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COVER NOTE

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Progress report on the Implementation of the European Agenda on Migration |

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL

Progress report on the Implementation of the European Agenda on Migration

I. INTRODUCTION

The past four years have seen an unprecedented effort by the EU to address the challenge of migration, which has contributed to reducing irregular arrivals to the lowest level in 5 years. The EU has offered protection and support to millions of people, saving lives at sea and improving conditions and livelihoods. It has supported Member States on the external border in handling large numbers of arrivals and financed numerous projects across the EU to support the integration of refugees and other legally residing third-country nationals. It has contributed to preventing irregular migration including by combatting smuggling networks, as well as fighting trafficking in human beings. It has worked with partners worldwide to address root causes and to promote orderly migration management, including the readmission of migrants irregularly staying in the EU. It has worked to develop legal pathways as alternatives to the dangerous paths of smuggling routes. In this regard, all strands of the 2015 European Agenda on Migration[1] have been taken forward as part of a comprehensive approach.

Key progress under the European Agenda on Migration
• In 2018, around 150 000 irregular arrivals were detected across EU external borders, a 25% decrease compared to 2017. This was the lowest level in five years and over 90% below the peak year for the migratory crisis in 2015.
• EU action has contributed to almost 730 000 rescues at sea since 2015.
• Millions of asylum seekers, refugees and displaced people have benefited from programmes financed by the EU Emergency Trust Fund for Africa[2] – with over 5.3 million vulnerable people receiving basic support, almost a million being reached by communication campaigns, and over 60 000 helped with reintegration after return.
• The Trust Fund for Africa has also been key to the voluntary humanitarian return of over 37 000 vulnerable migrants from Libya to their countries of origin since the start of 2017.
• Action has targeted criminal migrant smuggling networks: in 2018 alone, the European Migrant Smuggling Centre had a key role in over a hundred high priority smuggling cases. Joint Investigation Teams are tackling smuggling in countries such as Niger.
• 34 710 people in need of international protection have been relocated from Italy and Greece.
• Since 2015, more than 50 000 people in need of international protection have been resettled to the EU.
• Over EUR 140 million was provided under the Asylum, Migration and Integration Fund to support measures on integration and legal migration between 2015 and 2017.[3]
• Formal readmission agreements or practical arrangements on return and readmission are now in place with 23 countries of origin and transit.
• In parallel, more than 80% of EU humanitarian aid in 2018 supported the needs of forcibly displaced people.[4]

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[1] COM(2015) 240 final of 13.5.2015.
[2] In addition to support under existing EU development programmes.
[3] Member States are currently submitting their implementation reports covering actions in 2018. Many refugees and legal migrants have also benefited from integration programmes under the European Social Fund and the European Regional Development Fund.
[4] Forcibly displaced people include refugees and internally displaced persons. Support is also provided to their host communities. EU humanitarian aid is provided in accordance to the humanitarian principles of humanity, neutrality, impartiality and independence.

This work must continue. The fact that the number of irregular arrivals has been reduced is no guarantee for the future, considering the likely continuation of migratory pressure. Addressing the root causes of irregular migration is inevitably a long-term project, while the recent rise in irregular arrivals in the Western Mediterranean shows that the situation remains volatile and that smugglers are constantly looking for new opportunities. Key problems remain unresolved: we need to develop an asylum system which is fit for purpose and which ensures solidarity and reduces secondary movements; we need to deliver more returns through measures both in Member States and with third countries; we need to be better prepared at our external border; to combat new strategies from smugglers; and to continue enhancing safe, orderly and legal channels for people in need of international protection and for legal migrants. Managing migration needs a sustained, long-term and united effort from the EU, based on the principles of solidarity and fair sharing of responsibility. It is essential to maintain the momentum of moving away from *ad hoc* solutions towards sustainable structures and an effective, future-proof legal framework. These objectives can be reached by building on four years of joint work.[5]

When the EU and Member States have acted in unison, the deepening of cooperation with key partner countries such as Turkey or Niger has led to a substantial reduction of irregular arrivals. Joint action has paid off in tackling migrant smuggling, in finding alternative legal pathways, and in the conclusion of six new arrangements on readmission with key countries of origin. Cooperation with Africa and the African Union has reached new levels.

All these initiatives are already delivering results and have the potential to deliver further. It is essential to pursue the comprehensive approach set out under the four pillars of the European Agenda on Migration and put a durable framework in place.

II.   THE SITUATION TODAY

Irregular arrivals

The situation today shows a continued major decrease from the peak of irregular arrivals in 2015.[6] However, some trends have continued in 2018 and early 2019 and show the need for sustained action, as well as responsiveness to changing circumstances.

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[5]   This work includes financial support of EUR 13 billion directly from the EU budget alone, as well as action under the EU Trust Funds and the Facility for Refugees in Turkey.

[6]   All figures from European Border and Coast Guard Agency unless otherwise stated.

