ANNEX 11

of the Commission Implementing Decision on the 2017 Annual Action programme for the Partnership Instrument

Action Fiche for Strengthening the EU-India cooperation and dialogue on Migration and Mobility

1. IDENTIFICATION

<table>
<thead>
<tr>
<th>Title of the action</th>
<th>EU-India cooperation and dialogue on Migration and Mobility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country(ies)/Region</td>
<td>India</td>
</tr>
<tr>
<td>Total cost</td>
<td>Total estimated cost: EUR 3 000 000</td>
</tr>
<tr>
<td></td>
<td>Total amount of the EU budget contribution: EUR 3 000 000</td>
</tr>
<tr>
<td>Total duration¹</td>
<td>36 months</td>
</tr>
<tr>
<td>Method of</td>
<td>Indirect management</td>
</tr>
<tr>
<td>implementation</td>
<td></td>
</tr>
<tr>
<td>Markers (from CRIS DAC form)</td>
<td>Rio convention markers</td>
</tr>
<tr>
<td></td>
<td>Not targeted</td>
</tr>
<tr>
<td>Biological diversity</td>
<td>☑</td>
</tr>
<tr>
<td>Combat desertification</td>
<td>☑</td>
</tr>
<tr>
<td>Climate change mitigation</td>
<td>☑</td>
</tr>
<tr>
<td>Climate change adaptation</td>
<td>☑</td>
</tr>
</tbody>
</table>

2. RATIONALE AND CONTEXT

2.1. Summary of the action and its objectives

In view of strengthening EU-India migration and mobility dialogue and cooperation, this action will support the implementation of the EU-India Common Agenda on

¹ Maximum duration of the operational implementation period of individual contracts upon their signature.
Migration and Mobility (CAMM) and its annex of actions, as well as the EU-India High Level Dialogue on Migration and Mobility (HLDMM), which provides the overall steering of the implementation of the CAMM.

The action will promote the EU's and India's mutual interest in jointly addressing the global challenges caused by irregular migration while harnessing the positive economic and social potential of legal migration.

The action will seek to strengthen cooperation along the four priority areas of the EU Global Approach to Migration and Mobility (GAMM), including better organising legal migration, preventing and combatting irregular migration and addressing trafficking of human beings, international protection, and development impact of migration and mobility.

2.2. Context

Migration is an increasing global phenomenon which represents a series of challenges but also opportunities for the EU and the international community. As reconfirmed in the European Agenda on Migration, migration remains a key political priority of the EU. It is also a priority in the EU's relationship with India.

India is an important country of origin of migration to the EU, as well as an important country of destination for migrants itself, which provides a solid basis for EU-India exchange and dialogue. India has a very pro-active policy of emigration and protects the interests of its migrant workers abroad. Legal migration flows from India to the EU and opportunities for skills matching (matching Indian skills to European demand) continue to grow. The number of Schengen visas issued to Indian nationals has increased by 60% since 2010. Indian authorities have recently refocused their efforts on increasing the skills of Indian migrants, aiming at exploring new migration routes and sectors of migration beyond the traditional destinations for low-skilled workers.

Visa cooperation poses considerable challenges to EU-India relations, both in light of growing Indian pressure to ease the Schengen visa regime and difficulties for EU citizens in obtaining Indian visas. With over 17,625 irregular Indian migrants found in the EU in 2015, cooperation on return and readmission is increasingly relevant while remaining challenging.

Asylum and international protection also remain relevant in relation to India. EU Member States receive annually nearly 5,000 asylum applications from Indian citizens, out of which about 40% are granted protection. India furthermore hosts a population of approximately 200,000 refugees and asylum seekers, and cooperates with UNHCR providing de facto treatment in line with certain international standards, although it is not a signatory to the Geneva Convention on Refugees.

Reflecting the growing importance of migration and mobility in the EU-India relation, the EU-India Common Agenda for Migration and Mobility (CAMM) was endorsed at the EU-India Summit of 30 March 2016, bringing cooperation to a new level. A strengthened cooperation on migration and mobility including through CAMM implementation was also reflected in the EU-India Agenda for Action-2020, endorsed at the Summit. The CAMM was agreed within the context of the High
Level Dialogue on Migration and Mobility. Currently the EU and India are jointly preparing for the next meeting of the High Level Dialogue on Migration and Mobility, which is scheduled for 4 April 2017, to advance on the CAMM annex of actions.

