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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**on the Delivery of the European Agenda on Migration**

## 1. Introduction

*The State of the Union Address 2017: "migration stays on our radar"*

In the last two years, Europe experienced the largest number of arrivals of refugees and migrants since the end of the Second World War. The Syrian crisis played an important part in generating this record number, as did conflicts, instability and poverty in many parts of the world. Migration, asylum and border management systems were put under huge pressure. The Union and its Member States were not sufficiently prepared to respond effectively. The scale of the crisis had a powerful impact across the EU. The integrity of both the Common European Asylum System and of the Schengen area of free movement for European citizens was put into question.

As the crisis unfolded, the EU has been working relentlessly on a swift, coordinated and effective European response. The Commission presented its 'Ten point action plan on migration' on 20 April 2015. The plan received the backing of Foreign and Interior Ministers and was immediately endorsed by the European Council.<sup>1</sup> In May 2015, the Commission set out a comprehensive European Agenda on Migration<sup>2</sup> to address both immediate challenges and the structural weaknesses of the existing EU migration and asylum policy.

Since then, our sustained efforts to restore order to the migration system have led to tangible results. The continuous implementation of the EU–Turkey Statement, the Partnership Framework and the joint actions taken on the Central Mediterranean route<sup>3</sup> have significantly reduced the number of irregular arrivals. The management of EU external borders has taken a major step forward, hotspots have been set up allowing for the registration and fingerprinting of all migrants upon arrival, and unilateral actions by Member States have been replaced with a coordinated European response. The restoration of an orderly management of migration flows has been pursued in a spirit of solidarity, including through relocation schemes. Migration has a new priority in the EU's relations with key partners. At the same time, the EU has assumed its global responsibility to provide asylum for an important share of the world's refugees: in 2016 alone, the EU resettled or granted asylum to over 720,000 refugees, three times as many as Australia, Canada and the United States combined.

In parallel to the immediate response, structural changes were proposed to put in place a better management of migration and asylum. Of particular significance were the proposals to set up the European Border and Coast Guard and to reform the Common European Asylum System. The European Border and Coast Guard is now up and running, but the European Parliament and the Council have not yet agreed on the proposals to reform the Common European Asylum System.

The work to further develop and implement our comprehensive approach must continue. We need to find the compromises necessary to shape an EU migration policy that is robust, realistic and fair. It must acknowledge the needs of host societies and EU citizens, as well as working closely with partners worldwide. We need to ensure that we continue to fulfil our obligations to those in need of international protection. We need to find solutions that replace

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<sup>1</sup> Special meeting of the European Council of 23 April 2015.

<sup>2</sup> A European Agenda on Migration, COM(2015) 240 final (13 May 2015).

<sup>3</sup> Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route: [http://europa.eu/rapid/press-release\\_IP-17-3091\\_en.htm](http://europa.eu/rapid/press-release_IP-17-3091_en.htm).

irregular and uncontrolled flows with safe and well-managed pathways. We need to look at deep seated challenges that sit at the root of irregular migration, such as underdevelopment, demography, lack of opportunities, climate change, and inequality. In parallel, to secure the Schengen area, we need to continue to reinforce the management of external borders and improve our delivery on returns and readmission. Only comprehensive migration management, grounded on the principles of solidarity and fair sharing of responsibility, will deliver sustainable results.

The sustained reduction in irregular arrivals in the Eastern Mediterranean and the recent fall in arrivals in the Central Mediterranean, offer an opportunity to work towards more stable solutions. We need to maintain current efforts and remain ready to address any new pressures. But now is also the moment to focus efforts on putting in place the remaining building blocks of a better migration management.

This Communication serves as a mid-term review of what has been achieved so far in delivering the European Agenda on Migration. It also sets out new initiatives from the Commission to address key areas and identifies where further efforts are needed in the coming months.

## **2. The European Agenda on Migration two years on: Achievements and lessons learnt**

The European Agenda on Migration proposed immediate measures to cope with the 2015 crisis including actions to ensure that the existing EU rules are applied correctly and fully. The Agenda also set out a comprehensive approach addressing all aspects of migration based on the four areas of (1) irregular migration, (2) border management, (3) asylum policy and (4) legal migration as key for delivering an effective and sustainable EU migration policy, and laid out a number of key actions for each of these areas.

The following section takes stock of the main actions implemented over the last two years. The assessment takes into account the contributions received from many stakeholders and EU institutions, in response to the consultation launched by the Commission on the review of the progress achieved so far in implementing of the European Agenda on Migration.

### ***2.1. Responding to the crisis and assisting Member States under exceptional migratory pressure***

The response provided to the crisis situation had a positive impact<sup>4</sup>, with the measures taken ranging from improved management of external borders to concrete examples of solidarity both inside the Union and in the neighbourhood.

The joint operations Triton and Poseidon have been significantly reinforced to immediately reply to the challenges in both the **Central and Eastern Mediterranean**.

Concerted action by all actors – Member States, third countries, EU agencies and institutions – following the Leaders' meeting convened by the Commission in October 2015, disorderly

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<sup>4</sup> The Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration, COM (2016) 85 final of 10 February 2016 identified all immediate measures taken to regain control.

movements were replaced by coordinated measures along the **Western Balkans route**. Support was provided to Hungary, Slovenia, Croatia and Greece as well as to Serbia under the EU Civil Protection Mechanism. In addition, almost EUR 23 million is allocated in EU humanitarian aid to help refugees and migrants in the Western Balkans. Since the steep increase of arrivals in summer 2015, EUR 78 million of the pre-accession assistance (IPA) for the Western Balkans has been allocated to support these countries in managing migration flows at the border and on improving their reception capacity for migrants and refugees.

The creation of **hotspots in Greece and Italy** proved to be successful in better managing the flows. Together with the setting up of the **European Border and Coast Guard Agency**, this helped to improve the management of **EU external borders and contributed to more effective asylum and return procedures**.

Under the **assistance instrument for emergency support within the EU**, more than EUR 430 million have been contracted to support the refugee response in Greece. The instrument was established in 2016 to respond to exceptional crises or disasters within EU Member States which give rise to severe humanitarian consequences and was activated for a three-year period to respond specifically to the humanitarian needs of refugees within the EU.

Building on the EU–Turkey Joint Action Plan on Migration agreed on 29 November 2015, the **EU-Turkey Statement** of 18 March 2016 played a key role in breaking the cycle of uncontrolled flows of migrants creating an unsustainable humanitarian crisis. From the first weeks of its operation, the Statement led to a sharp decrease of irregular arrivals and the loss of life, whilst at the same time opening up the legal channel of resettlement, offering a genuine chance to those in need of protection. This joint effort of the EU and Turkey has created an alternative to the dangerous migratory flows<sup>5</sup> with organised, safe and legal pathways to Europe<sup>6</sup> for those entitled to international protection, while also facilitating the returns, in line with EU and international law, even if further efforts are still needed.

