

RECOMMENDATIONS TO THE AUSTRIAN PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

July - December 2018

EXECUTIVE SUMMARY

The **Global Compact for Safe, Orderly and Regular Migration** (GCM) is meant to address all aspects of migration and will have implications for both the internal and external policies of the EU. The intergovernmental negotiations on the GCM are scheduled to come to closure in July 2018 and the adoption of the Compact is expected to take place at an intergovernmental conference in December 2018. In this interim period between these two milestones the Austrian Presidency of the Council of the European Union (EU) can play a key role in embedding the GCM within the EU's coordination structures, policies and funding and ensuring its meaningful implementation in line with the GCM vision.

Building on the EU's migration policy commitments to working with partner countries as well as on its prioritization of Africa as a key region for cooperation on issues around human mobility, IOM recommends that the Austrian Presidency work with **African counterparts** towards **enhancing their border and identity management capacities** to benefit African intraregional mobility and to contribute to safe and regular AU outward migration, the latter supported also by EU's own visa policy reform.

Integration, social cohesion, human rights, humanitarian aid and development cooperation all need **sound investment** as successful migration policies are a long term societal ambition. For these policies to be strategic, results-oriented and long-term, they need to be properly resourced. The consultations this year for the next EU Multi-Annual Financial Framework (MFF) offer a unique opportunity for the EU and its Member States to ensure sustainable and ambitious financial commitments to create a Europe that unites and upholds its international commitments.

IOM RECOMMENDATIONS

1. Prepare for the implementation of the Global Compact for Safe, Orderly and Regular Migration

IOM puts forward the following recommendations to prepare for the implementation of the Global Compact on Migration (GCM):

- **Set up a process** to prepare for the implementation of the Compact that embeds the GCM within the EU's coordination structures, policies and funding;
- **Systematically factor the GCM commitments** into all EU migration, development and humanitarian aid policies, and in relation to the GCM capacity-building mechanism;
- **Better leverage existing EU working bodies, networks and fora** relevant to migration to support multi-stakeholder and inter-institutional dialogue on GCM commitments.

2. Support identity and border management systems in Africa

Building on the EU's migration policy commitments to working with partner countries as well as on its prioritization of Africa as a key region for cooperation on issues around human mobility, IOM recommends working with African counterparts towards **enhancing their border and identity management capacities** to:

- **Benefit African intraregional mobility;**
- **Help contribute to safe and regular AU outward migration**, supported also by EU's own visa policy reform.

3. Allocate appropriate resources for a strategic, results-oriented and long-term migration policy

Based on its experience implementing EU-funded actions under a broad range of internal and external financial instruments, IOM puts forward the following main recommendations for migration funding in the EU's next Multiannual Financial Framework:

- Funding approaches for migration must be **more coherent and principled in its internal and external dimensions** to ensure its added value and credibility;
- Funding priorities for migration must be **rebalanced to ensure more holistic and rights-based support** to the EU Member States and externally;
- Funding rules must be **simpler and more consistently applied** to reduce administrative burden and facilitate multi-actor partnerships.

RECOMMENDATION I. Prepare for the implementation of the Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Safe, Orderly and Regular Migration (GCM) is meant to address all aspects of migration and will have implications for both the internal and external policies of the EU. **The EU and its Member States should be encouraged to promote a comprehensive approach to migration** that would put the rights, needs, capacities and contributions of migrants at its core, with a view to ensuring their safety, dignity and human rights in line with the GCM vision.

The intergovernmental negotiations on the GCM are scheduled to come to closure in July 2018 and the adoption of the Compact is expected to take place at an intergovernmental conference in December 2018. In this interim period between these two milestones IOM calls on the Austrian Presidency to **set-up a process to prepare for the implementation of the Compact**.

The EU's efforts to promote dialogue and cooperation on migration among countries of origin, transit, destination and return will be of key importance. While it will be up to individual states to decide which of the GCM commitments to focus on, it is important to recognize the **need for a holistic approach** to addressing the challenges and reaping the benefits of migration, and that one-sided approaches to migration have been shown not to work.

