The external dimension of the new pact on migration and asylum
A focus on prevention and readmission

SUMMARY
The challenges posed by migration have put EU Member States’ solidarity to the test. Responding to a European Council request, in September 2020 the European Commission proposed a new pact on migration and asylum, to reinforce solidarity among the Member States and to strengthen EU migration management and asylum procedures, while also making them more consistent. The proposed pact has an external aspect as well: building on current EU migration partnership frameworks, it aims to reinforce international partnerships with a view to ensuring effective returns, combating migrant smuggling more effectively, and developing legal migration channels.

In the context of migration, the EU’s external policy has among its objectives to help third countries tackle the root causes of irregular migration or quests for asylum. The European Parliament often emphasises this point, while warning at the same time that security and migration management concerns should not result in diverting funds from core EU development cooperation objectives.

This is also a concern among academia and non-governmental organisations dealing with migration issues: several have pointed out that the Commission’s proposals for the above-mentioned pact and the working document, recommendations and legislative proposals accompanying it put a lesser emphasis on pathways to legal migration than on measures aimed at incentivising third countries to retain possible irregular migrants or to accept returns.
Introduction

The migration crisis of 2015, when more than 1 million irregular migrants arrived in the EU, revealed marked differences in the EU Member States' attitudes and weakened their solidarity, as a result of which sustained attempts to reform the common European asylum system have so far failed. Although the volume of irregular arrivals has now decreased to more manageable levels, pressure on some national asylum systems remains high, as tragically underlined by the fire that ravaged the Moria camp in Lesvos (Greece) in September 2020, leaving more than 12,000 refugees without shelter. To make up for the shortcomings of its reception policy, the EU has placed emphasis on protecting its external borders and cooperating with the countries of migration origin and transit, in particular Libya, Turkey and Niger, to help them retain or readmit irregular migrants to the EU.

According to the latest standard Eurobarometer survey (July 2020), migration is no longer the main concern of EU citizens, having been mentioned by no more than 23% of respondents (a drop by 13 percentage points since the autumn of 2019, marking the lowest level since the onset of the migration crisis). Most probably due to the coronavirus pandemic, the economic situation and public finances were identified as the top concerns of an equal share of respondents (35%). Nevertheless, migration remains high on the EU agenda, with the European Council seeing migration policy as a way to ‘protect… citizens and freedoms’ and the European Commission as a means for ‘Promoting our European way of life’.

Europe must be a place where people feel free and safe. The EU shall defend the fundamental rights and freedoms of its citizens, as recognised in the Treaties, and protect them against existing and emerging threats. […] We must ensure the integrity of our territory. We need to know and be the ones to decide who enters the EU. […] We are determined to further develop a fully functioning comprehensive migration policy. We will continue and deepen our cooperation with countries of origin and transit to fight illegal migration and human trafficking and to ensure effective returns.


Strong borders, modernisation of the EU’s asylum system and cooperation with partner countries are important to achieve a fresh start on migration.

(European Commission, Priorities 2019-2024, Promoting our European way of life, accessed 3 March 2021)

In July 2020, the European Council reiterated its demand for a comprehensive approach to migration which combines more effective control of EU external borders, increased external action and the internal aspects, in line with EU principles and values. The communication on a new pact on migration and asylum, adopted by the European Commission on 23 September 2020, is a new attempt to find a compromise between the ‘various realities faced by different Member States’. Commission Vice-President, Margaritis Schinas, (Promoting our European way of life) and Commissioner Yiva Johansson (Home Affairs) spearheaded the development of the new pact. In addition to proposing a reform of the EU asylum and migration management system, the communication places strong focus on the external dimension of EU policies, proposing changes that require close cooperation with the EU High Representative for Foreign Affairs and Security Policy / Commission Vice-President, Josep Borrell, and Commissioner Jutta Urpilainen (International Partnerships). This external policy-oriented part of the communication asserts the need to find common ground with countries of migration origin or transit and builds on existing frameworks and policies, such as the Global Approach to Migration and Mobility and the European Agenda on Migration.