As part of this effort, the **EU Facility for Refugees in Turkey**, with a total of EUR 3 billion for 2016 and 2017, has proved the right tool to deliver practical support, from humanitarian assistance to education, migration management, health, municipal infrastructure and socio-economic support to refugees and host communities in Turkey. Currently, out of the EUR 3 billion for 2016-2017, almost more than a half of this amount has been contracted (EUR 1,66 billion). Efforts continue to ensure the remainder is contracted by the end of 2017. The full and sustained implementation of the EU-Turkey Statement requires continuous efforts and political determination from all sides. The EU-Turkey statement states that "once the allocated EUR 3 billion are about to be used to the full, and provided all commitments have been met, the EU will mobilise additional funding for the Facility of an additional EUR 3 billion up to the end of 2018". The situation on the Greek islands also requires an urgent need for additional significant efforts from the Greek authorities, EU Agencies and the Member States, including increasing the pace of returns to Turkey, in full compliance with EU and international rules. The current pace and commitment of Member States to resettle Syrian refugees from Turkey to Europe should be maintained and continued. Now is also the time to

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<sup>5</sup> The number of irregular crossings stands at 78 per day on average between 21 March 2016 and 17 September 2017.

<sup>6</sup> As of 20 September, over 9,700 Syrians already resettled from Turkey to the EU.

activate the Voluntary Humanitarian Admission Scheme (see further details under Section 3.2.).

At the centre of the robust EU aid response to the Syrian refugee crisis, the **EU's humanitarian aid programmes** and the **EU Regional Trust Fund in response to the Syrian Crisis** since the beginning of the crisis have been supporting people in need inside Syria and over 2,5 million Syrian refugees and their host communities in Egypt, Iraq, Jordan, Lebanon, Turkey and the Western Balkans.

Moreover, the EU increased by 70%<sup>7</sup> the available **funding** under the "Asylum, Migration and Integration Fund (AMIF)", the "Internal Security Fund (ISF)" and for the relevant EU agencies to support Member States in their efforts with regard to migration and border management. This has helped provide assistance to 814,000 asylum seekers in the EU, supporting the integration of 1,915,000 third-country nationals and facilitating the return of 83,500 persons.<sup>8</sup> To date, a total of EUR 2,2 billion has been already paid from AMIF and ISF to support interventions in Member States in various fields related to migration, border protection and security, both in emergency situations and in the long-term perspective. Other EU programmes contributed too. For example, the Health Programme supported, with EUR 19,2 million during 2015-2017, Member States amongst other things for the training of medical professionals.

The pressure on the asylum systems of Greece and Italy was alleviated through the first large-scale **EU coordinated effort to relocate** asylum applicants to other Member States. The start-up phase was slow, but the number of people relocated through the schemes has been constantly rising, showing that solidarity can work in practice. As of 20 September 2017, more than 28,500 people have been relocated which is around 90% of those for whom relocation requests had been sent. Equally, the **first EU-wide resettlement scheme**, launched in July 2015<sup>9</sup> has yielded good results. More than 23,000 people have been resettled under this scheme and the scheme established under the EU-Turkey Statement since their launch.

At the same time, determined steps have been taken in cooperation with international organisations and Member States to reinforce capacities of the Libyan Coast Guard to address the continuous irregular arrivals to Italy through the **Central Mediterranean route** with a first sign of decrease in recent months. An effort that has gone hand in hand with a stronger partnership with international organisations to improve the humanitarian situation in Libya and offer alternative avenues to stranded migrants.

The immediate response added up to a **common and sustained effort at Union level**, where individual but coordinated actions of all actors – Member States, EU institutions and agencies, international organisations and civil society – played a key role.

## **2.2. *Reducing the incentives for irregular migration***

The Union and Member States have continued to work towards an efficient prevention of irregular flows, outside and inside the Union, as well as towards putting in place a reliable system of returns which effectively implements the decisions taken.

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<sup>7</sup> For the period 2014-2020.

<sup>8</sup> Values communicated by Member States in their implementation reports covering the period 2014-2016.

<sup>9</sup> Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015, available at: <http://data.consilium.europa.eu/doc/document/ST-11130-2015-INIT/en/pdf>.

### *Root causes – support to third countries*

When it comes to fighting root causes, the EU and its Member States remain the largest provider of development assistance providing €75,5 billion in 2016, or almost 60% of global assistance by OECD members. This funding is helping to boost partner countries' economy to give youth a chance to build a future, to ensure food and nutrition security and access to energy, and to anchor good governance and respect of human rights, including in Africa.

In parallel to the actions launched in 2015, such as the Valletta process, the Commission proposed in June 2016 a new approach to engaging with countries of origin and transit. **This Partnership Framework approach**<sup>10</sup> for cooperation on migration, has the dual objective of addressing the root causes of irregular migration through development cooperation whilst encouraging stronger cooperation by third countries on all aspects of migration, including the fight against smuggling and the acceptance of readmissions of nationals. It was launched in June 2016 with five priority countries and has, since then been extended to a larger group of countries with some important results achieved, notably in terms of addressing root causes, dismantling smuggling networks and trafficking of human beings<sup>11</sup>.

To support these initiatives EUR 3,1 billion has been made available by the **EU Trust Fund for Africa** to 26 countries in the Sahel region and Lake Chad, the Horn of Africa and the North of Africa, with only EUR 227,7 million from EU Member State budgets and other partners. More than 117 projects, amounting to almost EUR 2 billion, have been approved. The Commission strongly calls on Member States to further contribute to the Fund.

The Fund has also played an important role in the **Central Mediterranean**, for instance by supporting the work of the International Organisation for Migration and United Nations High Commissioner for Refugees for improving the protection of migrants and refugees as well as to improve living conditions and create job opportunities in the host communities. A EUR 90 million programme on these issues was adopted in April 2017. Actions under the Regional Development and Protection Programmes (RDPP) in North Africa and the Horn of Africa also contributed to this goal. Furthermore, since 2016 joint efforts with the International Organisation for Migration have almost tripled the number of assisted voluntary returns of migrants from Libya to their countries of origin: in 2017 alone, almost 7,500 people have been returned from Libya, along with 4,000 from Niger, to their home countries.

Last but not least, the international community agreed in 2015 on an innovative agenda on financing for development<sup>12</sup>, which calls for new more innovative ways to finance development, notably to mobilise private resources in order to meet the financing gap to achieve the Sustainable Development Goals by 2030. The **new External Investment Plan** is part of the EU's contribution to these commitments. It is expected to trigger more than EUR 44 billion of investments in partner countries in Africa and the EU Neighbourhood region by 2020.

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<sup>10</sup> COM(2016) 385 final of 7 June 2016.

<sup>11</sup> The Commission is regularly reporting on the progress made in the implementation of the Partnership Framework approach, see the latest report COM (2017) 471 final of 6 September 2017.

<sup>12</sup> <http://www.un.org/esa/ffd/publications/aaaa-outcome.html>.

## *Migrant smuggling*

The Union and Member States have continued to take effective action on preventing and combating criminal activity by smugglers and traffickers along the entire route, starting upstream in countries of origin and transit and finishing within EU territory. Migrant smuggling continues to be a highly profitable source of criminal income<sup>13</sup>.

