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**NOTE**

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From: Commission Services

To: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) /  
High Level Working Group on Asylum and Migration (HLWG)

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Subject: Concept note  
Pilot projects on legal migration

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Delegations will find attached, for their information, a concept note on legal migration pilot projects.

*Concept note*

**PILOT PROJECTS LEGAL MIGRATION**

Based on the discussions in SCIFA/HLWG in October 2017 and with interested Member States on 29.11.2017 and 23.01.2018, the following concept is agreed between those Member States interested to participate in pilot projects on legal migration.

The pilot projects' **objectives** as stated from the outset are to:

1. Facilitate, or continue, cooperation with the third-countries concerned on a comprehensive management of migratory flows, including on issues such as prevention of irregular migration and readmission of irregular migrants;
2. Reduce irregular migration flows by offering additional safe and lawful alternatives to persons wishing to migrate for work or study;
3. Contribute to addressing labour shortage gaps in certain sectors of the labour market of Member States.

Pilot projects are developed in a **phased approach**:

- Phase 1 (November 2017 – January 2018): Development of pilot project concept and selection of third countries
- Phase 2 (as of February 2018): Concretization of projects including specific commitments of Member States on the third countries to engage with as well as the project objectives/deliverables
- Phase 3 (as of beginning of March 2018): Operational phase (setting-up of pilot projects in close cooperation with third countries and stakeholders)

## 1. Selection of third Countries

To kick-start the pilot projects, the EU's overall strategic interests in improving migration management with key third countries should play an important role. Based on Member States' input, those third countries should be selected with whom the EU and Member States either have already a track record of overall good cooperation in migration management including readmission, or with whom emerging cooperation efforts should be acknowledged, or with whom cooperation is not sufficient and it should be incentivised.

The pilot projects should also focus on those countries where Member States have already expressed an interest, and particularly where more than one Member State is interested, allowing for rolling out a more impactful, multi-Member States' project (consortium).

The involvement of the third countries identified from the very start of the pilot projects is an essential element for their success.

The following countries should therefore be considered:

- a) Morocco, Tunisia and Egypt**, with whom the EU has Mobility Partnerships, intense engagement and long-standing efforts for enhanced cooperation on migration matters or has launched a comprehensive migration dialogue;
- b) Guinea, The Gambia and Niger**, who have showed willingness to cooperate with the EU on readmission through practical arrangements on return and on more broadly reducing irregular migration flows (Niger);
- c) Senegal, Ethiopia, Ghana and Nigeria**, taking account of the existing Common Agendas on Migration and Mobility and as an incentive or conditional offer as part of a package to further step up cooperation on preventing irregular migration including on readmission/return.

Given the **pilot nature** of the projects, it is envisaged to launch actions under a project as soon as possible, and without waiting for the entirety of the projects with all third countries envisaged to be ready to launch. Equally inherent in the pilot nature of the projects is the fact that third countries can be added (as well as the choice of countries can be reviewed) subsequently to the initial launch of the first project(s), and Member States should be able to join the projects even when they did not participate from the start. Enhanced cooperation on migration management between the Member State(s) and the third country concerned should be a key factor throughout the project implementation (from the selection of third countries to project design, implementation and evaluation), including on consular cooperation and readmission.

## 2. Scope

Pilot projects should be based on a thorough analysis of labour market demand/offer in Member States and countries of origin, with a preference for **temporary forms** of migration. This may include **circular migration schemes** where Member States are committed to ensure a repeated mobility of the same individual (positive example mentioned by Spain). At the same time there are also examples of successful projects with a more long-term perspective, e.g. the German Triple-Win Programme. The pilot projects could therefore also develop **longer term migration** recruitment, should Member States wish to do so, having due regard to third countries' possible concerns related to brain drain.

Building from the stocktaking exercises of positive and negative lessons, circular migration schemes should be prioritised only in cases where there are clear linkages with seasonal peaks of work demand, like, for example, in the agriculture sectors or in the tourism industry. Such a sectoral approach would need to be further developed based on Member States' inputs.