Current framework

The global approach to migration and mobility

Acknowledging that ‘migration is now firmly at the top of the European Union’s political agenda’, in 2011 the Commission launched the Global Approach to Migration and Mobility (GAMM), the current overarching framework of the EU migration and asylum policy. This approach seeks to achieve
better alignment between the internal and external dimensions of all EU policies linked to migration and mobility (foreign policy, development, trade). It rests on four pillars: 1) organising and facilitating legal migration and mobility; 2) preventing and reducing irregular migration and trafficking in human beings; 3) promoting international protection and enhancing the external dimension of asylum policy; and 4) maximising the development impact of migration and mobility.

While branded as ‘global’, the GAMM highlights geographical priorities ‘in line … with the reality of migration trends towards the EU and its Member States’. The first priority is the countries in the Southern Neighbourhood and the Eastern Partnership, while the second priority is the countries in Africa (under the mobility dialogue framework), the Western Balkans, Central Asia, Russia and Turkey (Prague process). Strengthening the migration dialogue with regional groupings, such as the Organisation of African, Caribbean and Pacific States (OACPS), is the third priority. In all three priority areas, the GAMM promotes mobility dialogues and ‘closer cooperation with those partners that share interests with and are ready to make mutual commitments with the EU and its Member States’.

Some of these dialogues have led to comprehensive mobility partnerships (MPs), currently ongoing with Armenia, Azerbaijan, Belarus, Cape Verde, Georgia, Jordan, Moldova, Morocco, Tunisia, or less binding common agendas on migration and mobility (CAMMs), currently in place with Ethiopia, India, and Nigeria. The main difference between CAMMs and MPs is that the latter provide for negotiations on visa facilitation and readmission agreements at EU level. Readmission agreements, which are foreseen in MPs, have not always been concluded. One reason is the reluctance of the third countries concerned to commit to readmission (notably in the case of forced returns) – as they would not have their citizens’ support. Another reason is that concluding such agreements with countries with a weak international protection record risks challenging respect for human rights. A third reason is that in some cases, readmission arrangements – more informal than agreements – already exist between the EU or individual Member States and third countries.

The European Agenda on Migration

On 13 May 2015, the Commission presented a communication on the European Agenda on Migration (EAM) as a swift response to the 2015 migration crisis, setting out immediate emergency measures to save lives and combat smuggling networks. It also defined a longer-term approach aimed at reducing incentives for irregular migration; saving lives and securing the EU external borders; strengthening the European common asylum policy; and defining a new policy on legal migration. In this context, a common security and defence policy (CSDP) naval mission – EUNAVFOR Med Operation Sophia – was launched in June 2015 with the core task of identifying and seizing or diverting migrant smuggler vessels at sea. In 2016, it was also tasked with sharing information and training the Libyan coast guard in dealing with migrant smugglers. This cooperation – which is also in the mandate of its successor, operation Irini – worries several human rights defenders, as the Libyan coast guard disembarks migrants in Libya, a country not considered safe by the EU.

Building on the EU-Turkey statement (see box), in June 2016 the Commission submitted a communication proposing to enhance the external dimension of the EAM through the establishment of a partnership framework with third countries under the European Agenda on Migration (‘migration partnership framework’), which the
European Council endorsed on 28 June 2016. The partnership framework would translate into formal agreements (‘compacts’) with priority countries of migration origin and transit. These compacts would set out commitments to short- and long-term objectives. Short-term objectives were to save lives at sea, increase the rates of return to countries of origin and transit, and enable migrants and refugees to stay close to home – with the EU providing support in drafting the partner countries’ legislative frameworks for migration and refugee protection, and in building their border and migration management capacity. Longer-term objectives were to address the root causes of irregular migration through tailored development programmes, financed by the new European Fund for Sustainable Development (EFSD, see box on ‘financial instruments’).