The **Action Plan on migrant smuggling** of May 2015<sup>14</sup> prompted Member States, EU agencies and other relevant organisations to work closely together around key priorities, which allowed the identification of gaps and solutions to address them. The implementation of the Plan is ongoing.

In particular, the **European Migrant Smuggling Centre** at Europol, launched in 2016, has shown substantial added value in providing operational support to Member States in fighting smuggling. It has provided support in conducting pro-active, high-profile investigations against criminal networks, with 68 cases supported in 2017 so far, and 93 cases in its first year of operation leading to 147 arrests in 2016 and over 167 so far. The Centre is also supporting joint investigation teams (three in 2017; two in 2016) and has so far identified and monitored 830 vessels of interest, which can potentially be involved in migrant smuggling.

Member States and EU agencies have taken specific action in relation to financial investigations of migrant smuggling, including by focusing on the role of Financial Intelligence Units and their cooperation with law enforcement in **tracing illicit financial flows**.

In parallel, in October 2015, the Eurojust Thematic Group on Illegal Immigrant Smuggling was set up to identify and analyse challenges in the investigation and prosecution of migrant smuggling cases, as well as best practices in this area. In 2017, 10 Joint Investigation Teams are ongoing in 34 cases registered at Eurojust.

**Information sharing** has been greatly enhanced at all levels, both through dedicated EU inter-agency coordination mechanisms as well as the set-up of a network of dedicated contact points in each Member State. Efforts must now also focus on breaking silos and mobilising all players working in and with third countries. This includes finding **increased synergies in information exchange** between EU military and civilian missions and operations and law enforcement agencies.

The Commission completed a thorough evaluation of the EU legal framework on migrant smuggling<sup>15</sup> and will engage with relevant stakeholders and EU agencies to support a reinforced exchange of knowledge and good practice between civil society, prosecutors and law enforcement to avoid any criminalisation of humanitarian assistance in the framework of irregular migration.

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<sup>13</sup> Joint Europol-INTERPOL Report, May 2016: Annual turnover of migrant smuggling was worth an estimated USD 5 to 6 billion in 2015, representing one of the main profit-generating activities for organised criminals in Europe.

<sup>14</sup> COM(2015) 285 final of 27 May 2015.

<sup>15</sup> SWD(2017) 117 final.

**But Member States need to advance and consolidate further** their capacity to investigate and prosecute migrant smuggling. This must fully tap into the potential of structures and resources established since the adoption of the European Agenda on Migration. Timely and proactive information sharing is key. National investigators must talk to each other and fully use the resources provided by the EMSC at Europol, as an information and intelligence hub. The international observatory on migrant smuggling and trafficking in human beings recently launched by the European naval Operation Sophia, and initiatives launched by other actors such as Interpol, will maximise their value-added by feeding into the EMSC.

In regard to the cooperation with third countries, the **joint investigation team model of cooperation** and capacity building successfully implemented in Niger<sup>16</sup> is an example which should be applied elsewhere. This implies strengthening the coordination of EU and Agencies' liaison officer networks and ensuring effective use of the existing platforms. The creation of new EU cooperation platforms on migrant smuggling in priority third countries should be envisaged.

At the same time Common Security and Defence Policy (CSDP) missions<sup>17</sup> have been stepped up to support efforts to fight migrant smuggling within a broader framework aimed at enhancing security and stability. Operation Sophia, has already contributed to the arrest of 117 suspected human smugglers and traffickers, 478 smuggling vessels being disposed of on the high seas off Libya, while the Sahel missions have provided training to over 24,000 civilian and military security forces.

A common formal framework and clear mandates of staff posted in third countries to take actions to counter migrant smuggling will be established through the **revision of the Immigration Liaison Officers Regulation**<sup>18</sup>, which will be presented by the Commission in the first quarter of 2018. This will also allow exploiting in full the potential of the network of European Migration Liaison Officers who have been deployed in 12 priority countries to coordinate closely the work in this field with Member States on the ground.

Finally, many migrants still underestimate the risks of irregular migration and have inaccurate perceptions of what life is like after irregular arrival in the EU. The EU has already funded **information campaigns** notably in Niger, Sudan and Ethiopia but more needs to be done to ensure the provision of reliable information in third countries. In this respect, on-going and future EU and Member State awareness-raising and information campaigns in third countries need to **use the full potential of mainstream and social media** — as in the framework of the InfoMigrants<sup>19</sup> project which reached a quarter of a million people by the end of August. To this purpose, the Commission is revamping the European Immigration Portal<sup>20</sup>.

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<sup>16</sup> In the first semester of 2017, 101 persons were arrested and brought before a court; 66 vehicles and 8 motorcycles were seized and placed under seal; 79 persons arrested for human trafficking related crimes.

<sup>17</sup> Operation Sophia and EUBAM Libya, as well as in the Sahel region EUCAP Sahel Niger, EUCAP Sahel Mali and EUTM Mali.

<sup>18</sup> Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

<sup>19</sup> <http://www.infomigrants.net/>

<sup>20</sup> It provides information to potential migrants on legal ways to come to Europe and on the risks and consequences linked with entering or staying irregularly in the EU: <http://ec.europa.eu/immigration/>.



## *Returns and readmission*

Steps continued to be taken to reinforce the EU return policy. In particular, the **European Border and Coast Guard Agency** was given an innovative and ambitious mandate to support Member States and ensure operational coordination in all aspects of return. In its **Renewed Action Plan on Returns of 2 March 2017**, the Commission presented **concrete recommendations** on how to make returns more effective by closing the gaps and addressing the fragmentation still present across national return practices. Through a sustained calendar of Schengen evaluations in the area of return, the Commission has given Member States a framework in which shortcomings could be corrected, while with the assistance of EU programmes on return we have achieved a greater degree of information exchange and convergence, in particular on developing and implementing joint frameworks for **Assisted Voluntary Return and Reintegration Programmes** (AVRRs) throughout the EU.

And yet, according to EUROSTAT data, out of the approximately 1 million third-country nationals found to be illegally present in the EU in 2016, only half received orders to leave the EU, and less than half of that figure (226,000) were effectively returned. We remain confronted with **unsatisfactory return rates** due to inefficient use of existing instruments at EU and at national level. While the total return rate<sup>21</sup> from 2014 to 2015 increased from 41,8% to 42,5%, the rate of effective returns to third countries dropped from 36,6% to 36,4%. Moreover, if return to the Western Balkans is disregarded, the European Union return rate drops further to 27%.

This is due to insufficient enforcement of existing instruments at EU and national level<sup>22</sup> coupled with a readmission policy which is still not yet fully developed. Despite progress made in the implementation of existing readmission agreements, the finalisation of other negotiations remain at a standstill and those launched in 2016 have not progressed as expected. The focus is therefore on improving practical cooperation.. Practical arrangements on return and readmission have been finalised with some key countries of origin while others are currently being negotiated.

Section 3.3. of this Communication presents concrete ideas to further improve the implementation of returns.