Pilot projects on temporary/circular migration should aim at developing a set of common standards (e.g. with regards to thorough pre-departure qualification, integration support, reintegration measures).

Pilot projects which include elements of vocational training will also be considered.

Capacity building actions in countries of origin will in any case be included in the projects (see below), aimed at increasing the capabilities of origin countries to reap the maximum benefits of such temporary forms of migration for their own development, as well as ensuring that the structures are in place to ensure its implementation.

The pilot projects will take due account of ongoing projects in this field to ensure complementarity and synergies with existing actions and financial commitments.

### **3. Design of the pilot projects**

Projects should ideally be implemented by a **consortium of Member States** agreeing on the scope of the project and the third country to select. Such an approach would maximise the benefits of the pilot projects. Nevertheless, pilot projects which could bring added value even if run by individual Member States should also be considered.

Building a trust relationship with the third country concerned is a key element of success that must be maintained during all phases of the projects. Projects should be designed through a constant and open dialogue between Member States and third countries.

Building from the lessons learnt from past examples, and notwithstanding the likely need to tailor the actions to the specificities of each project, the following possible actions appear as key pillars to ensure the success of the projects:

#### a) Horizontal pillar - institutional capacity building

The successful implementation of the projects counts on many stakeholders, including the involvement of the private sector and institutional structures for managing labour markets and labour migration of third countries, which may turn into public-private partnerships. For this reason it is essential to develop the institutional capacity of such partner countries. Public bodies competent on the labour market as well as labour migration and education/training (i.e. Ministries, national agencies, employment agencies) should be enhanced in order to ensure a successful recruitment of potential migrants, an adequate development of the skills profiles needed in origin countries, as well as adequate monitoring of the professional development of labour migrants. In this regard the existence and development of labour market information systems would be beneficial.

In order to support the implementation of the projects, the Member States could avail themselves of the technical assistance of, among others, international and intergovernmental organisations, NGOs as well as the private sector.

#### b) Pre-departure

Pre-departure measures should be developed in parallel to the institutional capacity building needed to ensure each action may be implemented successfully.

**Overall objective:** to develop a 'pool' of candidates from which the private sector/MS can draw the migrants needed.

<b>ACTION</b>	<b>OBJECTIVE</b>
Recruitment potential migrants	In cooperation with agencies from TCs, to select potential migrants for the training courses. This may include an awareness raising campaign and forums with the private sector.
Training	Each implementing agency organizes tailored training for their labour markets and their technical needs, including language and vocational training.
Skills enhancement	Enhancing the skills needed by the labour markets of the MS.
Work place awareness training	To prepare potential migrants for the environment of the workplaces in EU MS.
Recruitment to workplace: demand-offer skills matching	To develop a platform from which MS and employers can draw the labour migrants needed.

### c) Mobility phase in the EU Member State

The following actions to support the mobility and, where needed, further training and support in a Member State's territory, of selected migrants should be carried out in cooperation with employers, employment agencies and (vocational) training organisations of third countries, in order to ensure that the time in the EU is spent on developing knowledge and skills which could be further used upon return.

**Overall objective:** to support the temporary/circular migration of selected migrants and their integration, albeit short term, in the local labour market of the MS as well as its society, ensuring that the fixed professional development goals are met.

