers using the same routes and networks, are more recent facets of the migration phenomenon. In this context, irregular immigration is considerably widespread, with the global number of migrants living in a

¹ United Nations' Trends in Total Migrant Stock: The 2008 Revision, <http://esa.un.org/migration>

² UNDP, 2009, Human Development Report "Overcoming barriers: Human mobility and development", p.1

foreign country with irregular status tentatively being today estimated at 50 million people. On the other hand, more attention is being paid to the contribution of migration to development of countries of origin, in particular the impact of remittances on local economies, which each year exceed largely the total volume of external aid or foreign investment being channelled to developing countries³.

Whilst this worldwide increase in human mobility can also be seen as a positive sign of development and of improvement in living conditions, extreme poverty and the very difficult living conditions in many developing countries, combined with increasing disparity in living standards between those countries and EU Member States, continue to be the main factor fuelling migration flows towards the EU. Other factors fuelling these international flows are the improvements in transport and communication means, the increasing labour needs of industrialised countries, and most particularly in EU Member States as a result of the ageing of their population, climate change, as well as closer relations between developing countries' Diasporas established in Europe and their countries of origin. Although in recent years the trend towards liberalising national regimes for labour immigration, in view of the growing need to meet current and future labour market demand has been somewhat reversed with the adoption, due to the current economic and financial crisis and the corresponding rise in unemployment, of stricter admission conditions and policies encouraging the return of migrants to their countries of origin, it is clear that migratory pressure towards the EU remains unabated, with the reduction of migratory flows to some regions being compensated by the rise in their numbers in others. Unfortunately these movements of people often occur in a chaotic and uncontrolled manner, creating situations in which migrants are easy prey to organised crime and unscrupulous individuals take advantage of their vulnerability, either when trying to reach their destination countries or in the host country itself. There is, therefore, an urgent need to improve the management of such migratory flows.

Furthermore, the number of people in need of international protection continues to rise, as a result of protracted and long standing conflicts and humanitarian crises in regions such as the Horn of Africa, the Middle East and Afghanistan/Pakistan. There are an estimated 14 million refugees living in a foreign country, representing approximately 7% of the world's estimated number of migrants. Although most of these refugees stay in a neighbouring country, around half a million per year seek asylum in an industrialised country⁴.

1.2. EU context, policy framework and priorities

1.2.1. EU context

The last decade registered a substantial increase in the absolute number of migrants in the world and EU Member States are amongst the most important destination countries of such movements. The total number of third country nationals in the EU (thus excluding intra EU migrants) is estimated at 19.5 millions people, representing 3.9% of the total population (497.5 million). This compares with approximately 20 million EU citizens who live in an EU Member State other than their own. As regards irregular migrants, a recent study estimated

³ According to the latest estimations of the World Bank, remittances flows to developing countries reached 305 billion dollars in 2008.

⁴ UNDP, 2009, Human Development Report "Overcoming barriers: Human mobility and development", p.1

their number in the EU at between 6 and 15 % of the total number of migrants⁵. In recent years, migration flows to the EU have become increasingly diversified and new migratory flows (from Russia, Ukraine, China, Pakistan, Sri Lanka, the Central Asian Republics, West and East Africa, the Andean countries, etc.) are emerging alongside traditional and relatively long-standing flows between countries that have historic, cultural or geographical links with EU Member States. The EU continues also to receive a high number of refugees and asylum seekers. On the other hand, still a substantial number of economic migrants appear to use the asylum procedure to try entering or staying on the territory of the EU. The mixed nature of migratory flows contributes to placing the national asylum systems under pressure and the credibility of the asylum procedures under strain. Therefore, while Member States are continuing their asylum system reforms, they increasingly call for the development at EU level of migration and refugee solutions in the regions of origin and transit.

Migration and asylum is therefore at the heart of current political debates in Europe for several reasons, and most particularly: the demographic challenges the EU faces in the near future, with considerably low birth rates and ageing population (it is estimated that, by 2050, 33% of the EU population will be over 65 years old, which implies having 2 retirees per every active person)⁶; the need to better integrate migrants in the EU societies; the need to develop policies for managing legal migration as well as curbing irregular migration and trafficking and smuggling networks, which take advantage of migrants' desperation and vulnerability; the role of Diaspora organisations in the development of both destination and origin countries; the need to protect migrants human rights; and the commitment to maintaining simultaneously an open door policy as regards asylum seekers and persons in need of protection.

1.2.2. EU policy framework and priorities

In this context, **EU cooperation with third countries is absolutely crucial**. While the external dimension of EU migration policy is prevalently built around the objective of better managing migratory flows with a view to reducing migratory pressures on the Union, the EU has developed since 2005 a **Global Approach to Migration** grounded on three pillars: facilitation of labour migration, prevention and curbing of irregular migration and fostering the links between migration and the development of migrants' countries of origin. First designed in 2005 for Sub-Saharan Africa and the Mediterranean, this global approach was extended in 2007 to the East (Eastern Europe and Central Asia). Even if not formally adopted as regards other regions, its principles preside over EU thinking when it comes to international cooperation with other countries/regions in this field, as it aims at a genuine partnership with third countries and at its full integration into the EU's other external policies. Migration is also one of the twelve policy areas identified in May 2005's Council Conclusions on Policy Coherence for Development (PCD) as an important domain for assisting developing countries in achieving the Millennium Development Goals.

Migration features commonly nowadays in EU political and technical dialogue with third countries and in multilateral or bilateral cooperation and association agreements. Financial assistance, in particular through external financing instruments such as the **Thematic Programme for "Cooperation with third countries in the areas of migration and**

⁵ UNDP, 2009, Human Development Report "Overcoming barriers: Human mobility and development", p.1

⁶ World Bank, 2009, Shaping the Future, A Long-Term Perspective of People and Job Mobility in the Middle East and North Africa,

asylum" and, also increasingly, through geographic financial instruments, represents another important component of the EU policy in this area.

Political and technical dialogue with African countries has been particularly active at all levels since 2006. At a continental level, and following up on the Tripoli Declaration on Migration and Development of November 2006⁷, an EU-Africa Partnership for Migration, Mobility and Employment was adopted by the EU-Africa Summit of Heads of State and Government in Lisbon in December 2007⁸. At regional level, the Cooperation Programme on Migration and Development was adopted in Paris in November 2008⁹, focusing on the management of migratory flows along the West Africa migratory route as a follow up to the Rabat Declaration of 2006¹⁰. Conclusions on the cooperation between EUROMED countries were agreed in November 2007 at a Ministerial Conference organised in Albufeira (Portugal). Migration, asylum, border control and the questions of visa continue to receive close attention within the framework of **EU enlargement** with the objective for the countries to meet EU standards. In recent months major progress has been achieved in the course of the visa liberalisation dialogue with the Western Balkans, motivating delivery of tangible and sustainable reforms in these areas. Bilateral links with partner countries in **Eastern Europe and Central Asia** were strengthened, also as a result of Member States from Central and Eastern Europe joining the EU recently. Since the extension of the Global Approach to Migration to the East and South East in 2007, a framework for dialogue has been established with the adoption of the Prague Declaration/Building Migration Partnerships¹¹ (which includes the Western Balkans, Turkey, Russia, Southern Caucasus and Central Asia). Other regional dialogue and cooperation platforms such as the Black Sea Cooperation Platform, the Budapest Process and the Soderköping Process, have also contributed to strengthening cooperation within the region and with the EU in the areas of migration and asylum. The Eastern Partnership establishes the general framework under which cooperation with Eastern European countries should be further pursued. The EU has also reinforced its dialogue and cooperation on migration related issues with **Latin America and the Caribbean**, notably in the context of the EU-LAC (Latin America and Caribbean) **Structured and Comprehensive Dialogue on Migration**¹², as well as **Asia**, notably in the framework of the ASEM Conference of Directors General of Immigration on Management of Migratory Flows.

In its cooperation with third countries in the areas of migration and asylum the EU has also been using other **specific instruments** such as Mobility Partnerships, Migration Profiles, Circular Migration Schemes, Visa Facilitation Agreements, Readmission Agreements and Regional Protection Programmes. **Mobility Partnerships** are becoming increasingly important in this context. They have been signed with Cape Verde and Moldova in 2008 and Georgia in 2009, and the possibility of signing Mobility Partnerships with other countries is being explored. Conceived as one of the main tools to implement the Global Approach¹³, this innovative instrument takes the form of a non legally binding political declaration,

⁷ http://www.africa-union.org/root/AU/Conferences/Past/2006/November/SA/EU/Aide_Memoire_fr.htm

⁸ <http://www.eu2007.pt/NR/rdonlyres/B22DBDCA-9425-4696-9B0E-81C5AF814ACC/0/DocumentoemMicrosoftInternetExplorer.pdf>

⁹ http://www.ue2008.fr/webdav/site/PFUE/shared/import/1125_conference_immigration/Paris_Conference_Migration_Development_Final_statement_EN.pdf

¹⁰ http://www.maec.gov.ma/migration/Doc/RABAT%20DECLARATION_EN.pdf

¹¹ Council 9283/09

¹² Council 11617/09

¹³ Council 13489/09

accompanied by a set of concrete initiatives, between the Commission, interested EU Member States and the respective partner country, through which all parties commit themselves to work actively together to better manage migration flows, including facilitation of mobility and labour migration, prevention and curbing of irregular migration and promotion of the links between migration and development. The EU has also been supporting the establishment of **Migration Profiles** in a series of countries in Eastern Europe, Central Asia and West Africa. Such support takes place in the framework of an evidence based policy making and capacity building activities, as they provide for the strengthening of third countries capacity to update those Migration Profiles in the future. Legal frameworks and special schemes for facilitating **Circular Migration**, i.e. the temporary and recurrent mobility between the EU and third countries, have also been promoted, in particular as regards seasonal (mainly agricultural) workers, with a view to meeting labour demand in the EU and at the same time promoting development impacts on home countries through remittances, skill transfers and return. **Visa Facilitation Agreements** (VFA) aiming at facilitating mobility between the EU and third countries are also an important component of EU policy to reinforce cooperation with third countries in the area of migration: VFA with the Russian Federation, Ukraine and Moldova are currently in force. A new agreement recently signed with Georgia will enter into force very soon. **EU Readmission Agreements**, under which third countries commit to readmit persons originating from or having transited through, their respective countries and staying irregularly in the EU, are currently in force with the following third countries/territories: Hong-Kong, Macao, Sri Lanka, Albania, Russian Federation, Ukraine, FYROM, Serbia, Bosnia and Herzegovina, Montenegro and Moldova. New agreements have recently been concluded with Pakistan and Georgia. **Regional Protection Programmes (RPP)** aiming at enhancing the capacity of third countries to provide that asylum-seekers and refugees receive effective protection, assistance and durable solutions, were approved and are being implemented in Eastern Europe, Africa's Great Lakes region and Horn of Africa, and are being prepared for other regions.