The communication on the migration partnership framework highlighted that relationships with third countries of origin or transit of migrants ‘will be guided by [their] ability and willingness to cooperate on migration management, notably in effectively preventing irregular migration and readmitting irregular migrants’. The first compacts were concluded with Lebanon in November 2016 and Jordan in December 2016. However, relations with several priority countries mentioned in the communication on the EAM did not take the envisaged form of compacts: instead, the objectives of the partnership framework were incorporated in a variety of ad-hoc programmes and projects. One such example, deemed emblematic by the Commission, is Niger. The EU and the Member States cooperated closely to help Niger strengthen its fight against cross-border crime, through a combination of security- and development-oriented programmes. This resulted in decreased migratory flows to the EU, as Niger is mainly a country of transit. However, beyond this quick success, research has found that the strengthening of border and movement controls has had a negative impact on several areas of the local economy, such as transport and trans-border activities, risking to further trigger violence between communities and against the central government. In addition, a German Development Institute analysis finds that the migration partnership framework is not always backed by the EU Member States in their relations with the priority countries, and that it has not increased the number of returns into priority countries. The new pact tries to address these shortcomings in strengthening a ‘team Europe’ approach that would better streamline the internal and external aspects of EU policy.

Financial instruments

The communication on the new pact on asylum and migration highlights that ‘EU funding for refugees and migration issues outside the EU [amounted] to over €9 billion since 2015’.

In sub-Saharan African, Caribbean and Pacific (ACP) countries, migration-related programmes have been mainly funded by the off-budget European Development Fund (EDF). EU external migration funding for non-ACP countries, as well as funding for thematic and transnational migration and asylum-related programmes, was distributed among several EU budgetary instruments under the 2014-2020 multiannual financial framework (MFF), notably: the Development Cooperation Instrument, the European Neighbourhood Instrument, the Instrument for Pre-Accession (IPA II), and the Humanitarian Aid Instrument. In addition, some home affairs funds have also dealt with financing external cooperation projects such as CAMMs and MPs (see above under the Global Approach on Migration and Mobility). Also, some common foreign and security policy (CFSP) activities with a military dimension, which are directly related to migration issues (e.g. missions to tackle migrant smuggling), are funded by direct contributions from the Member States.

To respond to the 2015 migration crisis, tackle irregular migration and leverage the necessary budgetary resources, the EU created the Facility for Refugees in Turkey (FRiT, see box above) and four trust funds: the trust fund for peace in Colombia, the Békou trust fund for the Central African Republic, the Madad trust fund in response to the Syrian crisis, and the emergency EU trust fund for Africa (EUTF Africa). These innovative instruments pool funds from the EU budget, the European Development Fund (for Békou and EUTF Africa), some EU Member States, and other donors. Trust funds operate outside the EU budget and have their own governance. The FRiT is linked to the EU budget.

The funding toolkit also comprises triggering pledges for migrants and refugees worldwide (such as for Venezuelan or Syrian ones) and blending from private and public sources, with guarantees to mitigate
The external dimension of the new pact on migration and asylum

The proposed external dimension of the new pact

A quest for more consistency

Since 2015, migration management and the quest for readmission agreements occupy a conspicuous place in EU external relations with third countries of migration origin or transit, and the disbursement of certain funds is often conditional on them (see box on financial instruments). Some analysts claim this is an attempt by the EU to externalise its migration policies. However, research found that third countries’ willingness to cooperate is not always linked to the perspective of increased funding for development, and that such willingness can also be triggered by strategic considerations sometimes contrary to EU principles and interests (e.g. obtaining trade-offs on human rights conditionality, reinforcing the security apparatus to protect the power in place, or gaining EU support in regional disputes). At the same time, progress in reforming the EU’s own asylum and migration procedures or in finding paths for legal migration to the EU has stalled. This imbalance partly explains the reluctance of third countries to strike readmission agreements without having better perspectives on legal migration, or to conclude migration partnerships that can have counter-effects on their development, for example by hindering transnational or circular migration, or decreasing the flow of remittances.