Irregular border crossings on the three main routes
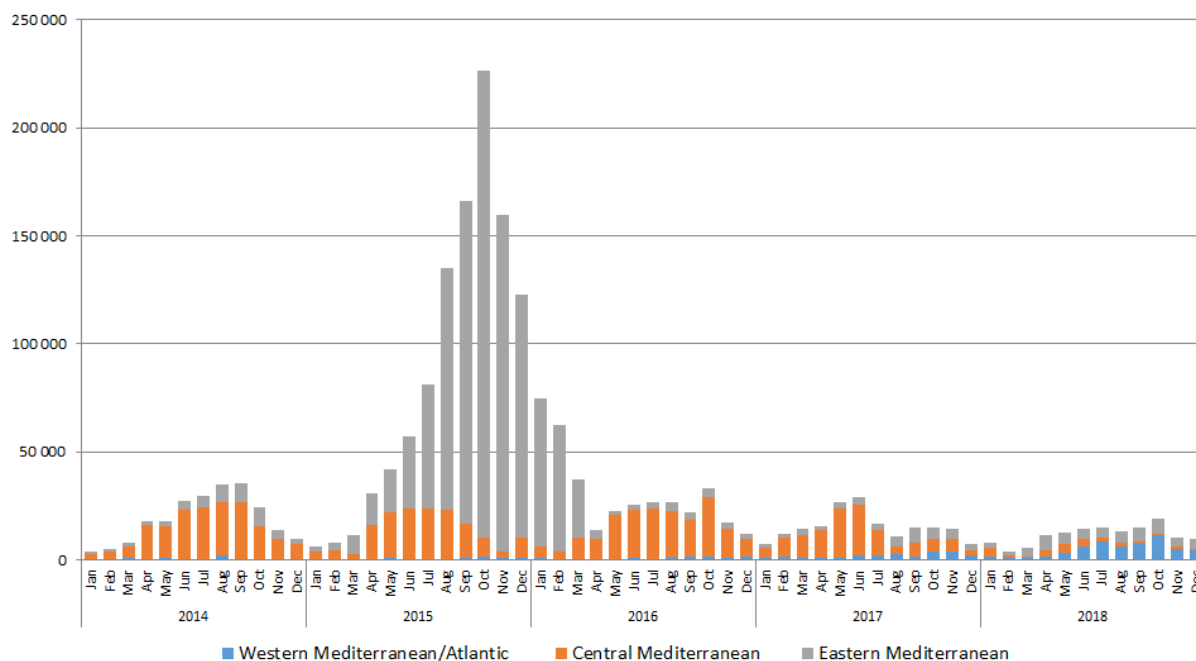
- On the *Western Mediterranean/Atlantic* route, arrivals increased last year and remain at high levels. The total number of arrivals to Spain in 2018 (almost 65 000 people) was 131% higher than in 2017, and this trend has continued in 2019.[7] Moroccans were the largest single nationality arriving in Spain in 2018 (a fifth of the total crossings), followed by nationals of West African countries – Guinea, Mali, Côte d'Ivoire and The Gambia – as well as Algeria.

- In the *Central Mediterranean*, irregular arrivals remain low. Overall, 2018 saw a fall of 80% in irregular arrivals to Italy compared to 2017, and this trend has continued in 2019 to drop to pre-crisis levels. Though Libya still accounted for more than half of the departures in 2018, the Libyan Coast Guard continues to intercept or rescue a large number of persons at sea – around 15 000 in 2018, with the main nationalities being Sudanese (14 %), Nigerians (12 %) and Eritreans (12 %).[8] Tunisia has become increasingly significant as a country of departure (mainly of Tunisians) to Italy, and in the second half of 2018, Malta saw an increase in arrivals.

- In the *Eastern Mediterranean*, numbers increased throughout 2018 and arrivals in Greece in 2019 are now more than 30 % higher than a year ago. This trend puts continued pressure on the Aegean Islands, but also on the Greek-Turkish land border, as there are far too few returns to Turkey to alleviate this pressure and counter the business model of smugglers.[9] Afghans are the most significant nationality arriving to the islands in 2018 and 2019 so far, while Turkish nationals have been the main nationality entering the EU

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[7]   Figures from the Spanish authorities.
[8]   UN Refugee Agency (UNHCR) data.
[9]   Since 21 March 2016, 1 836 migrants have been returned from Greece to Turkey under the EU-Turkey Statement and 601 under the Greece-Turkey bilateral protocol.

through the land border. There have also been increased arrivals to Cyprus, both by sea and by crossing by land into the government-controlled areas of Cyprus.

In 2018, there were also significant increases in irregular movements in the *Western Balkans*, even if the numbers fell late in the year with the onset of winter. 2018 saw irregular arrivals four times higher than in 2017, with the main route in the region going from Serbia to Bosnia and Herzegovina. Bosnia and Herzegovina registered around 24 000 irregular arrivals in 2018 and around 5 000 migrants were present in the country at the end of the year. However, the intensity of the arrivals along the route did decrease after Serbia abolished visa-free travel for Iranian citizens on 17 October 2018. An increase in the arrivals of Indian citizens due to the visa free regime policy of Serbia is currently being monitored.

While the number of deaths in the Mediterranean has continued to decrease since 2016, with the efforts of the EU, Member States and other partners, the smugglers' business models continue to mean that sea crossings claim lives. Nearly 2 300 died in 2018 compared to over 3 100 in 2017, and over 220 people lost their lives to date in 2019.[10]

Asylum

In 2018, some 634 700 applications for international protection were lodged in the EU and Schengen associated countries. This is 10% fewer than in 2017 and means that numbers have returned to levels similar to 2014.[11] The main receiving countries in 2018 were Germany, France, Greece, Italy and Spain (72 % of all applications in the EU and Schengen associated countries).[12] As in 2017, the main countries of origin were Syria, Afghanistan and Iraq. There has also been a considerable increase in applications of migrants from countries exempt from a Schengen visa, in particular Venezuela, Georgia, and Colombia.

In 2018, over 400 000 hits were triggered on fingerprint records of persons who moved to the territory of another Member State against the fingerprint records stored in the Eurodac database.[13] France and Germany were the two Member States with the largest number of these hits (indicating that these are the main destination countries of secondary movements), with Italy and Greece the two Member States where there were the largest number of existing records (indicating that these are the main countries of first entry).[14]

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[10] Data from the International Organisation for Migration.

[11] Preliminary European Asylum Support Office data for 2018.

[12] Germany continued to be the main destination country, despite a reduction in applications by a fifth, while France and Spain saw a substantial increase.

[13] "Hit" means the existence of a match or matches by comparison between fingerprint data recorded in the databank and those transmitted by a Member State. The number of hits does not correspond to the number of persons.

[14] The countries that registered the highest number of illegal stays of asylum seekers previously registered in another Member State were mainly Belgium and Germany.

III. IMMEDIATE ACTION

Western Mediterranean route: Cooperating with Morocco

With Spain now the primary point of entry for irregular crossings, measures to address migration along the Western Mediterranean route must be a top priority for the EU. The EU has been laying the foundations for a close partnership with Morocco. In late 2018, it approved EUR 140 million in support in border management and budget support.[15] Morocco has already been working to strengthen control of its border and has prevented a large number of departures.[16] These EU measures will support this process. First payments have been made and tenders for the purchase of key equipment have been launched: the last contracts under this package will be signed by April and implementation on the ground will need to continue. This will also complement the implementation of EUR 36 million in emergency assistance agreed in 2018 to help Spain on its southern border. The EU also supports Spain through Operation Indalo. The Commission stands ready to provide Spain with all the financial and technical support it needs to manage the arrivals.