The principles of the Global Approach to Migration have been reaffirmed at the highest political level in October 2008, when EU Heads of State and Government signed the **European Pact on Immigration and Asylum**¹⁴, and again in December 2009 with the endorsement, by the European Council, of the **Stockholm Programme**¹⁵. The latter, which identifies the EU political priorities in the area of migration and asylum for the period 2010-2014, while recognising the flows of irregular migrants as a key challenge with which the EU will be confronted in years to come, confirms the EU Global Approach as the strategic framework for the EU external policy in this area and reaffirms the need to accelerate its balanced implementation through a more strategic use of all its existing instruments and improved coordination. The Stockholm Programme gives a clear orientation in the sense of pursuing a strategic, evidence based and systematic use of all available instruments of the EU Global Approach to Migration, in particular Mobility Partnerships, Circular Migration schemes, Migration Profiles, Readmission Agreements and Regional Protection Programmes. The **Stockholm Programme** identifies also a set of thematic priorities for cooperation with third countries in the field of migration and asylum, namely: more effective actions against irregular migration; further promotion of efficient, secure and low-cost remittance transfers; promotion of Diaspora networks and the participation of migrants communities in the development of their countries of origin; increased attention to the link between climate change, migration and development; measures aiming at improving skills recognition and

¹⁴ Council 13440/08

¹⁵ Council 17024/09

labour matching between EU MS and third countries; and refugee and asylum seekers protection in third countries. The major importance attached to the fight against trafficking in human beings, the protection of migrants' rights and measures addressing the issue of unaccompanied minors, and to the cooperation with third countries in these fields, is also confirmed in the **Stockholm Programme**. In the area of asylum and international protection, the programme reiterates the importance of launching and developing new Regional Protection Programmes and establishing a strategic partnership with UNHCR. In geographical terms, the **Stockholm Programme** confirms Eastern Europe, the Mediterranean and Sub-Saharan Africa as EU priority regions as regards cooperation in the areas of migration and asylum. However, the programme also stresses the importance of strengthening EU cooperation in this area with countries such as China and India and regions like Central Asia, as well as Latin America and the Caribbean.

Efforts are also been made to better coordinate EU initiatives of cooperation with third countries in the areas of migration and asylum with the actions developed by other key actors in this field, in line namely with the Paris agenda on aid effectiveness. Coordination between EU funded and Members States bilateral activities takes place naturally in the framework of the EU institutional architecture, including in working groups and committees such as the High Level Working Group on Migration and Asylum and the Immigration and Asylum Committee. Efforts of coordination with other important actors such as the United States or Canada are also made, through regular contacts either at political or technical level. The EU also endeavours to better coordinate its activities with those of international organisations most active in this field such as the United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), United Nations Office on Drugs and Crime (UNODC), United Nations Development Programme (UNDP), the World Bank or the International Labour Organisation (ILO). As mentioned above, EU cooperation with UNHCR, notably in the development of Regional Protection Programmes, has increased considerably in the last few years, while the EU is also strengthening its cooperation with IOM for instance as regards the development of Migration Profiles. The EU has also increased its support to organisations such as the International Centre for Migration Policy Development (ICMPD), through which it has developed several actions aiming namely at improving migration management capacities in third countries. Of interest in this context are also the coordination efforts and exchange of best practices which take place under the Global Forum on Migration and Development, which meets every year and gathers all the main actors in the field, including governments, international organisations, non-governmental organisations, universities and research institutes, etc.

2. LESSONS LEARNT

2.1. Interventions within the framework of the geographical and other instruments

In line with the greater importance of migration and asylum matters in the international cooperation agenda, EU geographical instruments are increasingly being used to support measures in this field. Under the Instrument for Pre-Accession (IPA) established in 2007 a total of €137,8 million were allocated between 2007 and 2009 for migration-related projects in the Western Balkans and Turkey, while approximately €145 million have been allocated since 2002 to the Eastern Neighbourhood for migration related projects in the region (mainly dealing with border management issues). As regards the Southern Mediterranean, €89.3 million have been contracted between 2002 and 2009 under the geographical instruments to support migration related projects. EDF funds are also increasingly being used to support

migration related initiatives in Sub-Saharan Africa, in particular through interventions in the area of migration and development. In 2006 a € 25 million intra-ACP Migration Capacity Building Facility was agreed under the 9th EDF and under the 10th EDF (covering 2008-2013), substantial funding is earmarked for migration in various NIP and RIP (National and Regional Indicative Programmes), including €20 million as part of the focal sector "Peace and Security" in Nigeria's NIP and €40 million for Intra-ACP Migration and mobility. As regards the **Middle East**, a significant assistance has been offered by the EU to internally displaced people, asylum seekers and refugees, in particular to Palestinians, Iraqis and Lebanese. For Asia, the nature of operations financed until now by geographic instruments has been more closely related to supporting rehabilitation and return of refugees and displaced persons, including internally displaced people, rather than to migration policy itself. Central Asia benefited from a total of € 24.1 million allocated through TACIS funds to support what essentially were border management activities. As regards Latin America, significant amounts have addressed the needs of displaced and uprooted populations while 12.5 million are devoted to border security in Central America.

However, such support through geographic instruments tends to concentrate on a small number of countries (for instance countries covered by IPA) and sectors (for instance border management), whilst it is still too early to see the results of the sizeable amounts allocated to migration activities for instance under the EDF funds. The EU has also funded several migration related actions through other thematic programmes, namely as regards trafficking in human beings (EIDHR and Investing in People), protection of migrants' human rights (EIDHR), awareness raising of European public opinion on migration issues, and border management and protection of refugees and internally displaced people (Instrument for Stability). Those funds are nevertheless very limited and target mainly small-scale activities, as they are normally awarded to non-governmental organisations.

Therefore, the Thematic Programme continues to play a central role in EU support to third countries in the areas of migration and asylum, remaining very often the only source of funding for such type of activities.

Budget heading B7-667, the precursor of the current thematic programme, was created in 2001 to support cooperation with third countries in the field of migration and asylum. Between 2001 and 2003, a total of €57 million was allocated to supporting fifty projects. The management of migratory flows, the prevention of irregular immigration, migrants' reintegration in countries of origin, the link between migration and development, and international protection constituted the main areas of intervention. These operations contributed to ensuring increased visibility for the EU's external action in the area of migration among Member States, the administrations of certain third countries, certain specialised international organisations and an increasing number of non-governmental organisations.

In 2004 budget heading B7-667 was replaced by the **AENEAS Programme** (Budget line 19 02 03), through Regulation n°491/2004 AENEAS implementation was based on a programming document identifying the priorities for interventions during the first three years of the Programme (2004-2006).

AENEAS, initially foreseen for the period 2004-2008, was finally shortened to three years (2004-2006) during which about € 120 million were devoted to financing migration related projects. .

A recently completed external evaluation of the AENEAS Programme has **concluded** that in, general, it ensured a good coverage of its main intended objectives and made it possible to cooperate with countries not covered by other EC cooperation instruments. Moreover, the programme achieved a good diversification of implementing partners. However, the evaluation also identified a few weaknesses, having recommended in particular to ensure that capacity building of civil society organisations of third countries is more systematically foreseen in the programme's design and project proposal, to pay more attention to issues such as xenophobia and brain drain, to facilitate the conclusion of readmission agreements and strengthen dialogue with third countries in this area, to pay more attention to community development projects and to the linking of valuable community development interventions with interventions targeting migrants' families, especially in regions of high emigration in poor countries.

2.2. 2010 Mid-term review

The Thematic Programme has been implemented on the basis of a multi-annual strategy for the period 2007-2010. Since its inception in 2007, sixty six projects have been approved for funding under the Thematic Programme, for a total amount of 108 million €¹⁶. Fifty six of these projects (for a total amount of 61.4 million €) have been selected through a call for proposals published in 2007, while ten have been funded through a direct agreement ("targeted project") (for a total amount of approximately 46.5 million €). All the five main objectives of the Thematic Programme are well represented in the mix of funded projects, with irregular migration and migration and development representing the two better covered topics (respectively 31 and 28 percent of the total), labour migration 17 percent; asylum and protection 15 percent; and protection of migrants against exclusion and exploitation around 9 percent. In geographical terms, and according to the strategy paper 2007-2010, the Southern Migratory Route (North and Sub-Saharan Africa) benefitted from approximately 43 percent of the financial support provided so far, while the Eastern Migratory Route (Eastern Europe, Southern Caucasus and Central Asia) benefitted from 29 percent, the Middle East and Gulf countries 4 percent, Asia (Southern and Eastern Asia and Pacific region) 13 percent and Latin America and the Caribbean around 10 percent. As regards the type of beneficiaries, 41 percent of the projects were co-funded with international organisations, 27 percent with non-governmental organisations (NGO), 17 percent with national administrations and state agencies of EU Member States, 10 percent with foundations and research institutes/universities and 3 percent with local authorities.

