

---

# EU asylum, borders and external cooperation on migration

---

Recent  
developments

---



---

## IN-DEPTH ANALYSIS

---

EPRS | European Parliamentary Research Service

Authors: Nikolai Atanassov and Anja Radjenovic  
Members' Research Service  
PE 625.194 – September 2018

This publication takes stock of recent EU developments in the area of asylum, borders and external cooperation on migration. It presents the major policy and legislative initiatives put forward by the EU in order to respond to on-going migratory challenges, focusing on three major aspects: reforming the common European asylum system (CEAS), strengthening the EU's external borders and reinforcing the EU's external cooperation on migration. The paper builds on previous research and analysis delivered by the European Parliamentary Research Service (EPRS).

## **AUTHOR(S)**

Nikolai Atanassov and Anja Radjenovic, EPRS.

This is an updated edition of a paper drafted by Nikolai Atanassov, Costica Dumbrava, Maria-Margarita Mentzelopoulou and Anja Radjenovic: [PE 621.878](#).

To contact the authors, please email: [eprs@ep.europa.eu](mailto:eprs@ep.europa.eu)

## **LINGUISTIC VERSIONS**

Original: EN

Translations: DE, FR

Original manuscript, in English, completed in May 2018. Updated edition completed in September 2018.

## **DISCLAIMER AND COPYRIGHT**

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

Brussels © European Union, 2018.

Photo credits: © aalutcenko / Fotolia.

PE 625.194  
ISBN: 978-92-846-3858-1  
DOI:10.2861/196281  
QA-03-18-307-EN-N

[eprs@ep.europa.eu](mailto:eprs@ep.europa.eu)

<http://www.eprs.ep.parl.union.eu> (intranet)

<http://www.europarl.europa.eu/thinktank> (internet)

<http://epthinktank.eu> (blog)

## Executive summary

The unprecedented arrival of refugees and irregular migrants in the EU, which peaked in 2015, exposed a series of deficiencies and gaps in EU policies on asylum, external borders and migration. It put pressure on the common European asylum system (CEAS) and affected the functioning of the Schengen rules, leading to a temporary suspension of the Dublin system and the introduction of border checks by several Member States. In response to these challenges, the EU has embarked on a broader process of reform aimed at rebuilding its common asylum policies on fairer and more solid ground, strengthening its external borders by reinforcing the links between border controls and security, and renewing cooperation with third countries on migration issues.

In May and June 2016, the Commission presented two packages of proposals to strengthen and adapt the CEAS. Almost two years after their introduction, the proposals have reached different stages of progress within the legislative process. The Parliament and the Council have already reached partial provisional agreement on the proposal on the establishment of the European Union Agency for Asylum, the Qualifications Regulation, the Reception Conditions Directive and the reform of Eurodac (the EU's migrant fingerprint database). While trilogues are also progressing on the Union Resettlement Framework, the co-legislators still have considerable work to do as regards the reform of the Dublin Regulation and the proposal for an asylum procedures regulation. A political agreement on the overall reform of the CEAS was sought by June 2018, however, at the European Council meeting that month, EU leaders failed to achieve a breakthrough in the negotiations.

As emphasised in the European agendas on migration and on security, addressing current EU migration and security challenges means improving the management of the external borders, including by making better use of the opportunities offered by IT systems and technologies. In this respect, a revision of the Schengen Borders Code as regards the reinforcement of checks against relevant databases at external borders was adopted in March 2016. The transformation of Frontex into the European Border and Coast Guard Agency was finalised in October 2016, and the legal bases for the new Entry/Exit System and the new European travel information and authorisation system (ETIAS) were established in November 2017 and September 2018 respectively. Work is ongoing on the revision and expansion of the Schengen Information System, an upgrade of the eu-LISA mandate, and frameworks for interoperability between EU information systems in the area of borders and security.

The EU's external migration policy is part of the general EU approach on migration, and is complementary to EU foreign policy and development cooperation. It is based on common goals set by the Member States and is reflected in the CEAS. Cooperation with third countries is covered under the global approach to migration and mobility (GAMM), through which the EU has engaged in political dialogue and has established partnerships with third countries. In line with the 2015 'European agenda on migration' and the 2016 'partnership framework', the EU pursues external migration policies aimed at tackling challenges along the main migratory routes. One of the aims is to provide more legal pathways for the admission of people in need of international protection, through resettlement measures and migration compacts. Furthermore, various EU funding instruments support migration-related projects in third countries, particularly in key countries of origin and transit such as Syria, Iraq, Turkey and African countries.

## Table of contents

1. Introduction	1
2. Reforming the common European asylum system (CEAS)	3
2.1. Background	3
2.2. Dublin Regulation	4
2.3. Eurodac Regulation	5
2.4. European Union Agency for Asylum (EUAA)	6
2.5. Asylum Procedure Regulation	7
2.6. Qualifications Regulation	7
2.7. Reception Conditions Directive	8
2.8. EU resettlement framework	9
3. Strengthening the EU's external borders	10
3.1. Background	10
3.2. Schengen Borders Code	10
3.3. European Border and Coast Guard Agency (Frontex)	11
3.4. Entry/Exit System	12
3.5. European travel information and authorisation system (ETIAS)	13
3.6. Schengen Information System	14
3.7. EU Agency for the operational management of large scale IT systems in the area of freedom, security and justice (eu-LISA)	16
3.8. Interoperability between EU information systems on borders and migration	17
4. Reinforcing the EU's external cooperation on migration	19
4.1. Context	19
4.2. Main migratory routes	20
4.2.1. Central Mediterranean route	20

4.2.2. Eastern Mediterranean route _____	22
4.2.3. Western Balkan route _____	22
4.2.4. Western Mediterranean/Atlantic route _____	22
4.3. EU funding for external cooperation on migration _____	23
4.3.1. Syria and Iraq _____	25
4.3.2. Turkey _____	26
4.3.3. Western Balkans _____	27
4.3.4. Africa _____	27
5. Overview of recent EU legislative proposals _____	28
6. Main references _____	29

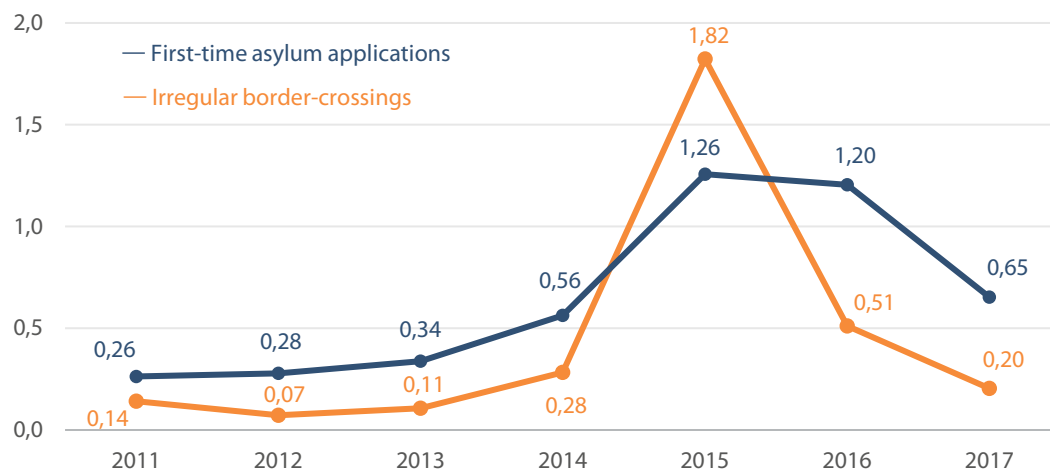
### List of main acronyms used

<b>CEAS:</b>	Common European asylum system
<b>CIR:</b>	Common Identity Repository
<b>Coreper:</b>	Committee of Permanent Representatives
<b>CSDP:</b>	<b>Common security and defence policy</b>
<b>EEAS:</b>	European External Action Service
<b>EDF:</b>	<b>European Development Fund</b>
<b>EES:</b>	Entry/Exit System
<b>EFSD:</b>	<b>European Fund for Sustainable Development</b>
<b>EIP:</b>	<b>External Investment Plan</b>
<b>ESP:</b>	European search portal
<b>ENI:</b>	<b>European Neighbourhood Instrument</b>
<b>ENP:</b>	<b>European Neighbourhood Policy</b>
<b>ETIAS:</b>	European travel information and authorisation system
<b>EUAA:</b>	European Union Agency for Asylum
<b>eu-LISA:</b>	EU Agency for the operational management of large-scale IT systems in the area of freedom, security and justice
<b>FRT:</b>	<b>Facility for Refugees in Turkey</b>
<b>GAMM:</b>	<b>Global approach to migration and mobility</b>
<b>IOM:</b>	<b>International Organization for Migration</b>
<b>JVA:</b>	<b>Joint Valletta Action Plan</b>
<b>LIBE:</b>	Committee for Civil Liberties, Justice and Home Affairs (EP)
<b>MID:</b>	Multiple identity detector
<b>SBM:</b>	Shared biometric matching service
<b>SIS II:</b>	Schengen Information System (II)
<b>UNHCR:</b>	<b>United Nations High Commissioner for Refugees (UN Refugee Agency)</b>
<b>VIS:</b>	Visa Information System

## 1. Introduction

The recent refugee and migration crises have revealed a series of deficiencies in the EU's approaches and policies on asylum, borders and migration. It has become obvious that the CEAS could not cope with large inflows of asylum seekers (see Figure 1). The Dublin system, which was established in 2003 to help identify the EU Member State responsible for examining each specific asylum application, put an excessive burden on the EU countries of first entry, in particular on those countries in charge of the EU's external borders. In order to fix the system and rebuild the common asylum policies on a fairer and more balanced basis, the Commission put forward a comprehensive package of legislative proposals. The European Parliament and the Council have reached a partial provisional agreement on four of the proposals making up the EU's asylum system, while they continue negotiating on the remaining two.

**Figure 1 – First-time asylum applications and irregular border crossings (in millions)**

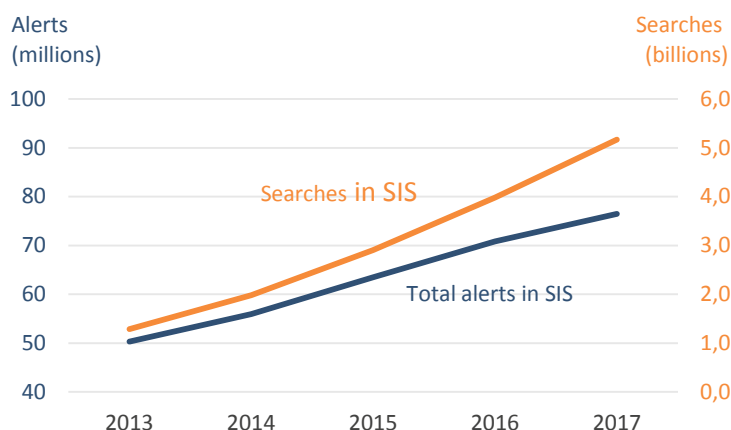


Data source: Frontex.

Weaknesses in the management of the EU's external borders led to uncontrolled arrivals of irregular migrants in the EU and eventually to the reintroduction of internal borders between several Member States. The surge in terrorist and serious crime activities on EU territory has been linked to deficiencies in external border management and the EU information exchange architecture. For example, although the current version of the Schengen Information System has been operational since 2013, the number of security alerts and searches in the system were low before 2015 (see Figure 2).