More generally, the EU is working to further develop its relations with Morocco in order to form a closer, deeper and more ambitious partnership. Mobility and migration will play an important part, through a mixture of financial support, closer expert contacts and operational cooperation, including with the support of the European Border and Coast Guard Agency. This should also extend to the resumption of negotiations on readmission and visa facilitation, as well as legal migration. Addressing migratory flows and tackling smuggling routes towards Morocco from its neighbours should also be part of this closer cooperation.

As well as direct support to Morocco, the EU Emergency Trust Fund for Africa[17] is working to develop cooperation along the whole of the route to the Western Mediterranean. A new cross-border cooperation programme worth EUR 8.6 million is strengthening coordinated migration governance between Morocco, Senegal, Mali and Côte d'Ivoire, supporting intensified regional policy dialogues on migration. A specific budget support programme for Mauritania was approved at the end of 2018 to support the national development strategy, with a particular focus on migrants' protection and maritime security.[18] The North Africa window of the Trust Fund should soon be replenished with EUR 120 million from the EU budget.[19] However, the current pipeline – including essential top-ups for ongoing programmes in Libya as well as in Morocco – points to a shortfall of up to EUR 86 million for 2019. Member State contributions will be required to ensure the continuation of this work.

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[15] In addition, EUR 14.5 million has been granted for the improvement of migration governance at the regional level addressing migrants, returnees, and Moroccans living abroad. The total amount of programmes now under way is EUR 232 million.

[16] According to European Border and Coast Guard JORA data (Joint Operations Reporting Application), the Moroccan authorities prevented in 2018 almost 15 000 irregular migrants from departing from Morocco by sea. The Moroccan authorities are also conducting preventive actions inland. The Moroccan Ministry of Interior estimates that 88 761 migrants departures from Morocco were prevented in 2018.

[17] C(2015) 7293 final of 20.10.2015.

[18] This complements existing EU-funded programmes supporting migration governance, border management, fight against trafficking and criminal networks and combating terrorism.

[19] This will be discussed in the next meeting of the European Neighbourhood Instrument Committee in April 2019.

Central Mediterranean route: Improving conditions in Libya

There is a particularly urgent need to help people stranded in Libya. To secure more humane conditions, we must work towards alternatives to detention, a more orderly and transparent management of migrants and refugees in Libya, and assistance for people to return home safely, or find protection in Europe or elsewhere. Particular priorities must be the vulnerable, and those in detention centres: it is estimated that 6 200 migrants are currently detained in Libya in centres controlled by the Government of National Accord.[20]

Within the constraints of the current security situation, this is the focus of work with the United Nations Refugee Agency (UNHCR) and the International Organisation for Migration, as well as the trilateral task force between the African Union, the European Union and the United Nations. This cooperation has already led to more than 37 000 people returning to their homes through assisted voluntary return programmes, and with almost 2 500 people evacuated from Libya to Niger through UNHCR's Emergency Transit Mechanism.[21] More than 1 200 of these people have now been resettled, and a key next step for Member States is the resettlement of those still waiting in Niger. The Task Force will continue to urge the Libyan authorities to facilitate this work, focusing in particular on reducing the need for exit visas and landing fees.

Further work is needed to address the appalling conditions faced by many migrants and refugees. Since 2016, the Trust Fund has allocated almost EUR 135 million for protection of migrants in Libya, and this effort must be sustained. Work includes assistance at disembarkation, as well as registration and traceability of persons disembarked. Projects are under way to improve procedures and conditions first at this key stage, as well as following transfer to detention centres. In December 2018, the Libyan authorities also authorised the opening of the UNHCR Gathering and Departure Facility, as a hub to help refugees and asylum seekers to be swiftly evacuated. This could also be a temporary solution for unaccompanied minors and other vulnerable groups. The EU will maintain pressure to ensure unhindered and regular access for humanitarian organisations and UN agencies to improve conditions in detention centres, to increase alternatives to detention, and ultimately to put an end to the current system of detention.

Since only a small proportion of the migrants in Libya are detained in government-controlled centres, support to local communities is essential. Healthcare, schooling, and basic social infrastructure are all being supported by EU programmes. In 2018, four new programmes were approved in Libya under the EU Trust Fund for Africa, for a total amount of EUR 156 million.

Almost 90 000 refugees and vulnerable migrants have received medical assistance through primary and specialised health care, consultations and screenings. Work will be intensified, with priority given to assisted voluntary returns, accelerating evacuations of minors and other vulnerable people, improving detention conditions, and fostering alternatives to detention. In parallel, EU humanitarian aid in Libya has reached some 700 000 of the most vulnerable people affected by the conflict including internally displaced persons.

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[20] Estimate by the United Nations Refugee Agency UNHCR and the International Organisation for Migration.
[21] With subsequent resettlement to Belgium, Canada, Finland, France, Germany, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the United States. Additional UNHCR evacuations to Italy and an Emergency Transit Centre in Romania take the total to 3 175.

Eastern Mediterranean: Improving conditions in Greece

The continued commitment to implement the EU-Turkey Statement and the major financial and operational support from the EU since 2015 have made a major contribution to alleviating the pressure on the Greek islands.[22] Further steps are now under way. The Greek authorities have taken a number of measures to process asylum requests more quickly, including additional doctors for vulnerability assessments, mobile asylum units and an increased number of Appeal Committees. Pilot projects are ongoing to find other ways of improving the workflow of processing asylum applications. This should result in increasing the effectiveness of returns, notably under the EU-Turkey Statement – and in improving conditions by reducing overcrowding on the islands.

However, strong leadership and commitment from the Greek government will be essential if the many remaining challenges are to be tackled. The EU will continue to assist Greece with financial support[23] and EU agencies will continue to provide expertise. It is also essential that Member States continue to provide sufficient support to the work of the EU agencies. Urgent and coordinated actions by the Greek authorities are necessary to deliver:

– More efficient asylum procedures to ensure much faster processing of asylum requests.