In the framework of the thematic programme's mid-term review, an **external evaluation** of the programme was conducted between October 2009 and February 2010. Its assessment was overall positive and highlighted the high quality of the technical assistance and capacity building provided through the projects. However, the evaluators highlighted also the fact that the thematic programme did not manage to effectively involve governments from third countries as active stakeholders and therefore did not succeed in stimulating broad policy dialogue with third countries, which obviously limits considerably its impact. The over-dispersion of the programme's rather limited resources is also a problem that should be tackled in the future if the programme is to become a real strategic tool in EU cooperation with third countries on migration and asylum. The external evaluation also recommended (i) to take in consideration other migration flows (such as among developing countries and to

¹⁶ Please consult list of funded projects at: http://ec.europa.eu/europeaid/what/migration-asylum/index_en.htm

destinations other than the EU); (ii) to bring in stakeholders with expertise in demographic and labour issues; (iii) to better involve EU Delegations in the Thematic programme at country level, in order to ensure better coordination with the geographic instruments and to promote effective policy dialogue with partner countries; (iv) to better coordinate between the Thematic Programme and the geographical instruments (CSP and RSP) in the next programming cycle; (v) to provide more support to local civil society organizations and local authorities, which could not access easily to the Call for Proposals funds given its complex administrative and co-financing requirements; (vi) to strengthen the Programme's mainstreaming of human rights and democratic principles; (vii) to ensure that third country governments are fully informed at the highest level of the projects being implemented in the country, so as to increase the Programme's visibility and facilitate the political dialogue.

Also as part of the Programme's mid-term review, the Commission conducted an **online consultation of the programme's main stakeholders and implementing partners**. The opinions expressed can be globally summarized as follows: the range of objectives make the strategy quite coherent with the objectives of the Global Approach to Migration and the external dimension of EU migration and asylum policies, but should also be more in line with other areas of EU policy; the programme's strategy can not overlook thematic priorities such as actions against human trafficking; support to unaccompanied minors, remittances, circular migration schemes, readmission measures, etc.; targeted projects are broadly accepted as providing a more efficient formula than those awarded under a call for proposals in fulfilling the strategy's objectives; there is a clear need to increase the complementarity and subsidiarity of thematic and geographical programmes in terms of the issues covered, their approaches and application; greater coordination and consultation amongst countries at European and international levels; need to improve the visibility of the Programme to better highlight its links with broader policy aims. The thematic programme's strategy and perspectives for the future have also been discussed with the programme's main stakeholders in a number of multilateral and bilateral meetings organised during 2010.

In conclusion, while the thematic programme has supported actions corresponding to all its five main objectives, there is a clear need to improve the protection of migrants' human rights and to increase support to civil society organisations. Also its large geographical scope and wide range of objectives, combined with the limited resources available, result in a lack of "critical mass" which reduces considerably its impact in the countries concerned, preventing the EU from using such funding as a real incentive in its cooperation with third countries and thus effectively engaging with those countries' governments in cooperation in this field.

3. THE RESPONSE STRATEGY FOR THE PERIOD 2011-2013

3.1. General framework

The Thematic Programme's main objective, as spelled out in Article 16 of the DCI Regulation, is to support third countries in their efforts to ensure a better management of migratory flows in all their dimensions. The programme covers the following **five major fields of action**, corresponding to the essential aspects of the migratory phenomenon:

(a) **Fostering the links between migration and development**, especially by encouraging the contribution of diasporas to the development of their country of origin and increasing the value of migrants' return; mitigating brain drain and promoting the circular movement of

skilled migrants facilitating financial transfers of migrants to their country of origin; supporting voluntary return and reintegration of migrants and building capacities for migration management; fostering capacity building efforts to help countries in the formulation of pro-development migration policies and in their capacity to jointly manage migration flows;

(b) **Promoting well-managed labour migration**, in particular by informing about legal migration and conditions of entry in and stay on the territory of EU Member States; providing information on labour migration opportunities and needs in Member States and on qualifications of third country candidates for migration; supporting pre-departure training for candidates for legal migration; and encouraging the definition and implementation of legislative frameworks for migrant workers in third countries;

(c) **Preventing and curbing irregular immigration and facilitating the readmission of illegal immigrants**, including between third countries, and in particular, fighting the smuggling of and trafficking in human beings; discouraging irregular immigration and raising awareness of the risks related to it; improving capacities in the areas of border, visa and passport management, including the security of documents and the introduction of biometric data, and detection of forged documents; implementing effectively readmission agreements concluded with the EU and obligations arising out of international agreements; and assisting third countries in the management of illegal immigration and in the coordination of their policies;

(d) **Protecting migrants, including those most vulnerable such as women and children against exploitation and exclusion** through measures such as developing third countries' legislation in the field of migration; supporting integration and non-discrimination as well as measures to protect migrants from racism and xenophobia; preventing and fighting the smuggling of and trafficking in human beings and any form of slavery;

(e) **Promoting asylum and international protection**, including through Regional Protection Programmes, in particular by strengthening institutional capacities; supporting the registration of asylum applicants and refugees; promoting international standards and instruments on the protection of refugees; supporting the improvement of reception conditions and local integration, and working towards lasting solutions.

Although this programme does not finance operations designed to address directly the root causes of migration or humanitarian operations, which are covered through other EU financial instruments and programmes, the actions it supports must be consistent with EU efforts to address these issues.

Its main subject is **migration to the European Union**, although migration flows between third countries can also be taken into account. In accordance with Article 1.2 of DCI Regulation, all third countries eligible for the ENPI, the DCI and the EDF financial instruments are eligible for funding. This means that only the countries that are candidate or have a perspective of accession to the EU¹⁷ and those included by the OECD in the list of developed countries (with the exception of those covered by the ENPI instrument) are not eligible to the programme.

¹⁷ As regards countries in the Western Balkans and Turkey having a perspective of accession to the EU, cooperation in the areas of migration and asylum will continue to be funded under the Instrument for Pre-Accession (IPA) as an integral part of the national, as well as regional, programmes.

The response strategy of the thematic programme for the period 2011-2013 is rooted in the principle that the programme's resources will be used to support a significant number of initiatives corresponding to all the above-mentioned five main fields of action. However, taking into account the lessons learnt from the mid-term review exercise, this multi-annual strategy endeavours to achieve a better focusing of the programme, through a clearer definition of its geographic and thematic priorities, to avoid an excessive fragmentation and spreading of resources, so that this instrument could provide the necessary leverage in the EU cooperation with the third countries and regions of primary concern as regards migration and asylum policies.

Accordingly, **the strategy proposes a higher concentration of the programme's funds on the two priority regions for the EU, respectively Southern Mediterranean and Africa and Eastern Europe.** Whilst still centred on a geographic approach, as it better reflects EU priorities on cooperation with third countries on migration and asylum, **the response strategy also gives higher prominence to certain thematic topics, initiatives and instruments of the Global Approach to Migration.** The document also proposes a number of measures aiming at increasing support to the activities of small local civil society organisations and local authorities, as well as measures to strengthen the programme's visibility and improve the coordination of its activities with initiatives financed under other EU instruments. As foreseen in article 23 of the Development Cooperation Instrument (DCI), some funds will also be reserved, in principle for each budgetary year, to support **special measures** necessary to address unexpected developments or crises situations, either natural or man-made.

Subsidiarity and complementarity with geographical and other thematic instruments

The EU will pursue its efforts to increase the subsidiarity and complementarity of the Thematic Programme with geographic instruments, whose resources should be increasingly mobilised to support activities in the area of migration and asylum. In this respect, due attention should be paid to ensuring good coordination with migration related activities funded under the Instrument for Pre-Accession (IPA), which concerns regions and countries like the Western Balkans and Turkey and that, although not eligible for the thematic programme, are important areas of origin or transit for migratory flows towards the EU. Efforts will also be made to improve coordination with other thematic programmes, notably the European Instrument on Democracy and Human Rights (EIDHR) as regards migrants' human rights and trafficking in human beings, Investing in People (IiP), as far as protection of children's rights, health, education and employment activities are concerned, and "Environment and Sustainable Management of Natural Resources, including Energy", through which the issue of migration caused by climate change could also be addressed. Also the potential for complementarity with the thematic programme "Non State Actors and Local Authorities in Development" (NSA & LA) should be fully explored, not only as regards its components related to Development Education activities but also on its potential to support networks and platforms in Europe of Diaspora organisations involved in development projects. At the local level, both the NSA & LA and EIDHR local calls for proposals could also be better used in the future to support initiatives from local organisations, most particularly in the areas of migration and development or protection of migrants' human rights. Coordination should also be strengthened with the Instrument for Stability (IfS), notably in the case of crisis and potentially destabilising situations causing sudden and huge influxes of migrants or refugees across the borders of third countries. Finally, coordination with existing programmes and funds supporting internal policy areas with a strong external component, such as the funds from the General Programme Solidarity and management of

Migration Flows should also be improved, to achieve a better linkage between the internal and external dimensions of the EU migration and asylum policies.

Visibility

The visibility of the Thematic Programme should also be improved, both in EU Member States and third countries, as noted also by the external evaluation and external consultation conducted in the framework of the mid-term review. The programme's resources will be used to make stakeholders and other interested parties more aware of the Programme's activities namely through the publication of reports, brochures and other type of communication material, organisation of meetings, workshops and seminars on specific projects or on the Programme in general. EU Delegations will obviously play a crucial role in such awareness raising abroad, while the potential offered by the Commission representative offices in EU Member States should also be fully used.

Human rights

Respect for the human rights of migrants, refugees and asylum seekers must be an important component of all the initiatives funded through the Thematic Programme.

3.2. Geographic priorities

According to the Programme's legal basis, and as already highlighted, the Southern Mediterranean (Northern Africa) and Sub-Saharan Africa (in particular West Africa, the Sahel and East Africa) and Eastern Europe (and Central Asia), remain the priority regions for the Thematic Programme, as places of origin and/or transit of most of the migratory flows towards the EU. However, attention will continue to be paid to other countries and regions confronted with important migratory flows and the challenges posed by such movements.

