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2.5. External dimension of the EU's asylum policy

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Section 2.5 External dimension

Apart from effective legislation, policies and practices, a well-functioning migration and asylum system also requires systematic cooperation with external partners, especially countries of origin and transit. Over the past decades, the EU has been a leading actor in promoting protection-oriented solutions across the world.

The Neighbourhood, Development and International Cooperation Instrument (NDICI) is the main, albeit not the only, EU financing tool for external cooperation.188 Through NDICI, the EU merged ten instruments under the previous budgetary cycle (2014-2020) into one comprehensive instrument.

With migration being one of the five priority areas of the instrument, work in this area addresses the root causes of irregular migration and forced displacement, migration management, durable solutions for refugees and legal pathways. The basis of the EU's overall financial assistance to third countries for the coming years are the country and regional multiannual indicative programmes (MIPs).iv

Looking into funding from the EU's internal affairs to support the external dimension of migration, in November 2022, UNHCR and the European Council on Refugees and Exiles (ECRE) published a study with an overview of how AMIF and Internal Security Fund-Borders and Visa (ISF-BV) were used outside of the EU in the budget period 2014-2020. The study also presents an analysis of the provisions for spending outside of the EU in the 2021-2027 Multi-Annual Financial Framework and provides recommendations to Member States, the European Commission and the European Parliament on improving the effectiveness, transparency and accountability of the use of internal affairs funding to support the external dimension of migration.189

In January 2022, the Council of the EU released an Implementing Decision (EU) 220/40 on the Operational Coordination Mechanism for the External Dimension of Migration (MOCADEM), which operates under the direction of the Council Presidency. Building on previous arrangements provided by the Council Implementing Decision (EU) 2018/1993,190 it created new mechanisms to increase cooperation and build relations with third countries in the field of migration. To

maintain the coherence of the policies and actions carried out by the EU, the Committee of the Permanent Representatives of the Governments of the Member States to the EU (Coreper) ensures the strategic direction of the work of MOCADEM. This coordinating mechanism, together with the functions of the External Migration Working Party and the coordination group on Migration under the NDICI, further calibrates a common approach in the external dimension of the EU migration policy.

To further calibrate a synergistic approach, in its 2022-2023 Risk Mitigation Strategy and 2022 Appeal, UNHCR expressed its will to support the joint vision of Europe and Africa on migration and mobility to address root causes in countries of origin and asylum; to enable states to regulate asylum and protection in accordance with international law; to save lives; to address grave and systematic violations of human rights of people on the move; and to enable sustainable solutions.191

Addressing root causes of irregular migration

Addressing root causes of irregular migration

Preventing irregular migration requires orchestrated action to address the root causes. EU engagement in this area gradually progressed from a short-term humanitarian approach to a longer-term developmental approach, including efforts to support good governance, prevent conflicts, promote respect for fundamental rights, foster economic and social development, and take proactive action towards climate change.192

Through the Global Getaway, the EU has provided major investments into infrastructure to foster secure links in the digital, energy and transport sectors and strengthen health, education and research systems across the world.193 Initiatives delivered as part of the Global Gateway have targeted specific regions, such as the Southern Neighbourhood, Africa and Latin America.194

Combating smuggling networks

Combating smuggling networks

To tackle migrant smuggling and safeguard the fundamental rights of migrants, the EU has been working systematically with international partners over the past years. The renewed Action Plan against Migrant Smuggling 2021-2025195 provides the overall framework to address smuggling as part of a comprehensive migration management system and focuses on more targeted cooperation with countries of origin and transit.

In July 2022, the European Commission, in cooperation with the EEAS, launched the first anti-smuggling operational partnerships with Morocco and Niger, aiming to strengthen their legal, policy, operational and strategic frameworks in addressing migrant smuggling. These operational partnerships include support for border management, enhanced police cooperation (including joint investigations), awareness-raising on the dangers of irregular migration, and enhanced cooperation with EU agencies.196 Joint efforts under these partnerships are set to achieve common objectives to save lives, disrupt the business model used by criminal networks, prevent migrants from becoming victims of violence and exploitation, and protect their

fundamental rights.197

In December 2022, the EU and African partners launched two Team Europe Initiatives (TEI) focused on the Atlantic/Western Mediterranean and the Central Mediterranean routes. The projects are based on joint effort in addressing the upsurge of irregular flows and abuses by smuggling networks.198

Facilitating returns, readmission and reintegration

Section 2.5 facilitating returns

Along with providing protection to those in need, effective returns and the readmission of those who are not in need of protection are essential components of a comprehensive, well-functioning migration and asylum management system. In May 2022, the Return Coordinator took office at the European Commission to promote a more coherent and effective approach to returns. Through a high-level network, the coordinator fosters operational cooperation in the management of returns, readmission and reintegration.199