– Increased returns making maximum use of assisted voluntary return programmes, supported by reintegration programmes. Where forced return is needed, appropriate pre-removal facilities need to be available and in line with the applicable human rights standards. This needs an effective operational workflow prioritising key groups at all stages of the process.[24]

– A regulatory and administrative framework able to ensure the operation and monitoring of reception capacity and the provision of all relevant services.

– The rapid provision of at least 2 000 places in adequate accommodation for unaccompanied minors, as well as finalising and implementing a comprehensive national strategy to ensure full protection for unaccompanied minors.

– An improved referral system to open accommodation for applicants for international protection and vulnerable persons and the cooperation between the competent authorities.

To this end, an effective and sustainable Greek national strategy on migration management is necessary. This needs to put in place effective cooperation and coordination between all relevant national authorities, with operational workflows and common prioritisation rules.

The need for temporary arrangements on disembarkation in the EU

The summer of 2018 already saw a number of cases where Member States could not swiftly agree on the disembarkation and follow up measures. As a result, the solutions put in place

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[22] Recent support has included more interpretation, upgraded reception capacity, and the deployment of military doctors, as well as the adoption of the Financial Planning for 2019 to provide for adequate reception conditions and ensure the support on the mainland (see next footnote).

[23] The latest support, awarded in December 2018, included EUR 190 million to ensure the Emergency Support to Integration and Accommodation programme (ESTIA) run by the UN Refugee Agency (UNHCR) and EUR 61 million for the continuation of on-site support programme in reception facilities in the mainland run by the International Organisation for Migration (IOM) and the United Nations Children's Fund (UNICEF). In March 2019, the activation of the Emergency Support Instrument will come to an end. The continuation of the main projects in Greece in 2019 is supported from other EU funding sources.

[24] Key groups include vulnerable persons, including unaccompanied minors, Syrians, and nationalities with low average recognition rates based on official national statistics.

were of a limited and *ad hoc* nature. In January 2019, the need to find a solution for the rescue vessel *Sea-Watch 3* triggered a particular effort of coordination between a number of Member States, the Commission and the relevant agencies. Although only small numbers of people were involved, this practical experience testified to a willingness to find a more effective framework of cooperation in a spirit of solidarity and can help inspire work for a more systematic and coordinated EU approach to disembarkation, first reception, registration and relocation in the form of temporary arrangements. This could involve a transparent step-by-step work plan that would ensure that the Member State concerned receives the operational and effective assistance it needs from the Commission, EU agencies and other Member States.

While the swift completion of the legislative reform of the Common European Asylum System remains a priority, the Commission already underlined the value of such temporary arrangements in December 2018,[25] as an immediate coordinated approach to disembarkation and other situations of particular pressure in the EU. Such arrangements would mean putting solidarity and responsibility in practice, based on a mutual understanding of common and shared interest, as a bridging mechanism until the legislative reform is finalised and becomes applicable. The EU would indeed be much better equipped than today to offer concrete solidarity in a structured, effective and flexible way, while at the same time ensuring the effective prevention of secondary movements and pull factors. For this approach to work, as many Member States as possible should participate. The key elements of such temporary arrangements could be:

−   Where a Member State is under pressure or where it is necessary to contribute to a swift disembarkation after search and rescue, the Member State in question requests assistance.

−   In response to that request, the specific support that Member States can provide through solidarity measures will need to be identified. Solidarity measures offered by Member States need to be balanced by the Member States benefiting from the support fulfilling their responsibility to take appropriate measures for the management of the arrivals.

−   A coordination structure for following up on such requests by Member States should be put in place, involving key stakeholders, such as the Commission and EU Agencies.

−   The EU Agencies are well equipped to provide the necessary assistance, in areas such as first reception, registration, relocation and return.

−   Financial support from the EU budget will be made available for Member States that relocate voluntarily and to support return operations. Financial support would also be made available to Member States under pressure.

Immediate key steps
• The new assistance delivered to **Morocco** by the EU and Spain should be directed at reducing irregular arrivals from the Moroccan coast and lead to further engagement with Morocco and other relevant countries to increase the effective readmission of irregular migrants as part of a comprehensive approach.
• The EU should step up work with the African Union-European Union-United Nations Task Force to continue improving **conditions in Libya** and work towards the end of the current system of detention centres, as well as overcoming obstacles to the access of

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[25]   COM(2018) 798 final of 4.12.2018.

international organisations and to voluntary returns of migrants and evacuations of refugees; systematic and interoperable registration of all migrants disembarked and detained should be ensured.

- *Greece* should urgently put in place an effective and sustainable national strategy on migration management to address remaining shortcomings such as on return and unaccompanied minors, making the best use of the significant EU support provided.
- A set of *temporary arrangements* on disembarkation should be put in place, to which a critical mass of Member States would be ready to participate through solidarity measures.

IV.   MANAGING MIGRATION ALONG FOUR PILLARS

1.   *Tackling the drivers of irregular migration: working with partners*

Since the adoption of the Partnership Framework on Migration, migration has become a central consideration in the EU's external relations – global partnerships and long-term cooperation are key to manage all aspects of migration.[26] Migration is firmly embedded into the overall relations with partner countries. In order to further deepen cooperation with partners a comprehensive, joined-up approach, rooted in multilateralism, is paramount in bilateral, regional and multilateral fora.

Addressing the root causes of migration

The EU Trust Fund for Africa has demonstrated its added value as a swift and effective delivery tool which facilitates political dialogue with partner countries, applies innovative approaches and produces concrete results by pooling funding and expertise from a variety of stakeholders, and in particular the EU Member States. Resources have now reached over EUR 4.2 billion since the Trust Fund started its work in 2016, with over 188 programmes now agreed upon.[27] It is important to keep up progress made. However, without additional national contributions, it will not be possible for the EU Trust Fund to fund new initiatives or top up the highly valuable programmes that are delivering results today: as well as the gap for the North of Africa window, the Sahel and Lake Chad window will already have a funding gap for 2019. It also remains essential that the flexibility and responsiveness which the Trust Funds provide today remains a key feature under the next Multi-annual Financial Framework, and that the continuity of action is assured.