### *Addressing incentives for irregular stays*

A portion of our economy continues to rely on the labour of irregular migrants, which creates a pull factor and undermines the development of a labour mobility policy built on legal migration schemes. The **Employers Sanction Directive** has created the possibility to toughen the sanctions for illegal employment and improve the detection mechanisms. In line with this directive, all Member States prohibit the employment of irregular migrants and impose financial, administrative or criminal sanctions. Nevertheless, the possibility of finding illegal work remains a significant incentive to irregular migration into the EU. To address this

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<sup>21</sup> It includes return to third countries as well as passing back of irregular migrants from a Member State to another, on the basis of bilateral readmission agreements according to Article 6(3) of the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

<sup>22</sup> See Communication on a more effective return policy in the EU – A renewed Action Plan, COM(2017) 200 final of 2 March 2017.

situation, the measures announced in the EU Action Plan against Migrant Smuggling should be fully implemented and Member States shall **increase the number of labour inspections in high-risk economic sectors**. The Commission will annually report on the inspections carried out and ensure a forceful implementation of the Directive, **launching infringements where necessary**.

Cooperation between Member States within the **Platform on Undeclared Work**<sup>23</sup> should be fully explored to ensure better understanding of conditions of employment of third-country nationals and reduce illegality. High-risk sectors should be targeted as a priority, with the objective of disseminating best national experiences in dealing with employment of irregular migrants among relevant stakeholders, such as trade unions and employers' organisations.

In addition to the pull factor represented by the underground economy, we must obtain, at EU level, a **better understanding of all other factors** that contribute, directly or indirectly, to the state of irregularity of migrants in the EU. The Commission will therefore launch consultations with Member States and other players, to catalogue these factors contributing to irregular entry and stay of migrants on EU territory, to identify and collect best practices of disincentives. This process will include enhanced cooperation with national and local authorities other than those responsible for migration management, such as social security, education, tax, driving and vehicle licencing offices and other services dealing with third-country nationals.

Finally, in this context, as part of the overall communication strategy, the Commission will develop dedicated activities **including the relevant diaspora** within the EU, which, while playing an important role in the economic development of the home countries, can be mobilised to support measures taken at national and EU level aimed at reducing the irregular stay of migrants.

### **2.3. Border management – saving lives and securing external borders**

Having a common external border requires that all states of the Schengen area cooperate and share the burden for its management. The measures taken to improve the management of the external border have therefore called on the solidarity and responsibility of all Member States.

#### *Saving lives is and will remain our priority*

Recurring tragedies along the main – particularly maritime – migration routes, have demonstrated that the perilous journeys of migrants endanger human lives, not least due to the means used by smugglers without scruples. The protection of borders must therefore continue including life-saving operations. The EU has boosted substantially the joint **operations Triton and Poseidon of the European Border and Coast Guard Agency**. Operations were equally launched by the Agency in the Western Mediterranean. The efforts of these joint operations which are closely coordinated and combined with the assets deployed by EUNAVFOR MED Sophia, as well as of a number of NGOs and merchant vessels, have saved 620,000 human lives since 2015. On the Eastern Mediterranean Route, lives lost at sea have decreased considerably. 113 fatalities and missing persons have been recorded in the Aegean Sea since the activation of the EU-Turkey Statement, compared to around 1,150 people who died, or were reported missing, during the year preceding the Statement. The EU

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<sup>23</sup> Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work (OJ L 65, 11.3.2016, p. 12).

is also supporting the Turkish Coast Guard with EUR 20 million to increase their capacity in carrying out search and rescue operations.

Despite these efforts, every life lost is one too many. This is why the EU and Member States are training and supporting the Libyan Coast Guard to carry out search and rescue operations in its sovereign waters. A EUR 46,3 million project co-funded by the EU and Italy to reinforce border management capacities in Libya was approved in July 2017 and will continue in the coming years. Partly as a result of the EU support to the Libyan Coast Guard, the number of lives lost along the Central Mediterranean route decreased from 4,581 in 2016 to 2,372 by 21 September 2017<sup>24</sup>.

### *European Border and Coast Guard*

The **establishment of the European Border and Coast Guard Agency** in 2016 was a ground-breaking achievement, shifting the integrated management of the EU external borders from solely national competence towards a shared responsibility of the Member States and the Agency. For the first time, in line with what was asked for in the European Agenda on Migration, the new mandate of the Agency includes coast guard functions carried out in close cooperation with the European Maritime Safety Agency and the European Fisheries Control Agency, such as joint surveillance flights for fisheries and border control in the Central Mediterranean. A substantial boost in resources and equipment has given the Agency increased capacity to intervene. Equally, the new mandatory rapid reaction pools have enhanced the Agency's capability to respond swiftly to emergency situation at Europe's external borders.

The Agency currently **deploys over 1,700 border guards and other relevant staff at different sections of the EU external borders**. Soon it will also be able to deploy teams on the territory of Serbia and the former Yugoslav Republic of Macedonia to support them in effectively controlling their borders. The strengthening of the capacity of third countries to manage their borders was another important action called for in the European Agenda on Migration.

### *Stronger and smarter information systems*

Work on smart borders was taken forward with proposals for the **Entry-Exit System (EES) and the European Travel Information and Authorisation System (ETIAS)**. Once in place, these systems will allow for better detection of possible migratory risks and abuses and will enhance public security. In June 2017, the Commission presented a legislative proposal to strengthen the mandate of **eu-LISA**, the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice. The Commission will come forward as soon as possible with proposals to overcome the remaining identified shortcomings in data management, in particular by improving the interoperability of the EU's central information systems existing in this area. This will contribute to better protecting the EU's external borders and enhance its internal security, for example by ensuring that end users — particularly border guards, law enforcement officers, immigration officials and judicial authorities — have fast and seamless access to all information that they need to perform their tasks.

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<sup>24</sup> IOM figures, <http://missingmigrants.iom.int/region/mediterranean>.

## *Hotspots*

In parallel with the above-mentioned efforts to strengthen the protection of EU external borders, the setting up of hotspots in Greece and Italy is a tangible operational achievement and a concrete example of the principles of solidarity and responsibility in responding to the pressure faced by these Member States.

Today, 5 hotspots are operating in Greece and 4 in Italy, with a total capacity in Greece of more than 7,000 places and more than 1,500 in Italy. It is estimated that more than 261,000 migrants have arrived in the hotspots between 1st January 2016 and 15 September 2017 (185,000 in Greece and more than 76,000 in Italy) They have been offered medical care and screening, properly identified, fingerprinted, screened, registered and informed about their rights in one single location so as to ensure that they are being immediately channelled into the appropriate procedure, contributing to swifter decision-making on their status. In 2015, before the setting up of hotspots, 58% of migrants only were fingerprinted on arrival in Italy; today, thanks to the hotspot approach, almost 100% are. Hotspots have facilitated an increased number of secondary security checks by Europol and national authorities that have contributed to identifying risk profiles and fighting smugglers networks. The hotspots have also become one of the tools that facilitate the implementation of the relocation schemes in Greece and Italy by successfully organising the provision of information and the channelling of eligible asylum seekers to relocation procedures. Hotspots have also contributed to better identifying vulnerable cases (such as victims of trafficking, people with serious health conditions and unaccompanied minors) and referring them to the relevant support services.

