

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

January – June 2021

EXECUTIVE SUMMARY

The COVID-19 pandemic continues to have an unprecedented impact on migration and mobility. It is apparent that it will have long-term and broad-ranging socio-economic implications on a global level. The Portuguese Presidency will lead the Council's efforts in spearheading European economic recovery and advancing the twin green and digital transformation. Building a *Global Europe* in this extraordinary context means building balanced and mutually beneficial partnerships with partner countries to ensure effective and coordinated migration governance.

Deeper international cooperation will require that the EU's partnerships reflect the cross-sectoral interests, needs and priorities of all stakeholders – including migrants' decisions and agency – to build trust between parties. Partnerships demonstrating true co-ownership allow political decisions to translate into successful action, also in the area of global health security. Therefore, EU development cooperation should not be made contingent on returns and readmission, nor prioritized based on the EU's internal policy interests alone.

Instead, it will be important to bridge return and development with robust reintegration measures which address the needs of returnees and communities alike. As part of a comprehensive and integrated approach to return, the sustainable reintegration of a wide range of returning migrants contributes to the stabilisation of communities under pressure to find solutions. To determine the timing and nature of assistance measures, it is crucial to address vulnerabilities throughout the whole return and reintegration continuum.

To further show solidarity with partner countries, it is of critical importance to strengthen legal pathways

for protection. This will require a dialogue among EU Member States to increase efforts in resettlement and relocation within a durable and predictable European framework.

The resumption of human mobility and cross-border trade will be essential to recover from the COVID-19 engendered economic downturn and to enable migrants to contribute to the sustainable development of countries of origin and destination. This will only be possible by tailoring and adapting immigration and border management schemes in a coordinated and harmonized way, accounting for the health dimension in cross-border mobility. Collectively investing in and coordinating global health security across borders and sectors will be key.

A *Digital Europe* could lead the establishment of innovative digital tools to speed up migration processes, enhance security and protection of identity, and provide contactless passage that reduce sanitary risks. At the same time, the EU's partnership with African partners can be enhanced by supporting border management capacity building to boost economic prosperity through enhanced intra-regional mobility in Africa.

Working towards a *Resilient Europe* will rely on flexible and accessible skills-based labour mobility pathways that are mutually beneficial and target migrants at all skill levels. It will be essential to advance the integration of migrants through broader social inclusion with a view to strengthen social cohesion in European societies.

The Portuguese Presidency takes place at a time where it is essential to ensure that we *build back better* cooperatively to ensure safe, orderly and regular migration across the entire migration cycle.

IOM RECOMMENDATIONS

In the first half of 2021, with an effective vaccine in sight, the Portuguese Presidency arrives in a period where Europe and the world seek to adapt and recover from the COVID-19 pandemic and its diverse implications. The Portuguese Presidency will lead the Council's efforts in spearheading European economic recovery and advancing the twin green and digital transformation. The global and interconnected character of these challenges underline the need for an ambitious and future-proof reform of European migration policy. It is therefore crucial - for migrants and EU societies alike - to advance the discussions on the Pact on Migration and Asylum, put forward by the European Commission.

I. Promote the systematic inclusion of reintegration assistance as a bridge between return and sustainable development

- Support the development of a comprehensive and integrated approach to return which is coupled with robust reintegration measures, addressing the needs of returnees and communities alike.
- Develop and advance new tools that link the individual, community and structural levels of reintegration to fully harness its potential and improve systematic data collection, monitoring and evaluation.
- Adopt a migrant centred programming, which addresses vulnerabilities throughout the whole return and reintegration continuum.
- Address the need to strengthen the support to partner countries in developing their capacities in return and readmission while facilitating dialogue on the whole spectrum of return.