Further support to livelihoods and economies in Sub-Saharan Africa and the EU Neighbourhood will come under the External Investment Plan. The EUR 1.54 billion for 28 guarantee programmes now approved should unlock up to EUR 17.5 billion in investments, covering areas such as access to finance for micro, small and medium enterprises, energy and connectivity, cities, agriculture, and digital (including e-health).[28] With 94 approved blending projects endowed with EUR 2.2 billion and expected to unlock EUR 19.5 billion, the total expected investments have reached around EUR 37 billion and the Plan is on track to meet the initial forecast of leveraging EUR 44 billion, a major boost to economic dynamism.

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[26]   COM(2016) 385 final of 7.6.2016.
[27]   Projects approved by the Operational Committees to a total of some EUR 3.6 billion. So far, 393 contracts have been signed for a total of over EUR 2.6 billion.
[28]   The final amounts and distributions of these Guarantees are to be defined by guarantee agreements to be signed by the development banks and the European Commission.

Combatting smuggling networks

Determined and sustained action is needed both inside and outside the EU to undermine the business model of smugglers and to disrupt criminal networks. This was reiterated by the European Council in October 2018, leading to a set of operational measures adopted in December 2018[29] to improve law enforcement cooperation and complement the existing EU Action Plan against Migrant Smuggling.[30]

Fighting smuggling networks is a key part of the EU's work with third country partners. A new operational Partnership, led by France with Senegal, will be implemented under the Trust Fund. In Niger, Joint Investigation Teams bringing together Nigerien, French and Spanish authorities have led to more than 200 prosecutions. Now this needs to be expanded with attention to the southern border of Libya, the Niger-Algeria and the Niger-Nigeria borders. In addition, six information and awareness raising campaigns on the risks of irregular migration have kicked off this year, in Côte d'Ivoire, Niger, Tunisia, Mali, Guinea and The Gambia.[31]

The work against smuggling networks is being supported by a growing infrastructure. The Information Clearing House improves Europol's intelligence picture and support to law enforcement. The Crime Information Cell pilot project aboard Operation Sophia bridges the exchange of information between civilian and military actors. Common Security and Defence Policy operations in the Sahel are increasingly linked together to have a regional impact. The European Migration Liaison Officers deployed by the Commission in 12 priority partner countries act as key channels of communication.[32] With political agreement reached between the European Parliament and the Council on the Commission's recent proposal,[33] coordination between immigration liaison officer networks managed by Member States, the Commission and the EU Agencies will be further strengthened.

Inside the EU, Member States' operational cooperation is supported through joint action days, involving Member States, third countries, EU agencies, and external partners.[34] In 2018, the European Migrant Smuggling Centre at Europol supported 39 Joint and Common Action Days, leading to 607 arrests, as well as 101 priority criminal cases. Exchange of information continues to be key: Eurostat is piloting data collection of criminal justice statistics on migrant smuggling, offering major benefits in terms of analysing and reacting to trends.

Return and readmission

Addressing the low rate of return from the EU must remain a key objective. It is an indispensable link in the chain of migration management. Low return rates undermine the credibility of the system for the public and increase incentives for irregular migration and secondary movements. This requires action both inside the EU and working with third countries. There are immediate steps Member States should take to improve their internal return procedures to ensure humane and swift return of those not in need of international protection – based on the Action Plan and the concrete recommendations set out by the Commission in 2017.[35] These showed how the EU's existing legal, operational and financial

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[29] Document 15250/18 of 6.12.2018.
[30] COM(2015) 285 final of 27.5.2015.
[31] Funded under the Asylum, Migration and Integration Fund.
[32] Ethiopia, Jordan, Lebanon, Mali, Morocco, Niger, Nigeria, Pakistan, Senegal, Serbia, Sudan, Tunisia.
[33] COM(2018) 303 final of 16.5.2018.
[34] Organised under the EU Policy Cycle/EMPACT (European multidisciplinary platform against criminal threats).
[35] COM(2017) 200 and C(2017) 1600, which built on COM(2015) 453.

instruments could be better used, with faster procedures, stronger measures against absconding, a multidisciplinary approach by national authorities and better cooperation and coordination between Member States.

Such immediate measures by Member States should be backed up by further EU measures. Newly adopted reforms to the Schengen Information System will significantly enhance Member States' capacity to enforce return decisions and entry bans.[36] There has also been a significant increase in the support from the European Border and Coast Guard Agency to return, both with cooperation and with operational action in areas including return flights and the role of consulates.[37] But more is needed. The first next step should come with the Commission proposal to reform the Return Directive:[38] swift adoption of this proposal would bring major benefits for the consistency and effectiveness of return procedures, whilst safeguarding fundamental rights and respecting the principle of *non-refoulement*.[39]

The investment in dialogue with partner countries over the last four years has brought tangible steps forward. The cooperation under the 17 existing Readmission Agreements and the six more recent practical arrangements is starting to deliver results in the areas of identification, provision of documents and orderly return, backed up by operational support. However, for this framework to deliver to its full potential – and also meet possible increasing return needs in the future – Member States need to use the opportunities it offers, participate actively in the management of the agreements and arrangements, and signal any problems in implementation to the Commission. The EU and its Member States also help by supporting reintegration for returnees: over 60 100 migrants have benefited from reintegration assistance since May 2017.

The Commission will push on to develop new arrangements with other partners. Negotiations on readmission are under way with Nigeria, Tunisia and China, and should soon resume with Morocco. When needed, a wider range of leverage should be mobilised from all EU relevant policy areas, in close coordination with leverage at Member States' level. EU visa policy has already helped facilitate negotiations on readmission and the visa suspension mechanism has helped closely monitor readmission obligations. The Commission welcomes the agreement reached between the European Parliament and the Council on the reform of the Visa Code, including the possibility to adopt restrictive visa measures against non-cooperative third countries on readmission. Further steps to deploy leverage will be essential to step up readmission.