Specifically in the area of readmission, increased EU cooperation with partner countries has been fruitful in enhancing returns and has helped Member States most directly affected by irregular migration flows, such as Cyprus, Greece and Malta.200 In this context, readmission is an area where progress can be made on the basis of mutual interests, for example by linking cooperation on readmission with the EU visa policy.201

In September 2022, the European Migration Network (EMN) published an inform evaluating existing, legally-binding bilateral readmission agreements in EU Member States and Norway, focusing on agreements concluded in the period 2014-2020. The inform found that the number of bilateral agreements with third countries is proportional to the relevance of those countries for the overall EU migration management, taking into consideration factors such as the number of their nationals found irregularly in EU countries, their geographic proximity to the EU's external borders and their presence along key migratory routes to the EU. As to the effectiveness of bilateral agreements, the inform showed that they indeed contributed to higher numbers of returns and smoother operations, while enhancing overall cooperation with third countries.202

Throughout 2022, the EU and Member States continued to promote and support the voluntary return and reintegration of migrants on the basis of the EU Strategy on Voluntary Return and Reintegration, which was launched in 2021 to increase the number of voluntary returns and improve the quality of the support to returnees. In July 2022, the EMN published an inform on the incentives and motives that Member States have developed to encourage voluntary departures through Assisted Voluntary Return and Reintegration (AVRR) programmes, following the issuance or in anticipation of a return decision. It explores factors that contribute to an individual's decision-making process and how all the elements are interconnected. The inform finds that in-kind support, such as counselling, medical or psychological assistance, logistical support to organise the return journey, legal assistance, and the provision of basic needs prior to a return (such as accommodation, health care and food), may have a greater impact than in-cash assistance. Factors which influence the decision include the situation in the country of

return, a lack of economic opportunities, lack of social circles, fear of rejection upon arrival, or stigma associated with returning.203

Working with partner countries toward migration and border management

Section 2.5 border management

EU efforts to respond to a complex migratory reality include joint initiatives with partner countries for effective border management. Status agreements between Frontex and third countries aim to support border management, fight migrant smuggling and reduce irregular migration. A status agreement with North Macedonia was proposed by the European Commission in September 2022,204 and negotiations have ensued for a status agreement with Bosnia and Herzegovina.205 Frontex already has status agreements with Albania, Montenegro and Serbia, which enable the deployment of Frontex teams and equipment on the territory of these countries.206 In light of the Russian invasion of Ukraine, a status agreement was signed with Moldova. Mauritania and Senegal were the first African countries for which mandates to negotiate status agreements were issued. To complement these efforts, working arrangements have been completed or are currently negotiated with Niger, Libya and Ukraine, while civilian missions have been undertaken in Iraq, Kosovo, Libya, Mali, Niger and Palestine, which offer strategic advice and work with local authorities to promote peace, stability, security and development.207

Looking through a critical stance at the possible impact of the EU's migration policy vis-à-vis Senegal on intra-African migration, in May 2022, ECRE published a working paper which focuses on the conditions, readmission arrangements and the impact of Frontex presence. The paper concluded that Frontex presence could possibly have serious implications on the freedom of movement, while the unequal access to visas for Europe between different groups of people in West African countries may lead to frustrations and the crystallisation of pre-existing tensions. 208

Migration, terrorism and organised crime were among the key issues discussed in the EU-Western Balkans summit in December 2022. The EU adopted a new EUR 40 million programme for countries in the region to enhance asylum and reception systems, strengthen border protection, fight smuggling networks and organised crime groups, and step-up returns from the Western Balkans to the countries of origin.209

An important effort in this area over the past years has been the EU cooperation with Türkiye, for which the EU has mobilised EUR 9.5 billion for refugees and host communities since 2015. This includes the EUR 6 billion Facility for Refugees in Turkey, which is a key component of the 2016 EU-Turkey Statement. In December 2022, the EU adopted new programmes to continue supporting refugees in Türkiye in addressing basic needs, assisting the most vulnerable and providing socio-economic support. A dedicated package was also adopted to improve border control at Türkiye's eastern border. The assistance package of over EUR 1.2 billion comprises four programmes:

- EUR 400 million to continue cash assistance to support refugees in meeting their daily basic needs under the Emergency Social Safety Net (ESSN);

- EUR 234 million for projects implementing Türkiye's Employment Strategy and Sustainable Socioeconomic Programme for refugees;
- EUR 381 million to continue the Complementary-ESSN programme focused on providing cash support for the most vulnerable refugees (elderly, handicapped, etc.); and
- EUR 220 million to support more border control measures at Türkiye's eastern border.210

EU support for protection worldwide

Section 2.5. EU support for protection worldwide

Supporting protection solutions across the world has been an important component of the external dimension of the EU's asylum and migration policy. Both EU institutions and Member States are leading actors in the provision of humanitarian support to refugees, asylum seekers, internally displaced people and host communities around the world.