II. Promote the development of comprehensive frameworks for the resumption of international human mobility for social and economic recovery

- Enhance the coordination on travel resumption post-COVID-19, including the vaccination dimension in global human mobility.
- Enhance trade and border management capacity building in African partner countries to boost economic prosperity through enhanced intra-regional mobility.
- Prioritize the mainstreaming of digitalization and access to legal identity to better coordinate human mobility.
- Identify and promote migration management mechanisms that include public health emergency preparedness and response measures and ensure an integrated approach to Health, Border and Mobility Management, including current International Health Regulations (IHR) guidance and tools.

- Develop mobility policies and related contingency immigration, visa and border related solutions that can be activated along with national IHR measures and pandemic response plans, for real-time intersectoral and international coherence in facilitating cross-border mobility.
- Facilitate migrants' contributions to economies and societies so that migration continues being a central enabler of sustainable development for societies and economies in countries of origin and destination.

III. Strengthen legal pathways for protection

- Facilitate dialogue among EU Member States to increase efforts in resettlement and relocation as a tool for global protection and solidarity.
- Pursue the swift adoption of the proposed Regulation for a Union Resettlement and Humanitarian Admission Framework (URHAF), providing for a durable and predictable European resettlement framework.
- Support effective access to family reunification to foster successful integration of refugees in their host communities and to reduce irregular migration.

IV. Promote skills-based partnerships and linkages between labour mobility, migrant integration and social inclusion policies

- Promote flexible, accessible and effective skills-based labour mobility pathways that are mutually beneficial, based on multi-stakeholder approach, target migrants at all skill levels and geared towards partnerships and cooperation.
- Make steps towards adopting policies on fair and ethical recruitment of migrant workers and the protection of their rights throughout the migration process.
- Advance migrant integration through broader social inclusion policies with a view to strengthen social cohesion in European societies.

RECOMMENDATION I.

Promote the systematic inclusion of reintegration assistance as a bridge between return and sustainable development

IOM appreciates that the Pact for Migration and Asylum proposal highlights the importance of a common approach to voluntary returns with more harmonized procedures, complementarity with other sectors and links to the external dimension and reintegration. Return should occur in a safe and dignified manner and accompanied by sustainable reintegration measures, with migrants able to make an informed decision on return. A comprehensive and integrated approach to return must include measures to promote sustainable reintegration and provide adequate measures and resources to cater to the needs of returnees and local communities alike, such as skills recognition, labour market integration, including health and psychosocial support needs. Addressing drivers of irregular migration, and advancing return policy cannot take place in isolation.

To advance on its priority of a *Global Europe*, the Portuguese Presidency is encouraged to build upon the proposals made by the European Commission on return and partnership in the Communication on the Pact¹ while recognizing the diverse challenges COVID-19 induces on partner countries. To this end, it is important to build meaningful and lasting partnerships with partner countries that do not make development cooperation contingent on return and readmission. To move forward in this area requires a truly collaborative approach adaptive to common challenges.

The COVID-19 pandemic, which continues to cause severe adverse socio-economic impacts on communities and countries of origin, has reinforced the importance for sound reintegration measures to act as a bridge between return and development. Investing in the reintegration of a wide range of returning migrants means investing in stabilizing communities under pressure to find solutions.

Building upon its extensive experience in implementing return and reintegration programmes, including the EU-IOM Joint Initiative in 26 African countries, IOM stresses the importance of addressing the individual, community and structural levels of reintegration, taking into account the economic, social, health and psychosocial dimensions for the sustainability of reintegration and local development. Specifically, addressing the needs of communities to which migrants return can contribute to countering drivers of irregular migration, forge social links and increase the reintegration capacity of communities. IOM's integrated approach to reintegration is captured in the [Reintegration Handbook](#) accompanied by an [online course](#).

Linking the individual, community and structural levels can be achieved by migrants outlining their reintegration project before departure and through contacts with experts and counsellors in the country of origin. To this end, virtual counselling hotlines and digital platforms, early provision of information and referrals coupled with psychosocial support, skills recognition and labour market integration efforts and virtual capacity building for

¹ European Commission Communication on the New Pact on Migration and Asylum: https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF

counsellors, can facilitate bridging the pre-departure and post-arrival phases. IOM stands ready to develop these tools further with EU Member States so that they can be used at large scale in return and reintegration programming.

