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

July – December 2020

EXECUTIVE SUMMARY

In the second half of 2020, the Member States of the European Union have to reach common ground on a number of issues which will define the future viability and resilience of EU migration policy for years to come. The German Council Presidency of the EU will lead the Council discussions on next the Multiannual Financial Framework (MFF), the Recovery Fund, the finalization of Brexit, the European Green Deal as well as the Pact on Migration and Asylum.

The discussions will take place in a social and economic environment, which has been and continues to be heavily impacted by the last 6 months COVID-19 pandemic. The pandemic has unprecedented impact on all areas of human life, including migration and human mobility, both in terms of regimes for border and migration management, and the situation of all people on the move.

And it is this human mobility and cross border trade that will be essential to recover from the COVID-19 engendered crisis. At the same time, the ability to collect and analyse data on international migration will be key to adapt policies to evolving migratory trends and to tailor operational responses to emerging issues.

While IOM is aware of the pressing needs to come to an agreement on the next Multiannual Financial Framework (MFF) and

the Recovery Fund, it calls upon the German Presidency in these discussions to give attention to the fact that migrants and refugees are often on the frontlines of COVID-19 responses and migrant workers will be essential in Europe's socio-economic recovery, as agents of economic revitalization.

Placing green transition at the heart of recovery from the COVID-19 pandemic, offers the opportunity to involve migrants to support climate action both in Europe and partner countries so that no *one is left behind*.

As European states prepare to resume non-essential travel from and to partner countries, uncertainty of how to resume cross-border mobility while safeguarding global public health will require the development and implementation of flexible and innovative public health solutions at borders.

Operations on return, readmission and reintegration have been drastically reduced. The development and implementation of alternative tools and e-solutions can prepare and facilitate the resumption of movements. The German Presidency takes place at a crucial point in time to ensure that we collectively achieve safe, orderly and regular migration across the entire migration cycle in a world impacted by COVID-19.

IOM RECOMMENDATIONS

I. Pursue a long-term budget that advances an inclusive recovery from COVID-19 and better migration governance for sustainable development

- Ensure people on the move are part of the solution and recognize that no one is safe from COVID-19 until everyone is safe.
- Advance holistic and balanced migration priorities in pursuit of well-managed migration and the central commitment of the 2030 Agenda for Sustainable Development to leave no one behind.
- Promote the timely adoption of the MFF and/or an adequate bridging strategy, including possible contributions from EU Member States as donors.

II. Support international human mobility resumption to promote economic and social recovery through a) adapted immigration and border management and b) labour mobility schemes

Understanding the impact of COVID-19 on human mobility and its impact, IOM recommends the German Presidency of the Council of the EU to:

- Identify ways to promote cross-border mobility management, including health screening and tailored regulations to promote trade and human mobility while ensuring security and safety for all.
- Discuss access to information and legal pathways through necessary technological solutions to prevent blockages from the pandemic context and resume regular migration, return and readmission.
- Prioritize digitalization transition on migration and legal identity management to enhance access to public services for all, optimize administration work and ensure continuity throughout a crisis.
- Promote flexible, accessible and skills-based labour mobility pathways which target migrants at all skill levels and protect their rights.
- Strengthen the enforcement of existing anti-hate crime and anti-discrimination legal and policy framework to counter the rise of xenophobia vis-à-vis migrants and promote cohesive societies.

III. **Develop guidelines for safe, dignified, return, readmission and sustainable reintegration taking into account the restrictions to travel and health safeguards imposed by the COVID-19 pandemic**

- Identify and develop new tools to inform migrants about the possibilities to voluntary returns to their countries of origin.
- Promote the development of innovative initiatives on reintegration that go beyond financial incentives.
- Foster a close cooperation with partner countries through dialogue and exchange of best practices on return management with actors involved at the different stages of the return, readmission and reintegration process.

