

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

July – December 2019

EXECUTIVE SUMMARY

In the second half of 2019, Heads of State and Government will gather at the United Nations Headquarters in New York on 24 and 25 September to follow up and review progress on the implementation of the **2030 Agenda for Sustainable Development** and the 17 **Sustainable Development Goals (SDGs)**. This will be the first UN summit on the SDGs since the adoption of the 2030 Agenda in September 2015. It is in this context that the Republic of Finland (hereafter Finland) will hold the Presidency of the Council of the European Union (EU). **SDG Target 10.7** calls on governments to “facilitate orderly, safe, regular, and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

The next **Multiannual Financial Framework (MFF)** will be instrumental in reaching target 10.7 and ensuring that well-managed migration positively contributes to the achievement of the Agenda as a whole. Its design affords an opportunity to optimize the benefits of and address the challenges to orderly, safe, regular and responsible migration in a long-term perspective. Three areas are of particular relevance. Firstly, ensuring that the EU's approach to **return, readmission and reintegration** fully respects fundamental rights and guarantees humane and dignified return condition. Secondly, migration can better foster **development and well-being** with coherent, evidence-based EU policies across the spectrum. Finally, as migration plays a key role in the context of **environment and climate change**, EU Member States should integrate migration into climate and environment policies and ensure that regional cooperation frameworks address this issue.

Following the European Parliament elections and as we approach the appointment of a new leadership, the formation of a new Commission and the negotiations of the MFF, the EU and its Member States have a unique opportunity to **give new impetus in achieving the goals of the 2030 Agenda for Sustainable Development**.

IOM RECOMMENDATIONS

I. Advance a long-term EU budget that facilitates orderly, safe, regular and responsible migration

At this key juncture in the MFF negotiations, IOM encourages the Finnish Presidency of the Council of the EU to pursue a long-term EU budget which facilitates orderly, safe, regular and responsible migration by:

- Funding programmes that **prioritize actions enabling migrants to contribute to European societies and protect those in need;**
- Defining the **respective responsibilities of the EU's funding instruments** on external migration priorities;
- Ensuring that migration priorities are rooted in the **2030 Agenda for Sustainable Development** and reflect **comprehensive support to migration governance;**
- Establishing **more consistent and simpler procedures** for implementers across EU programmes and in EU Member States.

II. Support a rights-based, comprehensive and balanced approach to return, readmission and reintegration

To support safe and dignified return frameworks, IOM suggests the Finnish Presidency of the Council of the EU:

- Implement a **whole-of-government approach to return migration** in all countries along the return spectrum;
- Promote **partnership and coherence** in return, readmission and reintegration actions;
- Uphold the **implementation of the rights-based safeguards included in the Return Directive.**

III. Ensure that migration is a driver of development and well-being in Europe and beyond

In order to meet and uphold the commitments made under the 2030 Agenda for Sustainable Development and European Consensus on Development, IOM invites the Finnish Presidency of the Council of the EU to:

- Recognize the **potential contribution of well-managed migration to development and well-being** in Europe and beyond, and promote a **change in the narrative on migration** at the highest levels;
- **Enhance policy coherence for sustainable development** by integrating migration into non-migration policies and by enhancing legal pathways for labour migrants;
- **Base migration and development policies on evidence** and improve monitoring, evaluation and knowledge management of their implementation.

IV. Address the complex nexus of environment, climate change and migration

In the interest of forward-thinking climate change policy, IOM recommends the Finnish Presidency of the Council of the EU to:

- Emphasize the **key role of migration in relation to environment and climate change;**
- Encourage EU Member States to **undertake capacity-building initiatives for institutions** at different levels, with a special focus on local governments;
- Ensure that relevant **regional cooperation frameworks address the complex nexus of environment, climate change and migration.**

RECOMMENDATION I. Advance a long-term EU budget that facilitates orderly, safe, regular and responsible migration

The next Multiannual Financial Framework (MFF) will determine the priorities, financial allocations and procedures needed to implement EU policies between 2021 and 2027.¹ Funding for migration is expected to increase in this period as it remains high on the EU and international agendas. It is therefore essential that the design of future programmes responds to the needs and commitments of the EU and its partners in the mutual interest of optimizing the benefits and addressing the challenges orderly, safe, regular and responsible migration.