The communication on a new pact on migration and asylum includes a new proposal on better coordinated asylum and migration procedures, relocation within the EU or return to third countries. It also has an external dimension (Section 6. ‘Working with our international partners’) that attempts to harness EU migration policy through ‘tailor-made partnerships’ with third countries.

This tailor-made approach will be based on a joint assessment of the interests of both the EU and its partner countries. It will rely on a mix of the following aspects, taking into account the specific situation of each partner country or region:

(i) protecting refugees and people in need of international protection and supporting refugee-host countries,
(ii) building economic opportunities in particular for youth and addressing root causes of irregular migration,
(iii) reinforcing partner countries’ capacities on migration management and governance, including on border management and combating migrant smuggling;
(iv) fostering cooperation on return, readmission and reintegration;
(v) supporting well-managed legal migration, including through new Talent Partnerships.


Relaunching migration partnerships

Among the objectives of the new pact, the Commission communication highlights the need for effective partnerships with third countries. This goes from 'the full and effective implementation of the twenty-four existing EU agreements and arrangements on readmission' and 'the completion of ongoing readmission negotiations', to 'the launch of new negotiations'. The privileged targets of the EU efforts to build new migration partnerships will again be the main countries of migration origin and transit. The Commission expects (Section 6.1 'Maximising the impact of our international partnerships') that the EU and its Member States will bring their respective policy tools and financial instruments together, in order to jointly contribute to elaborating partnerships with those countries. As for the EU financial contribution, the architecture of the 2021-2027 MFF will help to design and fund tailor-made agreements in a more flexible way, as it merges most of the previously distinct budgetary instruments for external policies into one (see box on financial instruments).

The vision for cooperation with international partners laid out in the communication on the new pact is underpinned by the existing EU toolkit on humanitarian aid and development cooperation. Sections 6.2 'Protecting those in need and supporting host countries' and 6.3 'Building economic opportunity and addressing root causes of irregular migration' mostly take stock of past and current actions, and pledge to maintain the EU’s commitment.

Possible future partnerships are mainly dealt with in Sections 6.4 'Partnerships to strengthen migration governance and management' and 6.5 'Fostering cooperation on readmission and reintegration' (and partly in Section 6.6. 'Developing legal pathways to Europe'). The Commission expects the new partnerships will be ‘mutually beneficial’ and built on shared interests, thanks to a joint assessment of the EU's and each partner country's needs. While the joint assessments have not yet been performed, the communication suggests that third countries whose needs the EU would help to meet should resort to dealing with irregular migration, forced displacement and migrant smuggling networks. It also clearly outlines the EU's interests: border management and effective implementation of return and readmission.

Border management support could include cooperation agreements entrusting Frontex with building third countries' capacities, or even to directly operate on their territories, as is currently the case with some Western Balkans countries. Frontex would also have a key role in the framework of a renewed EU action plan against migrant smuggling (2021-2025) announced in the new pact. Partner countries, EU Member States and international partners would collaborate within counter migrant smuggling partnerships through information exchange, capacity-building and common investigation and actions on the ground. This is reminiscent of already existing partnerships against maritime piracy in the Gulf of Guinea and the Gulf of Aden, in the framework of the EU maritime security strategy.

The communication recognises that there are limited possibilities for cooperating with third countries on asylum, yet nevertheless suggests that the new EU asylum agency (which would replace the EU Asylum Support Office, EASO) would deliver capacity-building and operational support to third countries' asylum systems, in cooperation with the UN Refugee Agency, the International Organization for Migration and other international players in the field.
As concerns return and readmission (where the balance of interests is rather tipped to the EU side), it appears that they should necessarily be part of the negotiations on the proposed partnerships. In international law, every country has, under certain conditions, a right to return a non-national. However, the obligation of a country to readmit its nationals not willing to return is not addressed explicitly, and transit countries have no obligation to readmit non-nationals. As a consequence, in the absence of effective implementation of readmission agreements, ‘one of the key gaps in European migration management is the difficulty to effectively return those who do not take up [the option to voluntarily return]’ (see Figure 1). One stated objective is to link progress in this area with EU support in other areas of interest for the partner countries. The communication on a new pact (Section 6.5 on readmission and reintegration) and a subsequent communication of 10 February 2021 to the European Parliament and the Council give a very detailed description of the proposed mechanism to check progress. This would include regular assessment by the Commission of the level of cooperation by third countries on readmission, based on Member States’ reports. This assessment could lead the Council to apply favourable or restrictive visa measures, depending on this level of cooperation (a possibility already provided in the latest version of the Community Visa Code).