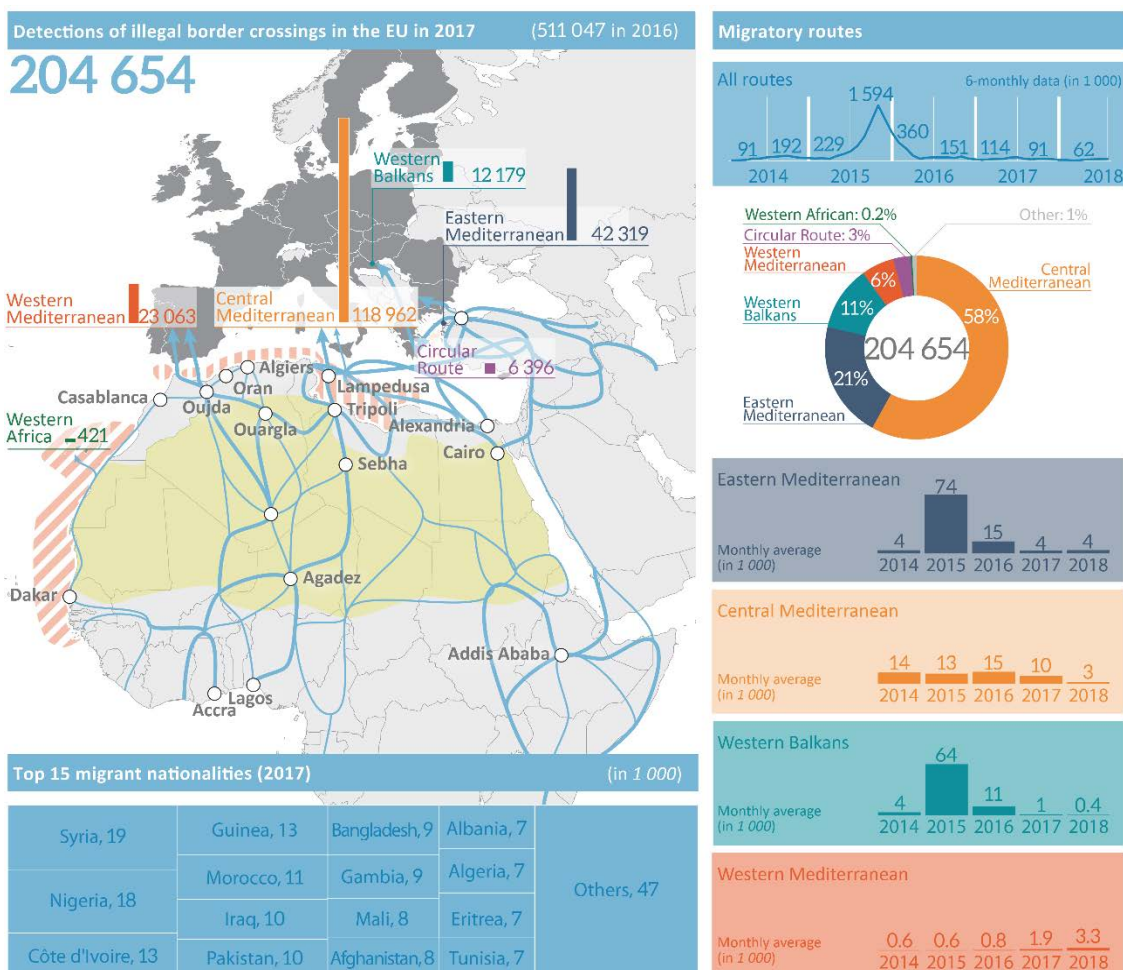
In order to strengthen the external borders, with a view also to contributing to enhancing internal security, the Commission proposed to revise the mandates of two agencies (Frontex and eu-LISA), reinforce the Schengen Borders Code and upgrade and expand EU information systems in the area of freedom, security and justice, including by making these systems more interoperable. In March 2016, the Schengen Borders Code was amended to allow for systematic checks of EU citizens at the EU's external borders. Frontex was successfully turned into the European Border and Coast Guard Agency in October 2016. While the Entry/Exit System and ETIAS were adopted in November 2017 and September 2018 respectively, the other files on the EU information systems for borders and security are currently being debated by the co-legislators.



**Figure 2 – Alerts and searches in SIS II**

Data source: eu-LISA.

Recent developments have also shown that migration challenges could not be addressed properly without taking into account the external dimension of migration, involving complex geopolitical changes, specific regional patterns and shifting migration flows and routes (see Figure 3). In order to secure cooperation on migration issues and to help address the root causes of migration, the EU has renewed its engagement with third countries, through political and financial means.

**Figure 3 – Detections of illegal border crossings in the EU and migratory routes (2017)**

Data source: Frontex.



## 2. Reforming the common European asylum system (CEAS)

### 2.1. Background

The European Union has a duty to protect people in need of international protection in accordance with the Geneva Convention. Accordingly, in 2013 the EU put in place a common European asylum system, as a legal framework to cover all aspects of the asylum process. Although responsibility for examining asylum applications lies with Member States, the system provides for common minimum standards for the treatment of asylum-seekers. The CEAS comprises a set of rules determining the Member State responsible for examining an application for international protection ([Dublin Regulation](#)), common standards for asylum procedures ([Asylum Procedures Directive](#)), recognition and protection of beneficiaries of international protection ([Qualification Directive](#)) and standards for the reception of applicants for international protection ([Reception Conditions Directive](#)).

The unprecedented inflow of asylum-seekers to Europe in recent years exposed weaknesses in the design and implementation of the system. On 6 April 2016, in a [communication](#) 'Towards a reform of the common European asylum system and enhancing legal avenues to Europe' the European Commission therefore set out its priorities for a structural reform of the European asylum and migration framework.

On 4 May 2016, the Commission presented a first set of proposals to reform the CEAS delivering on the priorities identified in its April 2016 communication:

- a [proposal](#) for a regulation establishing a sustainable and fair [Dublin system](#) for determining the Member State responsible for examining asylum applications;
- a [proposal](#) for a regulation reinforcing the [Eurodac system](#) to monitor secondary movements more effectively and facilitate the fight against irregular migration, and
- a [proposal](#) for a regulation establishing a genuine [European Agency for Asylum](#) to ensure a well-functioning European asylum system.

On 13 July 2016, the Commission adopted a second set of proposals, completing the reform of the CEAS through four additional proposals:

- a [proposal](#) replacing the Asylum Procedures Directive with a [regulation](#), harmonising the current disparate procedural arrangements in all Member States and creating a genuine common asylum procedure in the EU;
- a [proposal](#) replacing the Qualification Directive with a [regulation](#), setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;
- a [proposal](#) revising the [Reception Conditions Directive](#) in order to harmonise the treatment of asylum-seekers across the EU, increase applicants' integration prospects and decrease secondary movements; and
- a [proposal](#) for a regulation establishing a structured [Union resettlement framework](#), moving towards a more managed approach to international protection within the EU, ensuring orderly and safe pathways to the EU for persons in need of international protection, with the aim of progressively reducing the incentives for irregular arrivals.

The aim of the reform is to set up rapid and efficient procedures for granting protection to those in need and to secure more equal and fair treatment of applicants across the EU. Furthermore, it targets the risk of secondary movements between the EU Member States and abuses of the asylum system. In the event of the arrival of a high number of people in need of international protection at the external borders, the reform intends to ensure solidarity and shared responsibility among Member

States. At the same time as strengthening the fight against irregular migration, new CEAS rules also aim to ensure orderly and safe pathways to Europe for people in need of international protection.

These proposals are currently being discussed by the co-legislators and have been identified by the European Parliament, the Council and the Commission as priorities under the joint declarations of [2016](#) and [2017](#). Almost two years after their introduction, the proposals have reached different stages of progress within the legislative process, with some being close to adoption, some progressing and others remaining in the early stages.

## 2.2. Dublin Regulation

In May 2016, the Commission adopted a [proposal for a regulation](#) for the reform of the Dublin system. This proposal defines a scheme for relocating new applicants from Member States receiving disproportionate numbers of applications in other Member States. It also specifies shorter time limits for sending transfer requests, receiving replies and carrying out asylum seeker transfers between Member States, thus decreasing the possibility of shifting responsibility. The proposal also aims to discourage abuses and secondary movements by obliging asylum applicants to remain in the Member State responsible for their claim, making the reception of benefits dependent on respecting geographical limits, and imposing sanctions for non-compliance. It provides for stronger guarantees for unaccompanied minors, and introduces a more balanced (extended) definition of family members.

In its [resolution](#) on the situation in the Mediterranean and the need for a holistic EU approach to migration, the European Parliament suggested a fundamental overhaul of the Dublin system by introducing a scheme involving the centralised collection of applications at EU level, in which each asylum-seeker would be considered as seeking asylum in the Union as a whole and not in an individual Member State. The resolution also proposed a centralised system for allocating responsibility for people seeking asylum in the EU.

In October 2017, the Parliament's Committee for Civil Liberties, Justice and Home Affairs (LIBE committee), under the rapporteurship of Cecilia Wikström (ALDE, Sweden), adopted a report on the reform of the Dublin Regulation and voted to start interinstitutional negotiations. The [report](#) and the mandate were confirmed at the November 2017 European Parliament plenary session. The report suggests establishing a reference key based on Member States' population size and economy as a criterion for the corrective allocation mechanism. It further proposes to block the transfer between Member States of asylum applicants representing a security risk, and those not needing any specific procedural guarantees or unlikely to qualify as beneficiaries of international protection. Regarding applications for international protection for families, the report suggests joint processing of applications without prejudice to the applicant's right to lodge an application individually. In the case of minors' applications for international protection, the report reiterates the need for individual guarantees and for proper assessment of minors' best interests. On relocation criteria, the report focuses on links to a particular country as the first relocation criterion, and calls for clear incentives and disincentives to be established for asylum applicants to avoid them absconding or making secondary movements.

In October 2016, the Council [endorsed](#) its approach to discuss the Dublin Regulation reform as an element in the CEAS reform package. In June 2017, the [Council](#) examined Dublin Regulation articles on guardianship and on limiting secondary movement abuse. Since October 2017 the Council has [noted](#) progress towards a compromise on achieving effective application of the principles of solidarity and responsibility through a right balance between the two and the need to ensure resilience to future crises. The Bulgarian Presidency pledged to achieve as much progress as possible

on the CEAS reform, starting by [organising](#) an informal meeting of home affairs ministers in Sofia on 25 January 2018. It noted that it would focus on working at expert level with a view to preparing a political consensus (general approach) by June 2018, with the Dublin Regulation being a major priority. However, discussions in the Council remain at the consultation stage, as Member States have difficulty finding agreement on the right balance between responsibility and solidarity in the EU's asylum system.

## 2.3. Eurodac Regulation

As part of the practical implementation of the reformed Dublin System, in May 2016, the European Commission presented a [proposal](#) for a review of the Eurodac Regulation. This proposal expands Eurodac's brief with the aim of facilitating returns and helping tackle irregular migration. Under the proposal, Member States would store and search data belonging to third-country nationals or stateless persons who are not applicants for international protection and are crossing EU borders irregularly or are staying in the EU illegally, with the aim of identifying them for return and readmission purposes. The storage of these persons' fingerprints together with their personal data (names, birth dates, nationalities, identity details, facial images, etc.) in Eurodac would allow Member States to identify irregular third-country nationals or asylum applicants without having to request information from another Member State. The proposal permits Member States to sanction people refusing to comply with the fingerprinting procedure under national law, as long as this does not breach their fundamental rights, with detention or coercion being a means of last resort.

In its April 2016 [resolution](#) on the situation in the Mediterranean, the European Parliament noted that asylum applicants' proper identification at entry points should contribute to the overall functioning of the CEAS.

The European Parliament's LIBE committee, under the rapporteurship of Monica Macovei (ECR, Romania) adopted its report on [30 May 2017](#) and voted on a mandate for negotiations with the Council. The LIBE [report](#) called for the use of Eurodac to be extended to resettled third-country nationals and stateless persons, in order to track and prevent secondary movements, and expressed a preference for using biometric personal data instead of fingerprints, as proposed by the Commission. Members stressed the need to enhance the interoperability between information systems and to expand Europol's direct access to Eurodac data for the purpose of preventing, detecting and investigating terrorist offences or other serious criminal offences. The report also suggested fingerprinting children from the age of six to facilitate tracking and family reunifications, while also taking due account of minors' special needs. On sanctions for non-compliance, Members agreed with imposing sanctions, but stressed the need to respect the EU Charter of Fundamental Rights and to use detention as a means of last resort. Concerning the data retention period, the report suggested a maximum of five years. Finally, on transfer of data collected from third countries, Members requested that personal data from a search in the Eurodac system not be made available to any third country or international organisation unless strictly necessary. On 14 June 2017, the plenary [confirmed](#) the committee's decision to enter into interinstitutional negotiations.

In December 2016, the Council [agreed](#) on a partial general approach. In June 2017, based on discussions in the Council since May 2016 and on the Maltese Presidency's April 2017 proposals (including on colour copies of travel documents in the database and the option for law enforcement authorities to search Eurodac data on persons registered in the context of an admission procedure), the Presidency [announced](#) that it would examine the issues not included in the partial general approach, with a view to extending the mandate for negotiations with the European Parliament. This led to an [updated mandate](#) in Coreper on 15 June 2017.

