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Subject: Council Conclusions on Borders, Migration and Asylum - Stocktaking and the way forward

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Delegations will find attached the text of the above Conclusions as adopted by the Council on 9 June 2011.

**Council Conclusions on Borders, Migration and Asylum**  
**Stocktaking and the way forward**

1. The Council recalls the Commission's Annual Report on Immigration and Asylum (2010) and its Communication on migration of 4 May 2011 and the Communication on a dialogue for migration, mobility and security with the Southern Mediterranean of 24 May 2011.
2. The Council confirms the principles and commitments contained in the European Pact on Immigration and Asylum and welcomes the progress made to date on the measures relevant to those commitments set out in the Stockholm Programme by the Union and its Member States. The Council underlines the importance of the prompt and full implementation by Member States of the measures already adopted for this purpose.
3. The Council underlines the need to take forward and intensify that work in a number of areas in order to put in place a more long-term sustainable strategy to address international protection, migration, mobility and security taking account of developments and the experience gained.

**Strengthening the protection of external borders**

4. The Council reaffirms that facilitating legal access to the territory of the Member States while in parallel taking measures to counteract illegal immigration, cross-border crime and maintaining a high level of security are twin objectives of the integrated border management.

5. The Council recalls that the responsibility for the control and surveillance of the external borders lies with Member States which, in performing this function, are also acting in the common interest of all Member States. FRONTEX also has a key role to play in supporting Member States and in coordinating the response to increased migratory pressures on the external borders as well as in promoting increased operational cooperation. The Council welcomes the deployment of RABIT operations and joint operations. Joint operations should be further developed in cooperation with relevant third countries of origin and transit where necessary. The Council recalls that necessary funds, technical and human resources should be provided in order to continue and step up these activities where required. The Council also welcomes the progress that has been made on the proposal to amend the FRONTEX Regulation which will enhance the operational capabilities of the Agency. The Council now looks forward to the successful conclusion of negotiations on the matter with the European Parliament.
6. The Council invites FRONTEX to continue to provide assistance to Member States in protecting sections of the external border subject to exceptionally high migratory pressures.
7. The Council remains convinced that technology can play a key role not only in reinforcing border controls but also in facilitating access at the border crossing points. The Council therefore looks forward to the Commission's proposal on the European Border Surveillance System (EUROSUR) as well as the early presentation by the Commission of its Communication on smart borders dealing with both an entry/exit system and a Registered Travellers Programme which should be followed quickly by relevant legislative proposals. The Council also looks forward to the early establishment of the Agency for the operational management of large-scale IT systems.
8. The Council will also continue to give high priority to the fight against illegal immigration. The Council believes that effective return policy and readmission agreements and arrangements remain the key for this purpose together with implementation of EU legislation such as the Return Directive and the Employers Sanctions Directive. The Council also stresses the importance of practical cooperation by way of joint return operations coordinated by FRONTEX.

9. The Council is committed to the further development of a balanced visa policy in order to effectively tackle illegal migration as well as enhance the mobility of *bona fide* travellers. In this regard the Council takes note of the Commission's recent proposal to amend Council Regulation (EC) No 539/2001 in order to make provision, inter alia, for a visa safeguard clause. The Council also notes the substantial progress made by the Commission and Member States in the development of the Visa Information System, which will allow the start of operations in October 2011. In case of visa liberalization, the Council stresses the importance of a continued monitoring mechanism in appropriate cases which covers inter alia border *management*, document security, combating organised crime and corruption, effective implementation of readmission agreements and management of migration flows between the EU and the countries concerned.
  
10. The Council also underlines that the issue of visa reciprocity should remain high on the agenda.

### **Strengthening the Schengen Area**

11. The Council reaffirms that free movement of persons in an area without controls at internal borders is one of the most tangible and successful achievements of European integration. It is in the interest of the European Union and its citizens that the Schengen area is preserved, including relevant security aspects.

12. Being committed to the objective of strengthening the Schengen cooperation and the full and correct application of the Schengen acquis, the Council agrees on enhancing political guidance and that the enforcement of its common rules in particular through Schengen evaluation should be further improved and deepened so as to be able to give an efficient response to future challenges; and to be better able to react to situations which negatively affect the objectives of Schengen cooperation, including the efficient protection of the external borders. The Council underlines that the approach should be based on a coordinated common European and gradual response, building on common responsibility and solidarity. The Council reiterates the commitment to maintain and foster mutual trust among Member States as the cornerstone of the Schengen cooperation. The Council recalls that Member States are ultimately responsible for the proper implementation of the Schengen acquis. In this framework, the Council recalls the presentation of the Commission's Communication on Migration of 4 May 2011, which explores the possibility of an EU mechanism for the temporary reintroduction of border controls at the internal borders, as a measure of last resort in order to face exceptional situations. The Council welcomes the Commission's intention to reflect on the further development of Schengen cooperation and invites it to present its proposal.