2.3. Lessons learnt

While there has so far not been any projects supporting EU-India migration and mobility cooperation at the policy level, a number of previous migration relevant projects have produced lessons learnt which this will build upon.

Previous attempts at providing small-scale, targeted support and capacity-building to Indian migration authorities have shown the need to work with a project implementer with an established presence and institutional recognition in India.

As a consequence, the proposed action is envisaged to be entrusted to the International Labour Organisation (ILO) and the International Centre for Migration Policy Development (ICMPD), thus leveraging their respective strengths. The ILO has a strong presence and access to relevant interlocutors in India, while ICMPD has a strong European character.

In more general terms, the importance has been noted of underpinning policy dialogue with concrete technical cooperation activities to ensure that dialogue does not remain sterile but produces actual results. In this view, this action will be essential in deepening the High Level Dialogue on Migration and Mobility and in developing and implementing jointly an annex of actions to the EU-India Common Agenda for Migration and Mobility.

2.4. Complementary actions

While India is currently not benefitting from migration related activities funded by the EU, several EU Member States pursue actively labour migration and mobility policies with regards to India. The focus of these policies is on attracting highly-skilled migrants (i.e. IT and healthcare professionals, students) on one hand, while on the other hand seeking to reduce irregular migration and promoting the return of irregular migrants. The UK has recently established a dedicated "Senior UK-India dialogue on home affairs issues" with a main focus on migration. In addition, in October 2016 the EU Member States initiative European Integrated Approach on Return towards Third Countries (EURINT) appointed a Return Liaison Officer for the European Union in India. Activities under EURINT will contribute to the implementation of the CAMM and will be coordinated with this action.

UN Agencies also remain active in India as far as migration and mobility is concerned. The ILO India office is the most active with relevant actions in the area of labour migration, skills and employability, as well as social security. The International Organisation on Migration (IOM) presence is smaller than in other countries in the region and activities focus on the organisation of pre-departure trainings. The activities of the UN Office on Drugs and Crime (UNODC) relate primarily to preventing migrant smuggling and trafficking in human beings, while the World Bank remains key in discussion on maximising the impact of remittances.
The action will seek to establish synergies with the 2017-G20 process, in particular the conclusion of the G20 Labour and Employment Minister meeting of 18-19 May 2017, including the “Policy Principles for the Fair and Effective Labour Market Integration of Migrants and Refugees”.

3. **Detailed Description**

3.1. **Objectives**

The overall objective of the action is to contribute to a better management of mobility and legal migration between the EU and India, as well as to prevent and address the challenges related to irregular migratory flows stemming from India.

Its specific objective is to support the EU-India High Level Dialogue on Migration and Mobility (HLDMM) and the implementation of the Common Agenda for Migration and Mobility (CAMM) and its annex of actions.

3.2. **Expected results and main activities**

*Expected results*

R.1: Regular, structured and reliable dialogue on issues related to migration and mobility between India and the EU is strengthened

R.2: Improved knowledge base of migration flows between India and the EU

R.3: Enhanced legal, policy and administrative institutional capacity of India and the EU on migration management

R.4: Relevant actors in India have increased awareness and tools to effectively progress towards implementation of international standards and best practices on migration management

The *main activities* of the action will consist of technical assistance and advisory services in relation to the EU-India High Level Dialogue on Migration and Mobility and CAMM implementation. It should be noted that as the annex of actions of the Common Agenda for Migration and Mobility is yet to be finalised, the activities below are of an indicative nature and need will be refined at the action implementation stage.

- Provision of technical secretariat and coordination tasks in the framework of the HLDMM and CAMM implementation (A_1.1)
- Provision of expertise and analysis to support the development of the HLDMM, the CAMM annex of actions and future EU-India agreements on migration and mobility (A_1.2)
- Stock-taking of existing cooperation activities between India and the EU on migration and mobility (A_2.1)
- Support to joint data collection and management, research and analysis on all aspects of migration between India and the EU (A_2.2)
- Technical cooperation and knowledge exchange on legislation, policies and best practice on the four priority areas of the CAMM. This includes regular experts meetings, studies, study tours, peer-to-peer exchanges, trainings and webinars for example in the field of preventing and combatting irregular migration flows (A_1.3, A_2.3 and A_3.1)

Studies supported could include *inter alia:* i) matching immigration to labour market needs and skills recognition; ii) barriers to legal migration and innovative ways to foster well-governed labour migration; iii) contribution of migrants to the economies of destination countries as well as to the country of origin, in particular on women migrants; v) Indian Diaspora engagement policy, needs and networks; and vi) circular migration, in particular migration to Gulf countries and the link with EU Member States.