On 19 June 2018, the Parliament and the Council reached a partial [provisional agreement](#) on the proposal. Further work has been postponed pending developments in the negotiations on the rest of the CEAS package.

## 2.4. European Union Agency for Asylum (EUAA)

On 4 May 2016, the Commission submitted a [proposal for a regulation on the European Union Agency for Asylum \(EUAA\)](#), which amends and expands the mandate of the European Asylum Support Office (EASO) in order to develop it into an EU agency.

The European Parliament's LIBE committee, under the rapporteurship of Péter Niedermüller (S&D, Hungary), [approved](#) a negotiating [mandate](#) on 8 December 2016 with a view to reaching a first-reading agreement with the Council on the legislation. The committee report stresses the need to transform the current office into a fully fledged EU agency with the means and mandate to assist Member States in crisis situations, and to provide them with operational and technical assistance. It also added that EASO's mandate should correspond to the overall aim of strengthening the CEAS, be reinforced by high standards, and comply with the EU Charter on Fundamental Rights. In terms of resources, the committee emphasised the need for sufficient technical, financial and human resources based on Member States' contributions – in particular staff for expert teams evaluating and monitoring asylum and reception system procedures. Finally, Members underscored the importance of cooperation between the agency and other European bodies and agencies, especially the European Border and Coast Guard Agency. The report stressed further that the agency should be able to deploy liaison officers to the Member States to assist in CEAS implementation, e.g. in cases of family reunification and concerning unaccompanied children and vulnerable persons.

In October 2016, the Council [endorsed](#) the Slovak Presidency's suggested three-track approach for examining CEAS reform package proposals (also including the EUAA Regulation), with the aim of achieving progress towards a Council general approach by December 2016. In December 2016, the JHA Council, on the basis of a Presidency [note](#), acknowledged the support of a majority of Member States for turning EASO into a fully fledged agency, well equipped for the implementation of the CEAS. However, it also stressed Member States' concerns about the potential overlap between the agency's mechanism for monitoring and assessing Member States' asylum and reception systems, and established Commission powers to monitoring the implementation of EU law, as well as some Member States' preference to play a greater role in the monitoring exercise. Hence, the Presidency redrafted the proposal's relevant provisions, though a number of delegations continue to maintain reservations on the issue of monitoring.

Following the December 2016 [agreement](#) on a partial general approach in the Council, in January 2017, the Presidency started negotiations with the European Parliament. A provisional broad political agreement on all 12 chapters of the proposed EUAA regulation was [reached](#) on 28 June 2017. The LIBE committee [voted](#) on this provisional agreement on 29 June 2017. Following this broad political agreement further work has [focused](#) mostly on finalising the text technically and aligning the recitals of the text with the main body of the CEAS reform proposal package.

On 6 December 2017, the Coreper [endorsed](#) the agreement reached with the European Parliament on the entire text of the proposal, including the recitals, but excluding the text placed in square brackets referring to other CEAS proposals. Work continues on a technical level to clarify the links with the other files of the asylum package, which is considered a precondition for moving the EUAA file ahead.

Furthermore, in September 2018, the Commission [presented](#) a [modified legislative proposal](#) reinforcing the EU agency for asylum in order to equip it with the necessary staff, tools and financial means to support Member States.

## 2.5. Asylum Procedure Regulation

In July 2016, the Commission put forward a legislative [proposal](#) aiming to replace the Asylum Procedures Directive with a regulation establishing a fully harmonised common EU procedure for international protection in order to reduce differences in recognition rates among Member States, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers. The proposal aims to simplify, clarify and shorten asylum procedures, ensure common guarantees for asylum seekers and stricter rules to combat abuse, and also harmonise rules on safe countries.

The proposal has been referred to the European Parliament's Committee for Civil Liberties, Justice and Home Affairs (LIBE), under the rapporteurship of Laura Ferrara (EFDD, IT). The rapporteur presented her [draft report](#) on 30 May 2017. On 25 April 2018, the LIBE committee adopted the [report](#) together with a decision to enter into interinstitutional negotiations with the Council, which was confirmed during the May II plenary session.

In its [resolution](#) of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, the European Parliament underlined that the harmonisation of reception conditions and asylum procedures could alleviate the burden on countries offering better conditions and are key to responsibility sharing.

The Council has not yet reached a mandate on the proposed regulation. In the [progress report](#) of 9 June 2017, the Presidency observed that, despite general support for the proposal, Member States had voiced substantive reservations, in particular regarding the situation of applicants with special needs. Some delegations expressed concern relating to certain provisions aiming at limiting secondary movements, which, in their opinion, failed to strike the right balance between fighting abuse and granting protection when needed. In the [progress report](#) of 6 October 2017, the Council Presidency noted that the June European Council had given a clear mandate to the Council to align the Commission's proposal on the Asylum Procedures Regulation, regarding the safe third country concept, with the effective requirements of the Geneva Convention and the EU primary law.

## 2.6. Qualifications Regulation

In July 2016, the Commission put forward a legislative [proposal](#) to replace the Qualification Directive with a regulation. The aim of the proposal is to ensure greater convergence of recognition rates and forms of protection among Member States, to introduce stricter rules sanctioning secondary movements, to grant protection only for as long as it is needed and to strengthen integration incentives for beneficiaries of international protection.

On 5 July 2017, the Parliament confirmed a mandate to enter into interinstitutional negotiations with the Council on the basis of a [report](#) adopted by the LIBE committee on 15 June 2017. According to the report, Member States should apply common criteria for the identification of persons genuinely in need of international protection and should secure a common set of rights for refugees and beneficiaries of subsidiary protection. In cases where there is a lack of documentary or other evidence, applicants should be given the benefit of the doubt, providing they have made a genuine effort to substantiate their applications and have submitted all relevant elements and their statements are found to be coherent and plausible. According to the report, the best interests of



children should be a primary consideration, especially when assessing conditions for internal protection. Furthermore, refugee status should be withdrawn if an applicant constitutes a danger to the security of the Member State or if he or she has committed a serious non-political crime before arriving in the destination country. As regards residence permits, they should be issued no later than 15 days after international protection has been granted and should have a period of validity of at least five years.

The report also rejects the proposal for a mandatory refugee status review in the event of changed circumstances in the country of origin. It further suggests that Member States should provide beneficiaries of international protection with support and opportunities for integration into their host society.

On 14 June 2018, Parliament and Council negotiators reached a partial [provisional deal](#) on a new Qualification Regulation. The informal deal will only be put to a vote in the LIBE committee, and subsequently in plenary, once there is confirmed progress towards an agreement on the Dublin Regulation.

## 2.7. Reception Conditions Directive

In July 2016, the European Commission put forward a legislative [proposal](#) on the reform of the Reception Conditions Directive. The aim of the proposal is to ensure that asylum seekers benefit from harmonised and dignified reception standards across the EU. This would help to prevent secondary movements and asylum shopping. Furthermore, according to the proposal, allowing Member States to assign a residence to asylum seekers, impose reporting obligations on them, and, as a last resort, detain them, should discourage asylum-seekers from absconding.

In the European Parliament, the proposal has been assigned to the LIBE committee, under the rapporteurship of Sophia in 't Veld (ALDE, the Netherlands), which adopted its [report](#) on the proposal on 25 April 2017. The committee's decision to enter into interinstitutional negotiations was endorsed at the May 2017 plenary session.

The LIBE report disagrees with the punitive approach proposed by the Commission towards applicants who try and move illegally to another Member State. Instead, it proposes to strengthen measures seeking to de-incentivise asylum applicants from leaving the Member State responsible for examining the asylum application. According to the report, asylum seekers should be able to work in the EU no later than two months after applying for asylum, instead of the current nine months. However, Member States may still fill vacancies, through preferential access, with their nationals, other EU citizens or third-country nationals lawfully residing in the country. As regards detention of asylum seekers, the report stresses that it should be a measure of last resort and should always be based on a decision by a judicial authority. The detention or confinement of children, whether unaccompanied or with families, should be prohibited. Member States should ensure that every unaccompanied minor is assigned a guardian from the moment of his or her arrival in the EU and receives immediate access to health care and education under the same conditions as national minors. The report also underlines that extra measures are necessary to protect the fundamental rights of applicants with special needs, and that rapid identification of those applicants and training of personnel in this regard are important.

On 29 November 2017, on behalf of the Council, Coreper endorsed a [mandate](#) for trilogue negotiations on the proposal for a directive. According to the mandate, applicants should receive an adequate standard of living and comparable living conditions in all Member States. Furthermore, access to reception conditions should be provided in a Member State responsible for the application

for international protection. Applicants should be afforded material reception conditions and access to health care and shall have access to the labour market no later than nine months after lodging an application. In addition, Member States may restrict applicants' freedom of movement within their territory, assign them a specific place, define reporting obligations and, if there is a risk of applicants absconding, may make use of detention. Finally, the EU asylum agency should assist Member States in their preparation of contingency plans for the arrival of disproportionate numbers of applicants. On 14 June 2018, the Parliament and Council reached a partial [provisional agreement](#) on the recast regulation. The informal deal will only be put to a vote in the LIBE committee, and subsequently in plenary, once there is confirmed progress towards an agreement on the Dublin Regulation.

## 2.8. EU resettlement framework

The EU is committed to providing safe and legal avenues to Europe for those in need of international protection, reducing the incentives for irregular migration, and protecting migrants from exploitation by smuggling networks and from dangerous journeys to Europe. In addition to the voluntary resettlement schemes agreed in [2015](#) and [2017](#), the Commission submitted a [proposal](#) for establishing a Union resettlement framework on 13 July 2016. The proposal would complement the current ad hoc multilateral and national resettlement programmes by providing common EU rules on the admission of third-country nationals in need of international protection, resettlement procedures, types of status to be accorded by Member States, decision-making procedures for the implementation of the framework, and financial support for Member States' resettlement efforts.

On 12 October 2017, the European Parliament's LIBE committee, under the rapporteurship of Malin Björk (GUE/NGL, Sweden), adopted the [report](#) on the proposal and a decision to enter into interinstitutional negotiations. The Parliament confirmed that decision during the October II plenary session.

According to the report, Member States should provide resettled persons with a long-lasting solution, first and foremost by granting refugee or subsidiary protection status. Member States may issue permanent residence permits. The report calls on the Member States to increase their resettlement efforts and the number of resettlement places in order to shoulder a fair share of global responsibility. The EU should take on at least 20 % of annual projected global resettlement needs, as defined by UNHCR, which would have equated to around 250 000 people in 2017. Furthermore, resettlement should not be used for other foreign policy objectives, or depend on third countries' cooperation on other migration-related matters, as proposed by the European Commission. Instead, resettlement should be a humanitarian programme and the EU resettlement framework should be based on the annual global projected resettlement needs. The UNHCR should be the main institution to select refugees for resettlement in the Member States.

A Union resettlement plan should be adopted every two years in consultation with the high-level resettlement committee, and should be based on UNHCR projected global resettlement needs. Contrary to the Commission proposal, the report retains the allocation of €6 000 from the Asylum, Migration and Integration Fund (AMIF) fund for every person resettled under Member States' national resettlement programmes. It also supports €10 000 per resettled person, if Member States resettle under the EU resettlement framework, as proposed by the Commission.

On 15 November 2017, Coreper endorsed, on behalf of the Council, a [mandate](#) for negotiations with the European Parliament. According to the Council the parts relating to other CEAS reform files will be revisited at a later stage. The mandate includes a two-year EU resettlement and humanitarian admission plan adopted by the Council, voluntary contribution of Member States to this plan, two



types of admission: resettlement and humanitarian admission, and acknowledgement of UNCHR expertise in the field.

The first trilogues among the institutions started in December 2017. There is broad convergence on the need for a resettlement scheme and biannual plans. Divergences, however, remain as regards, for instance, the voluntary or mandatory nature of the framework, and the method for the adoption of a plan – Council implementing or delegated acts.

## 3. Strengthening the EU's external borders

### 3.1. Background

As emphasised in both the European agendas on [migration](#) and on [security](#), addressing current EU migration and security challenges means strengthening the management of external borders, including by making better use of the opportunities offered by IT systems and technologies.