Building on the above-mentioned achievements, with coordinated support by EU Agencies, both Greece and Italy should also comprehensively implement the full operational potential of the hotspots approach. Taking into consideration the evolution of trends and needs, both countries need to be prepared to expand and upgrade the reception capacity and conditions in the hotspots, and to better address the specific needs of vulnerable groups (standardised vulnerability assessment by specialists, Child Protection Officers, separated areas, etc.). Clear roles and responsibilities as well as a more effective coordination on the ground should also be ensured in close cooperation with the host Member States, in particular through the EU regional taskforces which should be given a clear mandate.

The hotspot approach has shown itself to be a flexible and useful EU instrument that can be adapted to any Member State in the same situation. Based on the lessons learned in Greece and Italy, the Commission will present later in the autumn guidelines, including a template for standard operating procedures on how to set up and use hotspots in case of disproportionate migratory pressure at the external border of any Member State.

### ***2.4. Europe's duty to protect: a strong common asylum policy and increased legal avenues to Europe***

Securing Europe's external borders must be paired with a fully efficient, fair and humane common asylum policy. While taking, together with Member States, resolute steps to relieve the asylum pressure on Italy and Greece, the Commission also proposed a fully-fledged reform of the Common European Asylum System.

## *Relocation*

Faced with the unprecedented level of arrivals in the summer of 2015, the Council, following Commission proposals, decided on the **first ever large-scale EU-coordinated effort to relocate** a significant number of asylum applicants from Italy and Greece, the pressure on the asylum systems of the two countries has effectively decreased. Under the Council Decisions, Member States agreed to relocate 160,000 applicants in clear need of international protection. For 54,000 of those, Member States were given the possibility to fulfil their relocation obligations towards Italy and Greece through legal admission from Turkey.

The Council Decisions of 2015 apply to migrants in clear need of international protection arriving in the territory of Italy and Greece until 26 September 2017. The immediate priority should be to **ensure that all the remaining** persons who arrived up to that date and meet all the requirements in the Council Decisions, **are relocated from both Italy and Greece** swiftly. In total, around 37,000 people are expected to be effectively relocated under the scheme. Therefore, it is crucial that all Member States — in particular Poland, Hungary and the Czech Republic as well as those that have not used up their relocation allocations in full — step up their efforts.

The migratory pressure on Italy and Greece remains high, due to the accumulated backlog from the influx during 2016 and first half of 2017. Therefore, **the EU should continue to show solidarity** with Italy and Greece. The Commission stands ready to provide **financial support** to those Member States sustaining their relocation efforts beyond the current schemes. The assistance provided by EASO and other EU agencies to Italy and Greece should also continue and, when needed, be further reinforced.

## *The Common European Asylum System*

While the emergency relocation system produced tangible results, relieving the pressure on Greece and Italy, it is clear that ad-hoc measures are not sustainable. The pressure placed on the EU asylum system, and in particular the serious dysfunctions which were exposed in the Dublin system for determining responsibility among Member States, have highlighted the need for a far-reaching structural reform of the Common European Asylum System. Accordingly, in May and July 2016, the Commission proposed an **overhaul of all of the main legal instruments of the Common European Asylum System**, with the objective of ensuring a more harmonised and efficient system where asylum-seekers are treated alike by all Member States in terms of reception conditions, procedures, and status determinations; tackling abuses and secondary movements; where only those genuinely in need of international protection are given a status; and where there is a fair sharing of responsibility for asylum applicants across the Union via a comprehensive reform of the Dublin system.

The negotiations on the seven legislative proposals put on the table are advancing at different speeds. A political agreement was reached on the proposal for a European Union Agency for Asylum and trilogues have started on the Eurodac proposal. Progress was made also in the negotiations on the Reception Conditions Directive, the Qualification and Asylum Procedures Regulations as well as the proposal for a Union Resettlement Framework. However, discussions on a reformed Dublin system are still far behind. A renewed commitment is needed to make substantial progress on all the files, particularly on a reformed Dublin system. The suggestions how to achieve that are set out in the Section 3.1 of this Communication.

At the same time, in parallel with finalising the negotiations on the reform of the Common European Asylum System, a **coherent implementation of the applicable EU acquis** on asylum by the Member States remains key, not least since this contributes to a good functioning of the Schengen area of free movement. In this sense, and particularly to ensure the coherent application of the Dublin Regulation, Greece should continue its efforts to implement the Commission Recommendation of 8 December 2016 to ensure a gradual resumption of Greece's responsibility under the existing Dublin Regulation. Continuing relocation from Greece should also contribute to facilitating this gradual resumption. Hungary should take urgent action to address the deficiencies identified by the Commission in its complementary letter of formal notice, especially bearing in mind that these deficiencies are leading Member States' authorities to suspend Dublin transfers to Hungary. Also Member States should react more speedily to Dublin take-charge requests from Italy and Greece, particularly those based on family links.

### *Children in migration*

We also need to step up and coordinate our efforts to implement the actions urgently needed to strengthen the **protection of children in migration**, as identified in the Communication on the Protection of Children in Migration of 12 April 2017<sup>25</sup> and reiterated in the Council Conclusions of 8-9 June 2017<sup>26</sup>. The significant number of migrant children arriving in Europe in the last years has put national systems and administrations under strain and exposed various shortcomings in the protection of migrant children. Some progress has already been made in addressing those shortcomings (for example, in covering urgent protection needs in the Member States under pressure, with support from the EU and its agencies or in providing education in emergencies), but further (and better coordinated) efforts are still needed at both EU and Member State level in relation to the six main areas of intervention identified in the Communication<sup>27</sup>. Swift progress has been made at the EU level towards the creation of a European network on guardianship. The promotion of alternatives to detention is also a central issue to the European Forum on the rights of the child of 6-8 November 2017.

### *Resettlement, humanitarian admission and other forms of legal admission*

In order to substitute dangerous and irregular migration flows to the EU with safe and legal pathways from the very outset of the crisis, the EU has worked to **provide increased legal channels** for the growing number of displaced persons in need of international protection. In this regard the first EU-wide resettlement scheme was launched in July 2015 following a Commission recommendation, as well as the "One for One" resettlement mechanism under the EU-Turkey Statement. These schemes, which are an integral part of our comprehensive response, have been positive developments. During the period 2015-2017, some Member States resettled for the first time while more experienced countries scaled up their commitments and processed larger numbers than before. As a result, over 23,000 people have been resettled via the European schemes during that period. In 2016 alone, Member States resettled over 14,200 refugees via national and multilateral schemes — a significant increase

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<sup>25</sup> COM(2017)211 final of 12 April 2017.

<sup>26</sup> <http://data.consilium.europa.eu/doc/document/ST-10085-2017-INIT/en/pdf>.