IV. **Ensure that the role of well-managed migration is considered during the transition to a climate-neutral economy and green recovery from the COVID-19 pandemic**

To support the climate-neutral transition and green recovery from the pandemic, IOM recommends the German Presidency of the Council of the EU to:

- Account for migration in the anticipated measures to be carried out in the European Green Deal by highlighting potential actions and implications.
- Foster integrated consultations and strong cooperation with partners working in the fields of migration, climate change, disaster risk reduction, environment and development in the planning of COVID-19 recovery and the implementation of the European Green Deal.
- Promote the principles of the European Green Deal in its external action to ensure that migrants, their families, and communities in third countries can contribute to and benefit from the transition to a low-carbon economy across global supply chains, especially those vulnerable to the risks of climate change.

RECOMMENDATION I.

Pursue a long-term budget that advances an inclusive recovery from COVID-19 and better migration governance for sustainable development

IOM welcomes the initiative of the European Commission and of the incoming German EU Presidency to act as a 'bridge builder' among Member States to revise the proposals for the Multiannual Financial Framework (MFF) for 2021-2027 and bolster resources available for recovery from the COVID-19 pandemic in the short and medium term.

The COVID-19 pandemic has had a disproportionate impact on people on the move and increased risks for those that were in situations of vulnerability prior to the outbreak. Therefore, it is essential that the MFF, its spending programmes and the Recovery Fund contribute to safe and inclusive human mobility during and beyond the pandemic. Both in its internal and external action, the EU's recovery plan should **ensure people on the move are part of the solution** and recognize that **no one is safe from COVID-19 until everyone is safe**.

The COVID-19 pandemic presents an opening for the EU's next funding programmes to **advance holistic and balanced migration priorities** in pursuit of well-managed migration and the central commitment of the 2030 Agenda for Sustainable Development to **leave no one behind**. IOM underlines that a siloed approach that advances on irregular migration and return policy without parallel progress on migrant protection and assistance, legal migration and mobility, integration, and building cohesive communities, will not achieve the desired results in the longer term. Furthermore, the EU's future spending programmes must respond to the needs and commitments of both the EU and its partners, policy coherence for development and meaningful multi-stakeholder partnerships.

IOM welcomes the German Presidency's strong commitment to reach common ground among Member States and obtain the consent of the European Parliament to avoid any unnecessary delays with the implementation of the Multiannual Financial Framework and its programmes for 2021-2027. As the expiry of the current MFF in December 2020 rapidly approaches and programming for the new funds has been delayed, IOM calls for the **timely adoption of the MFF and/or an adequate bridging strategy.** Such measures should avoid a repetition of the gaps and closures in EU-funded programmes across sectors, including migration, as was experienced at the start of the previous MFF in 2014 and 2015.

RECOMMENDATION II.

Support international human mobility resumption to promote economic and social recovery through adapted immigration and border management and labour mobility schemes

IOM welcomes the German Presidency at an unpreceded time where international mobility has been reduced to a level which has never seen before. The sudden drop of mobility and aligned restrictions[1] heavily impacted economic and social dimension of our societies through a decrease of trade, putting the most vulnerable groups of population at further risk, and challenging all governments in their migration management schemes. The immediate and strong negative effects of border closures and travel restrictions are a stark reminder of the importance of human mobility and migration for a prosperous society.

However, the COVID pandemic offers an opportunity to strengthen our societies by reimagining the future of human mobility to ensure that it is inclusive, safe and respects human rights. In the context of COVID-19, and with EU internal borders gradually reopening[2], the end of external EU border closure and its associated conditions will have to be carefully analysed and reviewed when necessary[3]. While it is essential to reopen external borders to promote both human and goods mobility for social, economic and political reasons, this will have to be accompanied with necessary adaptive measures at Point of Entries, based on ports of departures and to prevent from further spreading of the virus within, from and to the EU. These measures will require revised procedures, adapted equipment, tailored trainings, and adjusted infrastructure, to ensure health for both travellers and border officials. Thus, both internal and external cross border processes will have to integrate efficient and thorough health screening measures to ensure protection and control, while fostering regular migration facilitation.

Beyond the pandemic response, shaping the EU integrated border management[4] to the evolving international context will be an essential dimension of the Presidency. Indeed, there will be a need to further monitor mobility from a health proofing perspective, as well as fight transnational crime, combat migrants' smuggling and prevent all types of trafficking.

