



DISCUSSION PAPER FOR THE INFORMAL MEETING OF MINISTERS RESPONSIBLE FOR JUSTICE AND HOME AFFAIRS

3 February 2022, 14.45-16.30 – Salle des Séances of the Chambre de Commerce et d'Industrie du Grand Lille

Migration and asylum: for a gradual approach to address the needs of the European Union and all Member States

The European Union continues to face major challenges in terms of migration and the protection of its external border. These call for a European response to strengthen our collective control of migration phenomena and to consolidate the area of free movement, which is an asset shared by all European citizens.

The Commission has presented a 'Pact' to define an overall approach. In the light of the work undertaken under the German, Portuguese and Slovenian presidencies, and the consultations carried out by the Presidency, it seems essential to maintain a high level of ambition, while adopting a more gradual approach, in order to create, step by step, the right conditions for its full roll-out.

The Presidency has therefore proposed a step-by-step approach aiming towards a comprehensive European policy on immigration, borders and asylum. A document presenting the approach, indicating the main guidelines and the stages recommended for the coming months, was discussed by the permanent representatives on 12 January; broad support for this gradual approach was expressed. The method comprises two main points:

- At each stage, progress will be made simultaneously on the various aspects of the Pact, which are mutually consistent (in particular the external dimension, return and readmission of illegal migrants, solidarity in all its forms, prevention of secondary movements, protection of the external border, and reform of the common European asylum system);
- From this semester onwards, the aim will be to reach an initial compromise along these lines, which can enable the achievement of concrete results as quickly as possible and facilitate the negotiation of subsequent stages.

We must now give substance to the first stage. A declaration will present all the measures selected in the various areas, whether or not they have an immediate legislative impact. This first phase will be experimental in nature and will be evaluated after a few months of implementation. As soon as the effectiveness of the first measures adopted can be ascertained, the following stages can be undertaken.

With this in mind, the Presidency proposes to conduct the discussions on the following basis.

External dimension

Cooperation with third countries of origin and transit is fundamental both for the fight against smugglers and for the prevention of irregular flows and the readmission of irregular migrants.

The presidency has already sought to give a strong momentum and a very operational character to the discussions on this subject, through the creation of the operational coordination mechanism for the external dimension of migration (MOCADDEM), in which all the actors concerned (the Commission, the EEAS, Member States, agencies, etc.) will participate. In this framework, on basis on the action plans developed by the Commission and the EEAS, the various actors will ensure that all the Union's resources, including financial resources, are adequate and rapidly made available in a coherent and complementary manner.

Concrete progress will be sought in the coming months on the link between visas and readmission, on the creation of new trade leverage, on a strategic approach to improve readmission cooperation, to assess existing negotiation mandates and, where necessary, to conclude new readmission agreements and arrangements with third countries of interest, and on the appointment, as soon as possible, of an 'EU return coordinator' to improve coordination between Member States in the carrying out of their operations.

Efforts will also be intensified to act upstream, through both cooperation on the root causes of migration and prevention of irregular migration by means of action plans and partnerships developed with third countries of origin and transit, and action on border management, combating of migrant smuggling and networks, and the fight against the instrumentalisation of migrants.

Control and registration at the external border

Common rules will benefit the European Union and its Member States both in terms of the security of the Schengen area and the control of migration flows. Moreover, in order to benefit fully from the interoperability of information systems this must go hand in hand with rigorous procedures applied at our common external border.

However, in view of the workload that such controls may place on Member States of first entry, the proposal will be to progressively phase in screening procedures. Discussions could focus on the parameters of the procedure or on the possibility of using alternatives to detention, where this can be organised in a manner consistent with the objectives of screening.

In connection with the above, a collective commitment to increase detention capacity or at least to develop alternative means to limit the risk of absconding (house arrest, daily check-ins, etc.) could be considered.

Similarly, concrete progress on the reform of Eurodac should also be sought. A specific category for rescue operations at sea could be introduced.

Support for the most affected Member States

The burden of strengthening of external border controls and of the reception of migrants means that various measures to support these Member States must be considered, in a spirit of shared responsibility.

First and foremost, this means financial and operational support from the Union, its agencies (Frontex, EU Asylum Agency, Europol) and the Member States to meet immediate needs.

Secondly, this means support for the removal and readmission policy of the Union and its Member States (see *above*).

It will also be necessary to provide for support measures on reception: as of now, without waiting for the legislative measures which will require further negotiation, this could take the form of a new mechanism, involving volunteer Member States, for handling the relocation of persons in need of protection, in particular with regard to assistance at sea; this mechanism must be simple, predictable and credible. In addition, alternative solidarity contributions should be provided for, so that all Member States can participate in the collective effort. Substantial financial, material and human support for Member States in the front line of the flows should be put in place on this basis.

In parallel, progress could be sought in two ways:

- by better implementing the existing legislative framework (Dublin Regulation); in particular, suitable protocols could be sought to allow transfers to continue despite the uncertain health context;
- through a process of convergence of national asylum practices, based in particular on the new European Asylum Agency.