<sup>27</sup> 1) addressing the root causes of migration (EU external action); 2) swift and comprehensive identification and registration; 3) providing adequate reception in the EU; 4) ensuring swift and effective access to status determination procedures and implementation of procedural safeguards; 5) ensuring durable solutions; and 6) cross-cutting actions (respect of the best interest of the child, more effective use of data, research, training and funding).

compared to the 8,155 people resettled in 2015, 6,550 in 2014, and between 4,000 and 5,000 per year in the period 2010-2013. This increase shows the added value and potential of strengthened EU-level cooperation and coordination in the area of resettlement as well as of increased EU funding to support Member States' resettlement efforts.

## **2.5. Legal migration, visas and integration**

### *Legal migration*

Well managed legal migration can help the EU address the challenges linked to a shrinking working-age population and the existence of structural skills' shortages in its labour market complementing upskilling and employment efforts of the existing work force. The Commission has already put on the table last year a **proposal for a more effective Blue Card Directive**, and calls upon the co-legislators to step up the negotiations and reach an ambitious and swift agreement on this important issue. A European Blue Card scheme with a high level of ambition is necessary to enable the EU to attract the highly skilled workers its economy needs.

In parallel, the Commission has been **evaluating the existing legal migration acquis**<sup>28</sup>, in order to identify any significant gaps, problematic issues and inconsistencies and consider possible ways of simplifying and streamlining the current framework. It is also exploring **“expression of interest” systems** used by non EU countries. This, together with a better implementation of the Directives on legal migration especially on students and researchers, seasonal workers or intra corporate transferees, can contribute to better manage labour migration at EU level and to attract the specific skills according to the needs of the EU's economies.

### *Visas*

The EU's common visa policy is an essential tool for facilitating tourism and business but properly working visa policy is also a key tool to prevent security risks or risks of irregular migration to the EU.

In April 2014, the Commission presented the Visa Code Recast and Touring Visa proposals with a view to promoting economic growth through visa facilitations conducive to tourism and trade. Negotiations between the co-legislators on these proposals have not made any substantial progress. And in the meantime, the migratory and security situation has substantially changed.

To respond to the current migratory and security challenges, some measures regarding visa free travel to the EU have been taken recently, such as the adoption in early 2017 of a reinforced suspension mechanism allowing the EU to temporarily suspend visa-free travel for countries which might pose a substantial migratory or security risk or the proposed future European Travel Information and Authorisation System (ETIAS).

However, the common visa policy needs to be further adapted to the current challenges by taking account of new IT solutions and balancing benefits of facilitated visa and visa-free

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<sup>28</sup> Legal migration fitness check, see:

[http://ec.europa.eu/smart-regulation/roadmaps/docs/2016\\_home\\_199\\_fitnesscheck\\_legal\\_migration\\_en.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_home_199_fitnesscheck_legal_migration_en.pdf)

travel (e.g. trade, tourism, people to people contacts) with improved migration, security and border management.

Based on consultations with Member States and the European Parliament, the Commission will therefore come forward, in January 2018, with its ideas on how to modernise the EU's common visa policy for both the short and longer term. In this context, the Commission will assess critically whether the current visa policy still matches the present and future challenges. The main objectives will be to bring the visa policy up to speed with the development of new border management systems (EES and ETIAS), to better use visa policy in our cooperation with third countries, and to ensure a better balance between migration and security concerns, economic considerations and general external relations.

As a first step, it is important to address the current divergent practices that lead to a competition among Member States in issuing multiple-entry visas by putting in place a more harmonised visa policy. At the same time some visa-issuing rules (for instance those related to visas with long validity and visa fees) should be reviewed to ensure that they can play a part in our readmission policy. The Commission will table a targeted proposal in January 2018 to address these issues. Moreover, in June 2018, the Commission will propose to revise the Visa Information System (VIS) legal framework aimed at further improving the visa processing, including on data protection related aspects and access for law enforcement authorities, to further expand the use of the VIS for new categories and uses of data and to make full use of the interoperability instruments. These two proposals will contribute to better migration management, to strengthen security and to improve control of external borders.

### *Integration*

While Member States have the primary role in developing integration strategies and policies, their experience and capacity in the field of integration are very diverse. The EU has therefore an important role to play to help them develop and implement effective integration strategies, exchange best practices and thereby contribute to the creation of a level playing field vis-à-vis integration at EU level. The implementation of the **EU Action Plan on the Integration of third-country nationals**, set out in 2016, has already delivered results on many fronts. Examples of such results were the reform of the European Integration Network – to strengthen exchanges and mutual learning between national authorities responsible for integration, the launch of the Skills Profile Tool for third-country nationals to support Member States in the early profiling of the skills and qualifications of migrants, and the unprecedented financial support to all actors playing a role in integration, including civil society.

Tackling the specific challenges related to integration of third country nationals into our societies will remain a priority both for the short and the long term and therefore the Commission encourages Member States to give adequate importance to this matter.

In May 2017, the Commission launched the '**Employers for integration**' initiative to promote employers' efforts aimed at fostering integration of third-country nationals in the labour market. The Commission is also working to establish a partnership with social and economic partners at European level to work more closely together to promote a faster and more effective integration of refugees in the European labour market. Concrete financial support will further sustain this process and promote concrete actions in the Member States.



Recognising the crucial role of **local and regional authorities** in the integration process, the Commission has also worked to enhance the cooperation with and the support to local and regional authorities in particular through the Urban Agenda Partnership on the Inclusion of Migrants and Refugees. This will continue by for example piloting an Urban Academy on integration, as well as through targeted funding to support transnational networks of cities working on integration.

### **3. Next steps in delivering the European Agenda on Migration**

Migration will remain a defining issue for the EU for the years to come. The past and ongoing efforts in the different fields outlined above, including management of the external border, will have to continue, as a migration risk and the need for saving lives are still there.

In addition and in parallel to fully applying all the existing rules and delivering the necessary contributions to joint actions and funds, for the Union to fully deliver on the European Agenda on Migration, it is now necessary to intensify efforts in four priority areas: setting the right legal framework to make the Common European Asylum System future-proof, enhancing legal pathways to replace irregular migration, increasing the effectiveness of returns to shift resources to those who need them and working with priority countries and organisations to better manage migration together.

#### ***3.1. Reform of the Common European Asylum System***

While the efforts deployed so far by the Union responding to the crisis situation, including the emergency relocation mechanism, had tangible results, **we cannot continue to rely on ad-hoc measures. The Common European Asylum System reform is a key part of the comprehensive migration strategy**, where work will need to continue on all the different migration strands to produce results.

For this reform to be successful the system must be crisis-resistant. This requires that unexpected situations can be addressed effectively, that national systems are brought closer together and that mutual trust among Member States is deepened, including with a solidarity mechanism that ensures fair sharing of responsibility.

As President Juncker said in the State of the Union Address 2017, achieving a good result on reforming the Common European Asylum System will need all sides to move towards each other. The Commission will be open to compromise as long as the outcome is the right one for the Union and is fair to all Member States.

As noted by the European Council<sup>29</sup>, there is a common understanding that the reformed Common European Asylum System needs to strike the right balance between responsibility and solidarity and that it needs to ensure resilience to future crises. The system has to be efficient, to be able to withstand migratory pressure, to avoid pull factors as well as secondary movements, in compliance with international law, fight abuse and provide adequate support to the most affected Member States. The European Council will revert to this issue and therefore invited the Council to continue negotiations, with the active help of the Commission.