Within the European Union, IOM recommends that future funding programmes **prioritize actions that protect those in need and enable migrants to contribute to European societies**. As such, minimum funding targets for asylum, legal migration and integration objectives should be included in the next Asylum, Migration and Integration Fund (AMIF). Furthermore, mechanisms that strengthen coordination, synergies and learning between the future AMIF and the EU's structural funds will be essential. Resettlement and humanitarian admission, which must be clearly identified as humanitarian and protection tools, also require adequate resources. Finally, it will be important to reinforce attention to the needs of migrants in situations of vulnerability, including children and victims of trafficking, across the objectives of the next AMIF.

Outside of the European Union, clear guidance and coordination will be essential to **defining the respective responsibilities of internal and external EU funding instruments** on migration priorities. At the same time, it will be important to ensure the EU's treaty-based commitment to policy coherence for development (PCD).² In line with PCD, development objectives should be taken into account in all EU policies that are likely to affect developing countries. This will help to build synergies, minimize contradictions and ensure that the effectiveness of development cooperation is not jeopardized. IOM recommends including clear criteria to define the nature of the actions that can be funded by AMIF in third countries. AMIF actions should focus on those priorities that are outside the scope of development cooperation, such as in the areas of resettlement, legal migration, return and readmission procedures, and immediate assistance to migrants upon return.

The future funding instrument should ensure that the EU's neighbourhood and development cooperation priorities are rooted in the **2030 Agenda for Sustainable Development**³ and relevant international frameworks to facilitate **comprehensive support for migration governance**. IOM is concerned that prioritizing funding for "root causes" of irregular migration in the proposed Neighbourhood, Development and International Cooperation Instrument (NDICI) risks oversimplifying the complex relationship between migration and national development. It also risks perpetuating the unrealistic expectation that development aid can serve as a means to stop irregular migration. IOM recommends widening NDICI priorities relevant to migration governance to assure that additional attention is given to the following concerns: migrant children; migration data; integrating migration into appropriate development sectors (see [Recommendation III](#)); the nexus of environment, climate change and migration (see [Recommendation IV](#)); and the mobility dimensions of crises before, during and after their onset.

¹ Please also refer to [IOM's recommendations on the MFF to the Romanian Presidency of the Council of the European Union \(January-July 2019\)](#).

² European Commission (2019) [2019 EU report on Policy Coherence for Development](#).

³ United Nations (2016) [Transforming our world: the 2030 Agenda for Sustainable Development](#).

Effective funding for migration priorities requires **more consistent and simpler procedures for implementers** across EU programmes and in EU Member States. Although each new MFF has committed to simplifying EU funding to reduce the administrative burden, IOM has witnessed growing complexity of contractual conditions, rules and IT systems during the current financial framework, which contribute to higher administrative costs for implementers. In EU external action, the differing interpretations of the same legal texts is a particular implementation challenge.

In relation to EU funds administered through shared management with Member States, IOM encourages clear guidance in the new Common Provisions Regulation (CPR) and regulations of relevant funds on the **treatment of international organizations** that have been positively pillar assessed by the European Commission. The recently amended EU-UN Financial and Administrative Framework Agreement (FAFA) can already be used by EU Member States to simplify contracting of UN organizations when awarding grants under shared management. This is a welcome development as national regulations, when interpreted narrowly, may not adequately consider the different legal status and rules of international organizations and can result in an unintended barrier to their participation. As a result, EU Member States risk less competition and available expertise as well as fewer multi-stakeholder partnerships in their national EU funding.

RECOMMENDATION II. Support a rights-based, comprehensive and balanced approach to return, readmission and reintegration

Good migration governance relies on whole-of-government approaches and concern all ministries with responsibilities touching on the movement of people. IOM advocates for a **whole-of government approach** to return migration in all countries along the return spectrum to enhance cooperation between relevant ministries with different mandates and across different sectors. This allows for more comprehensive, structural reintegration policy with an accent on sustainability over *ad hoc* response. IOM has developed and advocates for an **integrated approach to reintegration**⁴, which sets out a framework that contributes to the sustainable reintegration of all returning migrants.