The present response strategy will be structured in a way which distinguishes the following regions:

- The South - Southern Mediterranean (Northern Africa), Sub-Saharan Africa and Middle East
- The East - Eastern Europe, (including the Southern Caucasus) and Central Asia
- Other regions (South, Southeast and East Asia, Pacific, Latin America and Caribbean)

3.2.1. The South - Southern Mediterranean Sub-Saharan Africa and the Middle East

3.2.1.1. General situation

While the countries located along the **Southern shores of the Mediterranean** are one of the main sources of emigration (regular and irregular) to the European Union, many of them have also become important areas of transit, and sometimes destination, essentially for migrants originating from other Southern Mediterranean countries or from Sub-Saharan Africa. The absence in almost all of these countries of migration policies that pay due consideration to human rights, and the weakness of political asylum systems and refugee protection remain serious concerns which need to be taken into account. Of major concern is also the increasing number of unaccompanied minors in the migratory flows to the EU. Special attention should

be devoted to the phenomenon of 'mixed flows', in which asylum-seekers are part of large groups of predominantly economic migrants.

Sub-Saharan Africa is also a source of significant migratory flows to the EU. Although the flows of irregular migrants is perhaps the most visible aspect of such relationship, Sub-Saharan Africa is also an important source of legal/labour migration to the EU, and migrants remittances from Europe to their countries of origin are a particularly important component of the development process of many African countries. These countries, which often do not have migration policy, are themselves confronted with problems linked with both irregular migration (e.g. trafficking and smuggling of their nationals) and legal migration (brain drain, e.g. in the health sector). Sub-Saharan African countries are important transit countries and also countries of destination, case of South Africa and regions like West Africa, where there is high mobility¹⁸. Trafficking in human beings is a serious problem, with cultural (e.g. placement of children) and institutional factors (e.g. lack of birth registration) playing an important role in the trafficking of women and children. Many Sub-Saharan African countries host also large populations of refugees with protracted crisis situations such as Somalia, Darfur and Democratic Republic of Congo being an interminable source of flows of refugees, not only to other African countries but also towards the EU.

The **Middle East** is mainly a region of transit of irregular migrants and asylum seekers from Southern Asia (in particular from Pakistan, Afghanistan, Sri Lanka, Bangladesh) and from Eastern Africa (in particular from Sudan, Eritrea, Somalia and Ethiopia), mostly trying to reach Europe via Turkey. However, some Middle East countries, and in particular Syria, Iraq, Iran and the Palestine are also an important source of irregular migrants and asylum seekers and refugees, who mostly find refuge in neighbouring countries within the same region. These outgoing migratory flows, coupled with the large flows of economic migrants towards the Gulf Countries (including from countries like Lebanon and Jordan) have, inter alia, also contributed to expose the overall region to a substantial "brain drain". Insufficient respect of migrants' *human rights remains a serious problem in the region, as labour exploitation and human trafficking* have become important negative side effects of these flows. On the other hand, growing levels of unemployment among Gulf countries nationals might have, in the medium term, an impact on Europe, as diminishing opportunities in this traditional migration destinations might result in increased flows to the EU.

3.2.1.2. Indicative type of intervention 2011-2013

Priority will be given to the following issues:

- promotion of continental and regional cooperation and dialogue between origin, transit and destination countries on every aspect of migration in the framework of the EU-Africa Partnership on Migration, Mobility and Employment (MME) (December 2007) as well as regional cooperation such as the Rabat/Paris process along the West Africa route and the First Euro-Mediterranean Ministerial meeting of Algarve (November 2007); Concrete support will be provided through the thematic programme to reinforce such processes and frameworks for dialogue and cooperation and to foster synergies between relevant processes.

¹⁸ A regional economic power such as South Africa attracts millions of workers from the neighbouring countries.

- supporting the development of Mobility Partnerships between the EU and EU Member States and third countries in the region; improvements to laws, policies and management structures dealing with migration; development of expertise in the migration field notably through the development of migration profiles;
- actions aiming at fostering the links between migration and development in particular as regards measures aimed at enhancing the contribution of diasporas to the development of countries of origin, facilitating safer, easier and cheaper channels for remittances, promoting the circular movement of migrants, and addressing the issue of brain drain;
- measures aimed at helping countries of origin, transit and destination to develop tools and build capacities for well-managed labour migration, including through better dissemination of information on available channels for legal migration, as well as employment opportunities; development of intermediation establishments, cooperation between employment agencies from countries of origin and destination and look into the connection between employment and labour migration, including circular migration;
- protection of migrants' human rights, notably through support to legislative development, support to civil society organisations, awareness-raising and capacity building for the authorities; action against racism, xenophobia and discrimination, and relief and assistance to vulnerable categories of migrants and to victims of trafficking; measures addressing the challenge posed by unaccompanied minors, namely awareness-raising programmes for children at risk and training of specialised personnel, as well as activities concerning return and reintegration in the country of origin;
- promote international protection of refugees and asylum seekers by encouraging accession to international conventions, strengthening existing legislative frameworks, awareness raising and capacity building for return, integration or resettlement of refugees (including resettlement to the EU), in particular through the development of Regional Protection Programmes
- support the prevention and control of irregular immigration and the conclusion and implementation of readmission agreements; particular attention will also be paid the cooperation in the area of border management and surveillance. Between 15 and 25 percent of the financial envelope allocated to this region will be mobilized to support a targeted measure aiming at developing third countries border surveillance capacities in the framework of their cooperation with the EU on the prevention of irregular migration directed towards the Southern and South-Eastern maritime borders of the EU¹⁹. The targeted countries should be primarily those situated along

¹⁹ The need to support measures aiming at preventing and controlling irregular migration in the southern and south-eastern maritime borders has been reaffirmed as a major priority for the EU in the Conclusions adopted by the European Council on 19 June and on 30 October 2009, as well as by those endorsing the Stockholm Programme in December 2009 and the Conclusions adopted by the European Council on the 25 and 26 February 2010. In this context, a stronger partnership with third countries of origin and transit is of utmost importance, based on reciprocal requirements and operational support, including border control. In its Communication COM (2008) 68 final of February 2008 the Commission proposed the establishment of an **European Border Surveillance System (EUROSUR)**, which should

the Southern and South-Eastern maritime borders of the EU selected for and accepting cooperation with the EU in the framework of the EUROSUR programme. Such measures will help those third countries to reach full situational awareness on the conditions in their borders and increase the reaction capacity of their border control authorities and national law enforcement authorities, including as regards search and rescue of stranded migrants or refugees/asylum seekers, notably by setting up and strengthening the capacities of national coordination centres and national surveillance systems and inter-linking those national infrastructures to allow regular exchange of information, as well as providing assets enabling those infrastructures to operate. Considering the nature of these activities, MS national administrations and FRONTEX²⁰, as well as national administrations from third countries, should be strongly involved in the design and implementation of this targeted initiative.

- as regards more particularly Libya, particular attention will be paid to measures to curb irregular migration flows into the EU, to support migration management capacities, promote the respect of migrants' rights and support protection of refugees and asylum seekers.
- as regards the Middle East, priority will be given to actions aiming at improving the protection of refugees and asylum seekers in Jordan, Lebanon, Syria and Yemen, and at facilitating their access to durable solutions, curbing irregular immigration, with a focus on prevention and control of smuggling of and trafficking in human beings, at protection of migrants' human rights.

An indicative amount of €68 million will be allocated to support actions in this region. The size of funding in relative terms for actions supported in the three sub-regions (Southern Mediterranean, Sub-Saharan Africa and the Middle East) will in principle be proportionally in line with the funding provided under the 2007-2010 Strategy of the Thematic Programme.

3.2.2. *The East - Eastern Europe and Central Asia*

3.2.2.1. General situation

The East constitutes one of the prime sources of emigration to the European Union and is at the main crossroads of international migration and human trafficking. In **Russia**, managing labour migration and controlling and preventing irregular immigration are major concerns. Trafficking in human beings towards Russia, especially from Central, Southeast and East Asia is growing, calling for special measures. As regards its asylum system, Russia has made important improvements over the past years. However, several aspects need to be further

provide a common technical framework to support Member States' authorities in reaching full situational awareness at the Southern and Eastern EU external borders and increase the reaction capability of their border control authorities and national law enforcement authorities, including as regards search and rescue of stranded migrants or refugees/asylum seekers. An important element of such system would be the provision of financial and logistical support to neighbouring third countries to enhance their capacity to control and manage their own borders, to fight cross-border crime and to fulfil their responsibilities as regards search and rescue.

²⁰ FRONTEX is an EU agency tasked to coordinate the operational cooperation between EU MS in the field of border management and security. As an integral part of FRONTEX mandate, operational cooperation with third countries is valued as an indispensable tool for effective management of the global fight against irregular migration and cross-border crime.

improved, particularly access to the asylum procedure, effective access to basic facilities, such as education and particularly health care, reception capacity and the quality of the status determination procedure and the appeals. Russia is a transit country for asylum seekers seeking to go to the EU and Russia itself remains an important source of asylum applicants (mostly Chechens) in industrialised countries.

Of the **Eastern Partnership countries, Ukraine, Moldova and Belarus** are all major countries of origin and major countries of transit for irregular immigrants (especially of Asian origin) trying to reach the European Union. They are also important countries of origin and transit for human trafficking (especially women and children for prostitution). Migration is a very important issue in Ukraine as a large number of its nationals live and work abroad, while at the same time, many non-Ukrainians (often transiting from Asia or Africa) try to cross its borders to reach the European Union. Of the three, Moldova is the country most directly affected by emigration, as over a quarter of its population has emigrated permanently or temporarily in recent years. Belarus, because of its border with the European Union and its porous border with Russia is an important transit country. For all these three countries, migration has an important impact on socio-economic development in the mid to long-term, especially in the context of a severe population decline.