To be effective, such measures need to systematically establish links with national and local development strategies in countries of origin together with state and non-state actors to promote the inclusion of this topic in the political agenda and local ownership of reintegration support structures. IOM recommends building or strengthening formal referral networks for returnees to access support services at the local level. It is also recommended to develop communication platforms to raise awareness, beginning at the pre-departure phase, of these existing services to enhance the reintegration process.

In addition, IOM stresses the importance of addressing vulnerabilities throughout the whole return and reintegration continuum. The identification of potential situations of vulnerability is essential as this determines the nature and the timing of assistance needed in the country of origin and hence contributes to the sustainability of reintegration. To this end, reintegration programming should always be migrant-centred, delivered in collaboration with migrants. The rights and needs of returnees should always be at the forefront and assistance should be gender and age-sensitive. Through extensive experience in this field, captured for instance in [IOM's Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse](#) as well as the annex to the Reintegration Handbook on the [reintegration of children and their families](#) developed jointly with UNICEF, IOM stands ready to support.

IOM also underlines the need to continue improving systematic data collection, monitoring and evaluation. The generation of more robust knowledge on return and reintegration is highly valued as this will allow for adjustments to strengthen future programming. Further, IOM recommends introducing common standards for monitoring return and reintegration outcomes to facilitate comparison of results between interventions as well as sharing knowledge gained on return and reintegration with relevant policymakers and practitioners through IOM's [return and reintegration platform](#).

Finally, the EC Communication for a Pact on Migration and Asylum is calling for reinforced cooperation on readmission with third countries, complemented by cooperation on reintegration. IOM recommends to the Portuguese Presidency to advance the support for partner countries in developing their capacities in return and readmission while facilitating dialogue on the whole spectrum of return. Based on its experience and work, IOM stands ready to support this process.

RECOMMENDATION II.

Promote the development of comprehensive frameworks to enable the resumption of international human mobility for social and economic recovery

Human cross-border mobility and trade will be essential for effective recovery from the socio-economic impacts of the COVID-19 pandemic. Strong EU cooperation with third countries and international organizations such as the UN will be necessary to restart economies by ensuring that no person or country is left behind and to contribute to promoting common standards for the respect and monitoring of fundamental rights. IOM encourages such solidarity and support including between the EU and partner countries that benefit from technical assistance and advice. The resumption of cross-border travel depends on tailoring and adapting immigration and border management schemes in a coordinated and harmonized way. New technologies and digital solutions responding to public health risks can play an important facilitating role.

The COVID-19 pandemic has demonstrated that the digitalization of public administrations and their services is essential to business continuity in times of crisis. Furthermore, in keeping physical distancing measures, the use of technologies such as touchless biometrics and contactless passage through security and border control will be essential throughout travellers' entire journey. Mainstreaming digitalization across different sectors and policies should remain a priority as countries seek to recover. Specifically, legal identity management, including the safe and responsible transfer of health-related information for visa and immigration processing, will need to be digitally upgraded to more effectively address new and ever-evolving realities. Internationally coordinated cooperation on digitalization could help optimize responses to public health issues and facilitate the overall travel continuum.

The COVID-19 pandemic clearly demonstrates the need for strong investment in global health security as a key component of well-managed migration systems and global dialogue, recognizing the inextricable links between mobility, trade and sustainable development more broadly. The systematic integration of health and cross-border mobility approaches will require partnerships and international cooperation. Public health measures such as health education, medical screenings, vaccination and referrals for treatment will be critical, not to mention portability of health insurance and other social benefits, including harmonization of treatment protocols and medical recording that facilitates continuity of care and access of migrants to treatment and care. Migration health assessments, including those implemented by IOM on behalf of Member States, show that when based on reliable public health evidence and without stigma or discrimination, they can positively impact a migrant's capacity to integrate fully into receiving societies by ensuring that the migration process does not endanger the health of either the migrant or the host population.