Key next steps
• The EU institutions need to ensure that the ***next Multi-annual Financial Framework*** provides the scale and flexibility needed to deepen cooperation with third country partners on migration.
• Member States and the EU should follow up on the measures adopted in December 2018 to ***combat migrant smuggling networks***, including by intensifying the work of Europol's European Migrant Smuggling Centre.
• The European Parliament and the Council should complete negotiations on the

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[36] Regulation (EU) 2018/1861 of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and Regulation (EU) 2018/1860 of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals.

[37] This would be enhanced through the new proposal on the European Border and Coast Guard (COM(2018) 631 final of 12.9.2018).

[38] COM(2018) 634 final of 9.12.2018.

[39] Non-refoulement means that a person cannot be returned to a country where that person has reason to fear persecution.

> ***Commission proposal to strengthen return***. Member States should already maximise the potential for improving the effectiveness of return under the existing framework.
> - Member States should ensure the full use of ***readmission agreements and arrangements*** and the EU should develop ***new readmission agreements and arrangements*** with other third countries.
> - Member States and the EU should extend ***common operational partnerships*** with third countries to support activities such as joint investigation teams, capacity building and the exchange of liaison officers.

2. *Border management – saving lives and securing external borders*

Operations at the borders

Saving lives of people in distress at sea is a primary goal of EU action in relation to managing the EU external borders. The European Border and Coast Guard Agency coordinates maritime joint operations to ensure effective control of the EU external borders at sea. All assets in those operations are bound by international law and give assistance to any vessels in distress at sea. Joint Operations Themis, Poseidon and Indalo as well as the Common Security and Defence Policy Operation Sophia bring an important contribution to border control, as well as search and rescue. Almost 39 300 people were rescued by the assets deployed in EU maritime operations in 2018 alone.[40]

The European Border and Coast Guard Agency also implements coordinated operational activities at the external land border, helping to control irregular migration and combat smuggling, as well as providing intelligence. It is essential that the Agency has the capacity to respond to new trends, such as increased pressure in the Western Mediterranean. However, the Agency still regularly faces a lack of human resources and technical equipment and the shared responsibility of both Member States and the Agency is not carried through into providing the resources required. The two legs of the European Border and Coast Guard are interdependent and can only ensure the integrity of the Schengen area if they act in unison.

Managing the borders needs to take advantage of all the tools available. This means using the potential of information technology to the full. The extension and upgrading of the information technology systems used for border management and security has brought new potential for using these tools together. Implementation of the forthcoming regulations on interoperability of EU information systems – with the right data protection safeguards – will allow the authorities to apply the rules more effectively.

The Commission's September 2018 proposal for a strengthened and fully equipped European Border and Coast Guard aimed to take a decisive step towards truly integrated border management. It would take the European Border and Coast Guard to a new operational stage with a standing corps of 10 000 operational staff exercising executive powers and with its own equipment, while fully respecting both fundamental rights and the sovereignty of the Member States over their borders. The reason is that the EU is not yet sufficiently equipped to address crises at the external borders, in particular should a sudden mass arrival of irregular migrants take place. Such preparedness is the benchmark if the external border is to be considered strong enough to restore EU citizens' trust in Schengen. The negotiations on this

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[40] Sources: European Border and Coast Guard Agency and Operation Sophia.

proposal are now at the trilogue stage, showing that all institutions are committed towards adopting this proposal before the 2019 European Parliament elections.

Working with third country partners

Support for and cooperation with non-EU countries is essential for the protection of the EU's external borders. A first step is to allow for close working relations, to deploy teams in joint operations on both sides of common borders. The Commission has negotiated status agreements with five Western Balkan countries to this end. Such agreements were signed with Albania, and initialled with North Macedonia (July 2018), Serbia (September 2018), Bosnia and Herzegovina (January 2019) and Montenegro (February 2019).

EU expertise can also make a difference through active operational cooperation. The EU has helped the Libyan Coast Guard to significantly increase its capacity to rescue people at sea, and to prevent smugglers from sending people to sea in unseaworthy vessels. Training, including on human rights and international law of the sea, needs to be stepped up. With Libya having officially notified the International Maritime Organisation of its Search and Rescue area, its capacity now needs to be supported through a fully-fledged Maritime Rescue and Coordination Centre. EU support has also targeted saving lives on land routes: EU and Member State support in Niger has led to major reductions in migration flows and work with the International Organisation for Migration has led to the search and rescue of over 13 000 migrants in the Nigerien desert.

The EU and Member States provide significant support and capacity building to assist partners with the management of their borders. Regional programmes have been a particular focus: the Better Migration Management programme in the Horn of Africa has helped to put in place joint cross-border patrols and joint border crossings between partners such as Ethiopia and South Sudan, as well as exchanging best practices.

This work is also being undertaken in close cooperation with work under the Common Foreign and Security Policy and through Common Security and Defence Policy missions. An EU Border Assistance Mission supports Libya in developing a wider border management framework, and provides strategic advice to key Ministries. As well as training of the Libyan Coast Guard, the mandate of Operation Sophia combines the disruption of migrant smuggling networks and arms trafficking with surveillance activities (for example in oil smuggling). This has enabled the EU to offer a significant contribution to the improvement of overall maritime security and the return of stability in the Central Mediterranean. In December 2018, the mandate of Operation Sophia was extended for three months, however in the absence of a solution on disembarkation, its continuation is not settled.

Key next steps
• The European Parliament and the Council should adopt the ***revised European Border and Coast Guard proposal*** before the European Parliament elections*.*
• Member States should ensure that the European Border and Coast Guard Agency has the resources required to regularly assess the situation on the ground and ensure ***essential border operations***. EU agencies' work on the Western Mediterranean route should intensify.
• The Commission and EU agencies should ensure that ***interoperability*** of border and security systems is swiftly developed and implemented, with the first elements already operational in 2020.

> • The Council, after obtaining the consent of the European Parliament, should swiftly conclude the ***status agreements negotiated with the Western Balkans countries*** and ensure immediate implementation.