In Azerbaijan, Armenia and Georgia, weak legislation, institutions and migration policies and high emigration rates among people of working age, combined with a very difficult economic situation, constitute major challenges. **Central Asia** registers both a rise in irregular migration from and via the region and a rise in migratory flows of workers (legal and irregular) within the region (essentially to Russia and Kazakhstan) with an increased dependency on remittances (by 2008 remittances provided the equivalent of Tajikistan's GDP, a quarter of Kyrgyzstan's and an eighth of Uzbekistan's). The economic crisis caused many of the migrants labourers in Kazakhstan and Russia to lose their jobs, and it is believed that as many as one million, representing between 25 and 30 per cent of the total, have returned home. For those who remained, cases of discrimination and xenophobia, mainly in Russia, increased considerably. In addition, the political situation of several countries in the region is highly unstable and internal and external ethnic conflicts have produced a large number of refugees.

3.2.2.2. Indicative type of intervention 2011-2013

Priority will be given to the following issues:

- promotion of dialogue and cooperation on migration and asylum issues between the EU and Eastern Europe and Central Asia, between them and the actual and potential EU candidate countries among the countries themselves in the framework of the Prague Process and the Building Migration Partnerships Process as well as within the regional cooperation such as the Budapest process and Söderköping process; Strengthened cooperation and synergies between processes and coordination with the Eastern Partnership will be promoted;
- support to the development and implementation of Mobility Partnerships between the EU and EU Member States and third countries in the region;
- links between migration and development, more particularly in countries highly dependent on migrants remittances such as Moldova, Ukraine, Armenia, Georgia, as well as several Central Asian countries, enhancing the contribution of diasporas to

the development of their countries of origin; facilitating safer, easier and cheaper channels for remittances;

- promoting the circular movement of (see also previous comments under 3.1.(a)) migrants and addressing the issue of "brain drain" (particularly in the health and education sectors); help countries of origin, transit and destination to develop tools and build capacities for well-managed labour migration, to better match labour demand and supply, to provide information on employment opportunities and on available channels for legal migration, as well as training of potential migrants, to develop national employment services and recognised intermediation establishments;
- support to the implementation of readmission agreements with Russia, Ukraine, Moldova and Georgia and any other relevant countries in the region²¹;
- improvements to laws, policies and management structures in respect of migration and development of expertise on migration, notably through the development of migration profiles;
- support international protection related activities, in particular in the framework of Regional Protection Programmes, with special focus on registration, reception and resettlement conditions, as well as measures aiming at protecting refugees against exploitation and mistreatment, racism and xenophobia; prevention and control of irregular immigration, human trafficking and smuggling, notably actions aiming at better informing potential migrants, developing capacities for prosecuting traffickers and smugglers, identifying and protecting victims and reinforcing cooperation between law enforcement agencies and NGOs;
- support cooperation on border management and border surveillance between EU MS and Eastern Europe and Central Asia; support measures addressing the challenge posed by unaccompanied minors, namely awareness-raising programmes for children at risk or training of specialised personnel, as well as activities concerning return and reintegration in the country of origin; protection of migrants' human rights, notably through; support to legislative development, awareness-raising and capacity building for the authorities;
- reform of admission procedures, measures against racism, xenophobia and discrimination, information campaigns for migrants and for local communities on migrants' rights, relief and assistance to vulnerable categories of migrants and to victims of trafficking, as well as legal advice and assistance to migrants.

An indicative amount of €28 million will be allocated to support actions in this region.

²¹ The implementation of this objective should include actions related to the cooperation between administrations as regards the identification and documentation of returnees as well as initiatives regarding the reception of returnees and their sustainable reintegration in their community of origin.

3.2.3. *Other regions (Asia, Latin America and the Caribbean)*

3.2.3.1. General situation

The migration situation of **Asia** is complex, given the continent's size and diversity. Intra-regional migratory flows are particularly significant because of economic difficulties, wars, ethnic or religious conflicts etc. In South East Asia, Brunei, Singapore and Malaysia are characterised by net immigration while the Philippines is a clear example of a net emigration country. Only a small share of migrants moves to Europe, Australia, USA or the Middle East. Nonetheless, due to the size of the Asian population, such a small share from a few countries (China, Afghanistan, Sri Lanka, Pakistan, India, Bangladesh, Philippines and Vietnam) represents a large number of people and a growing proportion of legal and irregular entries into Europe. The region is increasingly confronted with large scale intra regional labour migration, irregular immigration and trafficking in human beings. Regional dialogue on migration issues is improving, in particular through the Bali process (which addresses issues of people smuggling, trafficking in persons and other trans-national crimes) and through the ASEM dialogue (which addresses inter alia the management of migratory flows between Europe and Asia). Countries like Vietnam, Sri Lanka and Philippines also pursue "labour export strategies" as part of their development efforts. The protection of human rights of their migrants and the promotion of migrant workers' rights are certainly important issues of concern in many Asian countries of destination and for other Asian countries of origin. Trafficking in human beings is growing, both intra-regional (particularly worrying in this respect are the migratory flows originating from Myanmar, Laos, Cambodia and Vietnam and directed to Thailand) and to the EU.

Some Asian countries experience, or have experienced large flows of refugees or displaced persons. Many Chinese nationals submit asylum applications in Europe: although a number of these are for purely economic migration reasons, many others are based on a real need for protection due to the well-known government's stance on political and religious freedoms. The situation in Myanmar continues to be cause of concern in this regard too. Yet, it is undoubtedly the conflict in Afghanistan that generates the largest flow of refugees and asylum seekers to neighbouring countries: according to most recent data²², there are currently 1.7 million Afghan refugees in Pakistan and almost 1 million in Iran, while the arrival of increasing numbers of Afghan refugees in countries of Central Asia such as Tajikistan is increasing its instability and making more difficult the protection of asylum seekers.

As far as the countries in the **Pacific** are concerned, migratory flows towards the European Union are quite limited. However, migrants represent for most of these countries a high percentage of their total population and their current account is highly dependent on migrants' remittances. On the other hand, migration provoked by climate change is already a significant push factor, with many island nations with most of their territory only a few meters above sea level and facing the perspective of almost certain further sea level rise.

While the main destination of **Latin American and the Caribbean (LAC)** migrants has traditionally been the US, in more recent years there has been a sharp increase in migration to the EU, notably from the countries of the Andean Community and Brazil to Spain, Italy and Portugal. With the resolution of violent conflicts in Central America and the economic crisis in Argentina (a former magnet for economic migrants), intra-regional migratory flows have

²² UNHCR "Global Appeal 2010-2011, Real People, Real Needs"

decreased considerably. Nonetheless, there are still important Colombian communities in Venezuela, Ecuador, Panama and Mexico, large numbers of Bolivians in Argentina and Brazil, as well as an important Central American migration, above all from Nicaragua to Costa Rica.

Several LAC countries are among the main remittances recipient countries in the world, receiving about a quarter of global remittance flows. The economic importance of these transfers is enormous²³. Important remittances corridors exist with the EU, from Spain to Colombia and Ecuador and from Portugal to Brazil. Poverty, lack of employment opportunities, internal conflict, volatile political situations and insecurity have induced some 12 % of the total LAC population with tertiary education to emigrate and look for opportunities abroad. This phenomenon creates an important ‘brain drain’ challenge, including for some small Caribbean countries, aggravated by the fact that many LAC migrants reside irregularly in the EU and work in jobs far below their education levels (brain waste). However, this relatively high skilled migration offers also a potential to mobilize LAC Diasporas to contribute to their home countries’ development.

Controlling irregular migration and curbing both migrants' smuggling and trafficking in human beings, which remain an important activity of criminal organizations in the region, poses significant challenges for LAC authorities who often lack the capacity to control their borders adequately. Certain EU Member States are, for example, among the major destinations for trafficked sex workers from Colombia, Brazil or Paraguay. Increasing migration and low social development levels have contributed to fragmented family structures, often with harmful consequences²⁴ for children left behind, as well as for those trafficked or adopted without conformity to international standards.

3.2.3.2. Indicative type of interventions 2011-2013

Concerning **Asia**, special attention will be paid to actions promoting regional dialogue and cooperation, actions aiming at preventing and controlling irregular migration and fighting smuggling and trafficking in human beings. Priority will also be given to the protection and assistance to refugees, in particular the challenge posed by the flow of refugees and asylum seekers generated by the conflict in Afghanistan/Pakistan. In this respect the Commission will consider the possibility of developing a RPP in the region, provided the necessary conditions are met. In the context of EU cooperation in particular with India and China, the thematic programme will also support measures aiming at strengthening cooperation with the EU on labour migration and help countries of origin, transit and destination to develop tools and build capacities for well-managed labour migration, including through better dissemination of information on the risks of irregular migration, employment opportunities and available channels for legal migration, as well as the development of recognised intermediation establishments, the training of potential migrants, cooperation between national employment services and recognised intermediation private agencies. Assistance will also be provided to actions aiming at improving the laws, policies and management structures in respect of migration and to build the capacities of staff in charge of migration, notably through the

²³ In El Salvador, the WB estimates that remittances made up for some 16.2 % of GDP (2004). In Ecuador (where the share of GDP is around 6%) and Colombia, remittances are estimated to be the second largest foreign currency earner after oil exports.

²⁴ Guatemala, for example, records the world’s highest percentage of children placed in foreign families (including in the EU).

development of migration profiles. Attention will also be paid to actions fostering the links between migration and development, including facilitating safer, easier and cheaper channels for remittances and enhancing their developmental impact, and promoting the circular movement of skilled migrants.

In the **Pacific**, priority will be given to actions aiming to help countries in the region, most particularly Island States, to develop tools and build capacities that enable them to adequately manage the challenges posed by climate change and its impact on migratory flows, in particular measures to help these countries to develop tools and build capacities that enable them to adequately plan and manage the migration of their population as sea level gradually rises, as well as measures supporting Pacific countries in their efforts to better manage remittances and promote the contribution of their emigrants to national development.