In order to reinforce EU border management rules and operational cooperation at the external borders, the Commission put forward legislative proposals to revise the [Schengen Borders Code](#) and to upgrade the mandates of the relevant EU agencies, such as [Frontex](#), [Europol](#) and [EASO](#). In 2016, it launched discussions on how to make the management and use of information systems in the area of border management and security more effective and efficient.

The Commission [communication](#) of 6 April 2016 on stronger and smarter information systems for borders and security identified a number of key shortcomings in the EU's information systems and explored ways that the existing and future information systems could enhance external border management and internal security. In order to bridge the existing information gaps, which hamper the effective control of the EU borders, the Commission proposed to extend the use of the Schengen Information System ([SIS II](#)) and to establish the Entry/Exit System ([EES](#)) and the European travel information and authorisation system ([ETIAS](#)).

Building on the recommendations of the [final report](#) of the high-level expert group on information systems and interoperability ([HLEG](#)), in its seventh progress [report](#), Towards an effective and genuine security union, the Commission set out a new approach to the management of data for borders and security. A key dimension of this approach is to improve the interoperability between EU information systems for border management and security. In June 2017, the Commission presented a proposal to revise the mandate of the European agency for the operational management of large-scale IT systems in the area of freedom, security and justice ([eu-LISA](#)). This was followed, in December 2017, by two proposals on establishing frameworks for interoperability between EU information systems on [borders and visa](#) and on [police and judicial cooperation, asylum and migration](#). The Commission aims to achieve the interoperability of EU information systems by 2020.

### 3.2. Schengen Borders Code

Following a series of [terrorist attacks](#) on EU territory, which involved cross-border criminal activities and networks, the EU has reacted quickly to address security risks caused by vulnerabilities of the EU external borders. In the aftermath of the terrorist attacks in Paris, the Council [called](#) for a series of urgent measures to strengthen external border controls. It urged the Commission to present a proposal for a targeted revision of the Schengen Borders Code that would allow for systematic and

permanent checks of EU citizens, at all points of entry at the external borders of the EU, including the verification of biometric information against the relevant databases.

In December 2015, the Commission put forward a [proposal](#) amending the Schengen Borders Code as regards the reinforcement of checks against relevant databases at external borders. The European Parliament's LIBE committee, under the rapporteurship of Monica Macovei (ECR, Romania), adopted a [report](#) on the proposal in June 2016. The report proposed a series of amendments aiming to: enable Member States to replace systematic controls with targeted checks at specified border crossings and after an assessment of security risks, promote better data management, technological progress and improved connections between Member States' information systems. Following an agreement between the co-legislators reached in December 2016, the [regulation](#) was adopted on 15 March 2017.

The regulation obliges Member States to carry out systematic checks on all persons, including persons enjoying the right of free movement under EU law (i.e. EU citizens and members of their families who are not EU citizens) when they cross the EU's external border. It provides for extensive use of the EU-wide databases when performing border checks, in particular the Schengen Information System and the Interpol database on stolen or lost travel documents. If systematic checks have a disproportionate impact on the flow of traffic, Member States can opt to replace them with targeted checks at EU land and sea borders. As proposed by the Parliament, such targeted checks could also be applied at air borders, but only for a transitional period (up to six months, exceptionally extended for 18 additional months). The regulation also provides that in cases of doubt as to the authenticity of a travel document or the identity of a third-country national, the checks, where possible, shall include the verification of at least one of the biometric identifiers built into the travel documents.

### 3.3. European Border and Coast Guard Agency (Frontex)

The [European Border and Coast Guard Agency](#) became operational in October 2016. Established on the foundations provided by Frontex, the agency is in charge of monitoring the EU's external borders and, together with Member States, identifying and addressing any potential security threats to the EU's external borders.

The Parliament had previously called for the role of Frontex to be bolstered in order to increase its capacity to respond more effectively to changing migration flows. In its [resolution](#) of 2 April 2014 on the mid-term review of the Stockholm Programme, the Parliament called for the establishment of European border guards to guard Schengen borders. In its October 2015 [conclusions](#), the European Council also expressed its support for the 'gradual establishment of an integrated management system for external borders'.

The Commission presented a legislative [proposal](#) on the creation of the European Border and Coast Guard in December 2015, which was then negotiated and approved by the legislators in a record time of nine months. In May 2016, the European Parliament's LIBE committee, under the rapporteurship of Artis Pabriks (EPP, Latvia), adopted its [report](#) on the proposal. The proposed amendments were designed to enhance the efficiency of the agency, further expand its role in the field of return while ensuring respect for fundamental rights, and increase transparency and accountability to the European Parliament. The Parliament insisted that the agency's new powers to intervene would be activated by a decision of the Member States in the Council and not of the Commission, as originally proposed. Following negotiations with the Parliament, the Council adopted the final text of the proposal on 13 September 2016. The [regulation](#) was published in the Official Journal on 16 September 2016.

The regulation extends the scope of the activities of Frontex to include enhanced support for Member States in the field of migration management, the fight against cross-border crime, and search and rescue operations. It provides for a greater role for Frontex in returning migrants to their countries of origin, according to decisions taken by national authorities. The Council, based on a Commission proposal, may ask the agency to intervene and assist Member States in exceptional circumstances. This is the case when: 1) a Member State does not comply (within a set time limit) with a binding decision of the agency's management board to address vulnerabilities in its border management; and 2) there is specific and disproportionate pressure on the external border that is putting the functioning of the Schengen area at risk. If a Member State opposes a Council decision to provide assistance, the other EU countries may temporarily reintroduce internal border checks. The regulation also provides for rules to ensure the adequate resourcing of the Frontex Rapid Reaction Pool, to allow for the possibility of deploying liaison officers in the Member States and to oblige the agency to report regularly to the European Parliament.

In September 2018, the Commission presented a new [proposal](#) to strengthen the European Border and Coast Guard Agency. The Agency would gain a new mandate and its own means and powers to protect external borders, carry out returns more effectively and cooperate with non-EU countries.

### 3.4. Entry/Exit System

Building on an earlier version of the smart borders package, in April 2016, the Commission presented a [proposal](#) to establish the Entry/Exit System (EES), a new information system that would speed up and reinforce border checks for non-EU nationals travelling to the EU. This was accompanied by a [proposal](#) amending the Schengen Borders Code and implementing changes generated by the EES. The main objectives of the EES are: to reduce border check delays and improve the quality of border checks by automatically calculating the authorised stay of each traveller; to ensure systematic and reliable identification of over-stayers; and to strengthen internal security and the fight against terrorism by allowing law enforcement authorities access to travel history records. The EES [regulation](#) and the related [regulation](#) amending the Schengen Borders Code were adopted in November 2017. The proposal on a centralised EU Registered Travellers' Programme, which was included in the 2013 smart borders package, had been withdrawn by the Commission.

The European Parliament's LIBE committee, under the rapporteurship of Agustín Díaz de Mera García Consuegra (EPP, Spain), adopted a [report](#) on the proposal in February 2017. The report stressed that one of the most important parts of the proposal is the interoperability of the EES with the Visa Information System (VIS). MEPs backed the Commission's proposal to store a combination of four fingerprints and a facial image of travellers arriving in the Schengen area but requested that the data be stored for only two years, not five as proposed by the Commission. They also sought to ensure that the text would be in line with the provisions of the General Data Protection Regulation.

In June 2017, the Maltese Presidency and the European Parliament reached an agreement on the proposal. Data retention was set at three years and exceptionally for five years when there are no exit data after the expiry of the authorised stay period. The institutions agreed to grant access to the EES to national law-enforcement authorities but not to asylum authorities. The possibility of transferring data for law enforcement or return purposes to third countries and EU Member States not participating in the EES was maintained but under certain conditions.

The EES will register travellers' data (name, type of travel document, fingerprints, visual image, and the date and place of entry and exit) when crossing the Schengen external borders. It will apply to all non-EU nationals, both those who require a visa and those who are exempt. The EES replaces the manual stamping of passports at the border with electronic registration in the database. The EES

will be used by consular and border authorities. The EES and VIS could be interconnected in order to reduce duplication of data. National law enforcement authorities and Europol will also obtain access to the EES, allowing them to make queries for criminal identification and criminal intelligence. According to the Commission, this will help to identify terrorists, criminals and suspects, as well as victims of crime.

The related regulation amending the Schengen Borders Code as regards the use of the EES provides a harmonised legal basis for the establishment of national registered travellers' programmes by Member States on a voluntary basis. This entails pre-vetting frequent travellers in a specific Member State in the Schengen area in order to speed up their border-crossings.

### 3.5. European travel information and authorisation system (ETIAS)

In November 2016, the Commission launched a [proposal](#) to establish the European travel information and authorisation system (ETIAS), a new centralised information system that will help to identify any potential security or irregular migration risks associated with visa-exempt third-country nationals travelling to the Schengen area.

The ETIAS will have three main functions: verifying the information submitted online by visa-exempt third-country nationals ahead of their travel to the EU; processing applications against other EU information systems (such as SIS, VIS, Europol's database, Interpol's database, the EES, Eurodac); and issuing travel authorisations in cases where no hits or elements requiring further analysis are identified. According to the Commission, the ETIAS procedures should be simple, cheap and fast; in most cases, travel authorisations should be obtained in a matter of minutes. An application fee of €5 only will be charged to applicants over the age of 18. Although the system will conduct prior checks, the final decision on whether to grant or refuse entry, even in cases where the person has a valid travel authorisation, will be taken by the national border guards conducting the border controls, according to the rules of the Schengen Borders Code.

The European Parliament's LIBE committee, under the rapporteurship of Kinga Gál (EPP, Hungary), adopted a [report](#) on the proposal in October 2017. The report put forward a series of amendments related to: establishing the Member State responsible for the assessment of an ETIAS submission; excluding carriers transporting travellers overland; setting up specific central access points instead of ETIAS national units to verify conditions for access to the system by law enforcement agencies; granting border guards access to ETIAS when conducting second line checks; establishing the ETIAS ethics board; and improving rules on data security and data protection, transparency and accountability.

In June 2017, the Council agreed on a general [approach](#) on the proposal. The key elements included in the approach are related to: the automatic checking of applications against other EU databases to determine whether there are grounds to refuse a travel authorisation, followed by manual handling, if deemed necessary by the system; pre-boarding checks of travel authorisations by air, sea and overland (international coach) carriers; three-year validity of a travel authorisation or until the end of validity of the travel document registered in the application. In its general approach, the Council decided to split the proposal into two distinct legal acts, on the basis that the (Schengen) legal basis of the proposal cannot cover [amendments](#) to the Europol Regulation. However, the two proposals are being discussed as a package and are both subject to the ordinary legislative procedure.

The files are part of the EU's legislative [priorities](#) for 2018-2019. After four trilogues, the co-legislators reached a provisional political agreement in December 2017. The main points of the agreement

were: deleting data after the period of an authorised stay has lapsed; restricting the collection of data regarding education, occupation and health; exempting transit passengers from the scope of the ETIAS; increasing the application fee to €7 (people under 18 years and over 70 years of age would be exempt from the fee); establishing a transition period of three years for carriers transporting people over land; making the possession of an ETIAS authorisation a condition of entry and stay (immigration authorities would be allowed access to the system); limiting possibilities for the transfer of data to third countries.

Technical meetings following the provisional agreement resulted in a final agreement on the two legal acts. On 25 April 2018, the Committee of Permanent Representatives (Coreper) voted on and [endorsed](#) the agreement resulting from the interinstitutional negotiations. After formal adoption by both Parliament and Council, the regulation establishing ETIAS was signed by the presidents of both institutions on 12 September 2018. The system will, however, not become operational before 2021.

### 3.6. Schengen Information System

The Schengen Information System (SIS) is a large-scale information system supporting external border control and law enforcement cooperation in the Schengen states. It enables police and border guards to enter and consult alerts on certain categories of wanted or missing persons and lost or stolen property. Its current version (SIS II) was established in law in 2006 and became operational in 2013.