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[1] IOM, *Mobility Impacts COVID-19*, 2020

[2] EUobserver, Internal EU borders open by 15 June. 05 June 2020

[3] SchengenVisaInfo News, Latvia's MFA: EU External Borders Must Reopen Gradually. 17 June 2020.

[4] European Migration Network, European integrated border management. In *European Migration Network Glossary* (2018).

However, the facilitation dimension of an integrated border management model, for both goods and persons are at least equally important for EU Member States and its international partners. Recent events showed how dependent states are on their cross-border mobility regarding trade, tourism, health or education. **To achieve this objective, a need for further cooperation among national agencies (health, immigration, police, customs, trade) and international partners, public and private sector, is essential to have the most coordinated border management.**

In this context, IOM recommends to the German Presidency to enhance partnerships with partner countries for the development of common criteria for integrating health into border management without unduly excluding either states, or migrants and travellers who may not be able to meet additional travel requirements. **Coordinated border management at an international level will depend on the development of flexible and workable criteria**, not only for the initial re-opening of borders, but to manage future fluctuations in infections across the world.

IOM strongly encourages the German Presidency to support **the creation of a global space to exchange information, establish common understanding and concepts, and identify gaps in capacity**. Such a platform will provide support for countries with infrastructures at varying degrees of sophistication. Without this, borders may continue to open and close on an ad hoc basis, reducing predictability for travellers, migrants, and businesses dependent on mobility, and further deepening an economic slowdown. **IOM, in line with its mandate, capacity, expertise and global presence, stands ready to facilitate a global structured dialogue among states to promote increased coordination in the context of the pandemic.**

In addition, COVID-19 highlighted the need for further international cooperation on immigration, as it showed government lack access to reliable information and interlocutors with stranded migrants. In this regard, additional partnership on **visa issuance, consular services coordination, return, and readmission are key to ensure no one is left behind nor lack access to health in such circumstances.** This will require extensive dialogue efforts within the EU to promote a harmonized approach towards partners countries and support the development of their capacities on immigration related issues, such as access to legal identity for their population. **Structuring stronger legal identity systems, from foundational to functional ID systems, is paramount for continental trade, international education partnerships, and promoting legal pathways.**

The COVID-19 pandemic has demonstrated that migrant workers, at all skill levels, have been essential in keeping European economies abreast and supply chains afloat in times of crisis. **Migrants have played a key role as response agents supporting critical sectors during the pandemic** – including the healthcare, agricultural and food-processing industries – and should, by the same token, be viewed and included as socioeconomic recovery agents in the EU's COVID-19 socioeconomic recovery plan. In view of the EU's ageing population and shrinking workforce, market-responsive **labour mobility schemes have the potential to dynamize European labour markets** and contribute to economic growth; serving as an important policy tool in addressing labour market shortages and the up-skilling of talent pools. Germany has set an example with its skilled labour immigration act which should be promoted as a way to create legal pathways for labour migrants from third countries.

In an effort to respond to skills gaps in EU Member States' labour markets, both in the context of COVID-19 response, recovery and beyond, Member States are encouraged to design flexible and accessible labour mobility pathways which target migrants at all skill levels. To support the upskilling of migrants and align with the EU's forthcoming *Skills Agenda*, such labour mobility pathways should adopt the *Skills Mobility Partnership* model which integrates market-responsiveness and upskilling at its core.

In order to achieve sustainable migration policies, including those related to labour migration, and **promote social cohesion**, migrants also need to be successfully included in European host societies. While the COVID-19 pandemic has demonstrated migrants' valuable role to EU societies and its economy, it has also exacerbated the stigmatization of migrants – often being scapegoated as diseases spreaders – while simultaneously spotlighting their unequal access to basic services, particularly with regards to healthcare. In terms of **countering xenophobic sentiment and combating discrimination vis-à-vis migrants**, particularly in a climate of heightened social tension, the enforcement of anti-hate crime and antidiscrimination laws and policy frameworks needs to be strengthened for a more cohesive Europe. Shaping a balanced discourse on migration based of facts and figures, is key to fighting migrant stigmatization and appeasing existing social tensions.