As regards **Latin America and the Caribbean (LAC)**, priority will be given to measures aiming to promote dialogue and cooperation between the EU and LAC countries, in particular in the framework of the Structured Dialogue on Migration launched on 30 June 2009, as well as regional cooperation on migration and asylum amongst LAC countries, to foster links between migration and development including enhancing the contribution of diasporas to the development of countries of origin, and supporting their links to the communities of origin, to promote well managed labour migration, and to prevent and control irregular migration and trafficking in human beings (with a focus on minors and women), including through information campaigns, capacity building and passport control and visa management, protecting migrants and refugees against exploitation and mistreatment and raising awareness about their rights; etc. Assistance will also be provided to actions aiming at improving the laws, policies and management structures in respect of migration and to build the capacities of staff in charge of migration, notably through the development of migration profiles. Considering the origin of most of the migratory flows to the EU, the geographical focus will be on the countries of the Andean Community (Colombia, Ecuador, Peru and Bolivia) as well as Brazil, Argentina and Uruguay. However, important migratory flows in other regions should also be taken into consideration.

An indicative amount of €18 million will be allocated to support actions in these regions.

3.3. Thematic priorities

Within the five main objectives of the programme, special attention will be paid to a certain number of issues or topics for which the EU has recently launched a series of important initiatives or whose relevance is increasing in the framework of the EU cooperation with third countries in the field of migration and asylum. Therefore, and notwithstanding other targeted measures that might be identified at a later stage which also comply with the programme's objectives and priorities, significant funds from the Thematic Programme should be mobilized either through calls for proposals or through targeted measures to support during the period 2011-2013 the topics, instruments and measures such as the ones mentioned below.

In line with article 11.1 of the DCI Regulation, which stipulates that Thematic Programmes shall be subsidiary to the geographic programmes, support through the proposed targeted measures should be limited to those countries or regions where no allocation is foreseen for the same kind of intervention under the respective CSP or RSP. Exceptions to this principle should be duly justified.

3.3.1. *Protection of migrants' human rights*

Cooperation between governments in countries of origin, transit and destination, and among non-governmental organizations, civil society and migrants themselves, is essential to ensure that migrants' human rights are protected and that migrants are aware of their rights and obligations. Migrants most basic human rights are very often violated either in the countries of origin, transit or destination. At the origin of such violations are normally the criminal organisations that prey on the migrants' vulnerability: however such violations may also result from actions and decisions taken by the authorities, which very often ignore the need to respect the migrants' rights, independently from their status in the country (legal or irregular). Acts of xenophobia, abuse, exclusion, exploitation and discrimination against migrants are common in many countries, with migrant women and children being particularly vulnerable to exploitation, and therefore requiring special protection.

In line with the Stockholm Programme main thrust on the protection of human rights, the Thematic Programme will renew its efforts in this area, not only by mobilising a substantial amount of its resources to support initiatives addressing specifically the issue of migrants' human rights, but also by ensuring that the protection of migrants' human rights is systematically included as an important component of any project funded through the Programme. In accordance with this human rights approach, such projects should also more systematically integrate measures aiming at guaranteeing the monitoring of the respect of migrants' human rights by civil society organisations and human rights agencies. This will also be reflected in the evaluation criteria of the proposals submitted as well as in the targeted initiatives

3.3.2. *Unaccompanied minors*

The presence of an increasing number of unaccompanied minors in migratory flows is an issue of major concern both for policy makers and general public opinion in the EU. Unaccompanied minors must be duly protected according to international conventions on human and child rights, and concrete measures must be taken in order to address this worrisome trend. The Stockholm Programme has expressly asked the Commission to address this problem and, responding to this mandate, in May 2010 the Commission adopted an "Action Plan on Unaccompanied Minors (2010 – 2014)."

Measures addressing the phenomenon of unaccompanied minors will therefore constitute one of the priorities of the Thematic Programme. Such measures should be related to prevention, such as awareness-raising programmes for children at risk, training of specialised personnel in main areas of origin to detect situations of risk, as well as activities concerning return and reintegration in the country of origin (for instance, projects providing for post-return monitoring and follow-up, especially in the case of child victims of trafficking, support to families and communities for reintegration, etc.). The human rights dimension will be particularly taken into account in projects funded by the thematic programme in this area.

3.3.3. *Fight against trafficking in human beings*

According to an ILO report²⁵, there are globally at least 2.45 million people in forced labour as a result of trafficking in persons. Of these, 43% are trafficked for sexual exploitation while

²⁵ Patrick Belser, Michaëlle De Cock, Fährad Mehran, ILO *Minimum Estimate of Forced Labour in the World*, ILO, Geneva, April 2005.

32% are victims of other forms of economic exploitation. Women and girls represent 56% of the victims of forced economic exploitation and an overwhelming majority (98%) of the victims of sexual exploitation.

Although accurate figures are not available, it is estimated that several hundred thousand people are trafficked into the EU or within the EU every year. Trafficking in Human Beings (THB) represents an issue of primary concern not only for the EU but also for many third countries such as Moldova, Ukraine, Nigeria, Brazil, Thailand, to name just a few.

*The Commission undertook recently several initiatives renewing its efforts to tackle this problem, including the adoption by the Council of the European Union, on the 1 December 2009, of an “**Action-Oriented Paper (AOP) on Strengthening the EU External Dimension on Action against Trafficking in Human Beings: Towards Global EU Action against Trafficking in Human Beings**”. Fight against THB is also a clear priority in the Stockholm Programme and respective Action Plan, and this issue is normally included in EU international agreements and political dialogue with third countries. In spite of the efforts made a global level to fight it, there still are vast knowledge gaps on this crime and its different components, which make efforts to confront it largely ineffective. Sexual exploitation remains the most commonly reported reason behind human trafficking, while other forms of human trafficking linked to forced, bonded and slave labour, exploitation of children in begging, organ removal, domestic servitude or warfare remain largely unreported and non addressed. On the other hand, in spite of the number of countries having taken measures to implement the UN protocol to prevent, suppress and punish trafficking in persons has doubled in the last few years, there are still many countries, particularly in Africa, that lack the necessary legal instruments to implement it. The Thematic Programme will therefore give a clear and highly visible priority to the fight against Trafficking in Human Beings, notably by supporting targeted measure(s) aiming at addressing the above-mentioned issues including, on the one hand, promoting worldwide the signature, ratification, implementation and enforcement of the Protocol against human trafficking of the UN Convention against Transnational Organised Crime, and on the other hand, facilitating data collection and research on the different components of the phenomenon and improving third countries capacity to cooperate with the origin, transit and destination countries both in view of combating the traffickers and assisting their victims.*

3.3.4. Fostering the links between migration and development

In September 2005, the Commission issued a Communication²⁶ identifying some concrete orientations likely to have a positive impact on the link between migration and development. Since then, the European Union has been playing a leading role and acquired greater political visibility through its support to concrete efforts aiming at fostering the links between migration and development.

In this context, the EU provided support to initiatives such as the EU-UN Joint Initiative on Migration and Development (JMIDI) which aims at supporting civil society organizations and local authorities seeking to make migration work for development. During the period 2011-2013 the Thematic Programme will pursue such support notably by funding specific targeted measure(s) on “migration and development” aiming, as recommended in the mid-term review, at supporting small local actors activities and their participation in policy making processes.

²⁶ COM (2005) 390 final, 1.9.2005

These measure(s) would be devoted to supporting worldwide best practices and innovative projects in the area of migration and development, developed jointly by migrants or returnees and their community of origin, as well as by CSO, associations and local authorities of countries of destination, transit and origin. Another area that had been identified as a priority to foster the links between migration and development is to support third countries in their efforts to address the issue of brain drain, through the adoption of measures that, on the one hand, encourage their skilled nationals not to migrate and, on the other hand encourage skilled migrants to return home or contribute to the development of the country. Areas like health and education are particularly sensitive to the brain drain phenomenon in a number of countries and the Commission will explore possibilities of supporting the implementation of the code of conduct recently adopted by the World Health Organisation. Such measures should never be of the sort that would breach human rights and prevent those country nationals from migrating if they so wish. *Between 15 and 25 percent of the thematic priorities financial envelope should be allocated to support the above mentioned operations.*

3.3.5. *Facilitation of Circular Migration*

The potential of circular migration – either taking place within the framework of specific schemes or occurring spontaneously - to contribute to development is widely recognised. The facilitation of circular migration is recognised as an important element of the Global Approach to Migration and the Stockholm Programme foresees continued support to cooperation initiatives on circular migration, either regarding the temporary return of resident immigrants to their country of origin or the temporary migration of nationals of country of origin to destination countries. The Thematic Programme will pursue its support to such efforts, including by providing funding for studies, research or data collection on this topic, so that its potential could be fully explored.

3.3.6. *Labour migration: developing tools to better manage labour migration and protect migrants' socio-economic rights*

The Stockholm Programme proposes the development of policies with the aim to improve notably the skills recognition and labour matching between the European Union and third countries and to promote cooperation between national employment agencies from EU Member States and third countries. In this context, measures should also be supported to develop the capacities of the relevant authorities in third countries to manage migrant labour flows and to enhance the effective protection of migrant workers' rights. Significant resources from the Thematic Programme will be mobilised to support a significant number of measures in this area, including specific targeted initiative(s) aiming to contribute to promoting labour migration management. Such initiative(s) would aim *inter alia* at supporting third countries in their efforts to: 1) improve their knowledge of labour migration trends and features 2) improve their knowledge of EU Member States' policies and practises, including international labour migration arrangements and public and private schemes to recruit migrants in third countries 3) design appropriate labour migration policies/strategies 4) improve dialogue with relevant stakeholders at national, regional and international level 5) improve labour matching mechanisms and capacities, including the capacity to analyse labour market needs and to produce professional profiles more in line with those needs 6) promote skills recognition 7) manage the socio-economic reintegration of returnees 8) provide potential migrant workers with proper information on job opportunities, training and support 9) protect migrant workers rights 10) integrate labour migration issues into their development strategies. Specific attention will also be paid to the capacity building needs of third countries - in particular destination countries of labour migration flows". This would also closely relate to the

promotion of decent work for all in the context of migration. It would also provide useful opportunities for sharing the relevant EU experiences and best practices for the benefit of both third country partners and migrants.