In 2022, the EU continued to support forcibly-displaced people in Syria, Lebanon, Jordan, Türkiye and Iraq. The Sixth Brussels Conference on Supporting the Future of Syria and the Region, held in May 2022, exceeded pledges made by donors in 2021, thus confirming continued support to major host countries.211 Assistance was also provided to Venezuelans hosted in Colombia, Ecuador and Peru, internally displaced people in Iraq, Ethiopia and Sudan, displaced people in and from Myanmar, and Afghans hosted in Iran and Pakistan.212

The EU maintained the chairmanship of the Core Group for the Support Platform of the Solutions Strategy for Afghan Refugees, through which support was provided to the over 5.9 million Afghans estimated to be internally displaced in Afghanistan, as well as to those displaced in Iran and Pakistan.213 A Team Europe Initiative was created for Afghanistan, focusing on strengthening policy dialogue on facilitating labour migration and visa procedures; social inclusion and the sustainable integration of Afghans into host communities; the provision of basic services; the creation of jobs and skills development; and enhancing overall migration management, including fighting against the smuggling of migrants and trafficking in human beings.214

The EU is also an active contributor to a number of regional platforms, such as the Comprehensive Regional Protection and Solutions Framework (MIRPS) for Central America and the Intergovernmental Authority on Development (IGAD) in Africa. Participating in these platforms, the EU provides political and financial support through humanitarian assistance and development cooperation.215

In February 2022, the sixth EU-African Union Summit took place in Brussels, with leaders from European and African countries agreeing to continue cooperation on all aspects of migration and mobility. The EU and the African Union agreed to continue to find durable solutions for asylum seekers, refugees and vulnerable migrants in need of international protection and to revitalise the work of the joint African Union-EU-UN Tripartite Task Force.216

Developing legal pathways to protection in Europe

Section 2.5 Developing legal pathways to protection in Europe

Providing safe and legal pathways to persons in need of protection is a priority for the EU, enabling the most vulnerable refugees to reach Europe without becoming victims to smuggling networks or undertaking dangerous journeys. It is also a demonstration of European solidarity to non-EU countries which host large numbers of persons fleeing war or persecution.

Since 2015, ad hoc resettlement and humanitarian admissions schemes have assisted more than 100,000 persons to find protection in the EU.217 The pledging exercise of 2021-2022 generated almost 65,000 pledges, and by June 2022, EU Member States had supported more than 36,000 resettlements and humanitarian admissions combined.218 In November 2022, Commissioner Johansson hosted a high-level forum on legal pathways to protection and resettlement cooperation. The aim of the forum was to promote closer cooperation with partner countries to expand safe and legal avenues to protection. Participants in the forum included representatives from EU Member States, the United States, the United Kingdom (UK), Canada, UNHCR, the IOM, civil society organisations, refugees and businesses involved in complimentary pathways for labour, with discussions focusing on building more resilient programmes and offering, in addition to resettlement, innovative pathways linked to work.219 In total, 17 Member States pledged more than 29,000 places for resettlement and humanitarian admissions combined, including more than 13,000 places for Afghans at risk.220

Civil society organisations expressed concern that more could have been done for Afghans wishing to come to Europe, such as facilitating family reunification, establishing community sponsorship schemes and opening education and labour pathways, particularly for women whose education has been disrupted.221

Following the Russian invasion of Ukraine, a high level of community engagement was noted with private individuals hosting persons fleeing the war. In July 2022, the European Commission elaborated the safe homes guidance on the organisation of private housing initiatives to support Member States, regional and local authorities, as well as civil society organisations that organised private housing. The document consolidates the experience, considerations, guidance and good practices of EU Member States, the EUAA, regions, cities, civil society organisations, foundations, entrepreneurs and individuals involved in these efforts.222

In June 2022, UNHCR offered its recommendations to the EU on resettlement needs, complementary pathways and key priorities for 2023. UNHCR called the EU to maintain ambitious targets for the resettlement of persons in need; prioritise resettlement from five areas most in need (Syria, the Central Mediterranean, Venezuela, Afghanistan and areas hosting Rohingya refugees); solidify resilience of resettlement in Europe by strengthening processing and reception capacities, preserving the protection nature of resettlement, and maintaining close collaboration with key actors in resettlement; enhance possibilities for family reunification; and expand complementary pathways to protection, including through community sponsorship programmes.223

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