Responding to calls from the [Council](#) and the [Parliament](#) with regard to the need to maximise the benefits offered by information systems, in December 2016 the Commission presented three legislative proposals aimed at reinforcing and extending the use of the SIS in the fields of [police cooperation and judicial cooperation in criminal matters](#), [border checks](#), and [returns](#). The proposals introduce (common) measures addressing end users' operational and technical needs, strengthening provisions regarding business continuity and establishing a uniform set of rules and obligations for officers on the ground on how to access and process SIS data in a secure way. They provide for more effective use of biometrics (fingerprints and facial images) in the SIS II and oblige national authorities to carry out a fingerprint search if the identity of the person could not be ascertained in any other way. Lastly, the proposals provide for wider access to the SIS for EU agencies and national authorities and clarify rules on data protection and data security.

The [proposal](#) for a regulation on the establishment, operation and use of the SIS in the field of police cooperation and judicial cooperation introduces a new alert category of 'unknown wanted persons' who are connected with a crime, for example persons whose fingerprints are found on a weapon used in a crime. The scope of the existing alert on missing persons has been extended to allow national authorities to issue preventive alerts for children who are at high risk of parental abduction. The proposal establishes the obligation of Member States to create SIS alerts for cases relating to terrorist offences. A new 'inquiry check' allows authorities to question a person more thoroughly than in the case of a discreet check. This new type of check is intended to support measures to counter terrorism and serious crime. The proposal grants SIS access to national authorities responsible for examining conditions and taking decisions relating to the entry, stay, and return of third-country nationals. This will allow immigration authorities to consult the SIS in relation to irregular migrants who have not been checked at a regular border control. Europol will receive full access rights to SIS, including to alerts on missing persons. The European border and coast guard agency and its teams will be allowed to access SIS when carrying out operations in support of Member States.



The European Parliament's LIBE committee, under the rapporteurship of Carlos Coelho (EPP, Portugal), adopted a [report](#) on the proposal in November 2017. The report puts forward a series of amendments seeking to: remove the obligation of Member States to have a national copy of the database, enhance the availability and capacity of the central system, enable Europol to play a greater role, increase data security, and strengthen data protection rules. In November 2017, both the Parliament and the Council decided to enter into interinstitutional negotiations.

According to the Council's negotiation [mandate](#), the Member States are against making it obligatory for Member States to establish national copies of the SIS, while being open to the possibility of establishing SIS copies that are shared between two or more Member States. The Council proposes to extend the scope of the new alert on missing persons to cover 'vulnerable persons who need to be prevented from travelling for their own protection'. Searches in the SIS relating to the prevention, detection, and investigation or prosecution of criminal offences should also be expanded to include 'the safeguarding against and the prevention of threats to public or national security'. Further amendments concern provisions regarding checks, data retention and rules of access for national authorities and EU agencies.

The [proposal](#) for a regulation on the establishment, operation and use of the SIS in the field of border checks introduces the obligation for Member States to enter an alert in the SIS where an entry ban has been issued to an illegally staying third-country national. It allows more detailed information to be inserted in the alerts and expands the list of personal data to be collected with a view to dealing with misused identities. The proposal maintains the existing access rights of national authorities and extends access to the SIS for Europol, the European Border and Coast Guard agency and its teams, and the future ETIAS central unit. National visa authorities will also have access to alerts on documents, if this is necessary for carrying out their tasks.

The European Parliament's LIBE committee, under the rapporteurship of Carlos Coelho (EPP, Portugal), adopted a [report](#) on the proposal in November 2017. The report puts forward several amendments aimed at: removing provisions making it mandatory for Member States to establish national copies of the SIS, clarifying the rules on access to the SIS by European agencies, further harmonising the criteria for the insertion of alerts for the purpose of refusing entry, and improving data security and data protection rules. In November 2017, the Parliament confirmed the decision to enter into interinstitutional negotiations.

In its [mandate](#) to start interinstitutional negotiations, adopted in November 2017, the Council opposes making it obligatory for Member States to establish national copies of the SIS. It seeks to clarify the conditions for consultation between Member States with regard, for instance, to introducing alerts and granting or extending a residence permit or long-stay visa. Further amendments concern provisions regarding data retention and rules of access for national authorities and EU agencies.

The [proposal](#) for a regulation of the European Parliament and of the Council on the use of the SIS for the return of illegally staying third-country nationals introduces an obligation on Member States to enter into the SIS all return decisions issued in accordance with the provisions of the Return Directive. Member States will be obliged to create alerts on return decisions in respect of a) third-country nationals staying illegally on their territory; b) third-country nationals who are subject to a refusal of entry at a border crossing point or when apprehended in connection with the irregular crossing of the external border and who did not receive an authorisation to stay; and c) third-country nationals subject to return as a criminal law sanction or as a consequence of a criminal law sanction, according to national law, or who are the subject of extradition procedures. These alerts will indicate if a period for voluntary departure is still running, or if a decision has been suspended or the removal

has been postponed. A new functionality will allow the issuing Member State to receive an automatic notification when the period for voluntary departure has expired. According to the proposal, each Member State should designate an authority responsible for the exchange of supplementary information on alerts relating to returns and illegal stays. Member States will be obliged to confirm the departure of the third-country national subject to an alert on return, to the Member State that entered the alert.

The proposal specifies the procedures to deal with situations where a third-country national subject to an alert on return is identified and apprehended in another Member State. It clarifies the rules on the consultation process in the case of conflicting decisions between Member States, such as when return decisions clash with decisions on issuing residence permits. Retention and deletion rules are established in order to make sure that there is no time-gap between the moment of deletion of a return alert following the departure of the third-country national and the activation of the alert on the entry ban. Access to SIS data will be given to all Member State authorities responsible for issuing return decisions in accordance with the provisions of the Return Directive, including judicial authorities and authorities responsible for identifying third-country nationals during border, police or other law enforcement checks. Europol and the European border and coast guard agency will also be able to access data in the SIS, if this is necessary for carrying out their tasks. Since the proposal involves the processing of personal data that may impact individuals' fundamental rights, the proposal puts in place safeguards in order to uphold the principles set out in the Charter of Fundamental Rights of the EU, and in particular its Article 8 (protection of personal data). Data will be kept in the SIS as long as required to achieve the purpose of return. Member States will be obliged to delete the data immediately after receiving confirmation of return, or if the return decision is no longer valid.

The European Parliament's LIBE committee, under the rapporteurship of Jeroen Lenaers (EPP, the Netherlands), adopted a [report](#) on the proposal in November 2017. The report welcomes the Commission's proposal and recommends that the national [SIRENE bureaux](#) be made responsible for the exchange of supplementary information in connection with alerts on return between Member States. In November 2017, both the Parliament and the [Council](#) decided to enter into interinstitutional negotiations.

At the trilogue meeting on 12 June 2018, a [political agreement](#) on all three files was reached. The LIBE committee voted to endorse that agreement on 20 June 2018. The agreed text now needs to be formally approved by the Parliament as a whole and the Council before it can enter into force.

### 3.7. EU Agency for the operational management of large scale IT systems in the area of freedom, security and justice (eu-LISA)

Established in 2011, the EU Agency for the operational management of large scale IT systems in the area of freedom, security and justice ([eu-LISA](#)) is responsible for the operational management of three EU centralised information systems: the SIS, the Visa Information System – VIS, and Eurodac.

In June 2017, the Commission presented a [proposal](#) to revise the mandate of eu-LISA. The proposal is part of the Commission's approach to improving and expanding EU information systems in the area of freedom, security and justice and to achieving interoperability between these systems by 2020. The proposal aims to expand the mandate of eu-LISA in order to enable it to ensure the centralised operational management of existing EU information systems (SIS II, VIS and Eurodac) and of those that are currently being discussed by the co-legislators (subject to the adoption of the respective proposals): the EES, DubliNet, ETIAS, the automated system for registration, monitoring



and the allocation mechanism for applications for international protection, and the ECRIS-TCN system (European criminal record information system for third-country nationals). Under the renewed mandate, the eu-LISA will be able to develop, manage and/or host common systems established by a group of at least six Member States opting on a voluntary basis for a centralised solution, subject to prior approval by the Commission. The agency will develop technical solutions to achieve the interoperability of EU information systems, subject to the adoption of the relevant legislative instrument on interoperability. The eu-LISA will be able to deliver proactive advice and assistance to Member States on technical issues relating to the existing or new IT systems, including ad-hoc support to Member States facing specific and disproportionate migratory challenges. The agency will also be in charge of developing data quality control mechanisms and indicators, generating and publishing statistics and engaging in pilot projects and research activities.

The European Parliament's LIBE committee, under the rapporteurship of Monica Macovei (ECR, Romania), adopted a [report](#) on the proposal in December 2017. The report proposes to change the procedure for submitting requests for ad-hoc support by Member States directly to the eu-LISA (instead of the Commission), after the prior consultation of the Commission. It provides for the possibility to create further technical sites and includes further rules on transparency (including on the protection of whistle-blowers). It also seeks to clarify the legal basis for the eu-LISA to establish and maintain relations with international organisations and other relevant entities or bodies. In January 2018, the European Parliament confirmed the committee's decision to enter into interinstitutional negotiations.

In December 2017, the Council agreed on a general [approach](#). The approach clarifies that eu-LISA ad-hoc support should be triggered by a specific request from Member States. It further defines the agency's role in training experts on the technical aspects of information systems (the VIS, the EES and ETIAS) in the framework of Schengen evaluation. The Council also maintains that the agency should be able to cooperate with the relevant authorities of third countries and conclude working arrangements for that purpose, after receiving the Commission's approval and the authorisation of the management board.

The Council and European Parliament reached political agreement on 24 May 2018. The agreed text now needs to be formally approved by the Parliament as a whole and the Council before it can enter into force.

### 3.8. Interoperability between EU information systems on borders and migration

As indicated in the Commission's [communication](#) on stronger and smarter information systems, making the EU's information systems for borders and security more interoperable would contribute significantly to strengthening external borders and improving internal security. Interoperability refers to the ability of information technology systems and of the business processes they support to exchange data and to enable the sharing of information and knowledge.

In December 2017, the Commission put forward two specific proposals on interoperability: [one](#) for a regulation establishing a framework for interoperability between EU information systems on borders and visas and [another](#) for a regulation establishing a framework for interoperability between EU information systems on police and judicial cooperation, asylum and migration. The proposals introduce new elements to enable more intelligent and targeted use of the information available in the existing and future systems, allowing national authorities to make best use of

existing data, detect multiple identities and counter identity fraud and to carry out rapid and effective checks.

The interoperability proposals concern the three existing centralised EU information systems for security, border and migration management (the SIS, the VIS, and Eurodac) and three centralised systems that are in the course of development (the EES, the ETIAS, and the European Criminal Record Information System for third-country nationals – ECRIS-TCN).

The Commission proposed four interoperability solutions. The European Search Portal (ESP) will enable simultaneous searches on multiple EU information systems and provide a 'one-stop shop' (on a single computer screen) for all the document check results. The Shared Biometric Matching service (SBM) will enable the querying and comparison of biometric data (fingerprints and facial images) from several central systems, in particular, the SIS, Eurodac, the VIS, the EES and the proposed ECRIS-TCN. The Common Identity Repository (CIR) will provide basic biographical and biometric information, such as names and dates of birth of non-EU citizens, so that they can be reliably identified. Lastly, the Multiple-Identity Detector (MID) will help to establish that different names belong to the same identity and alert border guards and police cases of fraudulent or multiple identities.

The proposals define a two-step approach for granting access to law enforcement authorities for conducting searches related to preventing, investigating, detecting or prosecuting serious crime or terrorism, in full respect of data protection rules. In a first step, searches will be carried out on a 'hit/no hit' basis. In a second step, if a 'hit' is generated, law enforcement authorities can request access to the information needed in line with the respective rules and safeguards. To ensure that the border guards and police officers have complete and accurate information available, appropriate data quality control mechanisms will be established.

Within the Council, the Working Party on Information Exchange and Data Protection (DAPIX) started examining the proposals in January 2018. The main issues under discussion have related to the functioning of each of the interoperability components, the expected data workflow and the overall interoperability architecture, as well as its roll out, the implications of interoperability components for the current technical set up at national level and for the response times at borders, and the practical functioning of user profiles and access rights. The Commission organised two technical workshops to discuss these issues on 14 February and 16 March 2018.