3.3.7. *International protection of asylum seekers and refugees: support for the implementation of Regional Protection Programmes (RPP)*

The serious needs which remain unattended in regions of primary concern for the EU such as the Horn of Africa, North Africa, Eastern Europe, the Middle East and Afghanistan/Pakistan confirm the need for continued EU support to activities in third countries in favour of asylum seekers and persons in need of international protection.

In its 2004 Communication on *"Improving Access to Durable Solutions"*²⁷ the Commission proposed a new EU approach to the international protection regime. This approach included the development of Regional Protection Programmes to enhance the protection capacity of regions of origin and transit and to better protect the refugee population in those regions by supporting durable solutions²⁹. In its 2005 Communication *"On Regional Protection Programmes"*²⁸, the Commission identified Ukraine, Moldova, Belarus and the Great Lakes Region (Tanzania) as the target regions for the first two (pilot) Regional Protection Programmes. North Africa, the Horn of Africa and Pakistan/Afghanistan were named as possible target regions for RPPs. This approach was approved by the Council in its Conclusions of November 2005. Continued support to the strengthening of the international protection of asylum seekers and refugees particularly through Regional Protection Programmes remains therefore an EU high priority for the next few years. In this context, this programme will provide sufficient funding to targeted measure(s) to allow pursuing support to existing RPPs and expanding the RPP concept to other countries and regions. According to the RPP concept, the three durable solutions, respectively repatriation, local integration and/or resettlement would constitute an important component of each one of them. As recommended, those RPPs will be designed and implemented with partners such as UNHCR, EU Member States and third country authorities and will involve, as much as possible, civil society and other stakeholders, namely human rights and humanitarian organisations active in the targeted country/region. *Between 20 and 30 percent of the thematic priorities financial envelope should be allocated to support the above-mentioned operations.*

3.3.8. *Support to the negotiation and implementation of Readmission Agreements*

Readmission agreements play a crucial role in EU cooperation with third countries against irregular migration. In this context, the Stockholm Programme identifies the conclusion of effective and operational Readmission Agreements as a clear priority, with a focus on incentive systems that facilitate readmission by promoting support measures for return and reintegration, as well as training and capacity building in third countries. The conclusion of new Readmission Agreements and the implementation of those already in force should be adequately supported through the Thematic Programme, as a real incentive for third countries to cooperate with the EU in this area.

Readmission of its own citizens and third country nationals represents a substantial financial cost for the reception third countries, either to create conditions to reintegrate those returnees in the country or, for third country nationals, to process their onward readmission to their

²⁷ COM (2004) 410 final, 4.6.2004

²⁸ COM (2005) 388 final, 1.9.2005

country of origin. The EU should therefore be ready to provide substantial financial assistance to the partner country to improve their reception and reintegration conditions and bring them in compliance with EU standards.

In this context, support will also be provided to mechanisms established to monitor the respect of human rights and/or international protection standards of migrants readmitted in a partner country, including monitoring of fate of returnees, with a special focus on those countries with weak human rights protection standards. The human rights dimension, including legal assistance and judicial protection, will be particularly taken into account in projects funded by the thematic programme in this area.

3.3.9. Short-term technical assistance to third countries to strengthen their migration management capacities

Third countries engaged in dialogues or in cooperation with the EU on migration matters frequently need not only long term but also short-term technical assistance and expertise in order to improve their own legal framework or operational systems, to better prepare the implementation of new obligations and general capacity to address the various challenges posed by the migratory flows. Through the Thematic Programme and its predecessors the EU already enabled the provision of such technical assistance, essentially as part of broader projects selected normally through calls for proposals. However, assistance through such projects does not cover adequately the specific need for short-term and quickly deployed technical assistance. To cover this need, the European Commission established in 2008 a short-term technical assistance facility entitled MIEUX, aiming at supporting third countries to better address irregular migration and mixed migratory flows as part of a comprehensive approach to migration management. While operational for only slightly more than a year, this flexible mechanism is proving its usefulness, including as an instrument to start cooperation with third countries, and experience reveals the need to continue to support it and expand its areas of intervention to other areas beyond irregular migration, such as migration and development and labour migration.

The Thematic Programme will therefore support a second phase of such mechanism of short-term technical assistance, which, however, will provide assistance in all the different areas of migration management, in accordance with the Global Approach to Migration, including assistance in the protection of asylum seekers and refugees. The activities will complement and be adequately coordinated with technical assistance provided under other mechanisms such as TAIEX as well as the new possibilities on training and short-term technical assistance offered by EU Agencies such as FRONTEX and the EASO.

3.3.10. Support to Mobility Partnerships (capacity building, knowledge management, data collection)

Mobility Partnerships have proved extremely useful and innovative concept for the promotion of cooperation on mobility and migration management between the EU, its Member States and third countries. Support to the negotiation, signing and implementation of Mobility Partnerships has been clearly endorsed in recent EU policy plans, in particular the Stockholm Programme and its Action Plan. The added value of this instrument has also been fully recognised in the external evaluation conducted for the Programme's mid-term review and by its different stakeholders. After an initial pilot phase during which this instrument has been tentatively used in a limited number of countries, its potential must now be fully exploited,

expanding it further as regards the number and nature of actions proposed under such framework and its geographical coverage.

Accordingly, all the EU external financial instruments, including the Thematic Programme, should be mobilized to provide support to initiatives proposed in the framework of existing or future Mobility Partnerships. Funds from the Thematic Programme will therefore be allocated to support targeted initiatives, gathering different partners involved in the implementation of Mobility Partnerships, including interested Member States and, if relevant, international organizations and civil society organizations, aiming at supporting the development of Mobility Partnerships, including the provision of capacity building and institutional support, data collection and knowledge management in the countries with whom the EU has signed or might potentially sign in the short term a Mobility Partnership²⁹. *Between 20 and 30 percent of the thematic priorities financial envelope should be allocated to support the above-mentioned operations.*

3.3.11. Support to the development of research on migration, with a focus on Migration Profiles

The European Commission has been actively supporting evidence-based policy making in the area of migration for several years now, having invested heavily in broadening the knowledge of migration realities and which can serve as an excellent point of reference to all policy makers. In this respect one of the tools that the Commission has promoted since 2005, and which is widely recognised of strategic importance, in particular in its extended version which also comprises institutional support and capacity building measures, are Migration Profiles. Migration Profiles aim at: (i) enhancing governmental knowledge about migration and its relationship to development; (ii) supporting governments in establishing or strengthening mechanisms for regular reporting on migration-related trends; (iii) improving the use of migration information for policy development; (iv) fostering greater inter-ministerial coordination and collaboration with respect to data collection and policy development; (v) assessing the evolution of the migration impact on development and socio-economic situation; (vi) monitoring and assessing the donor interventions in the area of migration.

The necessary resources from the Thematic Programme should therefore be mobilised to support the development of such instrument in particular in those third countries of primary concern to the EU, including by supporting targeted initiative(s) gathering the most important partners involved in the implementation of such instrument, as well as relevant local expertise, based on principles of ownership and sustainability. Such initiative(s) will promote cooperation on national and international level and will make the best use of the available EU expertise in this field.

3.3.12. Migration and climate change

The nexus between migration and climate change, although not new (environmental degradation has always been one of the main reasons for human mobility) is receiving increased attention and is currently the subject of discussion and research at unprecedented levels. People may have to move in the near future as a result of higher sea levels, higher temperatures and scarcity of fresh water. On the other hand, and independently of climate change, demographic explosion alone will most probably increase pressure in already

²⁹ So far Moldova, Cape Verde, Georgia, Ghana and Armenia.

extremely vulnerable eco-systems and so make people leave to other regions. The Thematic Programme will therefore support initiatives addressing climate change induced migratory flows, in particular in the countries and regions most concerned by such phenomenon.

4. IMPLEMENTATION

4.1. Implementing modalities

The five main objectives of the Thematic Programme (fostering the links between migration and development; promoting well managed labour migration; preventing and controlling irregular immigration and facilitating readmission; protecting migrants against exploitation and exclusion; and fighting trafficking in human beings and promoting asylum and international protection) will be implemented along the thematic and geographical priorities described in chapter 1, using all implementation modalities available under the Community financial and contractual rules. The precise thematic and geographical areas of intervention, objectives, type of actions and expected outputs will be defined on an annual basis, in the Annual Action Programmes (even if some general expected results and indicators are presented in annex I). In this respect, special attention will be paid to the EU political agenda and the principles and priorities established in resolutions, declarations, recommendations and other political statements from EU institutions, especially those related to cooperation with sensitive countries.

According to the applicable rules, grants will normally be awarded through the standard procedure, that is, Call for Proposals. However, taking into account the specificities of many of the actions funded through the Programme, involving very often situations of the facto monopoly or organizations with a special mandate on specific issues, it is often justified to use alternative contracting procedures such as Direct Agreements. This should specially be the case, although not exclusively, for the global initiatives identified under point 4.3 above, for which it is not advisable either for political or technical motives, to identify the action and its implementing partners via a Call for Proposals. Direct agreements with specialised international organisations will be preferred, in accordance with article 54 of the Financial Regulation, when this is deemed to be the most appropriate option. On the other hand, as learned in the past and noted in the mid-term review external evaluation, some priorities (in particular as regards irregular immigration, trafficking in human beings, border control, readmission, visa and passport management, security of documents) can usually be best implemented by public administrations of third countries, with the assistance of Member States or specialised organisations. As noted also in the external evaluation and mentioned by many of the Programme's stakeholders, efforts should also be made to increase the Programme's support to local CSO. Apart from the measures proposed above (see paragraph 4.3.1), support to such local actors should also be increased by making it mandatory for each proposal submitted through the Call for Proposals to have a local organization (CSO, local authority or government agency or department) as its local partner, whose capacity will be strengthened through the action. Such support to local actors will also be increased by the already foreseen stronger involvement of EU Delegation in the Programme's management and implementation. Such involvement will also contribute to a better monitoring of the initiatives funded by the Programme. The possible financing of conferences, reports and studies, which are relevant to improve the visibility of the Programme and to develop the knowledge of and/or promote the discussion on migration and asylum issues in third countries or the cooperation between the latter and the European Union, must be envisaged on the occasion of the elaboration of the annual work programme and can be set out through specific actions

outside of the general annual Call for Proposal, in order to ensure the EU capacity to respond in a flexible and timely manner. In this respect, efforts must also be made to ensure that the Thematic Programme is endowed with the adequate resources in terms of Technical and Administrative Assistance appropriations.