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<sup>29</sup> European Council conclusions of 22-23 June 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/06/23-euco-conclusions/>

**A reformed Dublin system** is the only structural solution and **urgent progress leading to political agreement on this file** remains the determining factor for the completion of the reform of the Common European Asylum System. There is now a window of opportunity to advance the work on the remaining outstanding points and achieve further progress by defining the outlines of a future overall agreement on the Common European Asylum System by the end of the year.

In parallel with the negotiations on the Dublin reform, **progress needs to continue on all the other proposals**: the proposal reviewing the reception conditions, the asylum qualifications and the asylum procedures proposals as well as the proposal putting in place an EU resettlement framework.

While it is important to have all these interconnected initiatives adopted swiftly in line with the Joint Declaration on the EU's legislative priorities for 2017<sup>30</sup>, the Commission warmly welcomes the good progress already achieved on the proposals to reform Eurodac and the European Union Agency for Asylum. The Commission encourages the European Parliament and the Council to reach agreement on these important tools, supporting the implementation of the Common European Asylum System, with an understanding that some aspects might need to be amended in light of the overall agreement. Such an approach would also ensure that the agreed system can be operationalised as soon as possible.

### **3.2. Enhance legal pathways**

#### **3.2.1. Resettlement**

Resettlement (and similar forms of humanitarian admission) remains a key protection tool. It is a clear demonstration of global solidarity with third countries and responsibility-sharing for persons in need of protection. The Commission supports UN High Commissioner Grandi's call to resettle a further 40,000 refugees from Libya and the surrounding countries. Resettlement efforts are also part of our EU asylum and migration policy. These legal pathways, as alternatives to irregular and dangerous journeys, help to save lives, contribute to reducing irregular migration and alleviate migratory pressure on concerned Member States.

Building upon the increased efforts over the past two years, and with global resettlement needs remaining at a historical high of 1.2 million, the EU should aim to resettle at least 50,000 additional persons in need of international protection by October 2019. **To reach this goal, the Commission recommends today the resettlement of at least 50,000 persons in need of international protection and will make available EUR 500 million for that purpose.** This recommendation follows up the resettlement pledging exercise on 4 July 2017, which resulted so far in around 14 000 pledges. With this new initiative we should ensure continued resettlement from Turkey in order to deliver on the EU-Turkey Statement (also with a view of the future Voluntary Humanitarian Admission Scheme), from Jordan and Lebanon, both of which are hosting large numbers of refugees, as well as from countries along the Central Mediterranean route in North Africa and the Horn of Africa, namely Libya, Egypt, Niger, Sudan, Chad and Ethiopia. Increased focus on resettlement from the countries along the Central Mediterranean route will also help to support the planned UNHCR

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<sup>30</sup> Joint Declaration on the EU's legislative priorities for 2017 by the European Parliament, the Council and the European Commission, [https://ec.europa.eu/commission/publications/joint-declaration-eus-legislative-priorities-2017\\_en](https://ec.europa.eu/commission/publications/joint-declaration-eus-legislative-priorities-2017_en)

temporary mechanism for emergency evacuation from Libya. The pledges should be made by the end of October.

However, **the EU needs to move from ad-hoc schemes to a stable framework**. The Commission proposed in July 2016 to establish a Union Resettlement Framework with the ambition of creating a solid framework for safe and legal avenues to access international protection from outside of the EU. The adoption of this proposal becomes urgent to build a comprehensive and sustainable EU migration policy.

In parallel, Member States should continue making full use of other available legal avenues for persons in need of protection. In particular, Member States are encouraged to explore ways to establish private sponsorship schemes where the settlement and integration support for persons in need of protection, including its related costs, can be provided by private groups of civil society organisations. To facilitate these efforts and to further explore the possibilities to develop these schemes in the EU the **Commission invites EASO to coordinate a pilot project<sup>31</sup> on private sponsorship schemes** with interested Member States and engaging a wide variety of relevant civil society organisations, international organisations, and potential private sponsors in cooperation with the Member States.

### *3.2.2. Pilot projects on legal migration*

The role of legal migration channels in our cooperation with third countries needs to become a more important component so that concrete results can be achieved, taking into account our present and future socio-economic needs. Legal migration is already an important component of migration flows to the EU. Enhanced and tailored cooperation on legal migration with third countries of origin and transit of migrants can help reduce irregular migration by offering safe and lawful alternatives to persons wishing to migrate; it may bridge gaps in certain sectors of the labour markets of EU Member States; while facilitating cooperation on issues such as prevention of irregular migration and readmission and return of irregular migrants.

Therefore, while fully respecting Member States' competences as laid out in the Treaties, the Commission is ready in 2018 to **coordinate pilot projects with third countries**, and provide related financial support, where Member States would engage themselves in receiving certain numbers of migrants coming through legal channels, in particular including for economic purposes. Initially, these pilot projects could be explored with selected third countries based on the quality of the partnership on migration management and the level of concrete cooperation on combatting irregular flows and readmission of irregular migrants. In this process, it is important to **promote the involvement of the private-sector**, and particularly of economic and social stakeholders. Public-private partnerships, which have been very effective in the area of integration, are essential in order to identify the needs of the EU labour markets, the existing shortages and to assess how migration can help address these shortages and to ensuring a more effective integration in the labour market.

### *3.3. A more effective policy on returns*

According to statistical information provided by Member States, there were close to 1 million third-country nationals found to be illegally present in the EU in 2016, with the number of third-country nationals ordered to leave the EU standing at almost 500,000 that year alone.

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<sup>31</sup> It will be conducted in parallel with the recently launched study by the Commission on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU.

With around 2,6 million asylum applications in 2015/2016 alone, and with a first instance recognition rate which stands at 57% in 2016 (50% in the first quarter of 2017), Member States may face more than 1,5 million persons to return in the near future.

When only 36% of irregular migrants are returned, it is clear we need to significantly step up our work. Having an effective system to return those who have no right to stay is the only way Europe will be able to show solidarity with refugees in real need of protection.

Effective returns would also be a strong signal against taking dangerous irregular journeys to the EU in the first place. The existing EU legislation<sup>32</sup> already provides a common set of rules for national return systems to follow and implement.

Given the unsatisfactory current situation, it is now essential that both Member States and the European Border and Coast Guard Agency take additional efforts, with the support of the Commission, and deliver effective returns. This cannot be achieved without jointly and systematically taking action and strengthening cooperation with third countries to ensure that the obligations to readmit own nationals are fulfilled, drawing on the Partnership Framework, the Valletta follow-up, and any other political opportunity as required.

