



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on the follow-up of the European Pact on Immigration and Asylum

*3018th JUSTICE and HOME AFFAIRS Council meeting
Luxembourg, 3 June 2010*

The Council adopted the following conclusions:

"When adopting the European Pact on Immigration and Asylum in October 2008, the European Council decided to hold an annual debate on immigration and asylum policies. To that end, it invited the Commission to present a report to the Council each year, based on Member States' contributions and accompanied, as necessary, by proposals for recommendations, on the implementation, by both the Union and its Member States, of this Pact and of the Stockholm Programme.

The Council,

- taking into account the first Annual Report on the implementation of the European Pact on Immigration and Asylum, submitted by the Commission,
- recalling that the Treaty on the Functioning of the European Union introduces new provisions on asylum and immigration, and provides that these policies shall be governed by the principle of solidarity and fair sharing of responsibility,
- recalling that, under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level,

P R E S S

1. Reaffirms the persistent validity and relevance of the main principles and basic commitments set out in the European Pact on Immigration and Asylum, adopted in October 2008 in order to implement a common immigration and asylum policy that takes account of both the collective interest of the European Union and the specific needs of each Member State.
2. Recognizes that both EU and the Member States have made significant efforts in implementing the Pact.
3. Welcomes the progress already made in many of the areas for action set out in the Pact, as identified in the Annual Report submitted by the Commission. The following trends and advances made since October 2008 are of particular importance:
 - a) Labour migration is increasingly being managed by reference to labour market needs of Member States and the principle of Union preference, while the adopted EU Blue Card Directive will promote the admission of highly qualified workers;
 - b) The Treaty on the Functioning of the European Union has introduced an explicit legal basis for incentives and support measures in the field of integration policies, the EU framework in the field of integration has been consolidated and the national policies have been reinforced, in line with the Common Basic Principles on Integration.
 - c) Two key instruments for the fight against illegal migration have been adopted, the Return and the Employer Sanctions Directives. Frontex has intensified its activities in the area of return. Efforts have continued to be made as regards cooperation and readmission agreements with countries of origin and transit.
 - d) A proposal to strengthen Frontex in order to reinforce its capacities has been tabled and is currently being discussed by the Council and the European Parliament; border management cooperation with third countries has intensified and the employment of modern technological means for border control has been enhanced. The Council has adopted important operational conclusions in February 2010 on 29 measures for reinforcing the protection of the external borders and combating illegal immigration.

- e) An agreement on the establishment of the European Asylum Support Office (EASO) has been reached and all legislative initiatives requested by the Pact in the field of asylum are being discussed by the Council and the European Parliament. An important effort is being made on the part of all the institutions involved in order to make progress and improve consistency between the various legislative initiatives and the practices in this field. Likewise an effort has been made to promote solidarity with those Member States under particular pressure by participating in the pilot project on intra-EU relocation of beneficiaries of international protection and by other forms of practical cooperation between Member States. The external dimension of asylum has been developed, including actions at EU level related to resettlement and to regional protection programmes.
 - f) Substantial progress has been achieved in the strategic implementation of the Global Approach to Migration. With the aims of further promoting comprehensive partnerships with countries of origin and transit and encouraging synergy between migration and development, there has been a significant increase in the use of the tools of the Global Approach to Migration (mobility partnerships, migratory missions, migration profiles, cooperation platforms) and in the development of regional initiatives, such as the Rabat/Paris Process, the EU-Africa Partnership on Migration, Mobility and Employment, the Prague Ministerial Conference on Building Migration Partnerships and its follow-up project, the Structured Dialogue on Migration with Latin American and Caribbean Countries and the meetings held in Asia with India and other ASEM countries.
4. Considers that more intensive and focused efforts both of the EU and the Member States are needed in order to achieve substantial progress in the following areas during the next year:
- a) Even in times of economic downturn, it remains crucial to acknowledge that a well managed labour migration policy, in keeping with national labour-market requirements and the principle of EU preference, can play an important role in filling labour shortages and meeting demographic challenges. Therefore, the Member States and the Commission should, while respecting Member States' competences for managing their labour markets and, where appropriate, in cooperation with third countries, continue to improve labour matching and skills recognition, in line with action to promote a comprehensive labour migration policy under the flagship initiative “An agenda for new skills and jobs” of the EU2020 Strategy. The Policy Plan on Legal Migration should be further pursued, including an agreement on the Directive on a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. Preparatory work should start for consolidating all legislation in the area of immigration, starting with legal migration, as foreseen by the Stockholm programme.