4.2. Special measures

Article 23 of the Development Cooperation Instrument (DCI) foresees the possibility to fund "special measures" not provided for in the strategy papers or multi-annual indicative programmes, either *in the event of unforeseen and duly justified needs or circumstances related to natural disasters, civil strife or crises*, and which cannot be funded under the Instrument for Stability or the Council Regulation 1257/96 of 20 June 1996 concerning humanitarian aid, or *to fund measures to ease the transition from emergency aid to long-term development operations, including those to better prepare people to deal with recurring crises*. Instable political situations and man-made or natural disasters may provoke sudden and huge flows of migrants or refugees/asylum seekers which may require an effective and timely response through special measures. In order to enable the Commission sufficient flexibility to respond to this type of situation, an allocation of € 4 million/year will in principle be made available in accordance with the provisions of Article 23 of the DCI. This facility could be mobilised most particularly to finance interventions in a third country, in case the involved migrants' human rights, lives and safety, or the border security and public order of the country itself, or of any other country affected by the same migratory flow (including the EU MS) are put at risk. The mobilisation of such assistance would be especially justified when the situation in the field of migration worsened in a quick manner (for instance following a sudden increase or a change in nature of the migratory flows) and at the condition that the provision of assistance in a timely manner can contribute to improve the situation. If by the month of October of the respective budgetary year there is no indication that such special measure(s) will be necessary, the available funds will be reallocated to other actions funded by the Thematic Programme.

4.3. Evaluation

The operations funded during this programming period will be subject to an external evaluation to be launched in 2012.

4.4. Indicative breakdown of available resources for 2011-2013 (*)

	INDICATIVE AMOUNTS 2011-2013 (€ million)
<u>GEOGRAPHICAL PRIORITIES</u>	114
Southern Mediterranean, Sub-Saharan Africa and Middle East	68
Eastern Europe and Central Asia	28
Other regions	18
<u>TARGETED THEMATIC PRIORITIES</u>	53
<u>SPECIAL MEASURES</u>	12
TOTAL AVAILABLE	179

(*) The amounts mentioned above are indicative. The exact amounts for each of the targeted initiatives will be defined at the adequate annual programming stage.

4.5. Selection criteria for the actions to be funded

Actions implementing this Multi-annual Indicative Programme to be eligible for funding under the Thematic Programme should be consistent with the definitions set out by article 16 of the regulation establishing the DCI and benefit a country listed in article 1.2 of that Regulation. Finally, in line with article 38 of the regulation establishing the DCI, actions to be funded under the Thematic Programme will have to be selected in such a manner as to ensure that an indicative amount of €99 million, out of the €179 million foreseen for the period 2011-2013, will finance activities that directly benefit ENPI countries.

ANNEX I

2011-2013 Strategy paper **Expected results and indicators**

In reference to the **five major objectives of the programme**, the following indicative and non exhaustive list of results and general indicators may be considered. Given the high degree of interrelation among the different objectives, results and indicators listed under one sub-category are very often relevant as well to other objectives.

(a) **Fostering the links between migration and development**, especially by encouraging the contribution of diasporas to the development of their country of origin and increasing the value of migrants' return; mitigating brain drain and promoting the circular movement of migrants; facilitating financial transfers of migrants to their country of origin; supporting voluntary return and reintegration of migrants and building capacities for migration management; fostering capacity building efforts to help countries in the formulation of pro-development migration policies and in their capacity to jointly manage migration flows;

Expected results:

- Links between immigrant communities in Europe and communities of origin are tightened so as to enhance the development of third countries concerned;
- Migrants' remittances to their countries of origin and their impact on development are fostered.
- Third countries' national legislative frameworks and institutional capacities to manage migratory flows are improved.
- Political dialogue and operational cooperation between EU Member States and third countries is reinforced.
- Awareness in third countries of the importance of migration related issues is increasing.
- Capacities for collating and processing data on migratory flows and the capacities of staff in charge of migration management are improved; expertise is developed.

Indicators:

- Number of projects involving the diaspora communities in EU aimed at the development of countries of origin.
- Number of productive or development activities in which migrants or returning migrants or emigrant communities are involved.
- Transparency, reliability and cost of remittance transfer services.
- Scale of financial literacy of migrants households.

- Number of third country experts on the management of migratory flows.
- Number of legislative documents designed or adopted on migration issues in third countries.
- Dialogue and cooperation frameworks on the topic of migration between third countries and between third countries and the European Union.
- Number of third country experts on the management of migratory flows.
- Number of awareness raising activities and campaigns.
- Number of third country experts on migration data collection and analysis.

(b) **Promoting well-managed labour migration**, in particular by informing about legal migration and conditions of entry in and stay on the territory of EU Member States; providing information on labour migration opportunities and needs in Member States and on qualifications of third country candidates for migration; supporting pre-departure training for candidates for legal migration; and encouraging the definition and implementation of legislative frameworks for migrant workers in third countries;

Expected results:

- The capacities of third countries' authorities to evaluate needs and prospects for foreign labour are improved.
- Would-be emigrants in third countries are better informed on the possibilities of legal migration, labour needs in European countries, as well as on the risks inherent to irregular migration and migrant's smuggling and human trafficking networks. *(also related to d)*
- Certain would-be emigrants receive appropriate vocational and/or language training. *(also related to d)*
- Development of reliable and well functioning circular migration schemes as well as the facilitation of spontaneous circular migration. *(also related to a)*

Indicators:

- Number of third country institutional stakeholders on the management of labour migration.
- Number of reliable information sources in third countries for would-be emigrants and official channels organised for departures and for placing migrants in the destination countries; less use of informal emigration channels.
- Number of would-be emigrants receiving prior targeted vocational training.
- Return rate of migrants involved in circular migration schemes.
- Number of returning migrants involved in professional activities related to the experiences acquired abroad.

(c) Preventing and curbing irregular immigration and facilitating the readmission of illegal immigrants, including between third countries, and in particular, fighting the smuggling of and trafficking in human beings; discouraging irregular immigration and raising awareness of the risks related to it; improving capacities in the areas of border, visa and passport management, including the security of documents and the introduction of biometric data, and detection of forged documents; implementing effectively readmission agreements concluded with the EU and obligations arising out of international agreements; and assisting third countries in the management of illegal immigration and in the coordination of their policies;

Expected results:

- Third countries' administrative and institutional structures needed to implement the readmission agreements are operational; respective staff is trained.
- Readmission agreements are implemented, in full respect of human rights. Persons readmitted to transit countries pursuant to readmission agreements have access to legal advice and assistance.

- Collaboration and information exchanges between the relevant administrations of third countries and Member States improve and expand; third country authorities cooperate with those of Member States in the identification and documentation of returnees.
- Returnees are received in better conditions and reintegrated on a sustainable basis, with full respect for human rights.
- Border management and border surveillance capacities in third countries are reinforced.
- Capacity of third countries to ensure the security of documents is improved.

Indicators:

- Number of third country officials trained and better equipped on readmission related issues,
- Number of migrant returnees repatriated and reintegrated.
- Information flows between the authorities of third countries and Member States.
- Concrete measures adopted to improve the conditions for returnees reception and reintegration.
- Length of stay in the country of origin after readmission.
- Number of third country officials trained and better equipped on border management and surveillance.
- Number of third country officials trained and better equipped on document security.

(d) Protecting migrants, including those most vulnerable such as women and children against exploitation and exclusion through measures such as developing third countries' legislation in the field of migration; supporting integration and non-discrimination as well as measures to protect migrants from racism and xenophobia; preventing and fighting the smuggling of and trafficking in human beings and any form of slavery;

Expected results:

- Efforts to prevent discrimination, abuse and exploration of migrants in third countries are stepped up and the protection of migrants' human rights improves.
- Migrants in third countries have better access to legal advice and assistance.
- NGOs and local authorities are supported to provide effective services to migrants
- Protection of vulnerable people, including unaccompanied minors and victims of human trafficking improved

Indicators:

- Adoption and enforcement of appropriate legislation on migration, including on human trafficking and protection of migrants' human rights.
- International instruments (including at bilateral level) adopted in order to improve the protection of migrant workers.
- Stabilisation or reduction in the number of violations of migrants' rights.
- Number of public-private actors providing legal assistance to migrants.
- Number of NGOs and local authorities active on the field.
- Number of vulnerable migrants, victims of trafficking and unaccompanied minors identified and assisted.

(e) Promoting asylum and international protection, including through Regional Protection Programmes, in particular by strengthening institutional capacities; supporting the registration of asylum applicants and refugees; promoting international standards and instruments on the protection of refugees; supporting the improvement of reception conditions and local integration, and working towards lasting solutions.

Expected results:

- The legislative and institutional framework on international protection as well as access to international protection in third countries is developed and/or strengthened; compliance with relevant international conventions increases.
- Receptivity of national authorities to refugee protection related issues is increased.
- Refugees and asylum seekers are received in humanely acceptable conditions.
- Capacities for registering and documenting asylum seekers and refugees are improved.
- Resettlement capacities are developed.
- Capacity to adopt durable solutions (including integration) in the host countries reinforced.

Indicators:

- Policy and other measures adopted to address the issue of refugee and asylum seekers and their protection according to international standards.
- Ease of access to international protection.
- Number of countries acceding to the relevant international conventions.
- Agreements and working arrangements established with UNHCR.
- Establishment and improvement of reception centres and other facilities.
- Registers of asylum seekers and refugees.

- Number of people re-settled.
- Number of people integrated in the host countries, professional activities.
- Decline in secondary movements to the European Union.