



MANAGING MIGRATION: POSSIBLE AREAS FOR ADVANCEMENT AT THE JUNE EUROPEAN COUNCIL



There is now broad consensus that no EU Member State should be left alone to deal with the challenges of migration – be it from primary or secondary movements. When Leaders meet at the European Council this week, there are notably four areas where the EU’s collective work over the past 3 years to provide European solutions to managing migration could be advanced.



REFORM EU RULES ON ASYLUM AND BORDER MANAGEMENT

The crisis exposed the weaknesses in the current EU asylum rules that lead to varying treatment of asylum seekers across the EU and encouraged movements from one Member State to another. Many of the reform proposals on the table now could help Europe learn the lessons of the past and bring remedies to these problems.

THE ASYLUM REFORMS:

The vast progress made on the reform of the Common European Asylum system could now be brought to bear. The reforms will ensure more humane conditions for asylum seekers; help counter secondary movements from one EU Member State to another and ensure greater fairness in shouldering the responsibility for primary movements.

ADOPTION POSSIBLE BY END JULY

- Reception Conditions Directive
- Asylum Qualifications Regulation
- European Asylum Agency
- Eurodac Database
- EU Resettlement Framework

ADOPTION POSSIBLE BY END 2018

- Dublin System
- Asylum Procedures Regulation

THE BORDER REFORMS:

Several other proposals currently being discussed could help EU Member States in dealing with some of the current challenges.

READY TO BE ADOPTED

- The **European Travel and Information System (ETIAS)** will help identify travellers that pose a security or migration risk before they reach the EU's borders.
- A reinforced **Schengen Information System (SIS)** will help enforce return decisions, support border guards in better monitoring who is crossing the EU's borders and support police and law enforcement in capturing criminals.

PENDING AGREEMENT

- New **interoperability rules** will give law enforcement better access to the information they need across all EU migration, border management and security systems.
- New rules on **EU visa policy** will provide the EU with an important leverage to ensure non-EU countries cooperate on readmission, whilst the new **EU visa information system** will facilitate the identification and readmission of undocumented irregular migrants.
- New rules on **temporary internal border controls** will help Member States respond better to evolving and persistent security threats.



INCREASE FUNDING TO STEM IRREGULAR MIGRATION

To support increased engagement with non-EU countries, help refugees where they are and reduce the incentive for irregular migration, the EU put in place innovative funding solutions that have shown their effectiveness. Member States must now ensure they can continue to work.

TRUST FUND FOR AFRICA

 **EU BUDGET CONTRIBUTION: €2.98 billion**
MEMBER STATE CONTRIBUTION: €419 million

The Africa Trust Fund is one of the EU's most effective tools for addressing the root causes of migration. But funding gaps – particularly in the North Africa window are hampering the EU's ability to fund the IOM's voluntary return and reintegration programme out of Libya, for example.

To fill the current €1.2 billion funding gap, the EU budget is contributing a further **€645 million**.

Member States are currently making pledges towards the goal of an immediate contribution of **at least €500 million**.

FACILITY FOR REFUGEES IN TURKEY

 **FIRST TRANCHE:**
 **EU BUDGET CONTRIBUTION: €1 billion**
MEMBER STATE CONTRIBUTION: €2 billion

 **SECOND TRANCHE:**
 **EU BUDGET CONTRIBUTION: €2 billion**
MEMBER STATE CONTRIBUTION: €1 billion

The implementation of the EU-Turkey Statement – which has brought arrivals to Greece down by 97% - requires engagement and sustained efforts from all sides. From the EU side, this includes a swift agreement on the second €3 billion instalment for the Facility for Refugees in Turkey – the fund that has given 500,000 Syrian children access to education, constructed 175 schools and which supports 1.2 million of the most vulnerable families with monthly cash transfers.

EXTERNAL INVESTMENT PLAN

With an input from the EU budget of €4.1 billion the EU's External Investment Plan is expected to mobilise additional public and private investment of €44 billion. If Member States match the EU contribution, its impact could be doubled to up to €88 billion.



€4.1 billion → €44 billion

€8.2 billion → €88 billion



PROTECTING THE EU'S BORDERS

PLUGGING IMMEDIATE GAPS

The European Border and Coast Guard currently relies on case-by-case calls for its operations. Member States should urgently fill the shortfalls for July, to ensure effective work at the EU's external borders throughout the summer.

	LAND BORDER OPERATIONS (GREECE, BULGARIA, FORMER YUGOSLAV REPUBLIC OF MACEDONIA)	SEA BORDER OPERATIONS (THEMIS, POSEIDON, INDALO)	
Border guards needed	112	32	
Assets needed	15	6	35

TOWARDS A EUROPEAN MANAGEMENT OF THE EXTERNAL BORDERS

The long-term viability of the Schengen area of free movement is dependent on the EU's ability to effectively manage its external borders. To this end, the Commission will swiftly present 3 new proposals to move towards a more European management of the external borders.