Portugal has already shown that it is possible to secure migrants' rights during the COVID-19 pandemic by regularizing migrants whose status was pending during the onset of the pandemic, which has provided them access to the national health system, employment, and social security at the same level as the nationals. This clearly shows Portugal's deep understanding that no one is safe until all are safe.

IOM recommends that the Portuguese Presidency builds on these achievements by facilitating a global dialogue to address the links between mobility and health to exchange knowledge, establish common understandings, discuss and elaborate standards, and develop innovative solutions. This multi-lateral and multi-stakeholder dialogue could include the enhancement of digital capacities of EU Member States and partner countries on migration and identity ecosystems, tailored and structured around a multichannel approach for access while upholding the right to privacy and protecting personal data in the migration sector. This includes supporting the development of electronic visa procedures in line with the Pact for Migration and Asylum to make visa applications possible in the absence of diplomatic presence. Mobility systems should be adapted to the digital era regarding their institutional, operational and legal dimensions, promoting a transparent and easier process for citizens and residents to facilitate a return to global mobility that will promote socio-economic recovery.

IOM welcomes the Portuguese Presidency's focus to enhance and sustain the EU's partnership with African partners. Facilitating an integrated border management model in the African continent will contribute to the positive impact of well-managed migration on economic prosperity, decreased transnational crime, and social cohesion. The African Continental Free Trade Agreement will play a key role in intra-continental migration through the increase of cross-regional trade. IOM stands ready to support trade and border management authorities to speed up cross border control and processes while maintaining security standards and safeguarding public health, in order to boost economic growth.

To further facilitate intra- and inter-regional mobility, IOM encourages the Portuguese Presidency to prioritize access to legal identity, which calls for the issuance of an official certificate verifying the individual's essential characteristics of identity. This would ensure continuity of human mobility through legal channels, strengthen access to public services and optimize migratory administrative work. Additionally, IOM recommends an approach to combatting human trafficking and migrant smuggling networks that integrates migrant protection efforts and capacity building of border authorities and law enforcement. This objective can be achieved by promoting further regional cooperation in information sharing that is needed for effective identification, investigation, prosecution efforts, and the protection of vulnerable migrants.

IOM recommends facilitating migrants' contributions to economies and societies by restoring the conditions for migration to continue being a central enabler of sustainable development for societies and economies in countries of origin and destination for migration. Universal health coverage and access to social security need to become a key focus of international cooperation. Through inclusive social, economic and fiscal responses, the skills, resources and business networks of migrants need to be maximized to support the recovery of economies and societies across communities, countries and regions. To achieve this, strong international cooperation is needed with migration being integrated coherently across all policy domains from a whole-of-government and whole-of-society approach. The UN Network on Migration represents a critical convening platform that should be fully leveraged to connect human mobility and socio-economic response in country and effectively contribute to the UN socioeconomic response framework. To help achieve this, it is also important to systematically monitor and track COVID-19 responses that relate to different dimensions of migration.

IOM also recommends that migration management mechanisms include public health emergency preparedness and response measures and ensure an integrated approach to Health, Border and Mobility Management approaches, including current International Health Regulations (IHR) guidance and tools, so that border officials and migration authorities can adequately respond to public health threats while respecting their international obligations. The implementation of the IHR will need to be enhanced, with particular attention to building core national and local capacities, adequate surveillance infrastructure, and improved information-sharing within and between countries.

RECOMMENDATION III.

Strengthen legal pathways for protection

IOM encourages the Portuguese Presidency to contribute towards positioning the EU as global leaders in offering pathways to persons in need of international protection and to strengthen Resettlement as an important solidarity tool with countries of first asylum. To do so, IOM calls on the Portuguese Presidency to lead efforts to strengthen the EU's legislative and policy framework for Resettlement, Family Reunification and complementary pathways for persons in need of international protection, in line with the objectives and ambitions set out in UNHCR's Three-Year Strategy², and more recently in the Pact on Migration and Asylum.