<b>ACTION</b>	<b>OBJECTIVE</b>
Mobility support (travel, accommodation)	This may include all the phases necessary for the mobility to occur, including travel, first accommodation upon arrival. To the largest extent possible, this should be done together with the employers.
Support measures	This may include, but not limited to: further language training, access to cultural mediators, workplace mentoring, skills enhancement, coverage of costs for subsistence and courses (e.g for elements of vocational training)
Workplace monitoring	In partnership with employers, set a development program for each labour migrant, with skills and progress that need to be attained in the time spent in the EU, and monitor its implementation. This should be done taking into account the skills needed in the labour market of countries of origin, in partnership with the relevant agencies there.
Entrepreneurship training	In those sectors where this may apply and fit within the frame of the work carried out, develop courses for labour migrants aimed at giving them the skills to start-up businesses upon return in home countries.



d) Reintegration in the country of origin following mobility

The successful implementation of such actions should be ensured through the institutional capacity building that will take place during the whole period of mobility of the migrants, in order to provide such countries and their institutions with the capacities and abilities to effectively reintegrate their migrants profiting from their gained experience or, where appropriate, to enhance the existing ones.

**Overall objective:** to support the actors and stakeholders involved in reintegration of labour migrants, ensuring this effectively occurs via either integration in the local labour market or through the business creation of migrants.

<b>ACTION</b>	<b>OBJECTIVE</b>
Diaspora support	Involve diaspora in the return of labour migrants, by supporting the role diaspora play in enhancing the developmental impact of labour migrants returning to their country of origin.
Mentoring for recruitments	In association with the relevant local agencies, ensure that the skills acquired and the professional development followed are well spent in the local labour market.
Recruitment to workplace: demand-offer skills matching upon return	Bring in the local private sectors and employers in a platform from which they can select the labour migrants with the skills they need.
Micro financing for start-up funding	Development of skills aimed at launching a business/start up upon return, fund the kick off of such business. The support of the mentors that they had in the EU MS should be continued in the beginning phase of this action in the third country. Development of skills aimed at launching a business/start up, addressed to third countries nationals, residing in home countries, with the purpose of reducing forced migration and brain drain.
Local community re-integration	Support reintegration in local community of migrants. This should be particularly considered for cases of mobility to an EU MS of more than one year.

#### 4. Funding

The Commission is committed to identify the necessary EU financial support which, in addition to Member States' contributions, would be an important element contributing to the successful roll out of the pilot projects.

This section provides for the moment only general information on the possible funding tools for the pilot projects on legal migration. **The specific funding for a concrete pilot project will be defined together with the nature and the size of the project.** The following EU funding instruments could complement or support the pilot projects, namely:

- a) the Mobility Partnership Facility under AMIF;
- b) the EU Emergency Trust Fund for Africa (EUTF);
- c) (possibly) other instruments such as the Development Cooperation Instrument (through the Global Public Goods and Challenges (GPGC) – Migration and Asylum thematic priority area) or the European Development Fund (EDF) (through national programmes) or the European Neighbourhood Instrument (ENI).

The Commission will ensure the synergies between the different funding instruments in order to guarantee consistency and maximise impact.

##### *a) Use of the Mobility Partnership Facility*

In 2016, the Commission has launched the Mobility Partnership Facility (MPF), implemented by ICMPD, in order to support the implementation of the Mobility Partnerships (MP) and Common Agenda on Migration and Mobility (CAMM). One of the objectives of this instrument is to 'better organise legal migration and foster well-managed mobility'. Building from this, and given the need to strengthen the external dimension of migration, the scope of this instrument has been widened to support the preparation and implementation of current and future MPs, CAMMs and similar processes through actions which represent a high priority to the EU and its Member States and have a direct impact on the EU migration agenda which now encompasses the new Partnership Framework.

### ***b) EUTF and development related funding***

A project on Labour Mobility and Migration for the North of Africa is in preparation, to be funded under the North of Africa window of the Trust Fund. The programme aims at offering support for the development of labour migration governance schemes in North of Africa as well as setting up pilot mobility schemes in cooperation with EU Member States' agencies.

In addition to the EUTF, projects could potentially be supported through the DCI-GPGC Migration and Asylum priority area, EDF, and ENI.

## **5. Mapping**

A mapping of actions funded by the Commission has been sent to Member States on 12 December 2017; the Commission will update this whenever relevant. Member States are invited to further complete the mapping exercise concerning bilateral projects as soon as possible and as an ongoing exercise.