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Tallinn, Athens, Rome,  
Nicosia, Riga, Vilnius, Valletta,  
The Hague, Vienna, Warsaw,  
Bucharest, Helsinki

To the attention of: *Ms Ylva Johansson, Commissioner for Home Affairs*

*Ms Ilze Juhansone, Secretary-General of the Commission*

*Mr Gert Jan Koopman, Director-General for the Directorate-General for  
Neighbourhood and Enlargement Negotiations*

*Mr Anthony Whelan, Acting Head of Cabinet of President von der Leyen*

*Ms Beate Gminder, Acting Director-General for the Directorate-General for  
Migration and Home Affairs*

*Ms Åsa Webber, Head of Cabinet of Commissioner Johansson*

*Ms Charmaine Hili, Migration and Home affairs Adviser in the Cabinet of  
President von der Leyen*

## **Joint Letter from the undersigned Ministers on new solutions to address irregular migration to Europe**

*The following is a Joint Letter from the undersigned Ministers*

The undersigned Ministers share a belief that the EU needs to continue to work to create a fairer, more humane, sustainable and efficient asylum system worldwide, aimed at preventing and addressing irregular migration at its roots and along the migratory routes, while providing adequate protection and shelter for those in need, and fostering return and reintegration. Unfortunately, we are far from that goal. The current challenges regarding the EU's asylum and migration system, including a sharp increase in irregular arrivals, are unsustainable. Our central responsibility and commitment are to uphold stability and social cohesion and avoid risking polarization in European societies and loss of unity in the family of EU Member States.

Moreover, the continued challenge of coping with the consequences of irregular migration towards Europe impedes our ability to provide better protection and livelihoods for more refugees and development assistance in regions of origin, where those most vulnerable and in need of international protection are often left behind. Countries along the migratory routes play an indispensable role by hosting large number of refugees. The EU and its Member States should enhance their contribution to equal, constructive and broad partnerships with key countries, especially along the migratory routes, by changing our focus from managing irregular migration in Europe to supporting refugees as well as host communities in regions of origin.

The Pact on Migration and Asylum will equip EU Member States with a stronger legal framework for managing the various aspects of migration, including by enhancing the security of our external borders and creating more efficient asylum procedures. If we wish to further our efforts to break the incentive structures that drive irregular migration movements and dangerous journeys towards Europe, complementary efforts are necessary. We believe that in order to tackle the root causes of irregular migration and manage migration movements to the EU, it will require all of us to think outside the box and jointly find new ways to address this issue at EU level.

In light of the above, the undersigned Ministers call upon the Commission — in a joint effort with the Member States — to identify, elaborate and propose new ways and solutions to prevent irregular migration to Europe.

First and foremost, we encourage the establishment of comprehensive, mutually beneficial and durable partnerships with key partner countries along the migratory routes. Such partnerships are essential for not just managing irregular migration movements to Europe, but also to offer migrants an alternative to putting their lives at risk on perilous journeys. Different ideas for optimising such partnerships should be explored, including models inspired by the EU-Turkey Statement (and its 1:1 mechanism) and the EU-Tunisia MoU, as well as cooperation on regular pathways in accordance with national law and national labour market needs. Additionally, possible place of safety arrangements and transit mechanisms inspired by the existing Emergency Transit Mechanisms could be explored, which would be aimed at detecting, intercepting, or in cases of distress, rescuing migrants on the high seas and bringing them to a predetermined place of safety in a partner country outside the EU, where durable solutions for those migrants could be found, also building on models like the Italy-Albania Protocol.

Furthermore, returning those not in need of international protection is an equally important part of an EU-wide response to managing irregular migration. It is vital that those with no right to stay in EU

Member States are returned swiftly, not only to minimise the negative consequences for the Member States of housing rejected asylum seekers, but also to reduce the incentives for those seeking to enter the EU irregularly. Therefore, we encourage the strengthening of both the internal and external aspects of return, leading towards an effective EU return policy. This could include, *inter alia*, ensuring more effective return systems in EU Member States that fully implement return decisions and looking into potential cooperation with third countries on return hub mechanisms, where returnees could be transferred to while awaiting their final removal. With regard to the latter, we encourage the Commission and Member States alike to explore potential models within the current EU *acquis*, as well as considering the potential need for changes to the Return Directive.

Moreover, in order to decrease the overall pressure on our migration management, it is important that Member States have the possibility to transfer those asylum applicants for whom a safe third country alternative is available to such countries. Therefore, the application of the concept of 'safe third countries' in EU asylum law should be reassessed, with a view to both taking concrete and immediate measures based on the current EU *acquis*, as well as reevaluating the legal framework where necessary, including the connection criteria during the planned review of the safe third country concept in 2025. The Commission is also encouraged to present a proposal to designate countries as safe third countries at EU level as foreseen in the new Asylum Procedure Regulation.

The Pact and the Schengen Borders Code provide for the first time an EU legal framework on instrumentalisation of migration. This framework should be further strengthened to provide a comprehensive response to the threats posed by the instrumentalisation of migrants at the EU's external borders, including by reforming or complementing the existing tools and measures. The undersigned Ministers call for appropriate and effective tools and measures for Member States to be able to act swiftly to counter instances of instrumentalisation — such as the hybrid attacks orchestrated most recently by the Belarusian and Russian regimes — in order to provide for the national security of the Member States. Lastly, the EU and its Member States should use all available measures at their disposal to strengthen and intensify the fight against migrant smuggling, including by reaching agreement on the legislative proposals on combating migrant smuggling set forth by the Commission.

These measures require a wide range of actions and long-term efforts, as well as a comprehensive approach both at national and EU level. In parallel to our focus on irregular migration, we must also increase our focus on our visa policy, as many asylum applications in the EU are made by persons from visa-exempt countries or persons with a Schengen visa.

We reiterate that all new measures must be implemented in full compliance with our international legal obligations, including the principle of *non-refoulement*, as well as the EU Charter of Fundamental Rights and applicable EU law. Where necessary, the Commission is invited to propose the relevant targeted legislative changes required to implement the proposed measures in Union law.

Yours sincerely,

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Mr Vít Rakušan  
1<sup>st</sup> Deputy Prime Minister and Minister of the  
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