- Monitoring and supporting progress of India towards implementation of international protection (A_4.1)

- Awareness raising and communication activities directed towards different audiences on the risks of irregular migration, international human rights and labour standards in the management of migration (A_4.2)

It is foreseen that the project activities should cover in a balanced way all four priority areas of the CAMM.

3.3. **Risks and assumptions**

**Assumptions**

There is a continued interest, buy-in and ownership of the EU-India Common Agenda for Migration and Mobility and High Level Dialogue on Migration and Mobility by both India and the EU and its Member States.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk level (H/M/L)</th>
<th>Mitigating measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack or slowness of intra- and inter-ministerial coordination in India.</td>
<td>M</td>
<td>The project will ensure close collaboration with key ministries. The EU will make all necessary diplomatic efforts so that migration and mobility remains a high priority in the EU-India strategic partnership.</td>
</tr>
<tr>
<td>India has a strong interest in particular in mobility and this could affect the project by not addressing all four priority areas of the CAMM equally.</td>
<td>M</td>
<td>The activities will be framed by the CAMM and its annex of actions that will be developed so as to be balanced for all priority areas. Throughout the implementation, the project will keep track of activities and their relation to the CAMM priority areas.</td>
</tr>
<tr>
<td>Indian central government has more interest in mobility of workers</td>
<td>M</td>
<td>The project will develop activities with several regional authorities (States) as</td>
</tr>
</tbody>
</table>
towards the Gulf States, and thus it is less inclined to work on EU centred activities. Some have expressed strong interest in working with the EU. Experiences obtained at the state level can then feed bilateral government discussions.

| Organisational challenges and problematic interlocution between the two organisations associated in the different activities. | M | These aspects will receive the necessary attention at the moment of the negotiation between the EU and the implementing partners. Particular attention will be devoted to designing an appropriate and solid architecture for project management, reflecting not only the need for strategic orientation but providing also adequate mechanisms to respond to operational constraints. The EU will organise regular tripartite meetings during the implementation to ensure close cooperation of both entities. |

3.4. **Stakeholders**

The main stakeholders for the action are the relevant and specialised Indian authorities (Ministry of External Affairs, Ministry of Home Affairs, Ministry of Labour and Employment, Ministry of Human Resources Development, Ministry of Women and Child Development, Ministry of Skills Development and Entrepreneurship, Ministry of Tourism, etc.), the EU Member States, relevant EU specialised agencies (European Asylum Support Office, FRONTEX), international organisations and employers and workers representative organisations.

4. **IMPLEMENTATION ISSUES**

4.1. **Method of implementation**

4.1.1 *Indirect management with international organisations*

This action may be implemented in indirect management with the International Labour Organisation (ILO) and the International Centre for Migration Policy Development (ICMPD) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

This implementation entails undertaking all necessary actions, including the main indicative activities described above in section 3, to achieve the objectives and expected results of the project.

This implementation modality is justified because of the specialised technical competence of the ICMPD on migration in the EU and of the ILO on labour migration flows, including in India. Collectively, by virtue of the high level of technical expertise, the longstanding experience in the migration sector in India and
in Europe and the access to relevant Indian authorities, ILO and ICMPD together offer a unique set-up to deliver technical cooperation of an institutional nature.

Budget-implementation tasks may include inter alia the provision of technical assistance and consultancy services to through procurement of consultants or inputs from other key organisations, procurement of support services carrying out studies and for organisation of events and procurement of support services for communication outputs such as website, webinars, publications, social media and translations/interpretations.

ICMPD is an international organisation composed only of European states (most of them EU Member States) and has a specific mandate and expertise in the area of migration. It already has a proven track record in successfully implementing EU-funded projects, in particular in the support of EU migration dialogues. As implementer of the Mobility Partnership Facility (MPF), as well as a number of projects directly related to mobility partnerships in the South Caucasus, Jordan and elsewhere, ICMPD has a detailed understanding of both the political and operational side of mobility partnerships/CAMMs. ICMPD works closely with EU Member States and can mobilise their experts whenever needed. Given the high sensitivity of the area of migration and the need to ensure EU’s strategic role and visibility in this project, ICMPD brings a strong EU perspective to the action.