The new regulation on asylum and migration management, proposed along with the new pact, and the previously announced recast of the Return Directive could make it possible to trigger further incentives for a better cooperation on return and readmission, through coordinated EU and Member State responses in ‘other policy areas of interest to the third countries’. Humanitarian aid would not be impacted by these incentives – as this would be contrary to the principles of humanity, impartiality, neutrality, and independence. Rather than being triggered automatically, such incentives would be proposed by the Commission (in cooperation with the High Representative) to the Council, by taking geopolitical considerations into account (‘the Union's overall interests and relations with the third country’), for example if reducing aid to sanction insufficient cooperation on migration would harm cooperation on security.

In case readmission agreements with third countries are not concluded at the EU level, the communication on a new pact envisages a return sponsorship mechanism, an alternative to resettlement within the EU. Under this mechanism, an EU Member State having a bilateral migration cooperation agreement with a specific third country (see Figure 2 below and an online interactive version), could sponsor the return of a national of this third country who happens to be residing illegally in another EU Member State. The appointment of a return coordinator, who would be supported by a network of high-level Member State representatives and working closely with Frontex, should help design an effective common return framework and address legal issues; however, the communication does not give further details on this appointment.

The communication on a new pact acknowledges that only a sustainable readmission and reintegration policy in the third countries concerned can increase the level and sustainability of returns. The Commission proposes that the EU should support third countries willing to cooperate on readmission by helping them design their national reintegration strategies and by providing targeted development support. This should be better defined in the announced voluntary return and reintegration strategy, which would promote coherence between EU Member States’ assisted voluntary return and reintegration (AVRR) schemes, and be in line with third countries’ development.
strategies. At the same time, a proposed new regulation would add a new field in Eurodac – the IT system collecting asylum-seekers’ and illegal migrants’ biometric data – to indicate whether the migrant has already benefitted from an AVRR scheme, as a way to dispel or confirm suspicions of what the explanatory memorandum calls ‘AVRR shopping’.

The partnerships would also focus on facilitating legal migration, a policy area that currently suffers from a lack of information-sharing and consistent implementation by EU Member States. The Commission proposes to set up talent partnerships to help match the skills needed in the EU with those available in third countries. Talent partnerships would improve the exchange of information within a network of stakeholders (workers, employers, social partners, labour offices, and educational institutions) and would be complemented by an EU platform for international recruitment (a talent pool). To provide greater clarity on the prospective talent partnerships and pool, the Commission says that it plans to launch a high-level stakeholder conference, without specifying a date. Talent partnerships would also have to comply with the declared intentions of reducing the ‘brain drain’ and ‘maximising the positive impact of migration’; they should be flexible and adapt to changes in the labour market, such as those triggered by the coronavirus crisis. The Commission also proposes making cuts on the transfer costs paid for remittances by legal migrants who have already settled in the EU, as well as facilitating circular migration, but does not put forward any specific measures.

First reactions

Council

On 15 March 2021, EU foreign affairs and home affairs ministers held an informal video-conference on the external dimension of the new pact, and stated their wish to convene in this format on a regular basis. Josep Borrell affirmed ‘The EU needs and wants to ensure that migration, in all its aspects becomes an important element of our overall relations with third countries’, while the
Portuguese President of the Home Affairs Council, Eduardo Cabrita, acknowledged the need for migration partnerships to better take partner countries' priorities into account. The ministers reiterated the need to improve EU and Member States' coordination and mobilisation of all relevant policies, tools and resources – 'including development cooperation, visa, trade and investments, employment and education' – in order to help design and implement these partnerships. In particular, the ministers highlighted the future EU-ACP partnership and the renewed partnership with the Southern Neighbourhood as examples of this approach. The Portuguese Council Presidency also expressed its will to re-invigorate the partnership with Africa. The ministers called on the Commission to prepare roadmaps 'with concrete timetables and with set out objectives in order to reach these mutually beneficial partnerships'.

