



Non-Paper

Taking action to better manage migratory flows

The informal meeting of JHA Ministers, which took place on the 8th of July in Milan, confirmed the common commitment to overcome the current polarization along the principles of solidarity/responsibility, and develop a common narrative and action at the EU level.

As a follow-up to that debate, the Presidency would like to present some proposals for a possible way forward in order to define a sustainable approach, based on three pillars, to address migratory pressure in a structural manner going beyond the immediate emergency response.

I. Action in third countries

Action in third Countries should encompass the following key countries, neighboring Libya, which are at the crossroads of migratory movements: Niger, Mali, Sudan, Egypt, Tunisia, Ethiopia, as well as Syria and Eritrea. In Libya similar actions should be undertaken as soon as conditions allow.

In particular the following initiatives should be undertaken without delay:

- a) curtailing the supply of vessels from Tunisia and Egypt to Libyan smugglers;
- b) better use of networks of Liaison Officers in third countries in charge of fight against smuggling to foster information exchanges.
- c) ensuring that EUROPOL is made aware in real-time of all information useful for the fight against smugglers gathered at the EU border by MS surveillance services and Frontex. In this context, Frontex and EUROPOL should finalize the agreement on information exchange without delay.
- d) reinforcing capacities to patrol and manage external borders in Ethiopia, Niger as well as in Libya, including by providing technical assistance;
- e) proposing a credible number of resettlement places, by all Member States and in a fair and balanced manner, in order to offer an alternative legal avenue and contribute to stabilize refugee communities in partnership with UNHCR;
- f) strengthening the use of pilot projects on return and reinforcing Assisted Voluntary Return (AVR) programmes run by IOM;
- g) implementing the planned information campaigns on the risks of irregular migration and opportunities for legal access to Europe;

Such initiatives will allow to stabilize migrants communities as well as dismantle criminal networks profiting from the smuggling of migrants, also in order to prevent hazardous journeys to the EU. Stronger incentives should be identified in all EU action areas to



encourage closer cooperation of third countries on general migration issues. Dedicated centers managed by UNHCR/IOM could be established in transit countries in order to implement the actions envisaged under d), e), and f) in a coherent manner.

Some of these actions could be integrated in the revised and broadened Regional Protection Programmes for North Africa and the Horn of Africa which are under consideration. These programmes should also include a strong element to support long-term capacity building to deal with migration and asylum.

The European External Action Service, the Commission, as well as MS having consolidated bilateral relations with the above mentioned third Countries, will have to cooperate closely to achieve these objectives and make available their expertise in these fields.

Finally we should build on the positive experience of the Rabat Process and verify the possibility to extend it to other Regions of Africa.

II. Reinforced management of external borders and FRONTEX

A consolidated FRONTEX presence in throughout the Mediterranean, hosted by one or more Member States, and in particular in the central Mediterranean, needs to be stepped up without delay, and should replace all other emergency operations carried out by Member States. This will confirm the EU commitment to the surveillance of the common external borders under full civilian control, and will help to integrate into a broader EU action the emergency measures put forward by Italy in the aftermath of the events of Lampedusa.

The above mentioned objective can be achieved through the following steps:

- the operational area, assets, resources and modules of the strengthened Frontex joint operation are redefined based a risk assessment made by Frontex;
- budgetary resources for the step-up of a joint Frontex operation are to be made available in the years to come on the basis of a regular risk analysis (for the period September-December 2014 the necessary additional resources need to be assessed but are currently estimated around 20 million €).
- additional necessary naval and other technical assets are provided to the Agency by Member States; a clear assessment of those operational needs will be shortly defined by the Presidency in close co-ordination with the participating Member States, Commission and FRONTEX.

The strengthened FRONTEX operation could also incorporate some of the positive operational tools utilized in the framework of Mare Nostrum which aim at frontloading the fingerprinting of migrants, the provision of information, and the screening of vulnerable cases or persons in need of medical attention in order to cater for their needs upon disembarkation.



III. Action at Member States' level – Reception and fingerprinting

In the short term, however, the EU needs to act to uphold the fundamental principles on which the Common European Asylum System is based¹. Therefore solutions should be found to counteract the new modus operandi devised by smuggling networks which aims at circumventing the EURODAC system (on fingerprinting and identification of migrants), and supporting Member States under pressure.

For this reason Member States at the external borders have to ensure the full implementation of existing rules on identification and fingerprinting, by, among others:

- (1) for the Member States with external maritime borders, frontloading fingerprinting already at sea or immediately upon arrival;
- (2) taking restrictive measures to prevent absconding in case migrants refuse fingerprinting, whilst respecting fundamental rights;
- (3) inform migrants upon arrival in a timely manner of their rights and obligations and consequences of non compliance with rules on identification.

In parallel, in order to support Member States under pressure, all Member States should make the most possible extensive use of existing tools under the Dublin Regulation by facilitating the family reunification, including through the strengthening of family tracing systems, and through a more intense use of the sovereignty clause. EASO should stand ready to support Member States in this endeavor.

¹ For example in Italy, an in-depth revision of the reception and asylum system is underway. The objective is to establish a three tier reception system, with new centers for the very first reception where migrants will be hosted for the time strictly necessary for transporting them to major hubs. The latter, around 20 in total, will constitute the backbone of the system where screening activities, including fingerprinting, and first evaluation of applications for asylum will be carried out. The third phase will then entail the final integration of refugees in the existing local reception system (SPRAR) which is being broadened to face the new challenges.