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**WORKING GROUP ON MIGRATION AND RELATIONS  
BETWEEN THE EUROPEAN UNION AND LATIN AMERICA AND THE CARIBBEAN**

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PROVISIONAL

# **PROPOSAL FOR A RECOMMENDATION**

on the creation of an EU-LAC Migration Observatory

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# Proposal for the creation of an EU-LAC Migration Observatory

## 1. Introduction

The idea of creating an EU-LAC Migration Observatory (**European-Latin American-Caribbean Migration Observatory**) has been repeatedly put forward by the EuroLat Assembly. Following its message of 1 May 2008 at the Fifth EU-LAC summit in Lima and a proposal from the relevant working group, the Assembly adopted, at its plenary session held in Seville on 15 May 2010, a recommendation in which it called on the Madrid summit to create an Observatory, to be integrated into the institutional structure of the EU-LAC Foundation and to have the task of monitoring issues related to migration between Europe and Latin America.

Since the action plan and declaration which emerged from Madrid did not include any reference to the creation of the Observatory, the working group was authorised by the Assembly's Bureau to continue with its activities, with specific reference also to the promotion of the project.

The present working document reflects the various contributions of the two components making up the working group, including the study requested by the European Parliament from the Barcelona Centre for International Affairs (CIDOB). It should be considered a joint proposal for the creation of the Observatory.

## 2. Framework of the EU-LAC Dialogue on Migration

The EU-LAC Dialogue on Migration was established on 30 June 2009 and has as its objective a more intensive exchange of information on migration policy and best practice, with a view to achieving a better understanding of the characteristics of both regular and irregular immigration movements and of the links between migration and development.

The following aspects of the links between migration and development are particularly significant: the *causes* of migration, the impact of *remittances*, the prevention of *talent flight*, the mutual *benefits* and the strengthening of the competent *authorities*. The management of **regular immigration** includes such aspects as the *rights and duties* of migrants in relation to entry, residence and departure; the recognition of *qualifications*; *circular immigration*; and the *reuniting* of families. Finally, with regard to **irregular immigration**, the key aspects include the *legislation* relating to irregular migrants, measures to protect *vulnerable groups* (*women and children*), the question of *return* in humane conditions and the conditions for *readmission*.

The Madrid Action Plan of 2010, as adopted at the most recent EU-LAC summit, reiterated the principles of the EU-LAC dialogue on migration, and established among its objectives the creation of a more solid documentary base on migration, the generation of synergies between migration and development and regular and irregular migration, and promotion of full respect for migrants' human rights.

## 3. Recommendations

### a) Objectives

The Observatory should be conceived as an instrument of support for the EU-LAC Dialogue on Migration, its purpose being to identify common challenges and areas for mutual cooperation designed to improve the governance of migration between the two regions, as well as to undertake the joint definition of new responses and propose policies on migration that are grounded in shared responsibility and integral respect for human rights.

One line of work of the EU-LAC Dialogue on Migration is to cooperate and contribute to a greater and deeper understanding of international migration between LAC and the EU, to assist in the cooperation, development and improvement of the governance of migration between both regions. The aim is to build a profile of EU-LAC migration, seen as a contribution to the development of both regions.

To this end, the Observatory should:

- Create databases covering key aspects of migration, such as EU/LAC migration routes and migrants' profiles;
- Create databases on immigration and asylum;
- Promote the training of personnel at both governmental and non-governmental level;
- Promote the dissemination of the existing studies of EU/LAC migration and encourage new research projects on the key themes of the dialogue;
- Analyse the policies of public institutions and their relation to the objectives of the dialogue, and identify best practices by means of which new policies can be designed;
- Monitor the transposition and implementation of international standards at national level; also, possibly, propose a harmonised legal framework (lowest common denominator) for immigration legislation in the EU and LAC countries;
- Contribute to knowledge and information-sharing on public policy and legal systems applied to migration processes, under International Migration Law;
- Promote coordinated international cooperation on migration issues between governmental, inter-governmental and non-governmental organisations of both regions;
- Cooperate with the International Organisation for Migration (IOM) and with the United Nations High Commissioner for Refugees (UNHCR) on relevant issues;
- Create a network of migrants' organisations and networks, in LAC and EU, as well as with non-governmental organisations developing promotion, support and assistance programmes for migrant communities; and
- Create a network of universities, research centres and researchers on international migration issues, focussing on LAC-EU processes.