Within the European Parliament, the proposals on establishing a framework for interoperability between EU information systems on borders and visas has been assigned to the LIBE committee, under the rapporteurship of Nuno Melo (EPP, Portugal). The proposal on establishing a framework for interoperability between EU information systems on police and judicial cooperation, asylum and migration has also been assigned to the LIBE committee, under the rapporteurship of Jeroen Lenaers (EPP, the Netherlands). The rapporteurs presented their draft reports in LIBE on 11 June 2018. On 13 June 2018, the European Commission adopted an amended proposal on interoperability in the area of [borders and visa](#) and in the area of [police and judicial cooperation, asylum and migration](#) to align them with the legal instruments recently agreed by the co-legislators, such as ETIAS, SIS and eu-LISA. The interoperability files are among the EU's legislative [priorities](#) for 2018-2019.

## 4. Reinforcing the EU's external cooperation on migration

### 4.1. Context

The [European agenda on migration](#) aims to help prevent the loss of lives at sea, and reinforce cooperation with key countries of origin and transit. The agenda includes policy measures to reduce the incentives for irregular migration by means of development cooperation and acting to combat smugglers and human traffickers, while strengthening the [safe country of origin](#) concept<sup>1</sup> which provides accelerated procedures for applicants from certain third countries. Furthermore, the agenda pursues the development of a new policy on [legal migration](#), based on a stronger link between development and migration policy that helps countries of origin generate better economic opportunities at home.

The EU's external migration management is based on a wide range of tools, building dialogue and partnerships with countries of origin and transit, based on solidarity and responsibility. The European Union assists refugees worldwide, resettles refugees in the EU, and addresses the root causes of irregular migration in cooperation with origin and transit countries, while also increasing aid to people in need of humanitarian assistance.

The European Parliament, in its resolution [Addressing refugee and migrant movements: the role of EU external action](#) of April 2017, stressed not least its concern and solidarity with regard to the large number of refugees and migrants who suffer profound human rights violations in their countries or origin. Moreover, the [Leaders' Agenda note](#), distributed by Donald Tusk, President of the European Council, in December 2017, underlines the need for 'tailor-made, long-term partnerships with neighbouring countries, as well as with other countries of transit and origin'.

Moreover, the [external policy of the EU](#) is building upon international engagement at bilateral, regional and multilateral levels, based on the 2011 [global approach to migration and mobility](#) (GAMM) evaluation. Since 2005, the main tools managing the external dimension of migration policies have been covered by the GAMM. The current version of the GAMM was adopted in 2012 and seeks to create a balanced and comprehensive approach to migration by partnering with non-EU countries.

Furthermore, the implementation of the GAMM is achieved by means of political and legal instruments, as well as operational support and capacity building, while it also includes action concerning [human rights](#). The European Commission and the European External Action Service (EEAS) are conducting cooperation processes under the migration and mobility dialogues in the context of the GAMM. Two new projects have now extended the GAMM: the 2015 European agenda on migration and the 2016 partnership framework.

The European agenda on migration launched the [partnership framework](#) on migration with third countries to build and expand the existing initiatives. The framework enhances support for people in need in the context of crisis-response, while establishing the foundations for enhanced cooperation with countries of origin, transit and destination with the migration and mobility policy as its core. As stated in the [Commission communication](#) of June 2016 on the establishment of the partnership framework, 'the ultimate aim is a coherent and tailored engagement where the Union

---

<sup>1</sup> The European Parliament has stressed that the list of safe countries of origin should not detract from the principle that every person must be allowed an appropriate individual examination of his/her application for international protection. Several stakeholders have underlined the need to accompany the list with sufficient safeguards, especially on fundamental rights. See more in [Safe countries of origin: Proposed common EU list](#), EPRS, February 2017.

and its Member States act in a coordinated manner putting together instruments, tools and leverage to reach comprehensive partnerships (compacts) with third countries to better manage migration in full respect of humanitarian and human rights obligations'.

The partnership framework is also designed to address the root causes of migration by improving opportunities in countries of origin, through alternative job programmes in regions where trafficking used to be the main source of income, as well as measures to support the reintegration of returning migrants. The EU initially implemented this framework with certain priority countries of origin and transit (Ethiopia, Mali, Nigeria, Niger and Senegal), but is currently extending its scope of application to other countries in North and West Africa, as well as in Asia.

[Dialogue frameworks among European and African governments](#) have been in place for more than 10 years at both continental and regional levels. These include the Africa-EU Migration and Mobility Dialogue, the Khartoum and Rabat process with key countries and the partnership framework with third countries on migration. Significant results have already been achieved in jointly managing migration flows with countries of origin and transit since the establishment of the partnership framework for migration.

The first contract of the Tunisian programme, which was approved by the operational committee of the EU Trust Fund for Africa in December 2016, has been signed, and the start of a dialogue with Algeria was discussed in June 2017. Algeria has already started to implement measures, while expressing an interest in developing dialogue and concrete cooperation with the EU on migration, security and counterterrorism. Furthermore, in the framework of the EU Trust Fund for Africa, Morocco is participating in the context of the North of Africa and Sahel-Lake Chad programmes, strengthening south-south cooperation on migration.

## 4.2. Main migratory routes

The overall pressure on Europe's external borders remains relatively high. The year 2017 saw a significant fall in [detected illegal border crossings](#) along the EU's external borders, mainly on the eastern and central Mediterranean migratory routes. There was also a considerable decrease in the number of illegal border crossings on the Western Balkans route. Lastly, the western Mediterranean route experienced the highest number of irregular migrants, especially in the second half of the year when there was a remarkable increase in arrivals of nationals from the Maghreb countries.

According to the [fifth progress report](#) on the implementation of the framework partnership dating from 6 September 2017, in 2017 there has been a clear reduction in the numbers of migrants arriving in Europe via the central Mediterranean route, while the total number of arrivals in Spain in 2017 up to 16 August increased by 115 % compared with the same period in 2016. Diplomatic contacts and multilateral discussion between the EU, Member States and countries of origin or transit have also been intensified over recent months, including with the second meeting of the contact group for the central Mediterranean route and the Paris meeting of 28 August 2017.

### 4.2.1. Central Mediterranean route

The [central Mediterranean route](#) remains one of the major migratory routes to the EU. In the second part of 2017, migrants were increasingly prevented from departing from Libya. At the same time, more migrants left Tunisia and Algeria for Sicily and Sardinia.

In the [Aegean Sea and the central Mediterranean](#), Frontex works together with NATO and Operation EUNavfor Med Sophia, gathering intelligence on smuggling, exchanging information, coordinating patrols and cooperating on dis-embarkations. In total, there are [three EU operations](#) patrolling with

the aim of securing EU borders, targeting migrant smugglers and rescuing migrants at risk: [Triton](#), [Sophia and Poseidon](#). As of February 2018, the [new Joint Operation Themis](#) of Frontex has replaced Operation Triton in the central Mediterranean Sea. Operation Themis covers search and rescue activities and also has a role in law enforcement.

The EU and, more specifically, the European External Action Service (EEAS), has been working with the International Organization for Migration (IOM), the United Nations Children's Fund (Unicef) and the [United Nations Refugee Agency](#) (UNHCR), together with the Libyan authorities, to bolster efforts to prevent migrants and refugees from embarking on dangerous journeys to reach European territory. The [in-state conflict in Libya](#) has turned the country into a major crossing point for Sub-Saharan Africans into EU territory, in particular Italy.

The focus has been on improving the conditions faced by migrants in Libya. Several non-governmental and international organisations, such as [Médecins Sans Frontières](#) and the [UNHCR](#), have underlined the inhumane conditions in detention centres in Libya, such as migrants suffering from ill-treatment and lack of access to adequate medical care. The political landscape in [post-Gaddafi Libya is still evolving](#), while the main tensions in the country centre on the power struggle between public figures, the increase in violence and the lack of control of migratory flows.

In November 2017, the joint African Union-European Union-United Nations Task Force was put in place, aiming to save and protect migrants and refugees along the route, and specifically inside Libya, while assisting with voluntary returns and resettlement. The task force seeks to tackle trafficking and smuggling issues and to further expand work with countries of origin.

Niger constitutes [one of the key transit countries](#) to Libya. The EU is also providing support for the political process in Mali, while it is contributing to the re-establishment of governance and stability in the Central African Republic. The EU is actively engaged in dialogue with all the countries in the Horn of Africa through the Khartoum process.

Moreover, the EU has set up a [Joint Task Force in cooperation with the African Union and the UN](#), aiming to save and protect the lives of migrants and refugees along the route and in particular in Libya. In addition to the above, and in continuation of the establishment of a 'transit and departure facility', the EU supports resettlements from Libya via the UNHCR's emergency transit mechanism.

In June 2015, [the common security and defence policy \(CSDP\) operation EUNavfor Med Sophia](#) was launched in order to address the problem of human trafficking and smuggling in the central Mediterranean. This operation has led to the apprehension and detention of more than 100 suspected smugglers and traffickers, while it has neutralised about 500 assets. The EU is fighting smuggling along the central Mediterranean route by providing extended capacity building, training and advice for local security forces by means of the civilian [CSDP missions in the Sahel](#), EUCAP Sahel Niger and Mali. The CSDP missions have been tailored to support the respective host countries with border management.

The [EU Trust Fund for Africa](#), together with the IOM and Niger's authorities, also contributes towards search and rescue missions in the desert. In 15 December 2016, the European Union, through the Emergency Trust Fund for Africa (EUTF), and with contributions from Germany (€48 million) and Italy (€22 million), launched a joint initiative with the IOM to support the efforts of partner countries in Africa. In total, over 15 000 migrants, including 10 000 from Libya, have already benefited from assisted voluntary return, while several projects are being prepared, aiming to improve work with Libya's neighbours to help more migrants return home from Libya.



#### 4.2.2. Eastern Mediterranean route

Migratory movements on the [eastern Mediterranean route](#) remain [limited](#) compared with the period before the activation of the [EU-Turkey Statement](#), but there has been another increase in arrivals on the Greek islands since the early summer of 2017. On the eastern Mediterranean route, Turkey-EU cooperation is based on the November 2015 action plan, providing Turkey with financial support for the integration of migrants, while aiming to enhance the partnership between the two sides. On 18 March 2016, EU Heads of State or Government and Turkey agreed on the EU-Turkey Statement [based on the following principles](#): the return of all new irregular migrants crossing from Turkey to the Greek islands; the acceleration of the implementation of the visa liberalisation roadmap; the speeding up of the processing of the funding for the Refugee Facility for Syrians; and the resettlement of Syrian refugees on a one-for-one basis, in which for each illegal migrant returned to Turkey, the EU would welcome a refugee in need of international protection.

The EU-Turkey Statement aims to impede uncontrolled flow of migrants across the Aegean Sea, ensure improved reception conditions for refugees in Turkey and open up organised and safe channels to Europe for Syrian refugees. The number of refugees and migrants arriving in the EU from Turkey has faced a significant reduction as a result of the statement. At the same time, the EU has supported Turkey in its efforts to host refugees, together with the EU Facility for Refugees in Turkey ([FRT](#)). The EU-Turkey Statement entails that irregular migrants who arrive on Greek islands from Turkey and do not apply for asylum, or whose application has not been accepted, may be returned to Turkey.

#### 4.2.3. Western Balkan route

This route became a [popular passage](#) into the EU in 2012 when Schengen visa restrictions were relaxed for five Balkan countries – Albania, Bosnia and Herzegovina, Montenegro, Serbia and the former Yugoslav Republic of Macedonia. Most illegal [border crossings](#) at the EU's external borders were detected at the Serbian borders, where many migrants remain stranded. In spite of the fact that the number of irregular migrants detected crossing the entry points of the [western Balkan route](#) has been low, certain Member States at the end of the route state that a significant number of migrants and asylum seekers were reaching their territory. Throughout 2017 [the trend](#) along the route was stable, and this has been further maintained in 2018. Effective extended cooperation between the Member States, Europol and the European Border and Coast Guard Agency is being promoted in order to achieve the detection of irregular migrants along the route.

#### 4.2.4. Western Mediterranean/Atlantic route

The area between Spain and Morocco, known as the [western Mediterranean route](#), has long been used by irregular migrants. One model example of partnership in this domain has been cooperation on the [western Mediterranean/Atlantic route](#) between Member States and partner countries, keeping [migratory movements](#) low on this route. Operational cooperation between Spain, Morocco and Algeria, as well as the active role of all parties in border surveillance, has been a crucial factor for the control of migratory flows.

