

Launch of the EU- LAC Dialogue on migration 30 June - Brussels

Basis for structuring the EU-LAC Dialogue on Migration

1. Strengthen the Structured and Comprehensive Dialogue

In its 5th Summit held in Lima in May 2008, the Heads of State and Government of the countries of the European Union (EU) and of Latin American and the Caribbean (LAC):

- Recalled the solid historic and cultural ties that have always existed between the Latin American and Caribbean countries and the nations of the European Union, based on the positive impact of migration flows in both directions as well as the public awareness of the economic, social and cultural contribution of migrants to the host societies;
- Acknowledged that poverty is one of the root causes of migration;
- Considered it fundamental to ensure effective enjoyment and protection of human rights for all migrants;
- Based on the principle of shared responsibility, called on developing a comprehensive approach on international migration, including the orderly management of migratory flows, focusing on the mutual benefits for countries of origin and destination, and fostering the recognition and public awareness of the important economic, social, and cultural contribution of migrants to the host societies;
- Stressed the importance of fighting racism, discrimination, xenophobia and other forms of intolerance;
- Called to further develop a Structured and Comprehensive Dialogue on migration from LAC to the EU.

The Lima Declaration reflects the priority that both the EU and LAC attach to the establishment of an effective bi-regional Dialogue on migration where issues of mutual concern and interest to both regions would be addressed in a constructive and pragmatic manner, and in an atmosphere of mutual understanding and respect.

In December 2008, this was confirmed by the EU Council of Ministers, concluding that the modalities for a structured and comprehensive dialogue on Migration decided at the EU-LAC Lima Summit should be examined as soon as possible". Both LAC and the EU presented documents on this issue to the Senior Officials Meeting on 5 November 2008.

For the EU, the European Pact on Immigration and Asylum and the Global Approach to Migration constitute the reference for the bi-regional Dialogue on Migration between the EU and LAC.

During the XXVIII SOM held in Buenos Aires, on March 19th and 20th, 2009, it was agreed that both regions would define an agenda that would cover the concerns of both sides and would define the modalities for this Dialogue.

Taking into account the above elements, this paper aims at defining further the modalities of this Structured and Comprehensive Dialogue.

2. Format of the EU/LAC structured and comprehensive Dialogue on migration

According to the Lima Declaration, this Dialogue should have the following components:

- **Objective:** identification of our common challenges and areas for mutual cooperation as well as building a stronger evidence base for EU-LAC migration in order to better understand its realities, based on the principle of shared responsibility, strengthening our commitment and willingness to discuss migration issues;
- **Activities:** exchange of views, increasing mutual information on migration policy developments and best practices in both regions, identification of areas of mutual interest, which require common solutions through dialogue and concrete cooperation on specific issues.
- **Broad areas for Dialogue:** link between migration and development; regular migration; irregular migration.

Taking this into account, and building on the documents and non-papers presented, the following structure for the Dialogue is proposed:

- High Level Meetings/ (either in Europe or in the LAC region) between competent migration officials/experts from the Commission and the Member States, on the one hand, and competent migration officials/experts of the LAC countries, on the other hand, to exchange views on the concrete aspects of migration policies, legislation, practices, challenges, etc. with a view to deepening mutual understanding, identifying best practices and key issues for cooperation.
- Meetings of a Brussels-based Working Group comprised of migration experts from the Commission, EU Member States and LAC countries to facilitate the Dialogue and to prepare and follow up the High Level meetings. Meetings at Ambassadors' level in Brussels can also be envisaged if necessary.

Progress in the Dialogue will regularly be reported to the LAC-EU Senior Officials Meetings in charge of preparation and following-up of EU-LAC Summit.