Partnership and coherence are key in this endeavour. Sustainable reintegration of returning migrants is beyond the scope of one actor's engagement and requires the involvement of many stakeholders – governmental and non-governmental, public and private. Sound return, readmission and reintegration policies also need to factor in balanced partnerships with third countries – including countries of origin and transit – and embrace discussions on visas, labour migration schemes and consular protection.

Additionally, a consistent and comprehensive approach to return, readmission and reintegration across all relevant legislation and among mandated actors (EU Member States, EU agencies and other stakeholders) is critical. This is why the proposal for a recast Return directive should be comprehensively assessed against other relevant legislation, such as the new European Border and Coast Guard (EBCG) Regulation. Furthermore, **synergies between different EU-funded interventions** in countries of high return in the areas of humanitarian assistance, community stabilization, migration management and development cooperation would benefit EU return migration governance. In this regard, IOM, while recognizing the expanded mandate of the EBCG in the field of return, recommends that EU Member States

resort to international actors in return-related work in third countries. IOM stands ready to discuss and work with the EU institutions and agencies on comprehensive and rights-based return and reintegration system and processes.

The EU has a long history of supporting Assisted Voluntary Return and Reintegration (AVRR) programmes, both within EU Member States and in EU partner countries. IOM calls on the Finnish Presidency to promote a Return Directive recast that cautiously balances due process for the issuance of return decision with swift and effective return procedures in **full respect of fundamental rights and humane and dignified return conditions**. In particular, the **primacy of voluntary departure over forced return** should be upheld. This should allow adequate periods to prepare for voluntary return as well as providing migrants with opportunities to receive the assistance to do so. Providing sufficient financial resources under the next AMIF for individual counselling, translation and assessment of individual circumstances, legal aid, provision of targeted assistance to migrants in a situation of vulnerability, and alternatives to detention would help guarantee the implementation of the rights-based safeguards included in the Directive.

RECOMMENDATION III. Ensure that migration is a driver of development and well-being in the EU and beyond

In the context of the UN Summit on the 2030 Agenda in September 2019, as well as the seventh session of the UN High-level Political Forum on Sustainable Development in July 2019, IOM encourages the EU to further enhance the role and potential of **migration to drive development and reduce inequalities**. The 2019 HLFP will address the theme 'Empowering people and ensuring inclusiveness and equality'. Notably, it will conduct an in-depth review of SDG 4 (Education), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities) and SDG 13 (climate action).

When properly managed, **migration contributes to reducing inequalities**. It can foster the development and well-being of individual migrants and their families, communities and nations by filling labour shortages, raising productivity and enabling economic growth thanks to entrepreneurship, investment, innovation and diversity. At the highest levels, Europe has committed to achieving well-managed migration. These commitments are contained in the 2030 Agenda for Sustainable Development and related 17 Sustainable Development Goals (SDGs)⁴ as well as in the European Consensus on Development (ECD)⁵. Since the 2030 Agenda is universal and relevant to all countries, it is crucial that the EU leads from the front and develops forward-looking policies that will help facilitate the achievement of this ambitious agenda.

To achieve these commitments and harness the full benefits of migration for development and growth, IOM highlights the importance of recognizing the **potential contribution of well-managed migration to inclusive, sustainable development** in Europe and beyond. This involves focusing on policies which can further harness the power of migration to contribute to economic, social and cultural growth when migration is well-managed and takes place in an orderly, safe, regular and responsible manner. Building a more balanced narrative on migration at the highest

⁴ United Nations (2016) [About the Sustainable Development Goals](#).

⁵ European Union (2017) [European Consensus on Development](#).

levels on the foundation of this policy focus should be a key and complementary priority.