The Observatory should also develop synergies and build on the results of the project on the 'strengthening of EU/LAC dialogue aimed at establishing models for the management of migration and development policies', financed by the EU and currently being developed by the International Organisation for Migration (IOM) in partnership with the International Iberoamerican Foundation for Administration and Public Policies.

## **b) Expected Results**

- Annual activity report for the European-Latin American-Caribbean Migration Observatory (taking into consideration reports on good practice, the design and implementation of migratory policies and programmes, migration legislation and statistical data on migratory flows). The report should be submitted to the co-presidents of the EU-LAC summit, to the EU institutions, to the LAC regional integration institutions and to the EuroLat Assembly;
- Report with EU-LAC Migration Profiles, with statistical data for movement of migrants between both regions;
- Report on immigration and asylum;
- Annual monitoring report on the implementation of policies on migration between EU-LAC and recommendations (implementation guide and suggestions);
- Publication and dissemination of the Technical Reports of the EU-LAC Academic Committee on Migration (studies, research, joint studies, and contributions to the debate on and analysis of migration);
- Report on Return Programmes and residence requirements;
- Training programme for public officials and members of civil society in EU-LAC Migration Issues.
- Design and implementation of a website for the Observatory. This network is designed to provide information about and publicise the activities of the Observatory, and host an intranet system to help develop the different networks and working bodies and the reports that they produce. It will allow the storage of systematised databases, coordinated with existing EU and LAC programmes, with a view to coordinating with initiatives such as SOPEMI (OECD) and SICREMI (OAS).

### c) Structure

The Observatory should, in accordance with the EuroLat recommendation, be integrated into the organisational structure of the EU-LAC Foundation, and should work alongside the expert groups attached to the European Commission, the EU Member States and the LAC countries within the structure of the EU-LAC Dialogue on Migration. At all events, it should enjoy autonomy vis-à-vis the EU and LAC executive authorities and its work should be supported by international bodies and by a network of NGOs and universities.

It is proposed that the Observatory should have its *own bodies*, including a Technical Secretariat, an International Committee, which would be the deliberative body with coordination responsibilities, National Offices to liaise with representatives of the Public Administration, universities and research centres and civil society in each country, an Academic Committee and a Bureau for Civil Society.

The **Technical Secretariat** would plan, organise and coordinate the tasks assigned to the Observatory in achieving its goals and aims, and would propose and implement the EU-LAC migration monitoring programmes.

This **International Committee** would be made up of representatives of the Latin American consultation and cooperation forums on migration (the Regional Conference on Migration / Puebla Process and the South American Migration Conference), and of the bodies with similar responsibilities of the EU (the European Commission, FRONTEX, the European Asylum Support Office and the European External Action Service), the LAC regional

integration organisations (SICA, the Andean Community, Mercosur, Caricom, Unasur, Celac, etc.) and the EuroLat Assembly. Observer status could be granted to SEGIB and to other international organisations and bodies with relevant functions, such as the IOM, the ILO, CELADE-CEPAL and the CEAM-OAS.

The **National Offices** in each country could be national offices under the supervision of representatives of the Ministries for Immigration, Justice or Home Affairs, as the case may be, with representatives from the most representative universities and research centres and from civil society (non-governmental organisations, associations of migrants, workers and employers). These agencies would work with the Technical Secretariat for purposes of implementing the various instruments, and with the International Committee for drawing up proposals and carrying out monitoring.

The **Academic Committee**, made up of representatives of the universities and research centres represented in the National Offices – with equal EU-LAC representation – will design and monitor empirical studies of migration processes, focusing on the causes and consequences of migration, the design and application of legislation, the implementation of programmes and the building of migration profiles.

The **Bureau for Civil Society**, made up of representatives of the National Offices – with equal EU-LAC representation – will be a discussion forum where initiatives can be drawn up with non-governmental organisations, associations of migrants, workers and employers. Its aim will be to give visibility to the contribution and interests of migrants in the EU-LAC forum.

#### **d) Funding**

The Observatory could be funded from the budget of the EU-LAC Foundation and/or contributions from the EU, the LAC regional integration organisations, the EU Member States and the LAC countries.

In addition, for purposes of developing specific projects there could also be additional contributions from specific EU budget headings (e.g. under the asylum and immigration programme), or from other international or national organisations.