IOM applauds Portugal's leadership in providing support for the *UNHCR-IOM Sustainable Resettlement and Complementary Pathways Initiative (CRISP)*. This initiative is in line with the objective set out in the European Commission's Recommendation on legal pathways to protection in the EU as it seeks to enhance resettlement, build capacity and contribute to sharing experiences globally.

At the legislative level, IOM encourages the Portuguese Presidency to work towards a swift adoption of the proposed Regulation for a *Union Resettlement and Humanitarian Admission Framework (URHAF)*, based on the Provisional Agreement already achieved. Key considerations in relation to the URHAF³ are:

- Resettlement should be, first and foremost, a protection tool. As such, the identification of countries from where to operate resettlement programmes should not be made conditional on those countries' "effective cooperation" with the EU on migration and asylum matters, such as reducing irregular EU border crossings or cooperation with the Union on readmission and return.
- Taking into consideration the unique protection needs of resettlement programme beneficiaries, the engagement of EU Member States in the field of solidarity or legal pathways, be they complementary pathways for refugees or intra-EU relocation, should be considered separately and in addition to Resettlement.
- The URHAF should form the basis for the elaboration of multi-annual resettlement plans, enabling predictability and a strategic level response from all stakeholders involved. The impact of COVID-19 on mobility overall as well as on resettlement planning has underlined this need for all actors, including refugees.
- There is a wide recognition that groundwork for integration can be laid *before* the departure of refugees awaiting resettlement. To ensure greater integration prospects, a holistic and comprehensive approach

² UNHCR Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways: <https://www.unhcr.org/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html>

³ See also IOM's Assessment and Recommendations on the European Commission's Proposal for a Regulation Establishing a Union Resettlement Framework issued in 2016, available at: https://eea.iom.int/sites/default/files/publication/document/IOM_recommendations_on_the_Union_Resettlement_Framework.PDF.

must include integration considerations from the outset and strive to address the refugees' socioeconomic integration and health needs early in the process.

In addition, IOM calls upon the Presidency to work with other EU Member States towards the introduction and/or expansion of family reunification programmes in line with the current *acquis*, specifically, the EU *Directive on the right to Family Reunification*. Indeed, effective access to family reunification has been recognized in the *Recommendation on legal pathways to protection* as key, fostering successful integration of refugees in their host countries as well as a possible means to reduce irregular migration.

With respect to complementary pathways for persons in need of international protection, IOM recognizes the good practices carried forward by Portugal in this field, such as initiatives in the field of refugee student mobility and the aforementioned support provided to the CRISP. IOM acknowledges that further support for these types of initiatives will lead to the continued expansion of legal pathways for persons in need of international protection.

RECOMMENDATION IV.

Promote skills-based partnerships and linkages between labour mobility, migrant integration and social inclusion policies

IOM welcomes the Portuguese Presidency's aspiration to provide strong leadership in the socio-economic recovery strategy of the EU in the six coming months and to prioritize the development of innovative and inclusive labour mobility initiatives. To this end, and recognizing on the one hand the deterring effect of labour migration opportunities on irregular migration and on the other the valuable contribution of migrant workers in the EU's COVID-19 response efforts, IOM invites the Portuguese Presidency to leverage the recent release of the Pact on Migration and Asylum to support the EU in adapting its labour migration governance to support the achievement of its socio-economic goals, while ensuring migrants' well-being and that of their origin communities.

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. The COVID-19 pandemic has demonstrated the importance of labour mobility, and that migrant workers at all skill levels have been essential in keeping European economies and supply chains afloat in times of crisis. Migrants have played an essential role as response agents supporting critical sectors during the pandemic, including healthcare, agricultural and food processing industries, and should, by the same token, be viewed and included as recovery agents in the EU's COVID-19 socio-economic recovery plans.