To ensure that this Dialogue is fruitful, it is necessary to maintain a sufficient, appropriate and homogeneous level of participation from LAC and the EU. It is necessary that both the EU and LAC focus their efforts on the bi-regional Dialogue and do not duplicate them through possible similar sub-regional processes. Once meetings agreed in the indicative calendar attached to this document have taken place, the EU and LAC will meet in order to take stock of progress achieved in the Structured and Comprehensive Dialogue and decide the benefits and added value of convening a Ministerial meeting to discuss issues that are sufficiently mature to allow progress.

3. Substance of the Structured and Comprehensive Dialogue

The Lima Declaration should inspire the Structured and Comprehensive Dialogue. It includes all subjects related to migration, in the three main migration dimensions identified by the last EU-LAC Summit as general areas for dialogue and cooperation: to increase mutual

information on migration policy developments and best practices in both regions to better understand the realities of migration, to address the issues of regular and irregular migration as well as the link between migration and development, in accordance with the legal framework of the countries.

As a first stage, to remain focused and result-oriented, a mutually agreed number of issues of mutual interest should be selected for discussion. For each of these issues, and if relevant, the EU and LAC representatives will systematically:

- Share their views on the main opportunities and challenges encountered;
- Exchange information on their respective political and regulatory frameworks;
- Present concrete measures and practices developed so far;
- Present current and future developments in the areas concerned;
- Identify key issues and possible areas for future joint practical cooperation, in particular in the area of capacity building;
- Identify specific problems and, if possible, suggest measures to address them.

On the basis of the interest already expressed by the EU and LAC side, and taking fully into account national competences as regards migration policy, it is proposed that notably the following issues be discussed:

- As a cross-cutting issue: Migration and the issue of human rights, including protection of migrants in accordance with international obligations, such as the Vienna Convention on Consular Relations;
- The fight against all forms of discrimination, racism and xenophobia;

Enhancing the positive synergies between migration and development

- The root causes of migration: cooperation to eradicate poverty, improve political stability and promote sustainable economic development and good governance.
- Remittances: facilitation by cost reduction of transfers, and enhancing the capacity of the recipient communities to make use of them while recognizing their private nature;
- Preventing brain drain and balancing its negative effects on the development of the countries of origin, including joint measures in the training areas;
- Mutual benefits for countries of origin and destination;
- Capacity building of competent authorities.

Better organizing regular migration

- Legal rights and obligations accorded to migrants for the entry, residence, access to work and to social security, as well as measures for integration, including public awareness campaigns;
- Recognition of qualifications, circular migration and modalities for labor matching;
- Family reunification.

Addressing irregular migration

- Legislative and administrative measures applicable to migrants in irregular situation;
- Measures to address groups in situation of vulnerability, with the focus on women and children;

- Return on a dignified basis. Voluntary return
- Readmission, including the specific cases of unaccompanied minors;

In the context of our dialogue, we should also address:

- Measures to combat trafficking in human beings and smuggling of migrants, through increased cooperation among law enforcement agencies, and assisting the victims of trafficking, particularly women and children;
- Prevention of document fraud and improvement of the quality of travel documents, including biometrics and data protection.

4. INDICATIVE Calendar

EU Czech Presidency / LAC Argentinean Presidency

30 June 2009 Launching of the LAC-EU Dialogue.

EU Swedish Presidency / LAC Argentinean Presidency

September/October 2009 High Level Migration Meeting

November 2009 EU-LAC SOM (Brussels, 4 Nov)

December 2009 Meeting of the Brussels-based Working Group.

EU Spanish Presidency / LAC Argentinean Presidency

February 2010 High Level Migration Meeting.

March 2010 Meeting of the Brussels-Based Working Group

March/April 2010 EU-LAC SOM

April 2010 High Level Migration Meeting

May 2010 Meeting of the Brussels-based Working Group

May 2010 EU-LAC Summit in Spain

EU Belgian Presidency / LAC Presidency

September 2010 Meeting of the Brussels-based Working Group.

October 2010 High Level Migration Meeting

November 2010 EU-LAC SOM (Brussels)