Some economic and social sectors, such as agriculture, employment, technology, health and education, can be especially impacted – either positively or negatively – by migration. These sectors could further benefit from a workforce which draws on the skills, innovation and industry of migrants. At the same time, basic services such as health and education have committed to ensuring universal access – which includes migrants – under SDG Targets 3.8 and 4.1 respectively. To further uphold these commitments and ensure that key sectors continue to grow, IOM recommends that the EU **enhance policy coherence for sustainable development** in Europe and beyond, and that **additional legal pathways** be established to facilitate regular migration of people from outside the EU to further contribute to European labour markets.

Without data and **evidence-based policies**, the above objectives cannot be achieved. Existing evidence indicates that the relationship between migration and development is complex, non-linear and context-specific. It depends on the dynamics between individual migrants, their communities in countries of origin, transit and destination and migration governance. IOM believes that development and migration policies could be better designed, coordinated, monitored and evaluated to maximize the benefits of the nexus. Additionally, the Member States should be encouraged to voluntarily report regularly on migration-related targets of the SDGs – in particular Target 10.7 – and integrate migration into internal SDG reporting mechanisms across sectors such as the Eurostat SDG progress reports. IOM calls for greater Member State engagement in conducting Voluntary National Reviews for the HLPF 2019.

RECOMMENDATION IV. Address the complex nexus of environment, climate change and migration

Climate change is the defining issue of our time. The Special Report on Global Warming of 1.5°C by the Intergovernmental Panel on Climate Change (IPCC) suggests that effects of climate change will be felt through extreme temperatures and an increase in the frequency and intensity of heavy precipitation and droughts.⁶ The movement of people is and will continue to be affected by disasters and environmental degradation. **Climate change is a critical factor influencing migration and displacement** globally.⁷ The 2015 Paris Agreement⁸ recognised that States have obligations regarding the human rights of migrants when taking climate action. It resulted in the establishment of the Task Force on Displacement, whose mandate was to develop recommendations to avert, minimize, and address **displacement related to the adverse impacts of climate change**.⁹ In December 2018, following a two-year process, the recommendations were adopted in Katowice, Poland.

The United Nations Secretary General's Climate Action Summit in New York on 23 September 2019 and United Nations Framework Convention on Climate Change's 25th Conference of the Parties in Santiago in December 2019 aim to inject momentum among countries, cities, civil society and private sector to achieve the objectives of the 2015

⁶ The Intergovernmental Panel on Climate Change (2019) [Special Report: Global Warming of 1.5 °C](#).

⁷ IOM's Environmental Migration Portal (2019) [Migration, Environment and Climate Change: Evidence for Policy \(MECLEP\)](#).

⁸ United Nations (2015) [Paris Agreement](#).

⁹ United Nations Framework Convention on Climate Change (2019) [Task Force on Displacement](#).

Paris Agreement and the 2030 Sustainable Development Goals. IOM encourages the Finnish Presidency to **emphasize the role of migration at these key summits** by identifying and highlighting existing good practices and potential actions which prevent forced migration resulting from environmental factors, aid and protect displaced populations, and facilitate migration as a climate change adaptation strategy.

IOM recommends that EU Member States undertake **capacity-building initiatives for institutions** at different levels, with a special focus on local governments. A key priority is to ensure that policymakers have the knowledge and capacity to integrate migration into relevant climate change policies at the regional and national levels. At the same time, intersectoral coordination mechanisms need to be established with standard operating procedures or guidelines on how to integrate migration into climate change policies and programmes. These should focus on deepening understanding of key concepts and issues on migration, environment and climate change; identifying capacity gaps and needs; providing practical tools to support integration of migration into climate change planning and programmes; and mainstreaming climate change in migration planning and programmes.

Regional or multi-country processes or platforms will be key to scaling up national level action at the regional level. The aim is to strengthen regional partnerships and provide avenues for sharing good practices and lessons learned in the field of environment, climate change and migration. IOM recommends that the Finnish Presidency ensures that relevant regional cooperation frameworks, such as the Eastern Partnership, provide a forum for multi-stakeholder dialogue involving government actors, civil society and the private sector on policy development and action to address the complex nexus of environment, climate change and migration.



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