3. *An EU delivering protection and asylum*

Modernising the Common European Asylum System

The Commission is convinced that the EU is capable of reforming its asylum system to be able to better protect migrants in need and provide them with decent conditions, while also returning those who do not have a right to stay in Europe. The EU needs to show its citizens that it is able to deliver on an asylum system that is fair and fit for purpose and that could, in combination with stronger border measures, manage any future hike in migratory pressure. The fact that irregular arrivals have fallen to pre-crisis levels cannot mask existing shortcomings and the need for the asylum system to be comprehensively reformed.

There is a fundamental need for an EU-wide approach. It must be based on strong guarantees that each Member State will deal with the asylum applications it is responsible for, and a structured, predictable mechanism for solidarity to ensure that no Member State bears a disproportionate burden. The EU asylum system can only be fully effective and able to inspire confidence if this solidarity is systematic rather than *ad hoc*. This goes hand in hand with clear, simple and common rules for how to deal with asylum requests, with enhanced biometric evidence underpinning the implementation of the rules and with sufficient operational and financial support to Member States.

As long as the treatment of asylum-seekers varies significantly between Member States and Member States' responsibility for handling asylum applications can easily shift from one Member State to another, the EU asylum system will remain prone to abuse, multiple asylum applications and secondary movements. There is a need for tighter rules and harmonised criteria for granting protection, as well as fair and equal conditions for asylum-seekers and beneficiaries across the EU. The asylum system can only be credible if asylum-seekers who have had their asylum claims rejected and no longer have a right to remain in the EU are swiftly returned. For this, a seamless connection between the asylum system and an effective return system needs to be established, in full respect of fundamental rights.

The Commission has put all necessary proposals on the table to allow this to be achieved and it strongly supports a step-by-step approach to take each proposal forward. Today, balanced political agreements are within reach on five proposals of the asylum reform. The European Parliament and the Council should now take the opportunity to complete the process in time for the European Parliament elections and demonstrate to citizens the EU's capacity to make progress. As stated by the Commission in December 2018,[41] each of these proposals on their own provides a substantial benefit and there is no technical or legal impediment to adopting one or several of them separately. The Qualifications Regulation would guarantee the rights of recognised refugees and discourage secondary movements. The Reception Conditions Directive would also address secondary movements, by ensuring harmonised and decent conditions for asylum-seekers throughout the EU. The Regulation on the Asylum Agency would allow the Agency to step up its assistance to Member States with rapid and full

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[41] COM(2018) 798 final of 4.12.2018.

support. The new rules on the EURODAC database would allow Member States to track secondary movements and better identify people with no right to stay in the EU. The Union Resettlement Framework would ensure safe and legal pathways, reduce irregular flows and facilitate relations with our external partners. The Commission will continue working with both the European Parliament and the Council to progress towards the finishing line.

The Commission also continues to monitor the way the current EU asylum system is being applied in the EU Member States, including by examining shortcomings in implementation of or insufficiencies in the national legislation transposing the different asylum instruments.

EU support for protection abroad

Offering safe and orderly resettlement pathways to those most in need reflects EU values and boosts credibility with third country partners. Resettlement provides a safe route to Europe for those entitled to international protection. Under the ongoing EU resettlement scheme, 20 Member States have pledged to provide more than 50 000 places to those most in need by October 2019. Over 24 000 of these pledges have already materialised, providing persons with shelter in the EU. For example, the ongoing resettlement of over 2 000 people from Libya has been central to the EU's ability to deliver protection to those in dire need, working with the UN Refugee Agency UNHCR and the Nigerien authorities. Now Member States need to maintain the momentum and ensure that the remaining pledges are filled before the October deadline.

Protecting refugees and migrants outside the EU has been one of the key themes of EU policy since 2015. Millions of people have been supported through schemes to provide for basic needs and to improve the quality of life of people forced to flee conflict in their own countries. In particular, the protracted crisis in Syria has created enormous humanitarian needs for over 13 million people inside the country and 5.6 million in neighbouring countries.

- EU support under the Facility for Refugees in Turkey supports the huge task of hosting nearly 4 million refugees in Turkey. By the end of 2018, humanitarian assistance had helped 1.5 million of the most vulnerable refugees through the Emergency Social Safety Net, a social assistance safety net scheme, and supported over 410 000 students in attending school.[42] A further 600 000 children have been helped to integrate into the Turkish school system. Four million primary health care consultations have been supported and over 500 000 Syrian children vaccinated. EUR 1.2 billion of the second EUR 3 billion tranche has now been committed.

- In 2018, the EU followed up on its commitment at the Brussels II Conference on Supporting Syria and the Region, bringing total support of the EU and its Member States since the start of the crisis to almost EUR 17 billion, making the EU the leading donor. As well as in Turkey, the EU has provided substantial humanitarian support to internally displaced persons inside Syria as well as refugees and host communities in Jordan and Lebanon, as well as helping in Iraq and Egypt. Overall, the EU Regional Trust Fund in Response to the Syrian Crisis supported some 2 million Syrian refugees and hosting communities in 2018.[43] The upcoming Brussels III Conference will be the main pledging

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[42] Under the Conditional Cash Transfer for Education (CCTE) Programme.
[43] The Trust Fund budget reached EUR 1.6 billion by end of 2018, supported by 22 Member States and by Turkey, as well as by the EU budget. 94 % has been committed, 74 % contracted, and EUR 690 million disbursed. A strategic Mid-Term Evaluation recommended that the EU Trust Fund would be extended beyond its current mandate of December 2019.

event for the response to the Syrian crisis in 2019 and the EU intends to sustain the EU pledge made in the past years.

– Regional Development and Protection Programmes focused on North Africa and the Horn of Africa support third countries hosting large numbers of refugees to address their protection and developmental needs.[44]

– Protection is also a core theme of the EU Trust Fund for Africa, complementing humanitarian aid, providing for the basic needs of the forcibly displaced. With over 4 million refugees in the Horn region alone, and an estimated 10 million internally displaced people, the Trust Fund has invested in assisting refugee populations to become self-sufficient, while supporting host communities. Particular attention within Trust Fund funding is being paid to promote essential stabilisation in Somalia and Sudan.

Forced displacement is a global phenomenon that requires global solutions. Functioning asylum systems are key, in third country partners as in the EU. The EU should use the impetus from the Global Compact on Refugees as a platform to continue using the existing EU frameworks to help third countries to provide support to refugees outside the EU.