#### *Reinforced EU return management through the European Border and Coast Guard Agency*

The European Border and Coast Guard Agency is mandated to organise, coordinate and conduct return operations and return interventions and provide the necessary assistance to Member States in organising such operations at EU level. To achieve this, the Agency must accelerate the transition from demand-driven approach, where the Agency acts only when requested by one or more Member States, to a proactive return management approach, in which the Agency becomes a true driver for the EU and its Member States. To fulfil that mandate, the current return unit should be transformed into a dedicated, properly equipped and staffed Return Department within the Agency. This Department must take the lead on the implementation of all measures and tools provided by the European Border and Coast Guard Regulation. The Agency must develop operational plans with concrete return objectives by mid-2018 for each Member State according to their return needs and priorities, focusing on those third countries with readmission arrangements in place in order to maximise results. If necessary, the Agency may consider establishing operational antennas in key Member States.

The Agency should also design pilot projects developing and testing innovative solutions for joint management of returns, for example by putting in place a mechanism for capacity sharing between Member States (including joint project development management and procurement, shared contracting including on commercial flights, shared detention capacity and management of detention facilities, shared consular support).

#### *Member States' actions*

But the actions of the European Border and Coast Guard Agency will only be successful if they go hand in hand with increased efforts from the Member States. Member States should continue with the implementation of the Recommendation and the Renewed Action Plan on Returns, fully applying the flexibility available in the existing legislation. They should

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<sup>32</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

streamline their national return systems to favour operational integration of return activities at EU level as organised by the European Border and Coast Guard Agency, notably by providing information about the indicative planning of national return operations, including on the number of returnees and third countries of return on regular basis.

With coordinated support by EU Agencies, Member States at the external border should also comprehensively implement the full operational potential of the **hotspots approach**, to ensure that return operations can be managed more swiftly and efficiently, particularly in situations of significant surges in irregular arrivals. This may imply putting in place necessary measures with a view to quickly identifying those who are manifestly not in need of protection or whose claims are inadmissible, accompanied by the effective means to ensure that such persons can then be quickly returned.

The Commission-run Irregular Migration Management Application (IRMA) should be further developed and integrated in the course of 2018 into the European Border and Coast Guard Agency's and the Member States' workflow on returns management.

The Commission will, through **regular reporting**, take stock of the progress made. The Commission will work together with Member States to track progress on returns, share information on developments in the field of irregular migration and will provide a regular feedback on the performance of return systems across the EU, covering both Member States and the European Border and Coast Guard Agency.

If the fragmentation and most importantly the unsatisfactory return rates continue, there might be a need to explore further convergence. This could concern standardising all aspects of the return process from identification/apprehension until the execution of return, approximation of rules on risk on absconding, grounds for detention and rules on issuing of entry bans and look into an increased coherence with the asylum procedures as well as facilitating the enforcement of Member States' return decisions with an EU-wide validity, sharing the responsibility for their enforcement between Member States and the European Border and Coast Guard Agency.

### ***3.4. The external dimension: the Partnership Framework for Migration***

Since the adoption of the European Agenda on Migration, the EU has been putting in place various building blocks of a fully-fledged external migration policy complementing our broader external and development engagement. The EU and Member States should continue to work jointly and should systematically coordinate their actions through the frameworks offered by the Partnership Framework and the Valletta process, in order to consolidate the progress made towards a joint management of migration flows with countries of origin and transit.

Over one year of the implementation of the Partnership Framework shows that the approach has fostered action in partner countries to reform their migration management systems and tackle smuggling more effectively but has not yet fully delivered enhanced cooperation on returns. Moving forward requires an additional investment in a number of areas.

The resources of the EU Trust Fund for Africa, and in particular its North Africa window, should be further strengthened **through additional Member States' funding**. As the EU Trust Fund for Africa will expire in 2020, in the context of the discussion for the next Multi Annual Financial Framework of the Union, consideration should be given to the most

appropriate solution for ensuring effective financing for the external migration policy. Also, the resources for CSDP missions needs to be further supported including with the necessary resources to fill any gaps in deployments.

Achieving better results on return and readmission demands addressing more systematically and effectively non-cooperation by key third countries of origin, mobilising all the incentives and leverages available, both at EU and at Member State level. This implies broadening the range of EU policies that contribute to this effort, for instance offering legal pathways for regular migration through pilot projects at EU level or reinforcing support for the reintegration. In parallel to formal negotiations the EU will continue pursuing informal arrangements, such as standard operating procedures. In cases of persistent non-cooperation, the initiative of Member States to coordinate their response with visa measures, as needed, within the current visa rules, may provide additional leverage.

Responding to the rising migratory pressure along **the Central Mediterranean route** has become a focal point of action also within the Partnership Framework. Work is ongoing to ensure effective follow up to the strategy set out in the Joint Communication on "Migration on the Central Mediterranean route" of January 2017 and to the actions set out in the Malta Declaration of February 2017 and in the Commission Action Plan of July 2017.<sup>33</sup> Multilateral initiatives such as the Contact group for the Mediterranean and the Paris meeting of 28 August have reinforced the ongoing work to regain control of the migratory flows along the route.

To consolidate the results achieved so far, the EU will further step up all the necessary initiatives to provide a response to the migrants stranded in Libya, focusing on their most immediate needs notably addressing the dire situation in migrant detention centres, in particular by:

- scaling up the work being done through UNHCR and the International Organisation for Migration to protect and assist migrants; improve living conditions of those held in detention; increase access of most vulnerable migrants to protection; promote alternatives to detention including by creating dedicated accommodation for vulnerable persons;
- developing new projects under the EU Trust Fund for Africa, targeting local municipalities and promoting socio-economic opportunities for local communities;
- stepping up work to progressively reduce the number of migrants stranded in Libya, by further accelerating work with the International Organisation for Migration on assisted voluntary returns and with UNHCR by supporting plans for a temporary evacuation mechanism;
- strengthening the Libyan authorities' capacity to control the Southern border of the country and stepping up cooperation with neighbouring countries.

In this context, the EU will continue to support the United Nations in working towards a political solution in Libya as only stability and peace can create the long term conditions necessary to achieve a sustainable management of migratory flows.

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<sup>33</sup> SEC(2017), 4 July 2017.

The upcoming African Union-EU Summit in Abidjan will be a good occasion to take stock of common challenges with Africa including in the field of migration, strengthening our long standing partnership across a wide variety of fields and focusing in particular on youth.

The work under the Partnership Framework will be a crucial contribution to the discussions at the Global level to follow up the New York Declaration adopted at the United Nations General Assembly in September 2016. The EU will closely coordinate with Member States and use all its political and diplomatic impulse to achieve an ambitious **UN Global Compact** for Safe, Orderly and Regular Migration and the development of the Global Compact for Refugees and the Comprehensive Refugee Response Framework with pilot countries.

#### **4. Conclusion**

The European Agenda on Migration adopted in 2015 put in place the framework to take forward better migration management in all its aspects. It has shaped the Union's response to the crisis situation and provided a solid framework for structural changes needed in our migration and asylum systems.

The Commission considers that regular monitoring and reporting is an effective way to stimulate delivery. To reinforce this approach the Commission will present a regular, consolidated report on progress achieved covering all dimensions of the European Agenda on Migration.

If we do not seize the opportunity presented by the stabilisation measures now in place, we risk jeopardizing what has been achieved so far and being trapped in a permanent state of crisis management. Now is therefore the time for all to redouble our joint efforts to secure a more stable framework for the future.