Other stakeholders

The International Organization for Migration (IOM) and several international stakeholders have welcomed the Commission's efforts to facilitate a consensus between the Member States. The day before the publication of the proposed new pact, the UN High Commissioner for Refugees (UNHCR) and the IOM expressed their wish for a 'joint and principled approach' from the EU and its Member States on migration and asylum. They welcomed the 'EU's commitment to predictable global solidarity and responsibility sharing' with third countries. Indeed, the literature suggests that limiting irregular migration without damaging the right of refugees to be protected requires close cooperation with countries of origin and transit, given that there is no existing global guidance on responsibility-sharing. To this end, the EU's support for third countries in hosting refugees and tackling the root causes of migration is welcomed by both the IOM and the UNHCR.

However, in the short or medium term, EU support is not always capable of deterring irregular migration, especially when economic and security considerations are not addressed in the country of origin or when the host country lacks hosting capacities – a striking issue in times of pandemic. Preventing migration might also not be possible when, in the words of the Commission's Joint Research Centre, it is 'more strongly linked to aspiration than desperation', or when refugees or migrants no longer feel safe in the host country. The communication itself acknowledges that 'root causes of irregular migration and forced displacement, as well as the immediate factors leading people to migrate, are complex'.

Several commentators from academic or NGO circles contend that, rather than proposing a genuine new perspective, the Commission mainly aligns with the Council's stance. Several analysts, among whom Alberto Tagliapietra at the US German Marshall Fund (GMFUS), have noted that while the new pact envisions a series of binding regulations on migration, asylum and border management, it refers to migration partnerships without mentioning their possible legal form and obligations. The Council of Europe's Commissioner for Human Rights, Dunja Mijatović, called for such partnerships to provide for effective monitoring mechanisms in order to prevent and address possible human rights risks. Commissioner Mijatović also emphasised the need for greater transparency and accountability in the EU's cooperation with third countries on migration.

The aspects of the partnerships that have been rendered in greater detail in the Commission communication are those concerning returns and readmission, shouldered by the recast of the Return Directive and a proposed new regulation on asylum and migration management. The third countries concerned – mainly in Africa – are however reluctant to adopt partnerships which would imply their acceptance of forced returns; this can be traced back to the Valletta summit and is highlighted by the slow progress of partnerships under the European Agenda on Migration (see above). Discussions on forced returns were allegedly an outstanding issue until the last negotiation rounds of the future EU partnership with sub-Saharan African, Caribbean and Pacific states (the 'post-Cotonou' agreement) and one of the stumbling blocks in the progress towards a new EU partnership with Africa. As for the return sponsorship, it might pose legal and diplomatic issues with concerned third countries, as such intermediation is not foreseen in international law, according to College of Europe Professor, Jean Pierre Cassarnino. Lina Vosylįtė, a research fellow at
CEPS, believes this increases the **risks of unfair treatment of returnees**, as some **bilateral agreements or arrangements lack post-return monitoring mechanisms**.

According to the Center for Global Development, cooperation with third countries needs to **encompass** the conclusion of agreements on returns and readmission, but also to enhance **legal pathways** for migration. **Developing legal migration pathways** is a **core mission** of the commissioners in charge of migration. The proposed new pact does indeed mention the positive aspects of migration, both for the EU and for countries of migration origin or transit. It speaks of partnerships based on mutual trust and shared interests, including on facilitating legal migration. However, there is no legislative proposal to give more substance to the idea of developing **talent partnerships**. This does not signal a shift in EU policy as, e.g. legal migration schemes have benefitted only 307 people out of the 1,221,252 impacted by the EUTF migration-related programmes in the Sahel and Lake Chad (1 person on 4000 for 1.5% of the spending, as of December 2020). Some **European migration network** stakeholders would like circular migration to be better incorporated into the EU policy. Commentators, including Elspeth Guild, Jean Monnet Professor at Queen Mary University of London, and the European NGO confederation for relief and development (Concord), contend that the weaknesses of the proposed co-operation on these aspects, compared to the **insistence on returns** and migration **conditionality** in development programmes, undermine the EU’s overall intention to build partnerships among equals.

