

Plenary Meeting of the LVIII COSAC 26–28 November 2017, Tallinn

Background Information

Session V: The external dimension of migration – preventing and combating irregular migration

In the last two years, Europe experienced the largest number of arrivals of refugees and migrants since the end of the Second World War. Migration, asylum and border management systems were put under huge pressure. The Union and its Member States were not sufficiently prepared to respond effectively, and the scale of the crisis had a powerful impact across the EU. As the High Representative of the Union for Foreign Affairs and Security Policy [has stated](#), the EU has advanced enormously since the beginning of the crisis – from reacting to the crisis to having a comprehensive approach. An effective migration policy includes both **internal and external actions**.

The Union and the Member States have continued to work towards an **efficient prevention of irregular flows**, outside and inside the Union, as well as towards putting in place a **reliable system of returns**. The aim of this background paper is to give an overview, based [on the Communication on the Delivery of the European Agenda on Migration](#), of what has been achieved so far in preventing and combating irregular migration.

When it comes to reducing the incentives for irregular migration, **fighting the root causes is the most comprehensive tool**. The importance of addressing the root causes of migration was also stressed at the last [European Council](#) on October 19 this year. The heads of state and government recalled that providing economic and social opportunities in the countries of transit and origin are part of the EU's long-term approach to migration. According to the Communication on the Delivery of the European Agenda on Migration, the EU and its Member States remain the largest provider of development assistance, providing EUR 75.5 billion in 2016, or almost 60% of the global assistance by OECD members.

Results have been achieved by jointly managing migration flows with countries of origin and transit since the establishment of the [Partnership Framework](#) one year ago. The objective of the framework is to address the root causes of irregular migration through development cooperation, while encouraging stronger cooperation by third countries on all aspects of migration, including the fight against smuggling and the acceptance of readmissions of nationals. It was launched with five priority countries – Niger, Mali, Nigeria, Senegal, and Ethiopia.

Both the Commission and the [European Council](#) have stressed the importance of ensuring sufficient funding for the EU Trust Fund for Africa and the North Africa Window. While the progress made needs to be sustained, more work is needed on a number of key issues. This includes further strengthening the [EU Trust Fund for Africa](#) and, in particular, its North Africa Window. A total of EUR 3.1 billion has been made available by the EU Trust Fund for Africa to 26 countries in the Sahel region and Lake Chad, the Horn of Africa, and the North of Africa. Also, the **External Investment Plan** is part of the EU's contribution to development commitments, and it is expected to trigger more than EUR 44 billion of investments in partner countries in Africa and the EU Neighbourhood region by 2020.

Dismantling smuggling and trafficking networks is an essential part of reducing the incentives for irregular migration. The Union and the Member States have continued to take effective action on

preventing and combating criminal activity by smugglers and traffickers along the entire route. [The Action Plan on migrant smuggling](#) from May 2015 and the [European Migrant Smuggling Centre](#) at Europol are only a few of the many initiatives at the EU level that have been taken in order to address the issue.

Having a common external border requires all states of the Schengen area to cooperate and to share the burden for its management. The measures taken to improve the management of the external border have, therefore, called on the solidarity and responsibility of all the Member States. The establishment of the [European Border and Coast Guard Agency](#) in 2016 has enabled to shift the integrated management of the EU external borders from solely national competence towards a shared responsibility of the Member States and the Agency. The new mandatory rapid reaction pools have enhanced the Agency's capability to respond swiftly to emergency situations at Europe's external borders. Work on smart borders was taken forward with proposals for the [Entry-Exit System](#) (EES) and the [European Travel Information and Authorisation System](#) (ETIAS). Once in place, these systems will allow for better detection of possible migratory risks and abuses, and will enhance public security.

The importance of an effective return policy, as an essential part of the overall EU migration policy, has been repeatedly underlined by the European Council. According to [EUROSTAT data](#), out of the approximately 1 million third-country nationals found to be illegally present in the EU in 2016, only half received orders to leave the EU, and less than half of that figure (226,000) were effectively returned. While the total return rate from 2014 to 2015 increased from 41.8% to 42.5%, the rate of effective returns to third countries dropped from 36.6% to 36.4%. Moreover, if return to the Western Balkans is disregarded, the European Union return rate drops further to 27%. The European Commission has stated in the Communication on the Delivery of the European Agenda on Migration that this is due to the insufficient enforcement of existing instruments at EU and national levels, coupled with a readmission policy that is still not yet fully developed. On October 19, the European Council further called for creating and applying the necessary leverage, by using all the relevant EU policies, instruments and tools, including development, trade and visa, to achieve measurable results in terms of returning irregular migrants.

Legal pathways as alternatives to irregular and dangerous journeys **contribute to reducing irregular migration** and alleviate migratory pressure on the concerned Member States. At the end of September this year, the Commission recommended the [resettlement of 50,000 persons in need of international protection](#) by October 2019. However, the Commission stresses that the EU needs to move from *ad hoc* schemes to a stable framework. In this regard, the Commission has proposed to establish a [Union Resettlement Framework](#) in order to create a solid framework for safe and legal avenues to access international protection from outside the EU.

Some points for discussion:

- 1) In your opinion, what are the best means to further improve the implementation of returns?
- 2) In your opinion, what are the possible ways to strengthen legal channels for refugees?