ILO complements the implementation set-up by bringing in a strong knowledge of and presence in India. ILO is the preferred technical advisory body on the Indian government on migration matters. ILO is able to draw upon expertise in migration and mobility policy and has extensive experience implementing advocacy, outreach and capacity building projects.

A good relationship exists between the two organisations, which are already implementing joint projects and/or sharing offices in some countries. Both organisations have confirmed their willingness and availability to support the EU in the framework of this action and to work in partnership with other international organisations and EU MS agencies wherever pertinent.

4.1.1. Changes from indirect to direct management mode due to exceptional circumstances

If the above mentioned implementation modality with international organisations cannot be implemented due to unexpected circumstances, an alternative implementation modality in direct management can be foreseen, as follows:

Grants - direct award (direct management)

(a) Objectives of the grant

The project will be implemented exclusively through the signature of grant(s) agreement. As a result, objectives, expected results and main activities are those defined above under section 3.1 and 3.2. In particular, the specific objectives of the grants will be to contribute to a better management of mobility and legal migration between the EU and India, as well as to prevent and address the challenges related to irregular migratory flows stemming from India.
(b) Justification of a direct grant

Under the responsibility of the Commission’s authorising officer responsible, in accordance with the provisions of article 190(1) (f) of the RAP, the grant may be awarded without a call for proposals to the ICMPD and the ILO. In the case where the grant is awarded directly to ILO/ICMPD, this will be justified by the Commission’s authorising officer responsible in the award decision.

In fact, this action has specific characteristics that require a particular type of body on account of its technical competence, its high degree of specialisation or its administrative power. Consequently, even if a co-delegation agreement cannot be signed, ILO and ICMPD remain the best placed for managing this EU intervention. They benefit from all the necessary technical knowledge, legitimacy vis-à-vis stakeholders and in particular public authorities partner countries which does constitute a key precondition to operate and cooperate in such sensitive matters such as migration and mobility.

(d) Essential selection and award criteria

The essential selection criteria are the financial and operational capacity of the applicant.

The essential award criteria are relevance of the proposed action to the objectives of the action; design, effectiveness, feasibility, sustainability and cost-effectiveness of the action.

(e) Maximum rate of co-financing

The maximum possible rate of co-financing is 100% of the eligible costs of the action.

In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012 if full funding is essential for the action to be carried out, the maximum possible rate of co-financing may be increased up to 100 %. The essentiality of full funding will be justified by the Commission’s authorising officer responsible in the award decision, in respect of the principles of equal treatment and sound financial management.

4.2. Indicative budget

<table>
<thead>
<tr>
<th>Method of Implementation</th>
<th>Amount in EUR million</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.1 – Indirect management</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

4.3. Performance monitoring

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partners' responsibilities. To this aim, the implementing partners shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports and final reports.
The progress and final reports shall provide quantified and qualitative data in relation to the logical framework indicators which will include relevant indicators from the list of common Partnership Instrument indicators.

To ensure proper project governance and strategic orientation a Steering Committee reflecting the EU-ILO-ICMPD tripartite nature of the action will be established. DG HOME in particular will be responsible for setting the framework of the EU-India HLDMM and follow up to CAMM implementation. To facilitate coordination with EU Member States, these may be invited as observers to attend the committee meetings as relevant.

The Commission may undertake project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews.

4.4. Evaluation and audit

For this action the Commission may carry out interim and/or final/ex-post evaluation(s) via independent consultants contracted by the Commission based on specific terms of reference.

Without prejudice to the obligations applicable to the contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments.

As the "N+1" applies for contracting under this decision, external evaluations and audits, as well as additional external monitoring referred to under section 4.3 above, will be funded from sources other than those allocated to this specific action.

4.5. Communication and visibility

Communication and visibility will be an integral part of the action. A communication plan shall be prepared by the implementing partners and implemented in line with relevant guidelines that, inter alia, will define the key messages and specific communication/EU visibility actions to be taken.

All documentation and promotional material produced in the framework of the project shall bear the EU flag and mention that it is financed by the EU. Exceptions to this rule may be considered on a case by case basis for duly justified reasons.

The EU Delegation will participate in the dissemination of information in order to facilitate programme implementation. Existing networks of stakeholders will be used for the dissemination of information and results to local actors. Existing networks of local authorities will also be involved.