Key next steps
• The European Parliament and the Council should adopt the ***new legislative framework*** needed to put in place a Common European Asylum System equal to the challenges of the future. Those proposals that are close to finalisation should be adopted before the European Parliamentary elections.
• Member States should ensure that the 50 000 ***resettlement*** pledges are filled by the October 2019 deadline.
• The EU and Member States should maintain the support essential to the ***protection of refugees and migrants in third countries***, including matching previous pledges at the Brussels III Conference on Syria.

4. *Legal migration and integration*

Legal pathways are an essential element of the EU's migration management, as a disincentive to use irregular routes, and a demonstration of the EU's commitment to genuine long-term partnerships. They are also essential for the EU to be able to meet current and future needs for skills. Legal migration takes place within a well-developed EU-level legal framework on admission conditions, procedures and rights of third-country nationals, with Member States in charge of deciding on the numbers of third-country nationals they admit for economic purposes. However, the most significant proposal in this area, on a revision of the Blue Card Directive, is currently in a deadlock. The Commission will shortly present the results of a comprehensive evaluation ("fitness check") of the legal migration regulatory framework, for further consultation.

In the meantime, several labour migration pilot projects are under way or being prepared. They are an important element in paving the way to a new approach on legal migration. Such pilot projects can test and put in place new structures and approaches to manage legal migration more effectively with key partner countries. Projects involving Belgium and

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[44] Funded under the Asylum, Migration and Integration Fund. Since 2015, approximately EUR 37 million has been made available for projects focussing on protection in North Africa, and EUR 27.5 million in the Horn of Africa.

Lithuania, Morocco and Nigeria combine addressing skill shortages in the IT sector with potential reintegration at the end of the project. Further project proposals from Spain and France cooperating with North African countries are being evaluated. These specific projects come in addition to a regional programme on legal migration involving Germany in mobility schemes with selected countries in North Africa, which was adopted in December 2018.

Integration is a key step in the migration process, to ensure that skills and competences of those who have a right to stay are used and developed for the benefit of all, but also to ensure inclusive and cohesive societies. Successful integration of legally residing third-country nationals is thus critical to making migration work both economically and socially – given the gaps in outcomes between third-country nationals and EU citizens in terms of employment, poverty and access to key services such as education and healthcare. Supporting the integration of legally residing third-country nationals and people with a migrant background is a focal point of the proposed Multi-annual Financial Framework for 2021-2027.[45] Actions generally centred on the early phases of integration would include basic language training, civic orientation, and one-stop-shop advice centres.[46] Other types of measures would cover more systematic labour market integration[47] and the social inclusion of third-country nationals and people with a migrant background.[48]

Another important aspect is the prevention and fight against labour exploitation, which also acts as a pull factor for irregular migration. EU legislation prohibits the employment of irregularly staying third-country nationals, including those subject to exploitative working conditions, and requires minimum standards to prevent, detect and sanction infringements.

Key next steps
• The Commission will complete the comprehensive evaluation ("*fitness check*") of existing legal migration regulatory framework and launch stakeholder consultation on its results.
• Member States with EU support should step up *legal migration pilot projects* through increased support for new projects and the creation of synergies between Member States' existing projects.
• The European Parliament and the Council should ensure support for *integration measures in the next Multi-annual Financial Framework*.
• The EU should use the opportunity of the new funding programmes to improve coordination, matching of skills and improved monitoring of *integration measures* implemented across Member States.

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[45] The Commission's proposal introduces common provisions for seven funds, which should ensure better synergies and therefore more efficiency when addressing the integration of legally residing third-country nationals and people with a migrant background.

[46] Mainly under the Asylum and Migration Fund. Other actions would include assistance in areas such as housing and health care and actions promoting the interaction with host societies.

[47] This includes work-based language training, vocational education and training programmes, actions to support self-employment, the promotion of women's labour market participation, social inclusion, etc., according to the specific objectives set out in the European Social Fund+ regulatory proposal.

[48] Notably through the 25 % earmarking proposed for social inclusion under the European Social Fund+. The European Regional Development Fund can also provide support for investments in new reception facilities and social housing, as well as regenerating deprived urban and rural areas.

V. CONCLUSION

A steady rise in migratory pressure and the risk of instability beyond the EU's borders will keep migration at the head of the challenges facing the EU. That is why it is essential that the EU has the tools it will need in the years to come: a deep partnership with countries of origin and transit, the financial resources needed and a legislative framework and operational capacity that properly reflects the balance of solidarity and responsibility, which must be at the heart of the EU's comprehensive approach. In the Commission's view, the adoption of its proposals to reform the Common European Asylum System and to upgrade the European Border and Coast Guard, as well as ensuring sufficient funding in the next Multi-annual Financial Framework – always maintaining the level of ambition – is the right way forward if the EU is to be equal to the challenge.

A comprehensive approach is indispensable – embracing action with partners outside the EU, at the external border, and inside the EU. There is a clear correlation between strong border and migration policies and our ability to preserve the benefits of the Schengen area. At present, six Schengen States have internal border controls in place.[49] The Commission has set out how security can be intensified through proportionate police checks and cooperation, without requiring border controls, and proposed changes to the rules on the temporary reintroduction of border controls at internal borders.[50] Having regard to all efforts made to reinforce external border management, and taking into account the reduction in irregular arrivals, it is time to take stock of the situation with a view to having the internal border controls lifted and restoring a fully functioning Schengen area.

The four years since the adoption of the European Agenda on Migration have shown that the situation requires continuous determined action across the full range of the comprehensive approach. The lesson is that united action and joint efforts from Member States and the EU, in close cooperation with partners beyond the EU, has delivered results and is the only way to achieve better management of migration and to ensure that EU values remain the cornerstone of our migration policy. This is what EU citizens expect from the European Union.

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[49] Austria, Germany, Denmark, Sweden and Norway on grounds linked to the migration crisis and secondary movements; France mostly on ground of terrorist threats.

[50] C(2017) 3349 final of 12.5.2017 and C(2017) 6560 final of 27.9.2017, and COM(2017) 571 final of 27.9.2017.