As concerns reference frameworks for the new pact, Tagliapietra and other critics point out that the Commission **refers to EU-Turkey cooperation** as a model for these new partnerships – even though the Ombudsman had to remind the Commission it needed to carry out a human rights impact assessment. The UN-founded New Humanitarian news agency and other observers are concerned that the new pact is **not aligned enough** with **UN Global Compacts**: the **Global Compact for Safe, Orderly and Regular Migration (GCM)** and the **Global Compact on Refugees (GCR)**. This risks compromising the respect of **human rights** and **decent work** in the EU’s future partnerships with governments that do not uphold these principles. Also, despite the fact the new pact is mentioned as part of the **'EU holistic approach to sustainable development'**, Stefano Manservisi at the Italian Istituto Affari Internazionali (IAI) regrets that the communication on the new pact does **not explicitly mention the UN Sustainable Development Goals** (SDGs), in particular **SDG 10** and its target 10.7 (‘facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies’).

### European Parliament's position

Discussions on the new pact on migration and asylum are currently in a **preparatory phase** in the Parliament. The Parliament’s Committee on Civil Liberties, Justice, and Home Affairs (LIBE) will draft a report to which eight other committees, including the Committees on Foreign Affairs and on Development, will contribute their opinions. LIBE **debated the communication** with Commission Vice-President Schinas and Home Affairs Commissioner Johansson on 24 September 2020, and asked for more details about its implementation in practice.

While the Parliament’s debates on migration often show very **contrasting positions**, this has not prevented it from actively **contributing** to the charting of EU migration policies. Concerning the external aspects of EU migration policy, a **resolution of 4 April 2017** on the role of EU external action in addressing refugee and migrant movements summarises the main positions within the Parliament on the subject. The Parliament acknowledges the need to strengthen the **link between migration and development policies** as a way to address the root causes of illegal migration, forced displacement and human trafficking. It welcomes migration partnerships with relevant third countries, provided they offer genuine incentives agreed by partner countries. It reminds that EU development cooperation should not be conditional on such agreements and that the fight against poverty should remain its main aim. The Parliament expresses **concern over the quantitative approach to returns** and calls for paying sufficient attention to the reception conditions in the
concerned countries and to the need for adequate support to local economies. The Parliament also
expresses concern over the legal form of the programmes and toolkits for priority countries (in the
EAM partnership framework, see above) which does not afford parliamentary scrutiny.

The April 2017 resolution also calls for such partnerships to include the development of legal
migration channels as an alternative to irregular migration. This call for developing adequate and
accessible legal migration channels appears in numerous resolutions, notably in that of 20 January
2021 on human rights and democracy in the world and the EU policy on the matter. It is currently
the subject of two procedures undertaken at the Parliament’s initiative: one to request a legislative
proposal on legal migration policy and law, and one to initiate a debate on new avenues for legal
labour migration.

The Parliament agrees that the EU return policy needs to be more effective (resolution P8_TA(2016)0102) and points out that it should include a strengthened cooperation with third
countries for an effective reintegration into the societies of origin (resolution P8_TA(2018)0056).

In its resolution of 25 November 2020 on improving development effectiveness and the efficiency
of aid, the Parliament takes on board the idea that 'European development aid and public
investments should promote … migration management' among other priorities, while calling for a
better coherence of migration policy with the aims of development policy. It calls for 'inclusive
sustainable partnerships with countries of origin and transit of migration' to be 'based on the
specific needs of each country', and for taking into account 'the individual circumstances of
migrants'. It however rejects 'making humanitarian aid and emergency aid allocation conditional on
cooperation with the EU on migration or security issues'. Human rights protection in the context of
the EU external migration policy should be on the agenda of the April 2021 plenary.