## Legal Migration

13. The Council recalls that Member States remain responsible for the number of third-country nationals they admit for employment purposes in accordance with Article 79(5) of the TFEU and, in this connection, also have regard to their reception capacities, the needs of their labour markets, and the principle of Union preference. The Council also believes that properly managed legal migration has a role to play in the framework of the Europe 2020 Strategy. The Council therefore welcomes the progress that has been made to date on the legislative proposals concerning intra-corporate transferees and seasonal workers, as well as the Single Permit Directive, and will seek to bring negotiations on those measures to a successful conclusion together with the European Parliament.
14. The Council likewise stresses the importance of building an inclusive society by integrating legally resident third country nationals as part of a dynamic two-way process. The Council takes note of the outcome of the Conference on Promoting Migrant Integration through Media and Intercultural Dialogue held in Budapest on 16-18 May 2011. The Council also looks forward to the Commission's forthcoming Communication on a European Agenda for Integration against the background of the new competences created by the Treaty on the Functioning of the European Union.

## Asylum

15. The Council recalls the importance of Member States fully implementing the existing acquis in the area of asylum.
16. The Council remains committed to the establishment of a Common European Asylum System by 2012 offering a high level of protection based on fair and effective procedures, which at the same time prevents deliberate abuse of the asylum systems of Member States. The Council underlines that the legislative framework should comprise a coherent, flexible and realistic system which also respects the principle of solidarity. The Council takes note of the presentation of the modified Commission proposals relating to the Asylum Procedures Directive and Reception Conditions Directive.

17. The Council welcomes the inauguration of the European Asylum Support Office and calls on the Office to play a key role in strengthening practical cooperation, further aligning the practices of Member States and in reinforcing their capacities and providing operational support in case of particular pressure on their asylum and reception systems. It welcomes in this connection the deployment of the EASO asylum expert teams to Greece in order to assist the implementation of its National Action Plan on asylum and migration management.
18. The Council takes note of the outcome of the Ministerial Conference of 12 May 2011 organised by the Commission in relation to the extension of the pilot project for the relocation from Malta of beneficiaries of international protection on a voluntary basis. The Council notes that further pledges are welcomed. The Council also looks forward to the presentation of a Communication on enhanced intra-EU solidarity by the Commission later this year.
19. The Council recalls the commitment to strengthen the external dimension of EU asylum policy. The Council stresses the importance of Regional Protection Programmes for this purpose and welcomes the Commission's intention to implement a Regional Protection Programme for North Africa encompassing Egypt, Tunisia and Libya. The Council also underlines the importance of assisting other third countries to develop their capacity to provide effective protection.
20. The Council also underlines that the strategic use of refugee resettlement on a voluntary basis should be further examined. The Council takes note in this connection of the outcome of the Ministerial Conference of 12 May in relation to resettlement from North Africa.

## **Global Approach to Migration, cooperation with third countries**

21. The Council confirms that the Global Approach to Migration should continue to serve as the general framework for the external relations of the European Union in the field of migration. The Council looks forward to the results of the evaluation of the Global Approach which is being carried out by the Commission and which is intended to lead to a more coherent, systematic and strategic policy framework for dialogue and cooperation with third countries in the area of migration, including the management of migration flows, with an enhanced thematic and geographic balance, supported by effective instruments and appropriate tools. The Council equally believes that the Global Approach should continue to be aimed at the Southern, Eastern and South-Eastern neighbourhood of the Union as a priority. Other selected significant source and transit countries of migration flows should remain or become engaged in comprehensive dialogues in line with the three pillars of the Global Approach.
  
22. The Council will continue to monitor the situation in the Southern Neighbourhood, including migratory developments. The Council welcomes the progress that has already been made on taking forward the short term measures identified in its conclusions of 11 April 2011 on the management of migration from the Southern Neighbourhood and calls for an intensification of the efforts to take forward those measures. The Council also welcomes the Commission Communication on a dialogue for migration, mobility and security with the Southern Mediterranean as an important contribution to the development of the medium and long term strategy for the region which the European Council and Council has called for.



23. The Council welcomes the priority being accorded to establishing a dialogue for migration, mobility and security between the EU and the Southern Mediterranean countries in keeping with the Global Approach to Migration and as part of the EU's engagement with the countries concerned in the framework of an enhanced European Neighbourhood Policy and the Partnership for Democracy and Shared Prosperity initiative. The Council endorses the suggestion that such a dialogue should begin with Tunisia, Egypt and Morocco in the first instance and, when conditions permit, Libya and also welcomes the focus on capacity building measures. The Council reiterates that such a dialogue should have a mutually beneficial outcome and also recalls in this connection its strong view that cooperation should be developed in the relevant fields on the basis of a performance-based approach which would ensure appropriate conditionality and support partner countries ready to work with the EU on asylum, migration and border management, including the prevention of illegal migration, the return and readmission of irregular migrants.
24. The Council underlines the need to enhance cooperation with all Eastern Partnership countries based on the progress already achieved. Cooperation in the area of borders, migration and asylum as well as concrete guidance and assistance provided to these third countries will help meet the Global Approach.
25. The Council believes that Member States should play a full part in those dialogues which should make use of all elements of the Global Approach toolbox, including Mobility Partnerships, and take appropriate account of the overall external policy of the EU towards the countries concerned.

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