However, there has been an increase in irregular flows from the African continent, especially from West Africa, setting a [new record high in 2017](#). The number of arrivals started to increase in June 2017 and the trend has since been continuous. Irregular migration flows from Morocco and Algeria to the EU, mainly to Spain, [increased over the summer of 2017](#). The total [number of arrivals in Spain](#) by early March 2018 was almost 17 % higher than in the same period in 2017. Frontex, the European Border and Coast Guard Agency, has long been helping Spain to impede the activities of smuggling and trafficking networks, with four operations covering the country's sea borders: Operations Indalo, Hera, Minerva and Focal Points Sea.

### 4.3. EU funding for external cooperation on migration

Migration will remain a challenge for the EU for decades to come, therefore providing technical and financial help to Member States is a key priority for future EU budgets. The allocations under the next [Multiannual Financial Framework \(MFF\), for 2021–2027](#) to migration-related issues are to be almost tripled, to reach more than €34.9 billion, compared to €14 billion for the 2014–2020 period.

The framework will focus on supporting what the Commission calls a [robust, realistic and fair migration policy](#) through a reinforced [Asylum and Migration Fund](#) of €11.2 billion. The fund will support stronger and more efficient European asylum system, faster and more frequent returns as well as early integration of non-EU nationals staying lawfully in the EU in the short-term, previously not included among the fund's tasks.

The long-term budget will also address significant [strengthening of EU external borders](#) through the creation of a new [Integrated Border Management Fund](#) worth €9.3 billion, and through a significant increase of funding in the amount of €12 billion for the decentralised agencies supporting Member States protecting EU borders, notably the European Border and Coast Guard Agency.

When it comes to the EU's external migration policy, a series of specific instruments have been developed, such as the EU Facility for Refugees in Turkey (FRT); the EU Emergency Trust Fund for Africa; and the European Fund for Sustainable Development (EFSD) (see Table 1).

On 14 June 2018, as part of the next MFF for 2021–2027, the European Commission published a proposal for a regulation establishing the Neighbourhood, Development and International Cooperation Instrument ([NDICI](#)). With a proposed budget of €89.5 billion over the 2021–2027 period, the NDICI will streamline and integrate some of the existing external action financing instruments, most of which will expire on 31 December 2020. The instrument will focus on strategic priorities of the EU, such as the European Neighbourhood and Africa, as well as challenges regarding security, migration, climate change and human rights.

**Table 1 – Financial instruments for external cooperation on migration**

<b>Instrument</b>	<b>Budget</b>	<b>Geographical scope</b>
<a href="#">European Development Fund (EDF)</a>	2014–2020 period: €30.5 billion allocated to the 11th EDF for 2014–2020	African, Caribbean and Pacific (ACP) partner countries of the EU and the Overseas Countries and Territories (OCTs) of Member States
Development Cooperation Instrument (DCI)	<a href="#">2014–2020 period:</a> €19 661.64 million (current prices)	Geographical Programmes (Latin America, Middle East and South Asia, North and South-East Asia, Central Asia); the Pan-African Programme (Africa as a whole) (continental and trans-regional projects); and the thematic programme on migration and asylum (projects in key countries)
European Neighbourhood Instrument (ENI)	<a href="#">2014–2020 period:</a> €15 432.63 million (current prices)	South Mediterranean countries (Algeria, Egypt, Lebanon, Libya, Jordan, Israel, Morocco, Syria, Tunisia, Palestine) and eastern Neighbourhood countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine) either bilaterally or regionally (in this latter case Russia is also included)



Madad Fund (2014)	2014-2018 period: €1.4 billion to date	Lebanon, Jordan, Iraq, Turkey, Egypt and Syria
<a href="#">European Emergency Trust Fund for Africa</a>	<a href="#">2015-2020 period:</a> Resources currently allocated amount to €3.37 billion including over €2.98 billion from the EDF and EU financial instruments (DCI, ENI, HOME and ECHO), and €399.8 million from EU Member States and other donors (Switzerland and Norway)	The Sahel region and Lake Chad area, the Horn of Africa, the North of Africa and the neighbouring countries of the eligible countries may benefit from its projects
<a href="#">Instrument for Pre-accession Assistance II (IPA II)</a>	<a href="#">2014-2020 period:</a> €11 698.67 million (current prices)	Albania, Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia, and Turkey
<a href="#">EU Facility for Refugees in Turkey (FRT)</a>	2016-2017 period: €3 billion; €1 billion – EU budget, €2 billion Member States March 2018: Second tranche of €3 billion of the FRT	Turkey
<a href="#">European Fund for Sustainable Development (EFSD)</a>	Initial budget of €3.35 billion	Africa and EU Neighbourhood region
<a href="#">2016 London conference</a>	2016: US\$12 billion of pledges	Syria, Jordan, Lebanon, Turkey, Iraq and Egypt
<a href="#">Brussels I conference and Brussels II conference</a>	2017: US\$6 billion 2018: US\$4.4 billion 2019-2020: US\$3.4 billion	Syria, Jordan, Lebanon, Turkey, Iraq and Egypt

Since January 2013, the new Financial Regulation applying to the EU budget enables the European Commission not only to contribute financially to trust funds but also to create and administer [EU trust funds](#) in the field of external action. These are multi-donor trust funds for emergency, post-emergency and thematic actions. The [European Parliament](#) has several rights in the area of EU trust funds, such as reporting annually on the activities and the accounts of the individual funds, in order to ensure [political scrutiny of budget implementation](#).

The Development Cooperation Instrument ([DCI](#)) is the core fund for development cooperation under the EU budget, assigning [€19.6 billion for the 2014 to 2020 period](#). The DCI supports migration-related projects through: the Geographical Programmes (Latin America, Middle East and Asia); the Pan-African Programme (continental and trans-regional projects); and the thematic programme on migration and asylum (projects in key countries).

The European Development Fund ([EDF](#)) has a budget of €30.5 billion for 2014 to 2020 and is based entirely on Member States' contributions. The EDF covers the African, Caribbean and Pacific grouping (ACP) and the Overseas Countries and Territories (OCTs). Furthermore, several countries of origin and transit are covered by the European Neighbourhood Instrument (ENI), amounting to €15.4 billion for 2014 to 2020. The instrument covers the [16 countries](#) included in the European Neighbourhood Policy (ENP), including Ukraine, Syria, Morocco, Libya, Lebanon, Jordan, Israel and Egypt.

The creation of the [EFSD](#) was announced in a June 2016 [European Commission communication](#) on the partnership framework for cooperation with third countries under the European agenda on migration. In addition to the above, a European External Investment Plan ([EIP](#)) has been drawn up, with a budget of €44 billion. It aims to use EU funds to boost sustainable private investment in development in Africa and other parts of the European Neighbourhood. Investment is focused mainly on improving social and economic infrastructure, on providing support for small and medium-sized enterprises, and on microfinance and job creation projects. The EIP consists of three main pillars: the creation of a new EFSD with a new Guarantee Fund financing investments in socio-economic sectors and SMEs; technical assistance to support local authorities and companies in developing a higher number of investment projects; and cooperation programmes for the improvement of the general business environment.

Lastly, in February 2018 the [Council](#) adopted a [decision](#) and a [regulation](#) to increase lending by the European Investment Bank (EIB) to projects outside the EU, under the EU Guarantee Fund. Overall, the financing limit under an EU guarantee has been increased by €5.3 billion, out of which €3.7 billion will address projects, in both the public and private sectors, that respond to the root causes of migration. The decision and regulation release €3 billion kept in reserve as part of the EIB's budget for external operations for the 2014-2020 period – up to €1.4 billion of this is allocated to projects in the public sector – and provide an additional €2.3 billion for that period, under a mandate for private-sector lending for projects addressing the root causes of migration.

#### 4.3.1. Syria and Iraq

The [conflict in Syria](#), which began with anti-government protests and further escalated into full-scale civil war, has transformed Syria and the region. The EU has been providing support for diplomatic initiatives aiming for political solutions since the beginning of the conflict. Massive refugee flows from Syria have spread across the region, and have had a major impact on neighbouring countries.

The EU and the Member States have collectively allocated a total of €10.2 billion in humanitarian and development assistance since the beginning of the conflict in 2011. The [EU Regional Trust Fund in response to the Syrian Crisis](#) (Madad Fund), through which an increasing share of the EU's humanitarian aid is provided, was set up in December 2014. The [Madad Fund](#) addresses the longer-term economic, educational and social needs of Syrian refugees in neighbouring countries such as [Jordan](#), [Lebanon](#), Turkey and [Iraq](#). The EU Regional Trust Fund now also constitutes one of the main instruments for the implementation of the new EU 'compacts' with Jordan and [Lebanon](#). The fund has reached a total volume of €1.4 billion to date.

In [Iraq](#), people have been being displaced internally since the beginning of the conflict. In 2015, the European Commission allocated €65.55 million in humanitarian assistance in response to the Iraq crisis. EU humanitarian aid to the country focuses on emergency life-saving responses for the most vulnerable and medical assistance. At the same time, the EU is stepping up its political and diplomatic work, with the aim of supporting efforts to secure greater unity in the country.

The April 2017 [Brussels I Conference on Supporting the Future of Syria and the Region](#) and the [April 2018 Brussels II Conference](#) built on the [London Conference on Supporting Syria and the Region](#), which took place in [February 2016](#). At the London Conference, the international community had pledged significant financial support amounting to US\$12 billion for humanitarian assistance and protection in Syria, coupled with civilian stabilisation measures to strengthen resilience in host communities. The [Brussels I Conference](#) assessed the state of play of the commitments made at the London conference, while reconfirming existing pledges and providing additional US\$6 billion and

US\$3.7 billion of support for 2017 and for 2018 to 2020 respectively. In addition to the above, at the [Brussels II Conference](#), the international community confirmed US\$4.4 billion in funding to support activities in 2018 for the Syria crisis response, while confirming US\$3.4 billion for the 2019 to 2020 period. The Commission also committed an additional €560 million for 2018 for Lebanon and Jordan, and for humanitarian work inside Syria, and pledged to maintain this level of engagement in 2019. Furthermore, the EU promotes the use of regional development and protection programmes to support key refuge and transit countries in the Middle East. These programmes are focusing on offering protection to people in need, while addressing protracted refugee crises where humanitarian assistance cannot be provided on a long-term basis.

#### 4.3.2. Turkey

Turkey is one of the main host countries for refugees worldwide. The European Union has been conducting an open dialogue with Turkey to pursue different ways to address the current refugee crisis. In order to support Turkey during the crisis, the EU mobilised €3 billion, and Member States agreed on an additional €3 billion to be released for the [EU Facility for Refugees in Turkey](#). This Facility provided an answer to the Member States' call for additional funding to support refugees in the country. It is designed to fund projects to address the needs of refugees and host communities with a focus on humanitarian assistance, education, health, municipal infrastructure and socio-economic support. The [Facility Steering Committee](#) provides strategic guidance on the types of action to be financed and the financing instruments to be deployed. Since October, one million of the most vulnerable Syrian refugees now receive monthly electronic cash transfers through the FRT. As of the end of December 2017, 72 projects have been contracted worth €3 billion, of which more than €1.85 has been disbursed. In March 2018, the legal framework for the second tranche of [€3 billion](#) was established, mobilising additional support under the FRT, as provided for in the EU-Turkey Statement.

Since the beginning of the crisis in Syria, the European Union has devoted €1.4 billion for [humanitarian assistance](#) in Turkey. In May 2017, the European Commission published the 2017 Humanitarian Implementation Plan for Turkey (HIP), for a total amount of €714.038 million, which came in addition to the €505.65 in aid under the 2016 HIP.

The [Emergency Social Safety Net \(ESSN\)](#) is funded through the [EU Facility for Refugees in Turkey](#), providing about 1.2 million of the most vulnerable refugees with monthly cash transfers. The ESSN project is implemented by the World Food Programme together with the Turkish Red Crescent and the Turkish Government. ESSN delivers direct cash transfers through the use of debit cards directly to the most vulnerable refugee families in Turkey, covering their daily needs. Furthermore, the Commission launched its largest ever Education in Emergencies project in March 2017. The Conditional Cash Transfer for Education (CCTE) provides cash assistance for families sending their children to school regularly. This project is carried out by means of collaboration with the Turkish Red Crescent and the Turkish Government. Overall, together with the ESSN and the CCTE, humanitarian activities have covered areas of basic need, protection, winterisation, health and education.