Enhancing capacities for effective migration governance of states and other relevant stakeholders will be key for GCM implementation, including providing financial and technical assistance to enhance capacity of Member States to implement GCM in the EU Multi-Annual Financial Framework (see [Recommendation 3](#)). IOM encourages the Austrian Presidency and the EU Member States to **systematically factor the GCM commitments into all EU migration policies** (both internal and external dimensions), development and humanitarian aid policies, and in relation to the GCM capacity-building mechanism.

Within the EU, existing working bodies, networks and fora relevant to migration could be better leveraged to support **multi-stakeholder and inter-institutional dialogue** on GCM commitments and priorities for follow-up as well as to recommend what could be best done with added value at EU level. EU Member States and institutions should also be encouraged to strengthen policy coordination mechanisms on immigration, development, human rights, education, health, policing, labour, environment, disaster preparedness and response, and other relevant sectors to ensure that GCM commitments are appropriately factored into policies across all relevant sectors.

Under the **external dimension of EU migration policy**, existing EU migration dialogues could be better utilized alongside continued support to national, multi-stakeholder consultations and mechanisms that have been initiated with EU development funds during the preparation of the GCM. Regional EU migration dialogues could further capitalize on the **Global Consultations of Chairs and Secretariats of Principal Regional Consultative Processes on Migration** organized by IOM to bring different processes together to learn, share experiences and discuss implementation and whole of government approaches. IOM's existing structure for the International Dialogue on Migration (IDM) could also provide a platform for more in-depth debate on priority issues and themes.

At this key juncture ahead of the adoption of the GCM, the Austrian Presidency can play a key role in embedding the GCM within the EU's coordination structures, policies and funding and ensuring its meaningful implementation.

RECOMMENDATION II. Work with African counterparts towards enhancing their border and identity management systems

Building on the EU's migration policy commitments to working with partner countries as well as on its prioritization of Africa as a key region for cooperation on issues around human mobility¹, IOM recommends that the Austrian Presidency work with African counterparts towards **enhancing their border and identity management capacities** to **benefit African intraregional mobility** and to **contribute to safe and regular** migration to the EU, the latter supported also by **EU's own visa policy reform**.

Firstly, the African Union (AU), its regions and economic communities have increasingly enhanced their continental and regional free movement commitments. From the Economic Community of West Africa States (ECOWAS) Free Movement Protocols of 1979 to the AU's Free Movement Protocols of 2018, regional mobility is seen as a pinnacle for socio-economic growth and political stability. These free movement regimes are underpinned by the need for strengthened identity management and travel document systems to facilitate safe and orderly cross-border movement of Africans within their regions and on the continent as well as to ensure access to services and employment.

ECOWAS and East African Community (EAC) Member States have introduced a Community Passport and the former proceeded to institute the issuance of the region's Identity Card². Plans for ECO-visa are underway to facilitate and harmonize the travel of non-ECOWAS nationals. The African Union called for a pan-African passport in 2016 which would allow for all the continent's citizens to cross its borders visa-free. While these and other instruments, regimes and initiatives are well indicative of the policy direction and commitment of African nations, the status of their enforcement and implementation is, admittedly, at varied stages of advancement. In addition, the much-needed mobility schemes for cross-border communities of neighbouring countries need recognition and resource allocation as vital components in programmes supporting intraregional mobility.

Therefore, building on the aforementioned frameworks and most recent joint commitments – such as those reached in Abidjan, at AU-EU Summit (2017) and in Marrakesh, at Rabat Process meeting (2018) – it is **the operationalization** of these free movement initiatives where **the EU could extend its on-going support to African partners. Specifically, the current efforts to enhance identity management, including the ECOWAS ID-card roll out and the pan-African visa-free travel facilitation should be supported through targeted technical and capacity-building actions**³. All this fully mindful of due consideration for the links between security and cross-border mobility as well and in full compliance with international, regional and human rights laws.