During the negotiations on the 2021-2027 MFF, the Parliament secured the other institutions' consent on limiting funding of migration-related activities to 10 % of NDICI spending (rather than a
target of 10 %, which could have been exceeded, as proposed by the Council) and in line with the
overall objectives of the instrument, notably development cooperation, such as tackling the root
causes of migration when they directly challenge the concerned country's development.

On 25 March 2021 the Parliament adopted a resolution on a new EU-Africa Strategy – a partnership
for sustainable and inclusive development. The resolution highlights the fact that 'in recent years,
the migration issue has dominated the Africa-EU relationship and that this may have had a
damaging effect on the way the two continents perceive one another'. It puts forward some lines of
action for an EU-Africa partnership on migration and mobility and calls for:

- taking into account the UN global compacts on migration (GCM) and refugees (GCR);
- adequate funding to address the root causes of irregular migration and forced
  displacements and to support African countries in hosting and protecting refugees and
  displaced persons;
- broad cooperation between the EU and African countries in the combat against migrant
  smuggling;
- actions to protect migrants' lives and rights, 'including actions aimed at upholding
  the principle of non-refoulement and the best interests of the child';
- preserving intra-African mobility and human rights when implementing border
  management and in the fight against irregular migration;
- protecting the rights and dignity of returnees and facilitating their sustainable
  reintegration.

The resolution also recalls that the mobility of workers can respond to EU labour market shortages.
It points out that the possibility to apply for EU work permits from abroad combined with 'a
harmonised and non-bureaucratic EU application procedure' and a more efficient visa policy should
contribute to a 'brain gain' rather than a 'brain drain' and prevent irregular migration. It furthermore
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insists that circular migration should be facilitated to enable 'skilled and unskilled workers to benefit from an exchange of professional knowledge and mobility between the EU and Africa'.

The resolution also notes the contrast between EU and African priorities as concerns migration and development – the EU insists on tackling irregular migration, African countries insist on voluntary return and on developing legal migration channels. The resolution, therefore, calls for avoiding the use of development aid for negotiating restrictive border controls and for taking into account 'African countries' priorities on migration in order to forge a real partnership of equals'.

MAIN REFERENCES

European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum COM(2020) 609 and accompanying documents.

Radjenovic, A. Legislative train schedule: A New Pact on Asylum and Migration, updated monthly. This page updates on the state of play of the various legislative proposals accompanying the communication on a new pact. It also provides with a list of the most recent EPRS publications linked to the topic.

ENDNOTES


2 ‘This first and foremost requires the full and effective implementation of the twenty-four existing EU agreements and arrangements on readmission with third countries, the completion of ongoing readmission negotiations and as appropriate the launch of new negotiations, as well as practical cooperative solutions to increase the number of effective returns’ (COM(2020) 609) ‘The EU has so far concluded 18 readmission agreements [Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, North Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Pakistan, Georgia, Armenia, Azerbaijan, Turkey, Cape Verde, Belarus] and six arrangements [Afghanistan, Gambia, Guinea, Bangladesh, Ethiopia and Côte d'Ivoire]. Negotiations for readmission agreements with Nigeria, Tunisia, Morocco and China are underway. Readmission provisions also feature in larger EU agreements with certain third countries or regions, such as the successor to the Cotonou Agreement between the EU and 79 African, Caribbean, and Pacific countries (ACP) on which negotiations have recently been concluded. Member States also have bilateral readmission instruments with third countries’ (COM(2021) 56).

3 A blueprint of the talent partnerships can be found, at a limited scale, in the Mobility Partnerships Facility (MPF): currently four MPF pilot projects aim at devising new legal migration models in order to address labour shortages in four EU Member States (Belgium, Spain, France, Lithuania), in partnership with a total of four third countries (Egypt, Morocco, Nigeria and Tunisia).

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