Finally, the virus showed how the digitalization of an administration and its services is essential to prevent isolation and discontinuity in public services. Accordingly, **migration management will have to adapt its institutional, operational and legal dimensions to the digital era**, promoting a transparent and easier process for EU citizens and residents, facilitating immigration procedures for non-EU citizens through remote visa solutions, adjusting its border management processes to health requirements when it comes to passenger

information control[5] and safeguarding personal data protection. In this regard, the EC new recovery plan "Next Generation EU" clearly states digitalization as one of the top three priority[6]. If the digitalization used to be a luxurious tool towards prosperity, it has become a necessity for all governments, thus identity and immigration authorities must prepare a swift transition with support of international partners, both within the EU and in third countries[7].

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[5] API and PNR contain detailed information about the traveller and their journey, including biographic details, travel itinerary, seat number and contact information, among others. This data is collected by airlines at the time of check-in or ticket reservation and once the flight departs, shared with immigration authorities of the destination country prior to the person's arrival for pre-clearance. Existing innovations, such as touchless biometrics and contactless passage through security and border control are other examples.

[6] European Commission, Europe's moment: Repair and prepare for the next generation. 27 May 2020.

[7] European Commission Directorate-General for International Cooperation and Development, Guidelines and Roadmap for full deployment of E-governance systems in Africa, 2019.

RECOMMENDATION III.

Develop guidelines for safe, dignified, return, readmission and sustainable reintegration taking into account the restrictions to travel and health safeguards imposed by the COVID-19 pandemic

The COVID-19 mobility restrictions and border closures have left thousands of migrants in difficult situations and have prompted quick reaction for the adjustment and the development of new and more flexible operational tools and practices. The last months have also underlined the need for enhanced dialogue and coordination amongst stakeholders as well as the relevance of the Assisted Voluntary Return and Reintegration (AVRR) programmes as instrumental in providing tailored response to migrants unable to remain in host or transit countries and wish to return home.

Having drawn lessons from its response during the COVID-19 pandemic, IOM encourages the German Presidency to support the development and implementation – **in partnership with host, transit and origin countries** – of comprehensive assisted voluntary return and reintegration approaches **broadly opened to all migrants, regardless of category, willing to return home.**

IOM also recommends the development and use of **information and communication technology tools** to reach out to migrants more easily and provide them with factual information on applicable migration legal frameworks, assisted voluntary return and reintegration process, precautionary health measures and available services and options throughout the return continuum. Migrant Registration Application tools allowing migrants to register themselves for assistance, including return, should also be further promoted. Such tools allow counsellors to subsequently reach out to each migrant to provide tailored information on return possibilities, while also allowing referral for immediate needs-based services.

The provision of pre-departure tailored counselling support should be further encouraged. Alongside face to face counselling, IOM recommends to include virtual and remote counselling to allow migrants to connect with counsellors in their own countries of origin and better learn and understand the return context, assistance available as well as the overall return process in their language.

In light of the expected long-lasting impact of COVID-19 pandemic, **medical access and screening** should be enhanced for migrants. Additional support should be made available at all stages of the return process to comply with public health requirements, such as pre-departure COVID-19 tests, the provision of sanitizers and/or support in the organization of the post-arrival quarantine, or referrals to quarantine possibilities in partner countries, whenever needed.

IOM calls for a more **comprehensive and integrated approach towards reintegration,** which in the post-COVID-19 landscape would be instrumental to contributing to recovery and to rebuilding communities in countries of origin. Such an approach requires a holistic and needs-based response at the individual, community and structural levels, embedded in the economic, social and psychosocial aspects of reintegration. A strong articulation between all these levels, initiated before return, coupled with engagement, coordination, technical assistance, notably at structural level in countries of origin, allow for more conducive environment for reintegration, greater ownership, sustainability and impact of reintegration.

IOM recommends that community-based reintegration assistance is further piloted and developed whenever feasible in communities of high return and synergies created with initiatives supporting all types of returns, including internally displaced people, refugees, deportees. Tailored made packages to groups of women/men and single mothers/fathers or families returning to the same communities should also be much more explored. With such an approach, countries of origin will take a greater leadership role in the reintegration process given that sustainable reintegration is beyond the capacity of single actors and depends on the combined efforts of all stakeholders.