Secondly, improved identity management – including, among others, civil registry reforms – **together with enhanced border management information systems in AU Member States can facilitate safer, orderly and regular AU-EU migration** – echoing both the GCM and AU-EU Summit (2017)⁴ commitments.

Civil registry is the first source of a person's identity: without appropriate and reliable life event records, subsequent identity and/or travel document issuance can be significantly undermined⁵. Instead, **centralized and secure civil registry systems** servicing all citizens and eligible residents – inter-operable with travel document databases – **can ensure a unique and verifiable personal**

¹ As reflected in the Valletta cooperation, the Partnership Framework, and the EUTF, among others.

² It would replace the Regional Travel Certificate.

³ Those could include support to ensuring compliance with ICAO travel document standards, usage of Public Key Infrastructure (PKI) and Public Key Directory, among others.

⁴ AU-EU Summit Declaration: "Migration and mobility: We aim to promote a positive, and constructive and multidimensional approach to migration that takes place in a safe, orderly and regular manner. Taking into account and complementing existing dialogues and frameworks, we commit to deepen our cooperation and dialogue on migration and mobility in a strengthened and regular manner between Africa and Europe".

⁵ This happens, among other reasons, due to poor security features of breeder documents (including birth certificates), lack of centralized electronic databases, absence of biometric data capturing.

identity, thus helping to **secure access to rights and services, including identity and travel documents**.

Subsequently, identity and travel documents issued based on unique and verifiable identities are more integral and trusted by the international community. Receiving and processing visa applications of nationals from countries issuing International Civil Aviation Organization (ICAO)-compliant travel documents can **reduce the burden of identity verification for visa application decision-making of EU Member States** and facilitate the regular travel of AU citizens to the EU. Furthermore, **centralized identity management systems, with interoperable civil registry and travel document databases, can facilitate identity verification of African nationals on the EU territory** no longer in possession of their travel document, including when they have no grounds for regular stay in the EU.

Finally, supporting the continued enhancement of African countries' border management information systems will contribute to the registration of entry and exit of regular cross-border movements in AU nations and to the secure and centralized management of the collected data⁶. **Registering and managing cross-border movement data not only helps nations better manage their own mobility, it also enhances opportunities for cross-regional and international collaboration in sharing best practices, information and data**, subject to mutual interest and agreement.

Importantly, enhancement of identity and border management systems – designed and implemented in line with international human rights law and data protection standards – will contribute both to government accountability as well as protection of individuals human rights, regardless of their migration status.

Thirdly, under the on-going EU Schengen Visa Code reform, the European Commission is proposing to restrict access to visas for nationals of third countries not cooperating on return and readmission. To this end, the Commission proposes to establish a set of indicators to assess third countries' cooperation⁷. Given the extremely varied mobility realities and disparate policies and capacities for migration and readmission management in third countries, **it is highly recommendable that criteria/indicators to assess their level of cooperation be as inclusive and flexible/broad as possible, while still efficient**. This would enable the Commission to accurately assess levels of cooperation while taking into account the specific migration management context and challenges of the third country concerned.

By way of example, tangible efforts to improve identity management processes, to strengthen travel document issuance systems or to promote awareness on risks of irregular migration should be included in said criteria, as reforms in these areas ultimately contribute to the safe, rights-based and facilitated returns of third country-nationals, and can be illustrative of a country's willingness to cooperate on migration. **"Good" cooperation on return and readmission** should not only be assessed in quantitative terms but also qualitatively, by **considering all efforts made to improve the transparency, sustainability, human rights compliance and safety of returns**.

It is also important that **vulnerable visa applicants** with specific protection needs flowing from human rights considerations **remain exempt from the application of such "readmission and return cooperation"** criteria, regardless of their nationality. Limited Territorial Validity (LTV) Schengen Visas issued on "humanitarian grounds" should thus be issued based on individual case merit, not in conjunction of readmission and return criteria, and without prejudice to international human rights law.