- b) This effort should be complemented by an ambitious integration agenda, building on the declarations approved at the Vichy (2008) and Zaragoza (2010) conferences. This agenda should include a coordination mechanism as proposed in the Stockholm Programme in order to improve structures and tools for European knowledge exchange and facilitate mainstreaming of integration priorities in all relevant areas. Expanding the use of indicators and developing European modules to support the integration process should also be important elements of this agenda.
- c) The fight against illegal immigration, smuggling of and trafficking in human beings in all its dimensions needs to be intensified in a spirit of joint responsibility and solidarity. Effective return and readmission of illegally staying third-country nationals, in particular through adequate agreements and cooperation with key countries of origin and transit are main priorities. Member States and Frontex should continue to strengthen practical cooperation, inter alia through the use of joint flights and return operations organized and co-financed by Frontex and by ensuring the availability of resources to be used in concrete joint operations, when needed. Member States should also consider further increasing the effectiveness of inspections at workplace in sectors where there is particular risk of employment or exploitation of illegally staying workers.

The sensitive issue of unaccompanied minors needs careful attention. A comprehensive response at Union level should combine prevention, protection and assisted return measures, while taking into account the best interests of the child.

- d) Enhancing control and surveillance of external borders of the EU remains an absolute priority. An Integrated Border Management Strategy should ensure a higher degree of efficiency in the results and outcomes of the competent law enforcement agencies and bodies for border control within Member States as well as Frontex. To that end, the Council and the Parliament should as soon as possible reach an agreement on the proposal to amend the Frontex Regulation, which should address, inter alia, the issue of the processing and exchange of personal data in accordance with the legal framework for data protection. Another crucial measure is the swift implementation of the phases and steps laid down for the development of the European Surveillance System (EUROSUR) and the further employment of modern technological means such as entry-exit system and automated border control, while ensuring the interoperability of the different systems drawing on lessons learnt while developing the existing systems. Common Schengen visa policy has also a crucial role to play. To fully benefit from it, swift implementation and roll-out of VIS are essential.

- e) In the field of asylum, the focus should be on completing the ongoing legislative discussions on a Common European Asylum System with the aim of its establishment in 2012 and strengthening practical cooperation in the EU to ensure a better and more coherent application of legislation. In this context, the objective must be to ensure people in need of international protection access to asylum procedures legally safe and efficient, based on high protection standards which at the same time are capable of preventing abuse. Hence, the Council invites all stakeholders to provide full support for the earliest possible start of operations of EASO. In order to exercise solidarity with Member States facing specific and disproportionate pressure on their asylum systems, better relocation of beneficiaries of international protection, on a voluntary and coordinated basis, and other solidarity measures, such as financial aid, technical assistance and the support of EASO should be promoted, based on ongoing analysis. All actors should explore the allocation of the necessary resources and means in order to pave the way for an effective implementation of the European resettlement programme.
- f) Cooperation with third countries of origin and transit in managing all dimensions of migratory flows and in enhancing positive synergies between migration and development is a critical success factor for the common European migration policy that needs greater attention. The Council invites the Commission and Member States to ensure that the migration policy objectives based on the Global Approach to Migration are at the centre of the political dialogue with relevant third countries of origin and transit and to enhance policy coherence in this regard, in particular with development cooperation policy. Leverage of the EU should be used in order to promote practical cooperation and reach comprehensive agreements with relevant third countries, including mobility issues. This also requires, as a matter of principle, that all parties concerned assume their responsibilities in terms of return and readmission of illegally staying third country nationals, including those migrants who have entered or tried to enter the European Union illegally from their territory and vice versa. Member States and the Commission are invited to identify the necessary means to support development projects that help raising the living standards in those countries, as well as to enhance capacity building and infrastructures in relevant third countries, enabling them to adequately manage legal migration flows, control efficiently their external borders and tackle illegal immigration, provide international protection and apply the principle of non-refoulement.

Furthermore, the EU and Member States should continue to develop and implement the Global Approach to Migration in a geographically balanced manner by consolidated strategic, evidence-based and systematic use of all instruments and reinforcing the balance and synergies between the three areas of this approach: legal migration, illegal migration and migration and development.

5. Invites the Commission to report on the progress made specifically regarding the priorities stated above when presenting the next Annual Report on Immigration and Asylum, covering both the implementation of the European Pact on Immigration and Asylum and of the relevant sections of the Stockholm Programme."