Furthermore, in July 2016, the Commission adopted a special measure amounting to €1.415 billion in non-humanitarian support. The measure covers various areas of funding for the basic needs of refugees and host communities in Turkey, while prioritising the areas of education, health, municipal infrastructure and socio-economic support in the provinces most affected.

### 4.3.3. Western Balkans

The EU has extended its support to non-EU Western Balkan countries, which are also receiving refugees mainly from Syria. The EU has provided [funding](#) to help Serbia, the former Yugoslav Republic of Macedonia and other Western Balkan countries manage their borders and migration flows, while providing accommodation and services for migrants and refugees, as well as host communities.

### 4.3.4. Africa

The European Union [together with its African partners](#) is addressing migratory challenges by means of the EU's regional strategies, humanitarian aid, development policy and assistance programmes in the region.

The [2015 Valletta Summit](#) on migration brought together EU and African leaders in the spirit of strengthening the cooperation between the parties. In a declaration of partnership and responsibility, the participating countries adopted the [Joint Valletta Action Plan](#) (JVA), aiming to address the challenges and opportunities arising from migration. In order to support partner countries in the implementation of the JVA, a financial instrument was launched during the summit, the [European Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa](#).

The trust fund is the main financial instrument for the EU's political engagement with African partners in the field of migration. Trust funds enable the EU, together with its Member States and contributing donors to respond to emergency situations by joint interventions, while responding to changing needs. The trust fund aims to help foster stability in the regions and to contribute to better migration management. The plan was structured around five pillars to: address the root causes of irregular migration and forced displacement; enhance cooperation on legal migration and mobility; reinforce the protection of migrants and asylum-seekers; prevent and fight irregular migration, migrant smuggling and trafficking in human beings; and work more closely to improve cooperation on return, readmission and reintegration.

The already existing mechanisms of the Rabat Process, the Khartoum Process and the Joint EU-Africa Strategy have been employed to monitor the implementation of the Action Plan. The trust fund is an important instrument contributing to the EU's pledges for the Syrian crisis made at the London conference on Syria in 2016 and the Brussels conferences in April 2017 and April 2018, while underpinning the special EU compacts agreed with Jordan and Lebanon to support them in the refugee crisis.

The President of the European Commission reiterated the success of the relocation mechanism during the Leaders' meeting of December 2017, and called the Member States to extend their contribution to the [EU Trust Fund for Africa](#). Resources currently allocated to the EUTF for Africa amount to [€3.39 billion](#).

The EU Trust Fund covers further support for projects in 21 countries in Sub-Saharan Africa and East Africa, through the Sahel and Lake Chad Window and the Horn of Africa Window. Projects, which can also be cross-window, and include food security, job creation for young people or better migration management. As of December 2017, 120 programmes across the three regions had been approved by the operational committee of the Trust Fund for Africa. The trust includes a wide range of activities, including supporting the work carried out by the IOM and the authorities of Niger, as more than 1 100 migrants were rescued and brought to safety after being abandoned by smugglers in 2017. Additional funding supports the North Africa Window, given the fact that it constitutes one of the most important funds for the reduction of flows along the central Mediterranean route.

Further examples of EU's cooperation with Niger contributing to the reduction of transit flows through the Sahara include EU-funding supporting self-employment in transit zones and six migrant centres for vulnerable migrants, as well as EU support on the ground helping to tackle smuggling and trafficking in human beings.

## 5. Overview of recent EU legislative proposals

Table 1 presents an overview of the recent EU legislative proposals in the areas of asylum, borders, and external cooperation on migration issues, including the main positions of the co-legislators and progress in the legislative process.

**Table 1 – Overview of recent EU legislative proposals (May 2018)**

<b>Legislative proposal</b>	<b>Commission proposal</b>	<b>Position of the Parliament</b>	<b>Position of the Council</b>	<b>Current situation</b>
<b>Reform of the common European asylum system</b>				
<a href="#">Asylum procedure regulation</a>	<a href="#">Proposal</a> (July 2016)	<a href="#">LIBE report</a> (April 2018)	Ongoing discussions	Ongoing discussions
<a href="#">Qualifications regulation</a>	<a href="#">Proposal</a> (July 2016)	<a href="#">LIBE report</a> (June 2017)	<a href="#">Negotiation mandate</a> (July 2017)	Partial provisional agreement
<a href="#">Reception conditions directive</a>	<a href="#">Proposal</a> (July 2016)	<a href="#">LIBE report</a> (May 2017)	<a href="#">Negotiation mandate</a> (Nov 2017)	Partial provisional agreement
<a href="#">EU resettlement framework</a>	<a href="#">Proposal</a> (July 2016)	<a href="#">LIBE report</a> (October 2017)	<a href="#">Negotiation mandate</a> (Nov 2017)	Trilogues
<a href="#">EASO regulation</a>	<a href="#">Proposal</a> (May 2016)	<a href="#">LIBE report</a> (December 2016)	<a href="#">Negotiation mandate</a> (Dec 2016)	Partial provisional agreement
<a href="#">Dublin Regulation</a>	<a href="#">Proposal</a> (May 2016)	<a href="#">LIBE report</a> (November 2017)	Ongoing discussions	Ongoing discussions
<a href="#">Eurodac</a>	<a href="#">Proposal</a>	<a href="#">LIBE report</a> (June 2017)	<a href="#">Negotiation mandate</a> (June 2017)	Partial provisional agreement
<b>Strengthening the EU's external borders</b>				
<a href="#">Schengen Borders Code</a>	<a href="#">Proposal</a> (Dec 2015)	<a href="#">LIBE report</a> (June 2016)	<a href="#">General Approach</a> (Feb 2016)	<a href="#">Regulation</a> (March 2017)
<a href="#">The European Border and Coast Guard Agency (Frontex)</a>	<a href="#">Proposal</a> (Dec 2015)	<a href="#">LIBE report</a> (June 2016)	<a href="#">Negotiation mandate</a> (April 2016)	<a href="#">Regulation</a> (Sep 2016)
<a href="#">Entry/Exit System</a>	<a href="#">Proposal</a> (April 2016)	<a href="#">LIBE report</a> (Feb 2017)	<a href="#">Negotiation mandate</a> (March 2017)	<a href="#">Regulation</a> (Nov 2017)
<a href="#">European travel information and authorisation system (ETIAS)</a>	<a href="#">Proposal</a> (Nov 2016)	<a href="#">LIBE report</a> (Oct 2017)	<a href="#">General approach</a> (June 2017)	<a href="#">Regulation</a> (Sep 2018)

<a href="#">Schengen Information System in the field of police and judicial cooperation</a>	<a href="#">Proposal</a> (Dec 2016)	<a href="#">LIBE report</a> (Nov 2017)	<a href="#">Negotiation mandate</a> (Nov 2017)	Political agreement
<a href="#">Schengen Information System in the field of border checks</a>	<a href="#">Proposal</a> (Dec 2016)	<a href="#">LIBE report</a> (Nov 2017)	<a href="#">Negotiation mandate</a> (Nov 2017)	Political agreement
<a href="#">Schengen Information System for the return of illegally staying TCN</a>	<a href="#">Proposal</a> (Dec 2016)	<a href="#">LIBE report</a> (Nov 2017)	<a href="#">Negotiation mandate</a> (Nov 2017)	Political agreement
<a href="#">EU Agency for the operational management of large scale IT systems in the area of freedom, security and justice</a>	<a href="#">Proposal</a> (June 2017)	<a href="#">LIBE report</a> (Dec 2017)	<a href="#">General approach</a> (Dec 2017)	Political agreement
<a href="#">Interoperability between EU information systems in the field of borders and visa</a>	<a href="#">Proposal</a> (Dec 2017)	Draft report	<a href="#">General approach</a> (June 2018)	Ongoing discussions
<a href="#">Interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration</a>	<a href="#">Proposal</a> (Dec 2017)	Draft report	<a href="#">General approach</a> (June 2018)	Ongoing discussions

## 6. Main references

Apap J., Diaz D., Trevino G. and Sabbati G., [A global compact on migration: Placing human rights at the heart of migration management](#), EPRS and Policy Department for External Affairs, European Parliament, December 2017.

Drachenberg R. and Bacian I., [Outcome of the meetings of EU leaders of 14-15 December 2017](#), EU Legislation in Progress briefing, EPRS, European Parliament, January 2018.

Dumbrava C., [Revision of the Schengen Information System for law enforcement](#), EU Legislation in Progress briefing, EPRS, European Parliament, February 2018.

Dumbrava C., [Revision of the Schengen Information System for border checks](#), EU Legislation in Progress briefing, EPRS, European Parliament, February 2018.

Dumbrava C., [Use of the Schengen Information System for the return of illegally staying third-country nationals](#), EU Legislation in Progress briefing, EPRS, European Parliament, February 2018.

Dumbrava C., [European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice \(eu-LISA\)](#), EU Legislation in Progress briefing, EPRS, European Parliament, January 2018.

Dumbrava C., [Interoperability of European information systems for border management and security](#), EPRS, European Parliament, June 2017.

Dumbrava C., [European information systems in the area of justice and home affairs: An overview](#), EPRS, European Parliament, May 2017.

Eisele K., [Interoperability between EU information systems for security, border and migration management](#), Initial appraisal of a European Commission impact assessment, EPRS, European Parliament, February 2018.

[European Travel Information and Authorisation System \(ETIAS\): Border management, fundamental rights and data protection](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, April 2017.



Frontex, [Risk Analysis for 2018](#), February 2018.

Gatto A. and Carmona J., [European Border and Coast Guard System](#), EU Legislation in Progress briefing, EPRS, European Parliament, October 2016.

Hertog L. den, [Money Talks: Mapping the Funding of EU external migration policy](#), CEPS Paper on Liberty and Security in Europe, November 2016.

Ivanov D., [Reform of the Qualification Directive](#), EU Legislation in Progress briefing, EPRS, European Parliament, June 2017.

Ivanov D., [Reform of the Dublin system](#), EU Legislation in Progress briefing, EPRS, European Parliament, March 2017.

Koenig N., [The EU's External Migration Policy: Towards Win-Win-Win Partnerships](#), Policy Paper No 190, Jacques Delors Institut, April 2017.

Orav A., [Smart Borders: EU Entry/Exit System](#), EU Legislation in Progress briefing, EPRS, European Parliament, January 2018.

Orav A., [Common procedure for asylum](#), EU Legislation in Progress briefing, EPRS, European Parliament, March 2018.

Orav A., [Recast Eurodac Regulation](#), EU Legislation in Progress briefing, EPRS, European Parliament, March 2018.

Perchoc P., [Mapping EU-Turkey relations: State of play and options for the future](#), EPRS, European Parliament, April 2017.

Radjenovic A., [Resettlement of refugees: EU framework](#), EU Legislation in Progress briefing, EPRS, European Parliament, December 2017.

Radjenovic A., [European Travel Information and Authorisation System \(ETIAS\)](#), EU Legislation in Progress briefing, EPRS, European Parliament, October 2017.

Radjenovic A., [Reception of asylum-seekers – recast Directive](#), EU Legislation in Progress briefing, EPRS, European Parliament, July 2017.

Sabbati G., [Recent migration flows to the EU](#), infographic, EPRS, European Parliament, May 2018.

[The European Union's policies on counter-terrorism – Relevance, coherence and effectiveness](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, January 2017.

[The Future of the Schengen Area: Latest Developments and Challenges in the Schengen Governance Framework since 2016](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, March 2018.

[Topical Digest: The Syrian crisis and its regional impact](#), EPRS, European Parliament, April 2017.

Voronova S., [Combating terrorism](#), EU Legislation in Progress briefing, EPRS, European Parliament, September 2017.



---

This publication takes stock of recent EU developments in the area of asylum, borders and external cooperation on migration. It discusses key initiatives put forward by the EU in order to respond to migratory challenges, focusing on three major aspects: reforming the common European asylum system, strengthening the EU's external borders and reinforcing the EU's external cooperation on migration.

---

This is a publication of the Members' Research Service  
EPRS | European Parliamentary Research Service

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.



PDF ISBN 978-92-846-3858-1 | doi:10.2861/196281 | QA-03-18-307-EN-N