⁶ This is well in line with EU's own efforts at enhancing external border management through introduction of the ENTRY/EXIT system and on-going reforms towards interoperability of various data systems – both regional (VIS, SIS, EURODAC and others) and national.

⁷ Article 25a of the Commission Proposal for a Regulation amending Regulation (EC) No 810/2009 on establishing a Community Code on Visas (Visa Code), COM/2018/252 final, 14 March 2018.

RECOMMENDATION III. Allocate appropriate resources for a strategic, results-oriented and long-term migration policy

Since the adoption of the EU's current Multiannual Financial Framework (MFF) in 2013, priorities in Europe and international engagement on migration have substantially evolved in response to global and regional mobility dynamics. As the EU faces a potential budget reduction and difficult choices to prioritize resources among policy areas, it is **essential that its financing for migration is implemented in a more strategic, results-oriented manner** to maximize the added value of instruments managed by the EU.

In this context, the objectives, amounts, and rules that define EU funding for migration priorities will be key issues requiring reform in the post-2020 MFF. **Coherent migration funding** will, first and foremost, ensure resources are dedicated to the implementation of international and European level commitments, including the 2030 Agenda for Sustainable Development, the New York Declaration for Refugees and Migrants, and the forthcoming Global Compacts on Refugees and Migration and their implementation, follow-up and review. Achieving increased coherence will require matching the volume of migration funding to policy goals and international commitments. Increased investment is particularly needed in social cohesion and inclusion, integration, fundamental and human rights, humanitarian aid and development cooperation that together foster inclusive growth in line with the 2030 Agenda pledge to "leave no one behind".

Holistic migration funding will recognize that migration governance must be strengthened at national, regional and international levels to be credible and effective. A siloed approach that advances on irregular migration and return policy without parallel progress on migrants' rights, legal migration and mobility integration and building cohesive communities, will not achieve the desired results in the long term. Furthermore, good migration governance requires internal and external EU policies that adhere to international standards and fulfilment of human rights, are based on evidence and whole of government approaches, and engage in meaningful, multi-stakeholder partnerships that reflect their respective interests and realities. IOM, therefore, is concerned that the European Commission's recent proposals on the MFF⁸ addresses migration through a limited focus on EU border management and irregular migration as a global challenge for development assistance.

Balanced migration funding will increase investment to advance the well-being of migrants and society as an essential and insufficiently recognized element of migration governance. For example, although it is widely recognized that demographic trends in the EU will require more migrants to fill labour shortages at all skill levels, accompanied by pre-departure and integration measures, the allocation for these priorities in the EU's Asylum, Migration and Integration Fund (AMIF) proportionally declined from 38% in the 2007-2013 period to a minimum requirement of only 20% in the current MFF. Similarly, EU commitments at the Valletta Summit on Migration and within Partnership Frameworks to cooperate with partner countries on legal migration have also seen the least progress among priority areas. While acknowledging the competence of EU Member States on legal migration, future EU financial instruments should give increased priority to facilitating legal migration, integration and social cohesion.

In addition, the EU must more effectively address the **mobility dimensions of crises** before, during and after their onset. This requires increased investment to bridge the humanitarian-peace-development nexus in situations of forced displacement, a well-resourced budget for humanitarian aid that is impartially and independently allocated, and support for an increased EU contribution to global resettlement needs alongside an improved relocation mechanism.

Finally, IOM encourages EU leaders to commit to the **timely adoption** of the next MFF. The EU should seek to avoid similar delays in negotiations as took place for the 2014-2020 MFF, where temporary gaps and closure of migration-related programmes were experienced. A strong message to the European Commission is needed that the next MFF must be **simpler and less administratively burdensome** to facilitate partnerships and achieve the desired results.

⁸ European Commission (2018) [A new, modern Multiannual Financial Framework for a European Union that delivers efficiently on its priorities post-2020](#)



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