Considering the current restrictions and health measures in place and the evolution of the human mobility in future, dialogue and exchange of best practices on **return management** with actors involved at the different stages of the return, readmission and reintegration process are key to reinforcing partnerships among host, transit and origin countries as well as reaching and further promoting a common understanding of related challenges and conflicting priorities.

RECOMMENDATION IV.

Ensure that the role of well-managed migration is considered during the transition to a climate-neutral economy and green recovery from the COVID-19 pandemic

Under the German Presidency, the European Green Deal and finalization of the Paris Rulebook will continue to top the agenda, along with **placing the green transition at the heart of recovery from the COVID-19 pandemic**.

While the movement of people is and will continue to be affected by disasters and environmental degradation[8], the COVID-19 pandemic has brought to the fore – more than ever – the important role of migration globally: our food supply, our economy and our health care, all rely on migrant workers. The pandemic has also highlighted the socio-economic vulnerabilities of many migrants and their families. There is a need to ensure that migrants and their families – as well as people displaced by adverse impacts of climate and environmental change – are enabled to contribute to and benefit from the European Green Deal.

In line with the 2015 Paris Agreement[9], the 2030 Agenda for Sustainable Development, and Sendai Framework of Disaster Risk Reduction 2015-2030, IOM encourages the German Presidency to promote the inclusion of migration – in all its forms – in the anticipated measures to be carried out under the European Green Deal. This includes supporting interventions which will (i) avert, minimize and address displacement related to the adverse impacts of climate change[10]; (ii) aid and protect such displaced populations[11]; and (iii) create enabling conditions for migration and its consequences to support climate action[12] in both partner countries and Europe so that *no one is left behind*.

When enabling conditions are present, safe, orderly and regular migration can support a green recovery that boosts climate action. Migrant workers, and entrepreneurs play a critical

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[8] Environmental Migration Portal, Migration, Environment and Climate Change: Evidence for Policy (MECLEP).

[9] The 2015 Paris Agreement recognized that States have obligations regarding the human rights of migrants when taking climate action and resulted in the establishment of the Task Force on Displacement, the mandate of which was to develop recommendations to avert, minimize, and address displacement related to the adverse impacts of climate change.

[10] United Nations Framework Convention on Climate Change (2019), *Task Force on Displacement.*

[11] IOM, Migration, Environment and Climate Change.

[12] IOM, Chapter 9 - Human Mobility and Adaptation to Environmental Change. In *World Migration Report 2020* (Geneva, 2019).

role in key sectors such as energy, industry, transportation, agriculture and construction, which will transform during the green transition. Migrants and their families are also consumers of goods and services. Well-managed migration has the potential to promote the circulation of financial and social remittances between host and home communities whilst simultaneously addressing the mismatch between demand and supply in the labour market.

Recognizing the role of migration and migrants in the green recovery, the 'Next Generation EU' fund – that will support the COVID-19 recovery and the implementation of the European Green Deal – could also reflect the role of migrants and their families as contributors to, and beneficiaries of, the green transition and sustainable development more broadly. IOM commends the EU's efforts to enhance ambitions to address the adverse effects of climate change through the unveiling of the European Climate Law, Farm to Fork Strategy, Biodiversity Strategy, Circular Economy Action Plan, European Climate Change Adaptation Strategy, and recommends that the German Presidency fosters integrated consultations and strong cooperation with partners working in the fields of migration, climate change, disaster risk reduction, environment, development – and other relevant sectors such as agriculture, rural development, education, hospitality, construction and healthcare, where migrants account for a significant portion of the workforce.

Globalization has made our world more interconnected than before, and as a result, actions that are taken in Europe will have knock-on effects in other regions. The European Green Deal will consequently reshape economies in other parts of the world, with migrants accounting for a significant portion of the workforce in many countries. IOM therefore recommends that the German Presidency of the European Council leverages its leadership role to promote the principles of the European Green Deal in its external action to ensure that *no one is left behind* across the *global* value chain, especially those vulnerable to the risks of climate change.

FURTHER READINGS

Cross-border Human Mobility Amid and After COVID-19

Why Migration Matters for "Recovering Better" from COVID-19

IOM Responds to COVID-19

IOM Combats Xenophobia

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