1 A genuine EU Border Police

The European Border and Coast Guard should be further beefed up with its own means and powers for protecting external borders and enhanced ability to support returns. The new mandate should include:

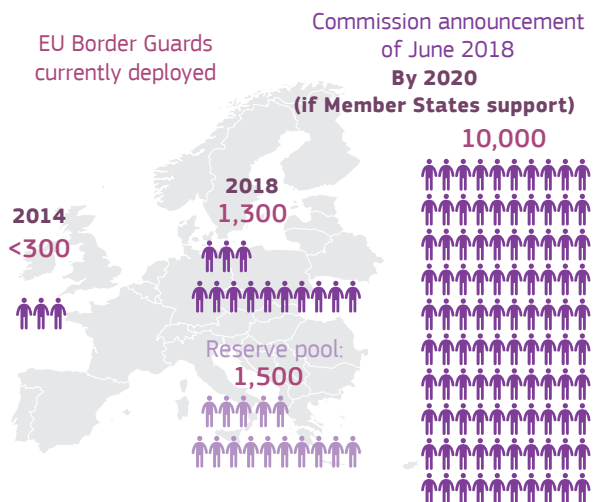
- A standing corps of 10,000 EU guards;
- Own technical assets (air, sea and land);
- A greater role in non-EU countries;
- A stronger mandate to carry out returns.

INCREASED BORDER GUARDS

To ensure the effective protection of the EU external borders and the management of returns, the Commission stands ready to frontload the increase of the European Border and Coast Guard's standing corps to 10,000 by 2020 (instead of the planned 2027) - if Member States support this .

This would be a combination of Agency staff, border guards seconded from Member States, and a pool of 7,000 national border guards to be drawn on as needs arise. The pool of national guards will gradually be replaced to reach 50% permanent staff by 2027.

Scaling up the EU's border agency



2 A genuine Asylum Authority

A reinforced asylum agency should share tasks with the new EU Border Police and notably work hand in hand with them at the external borders when people arrive. The Agency could identify those in need of protection and those not and channel them either into a national asylum process or directly into returns by the Border Police.

3 An effective European Return Policy

New rules – notably with common conditions and timelines for returns – should help increase the coherence and effectiveness of the EU's return policy. In the meantime, the goal should be to achieve a return rate of at least 70% by 2020 (current EU average 36.6%).



REGIONAL COOPERATION ON DISEMBARKATION

In order to establish a more predictable framework for dealing with rescues at sea, two main regional disembarkation possibilities should be considered – with one not excluding the other. One option can be excluded entirely.

OPTION ONE: DISEMBARKATION IN EU COUNTRIES

Under EU law, search and rescue operations carried out in the territorial sea of a Member State engage the responsibility of the EU. In particular, rescued migrants would acquire a right to access the asylum procedure in the EU. Such a framework could function by reinforcing the existing hotspot approach with further coordinated action by the European Border and Coast Guard Agency and the EU Asylum Agency (particularly if the mandates of both bodies are further strengthened). They would work in cooperation with local authorities to facilitate processing of asylum claims and returns at disembarkation centres at the borders.

In a regional arrangement among Member States, a solution, based on the principles of solidarity and responsibility, will need to be found for those in need of protection that will remain in the Union.

OPTION TWO: DISEMBARKATION IN NON-EU COUNTRIES

Cooperation on disembarkation in a non-EU country is possible if the search and rescue is carried out in the territorial sea of that country by its coast guard or by other non-EU State or other vessel. If the search and rescue occurs in international waters and involves an EU State's flag vessel, disembarkation can still take place in a non-EU country, provided that the principle of non-refoulement is respected.

For this to work, the EU would need to identify partner countries and work with the UNHCR and IOM to ensure those disembarked can be channelled to existing EU resettlement schemes if they are in need of protection or into the return and reintegration programmes run by the IOM if they are not. Individuals rescued would not, however, acquire the right to access the asylum procedure in an EU Member State by default.

PROVIDING SAFE AND LEGAL AVENUES TO THE EU THROUGH RESETTLEMENT

Regional arrangements on disembarkation with coastal States in North Africa should go hand in hand with increased efforts on resettlement to offer a safe and legal pathway to the most vulnerable refugees. Increased resettlement would also help reduce irregular flows and take pressure from Member States at the external border:

- Over **32,000** vulnerable refugees resettled to Member States under EU schemes since 2015.
- Largest collective EU commitment so far: Member States pledged **50,000** additional resettlements under a new scheme proposed by President Juncker in September 2017 – with 4,252 already resettled.
- Agreement almost reached: The first ever EU-wide resettlement framework, proposed by the Commission in March 2016, will set **2 year plans** targeting commonly agreed priority regions and increase the overall EU commitment.

OPTION THREE: EXTERNAL PROCESSING CENTRES

Options whereby all irregular arrivals (whether or not they apply for asylum on EU territory) would be sent directly to the territory of a non-EU country without any form of processing; or whereby rejected asylum applicants are returned to a country they have not transited through, should be discarded. Extra-territorial application of EU law is not possible, nor is it desirable. Similarly, it is not possible under EU law on returns to send someone to a country they have no link with. Such options are not legally or practically feasible, nor are they in line with EU values.