In an effort to respond to skills gaps in EU Member States' labour markets and anticipate the need for new skills, both in the context of COVID-19 and beyond, IOM encourages the EU and its Member States to enhance flexible and accessible labour mobility pathways which target migrants at all skill levels, support a multistakeholder approach to labour mobility policy development, and encourage partnerships on skills. To support the EU's intention to establish Talent Partnerships as proposed in its Pact, IOM offers its *Skills Mobility Partnership* approach. This approach relies on multi-stakeholder and multisided partnerships involving the public, private and civic sectors. It is rooted in sound labour-market analysis and integrates skills development at its core, both for migrant workers themselves and communities of origin.

EU skills and labour migration policy planning should indeed take a long-term policy vision that considers migration's development impact, synchronizing it with the sustainable development goals of the 2030 Agenda. The skills dimension of migration governance should embrace skills partnerships which consider the labour market needs of participating countries as well potential adverse effects in the long-term, including deficits in labour market sectors and within services of source countries that are key to their socio-economic development. To manage these risks and harness the positive developmental opportunities that such schemes can offer, IOM invites the Portuguese Presidency to highlight the external dimension of migration policy linking it to broader developmental factors, while recognizing a more active role for partner countries in the very design and implementation of mobility schemes.

The exploitation of migrant workers' and their rights-violation is still rampant throughout the labour migration cycle – from recruitment to placement – and across a wide range of sectors and industries. Enhancing the transparency of recruitment processes through the design and implementation of sound recruitment regulations and the establishment of effective monitoring mechanisms are key in protecting migrant workers. IOM's Montreal Recommendations on Recruitment offers a roadmap for policymakers to work towards fairer and more ethical recruitment practices and could be useful in further framing the Presidency's position in that arena. In view of combatting exploitation in the workplace, particularly in the supply-chain context where abuse has proliferated during the pandemic, IOM also calls on the Presidency to promote the enforcement of relevant EU Directives and strengthen reporting and redress mechanisms that offer remedy to victims of abuse.

Given the long-term nature of Europe's skills needs, it is important for the EU to not only attract migrant workers, but also to enable them to succeed in achieving their full potential through acquiring and retaining new skills and becoming fully integrated in their communities and societies. As such, IOM encourages the Portuguese Presidency to underline the important linkages between labour migration policies, migrant integration and broader social policies, and to promote the implementation of the EU's new *Action Plan on Integration and Inclusion* in view of fostering inclusive and socially cohesive European societies through a whole-of-society approach to migrant integration.

As the Action Plan rightly recognizes, the full inclusion of migrants through improved linkage between integration and social inclusion policies will increase productivity and prosperity and contribute to post COVID-19 socio-economic recovery efforts in Europe. Yet, this potential remains untapped as migrants consistently experience lower socio-economic outcomes when compared to their native counterparts such as in areas of employment, education, health, and housing. In addition, discrimination, stigmatization, and xenophobia often further hold migrants back from achieving their full potential. In the post COVID-19 recovery period, increased competition over limited resources could further heighten anti-migrant sentiment and fuel xenophobic discourse and other forms of social exclusion of migrants. To reverse such trends, IOM encourages the Portuguese Presidency to actively promote a rights-based public narrative that highlights the value of full migrant inclusion and social cohesion for socio-economic recovery and prosperity in Europe.

While the recent adoption of the EU's Action Plan provides a renewed framework for the Presidency to draw upon in its efforts to promote migrants' integration, adequate financial resources under the next *Multiannual Financial Framework (MFF)* are necessary to support the Action plan's implementation. Though the proposed European Social Fund+ (ESF+) offers new possibilities for integration, the realization of migrant integration policies might be challenged by a lack of funds earmarked to that end. To create the enabling environment needed to translate policy into practice, IOM calls on the Portuguese Presidency to advocate vis-à-vis EU Member States for an earmarking of funding envelopes within national spending plans that are dedicated to migrant integration and social cohesion.



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