



## **Mediterranean Transit Migration (MTM) Dialogue** Towards a Comprehensive Response to Mixed Migration Flows

# **Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows**

Implemented by: ICMPD / Europol / Frontex in collaboration with UNHCR



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# 0. Funding Partners and Implementing Agencies

**Funding Partners:** The countries that have financially contributed to the development of the present document are: Belgium, Cyprus, Lebanon, Norway, the Netherlands, Poland, Portugal, Slovenia and Switzerland.

**Arab and European Partner States** (APS and EPS) of the Mediterranean Transit Migration Dialogue: Algeria, Egypt, Lebanon, Libya, Morocco, Syria and Tunisia, Member States of the European Union, Norway, Switzerland and Turkey.

**Observers** of the Mediterranean Transit Migration Dialogue: Australia, DCAF, Eurojust, the European Commission, Interpol, IOM, IOPCR, the League of Arab States, the Secretariat of the European Council, MARRI Regional Centre, Odysseus Network, OSCE, UNESCWA, UNODC.

## **Implementing Agencies:**

***International Centre for Migration Policy Development:*** The International Centre for Migration Policy Development is an inter-governmental organisation with UN Observer status, created in 1993 at the initiative of Switzerland and Austria. The purpose of the Centre is to provide services in migration governance to states and their organisations responsible for the design and implementation of migration policies, and to function as a service exchange mechanism for governments and organisations in Europe and its neighbourhood. It is deeply involved in the creation and development of informal and flexible consultative structures involving migration officials from sending, transit and receiving states with a view to preventing irregular migration.

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***Europol:*** The creation of Europol was agreed in the Maastricht Treaty of 7 February 1992 establishing the European Union. Based in The Hague, Netherlands, Europol started limited operations on 3 January 1994 and commenced its full activities on 1 July 1999. Europol is the European Union law enforcement organisation that handles criminal intelligence. Its aim is to improve the effectiveness and cooperation between the competent authorities of the Member States in preventing and combating serious international organised crime and terrorism, with an emphasis on targeting criminal organisations.

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***Frontex:*** The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established by Council Regulation (EC) 2007/2004 dated 26 October 2004. The seat of Frontex is Warsaw, Poland, as stipulated in Council Decision 2005/358/EC of 26 April 2005. Frontex became operational on 3 October 2005, its stated purpose being the “co-ordination of intelligence driven operational cooperation at EU level to strengthen security at the external borders”.

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**In collaboration with:**

*United Nations High Commissioner for Refugees*<sup>1</sup>: The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to provide international protection and monitor, lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state with a view to seeking permanent solutions including local integration, voluntary return, or resettlement to a third country.

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<sup>1</sup> Disclaimer: Not all views expressed in the present document reflect the position, mandate and views of UNHCR.

# 1. Acknowledgements

We gratefully acknowledge the assistance, contribution, comments and inputs of a large number of persons and organisations without whose dedicated efforts the Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows could not have been completed.

We are indebted to the various MTM Conferences and Expert Meeting hosts and co-Chairs whose leadership and expertise directly contributed to the development of this Working Document. They are:

- **MTM Launching Conference** of the project Towards a Comprehensive Response to Mixed Migration Flows (13-14 November 2006 in Porto): hosted and chaired by the Alien and Border Service of Portugal.
- **MTM Expert Meeting on the Management of Reception and Detention** (25-27 April 2007 in Antwerp): hosted and chaired by the Belgian Immigration Office.
- **MTM Expert Meeting on Return and Readmission** (11-12 June 2007 in Limassol): hosted by the Ministry of Interior of Cyprus, co-chaired by the Ministry of Interior of Morocco and the Ministry of Justice of the Netherlands.
- **MTM Expert Meeting on Combating Smuggling and Trafficking Networks**, including the protection of victims (2-3 July 2007 in The Hague): hosted by Europol and co-chaired by the Directorate General of the Security General of Lebanon and the Alien and Border Service of Portugal.
- **MTM Expert Meeting on Interception and Apprehension of Irregular Migrants** (3-5 September 2007 in Warsaw): hosted by Frontex and co-chaired by the Ministry of Interior of Poland and the Ministry of Interior of Spain.
- **MTM Closing Conference** of the project Towards a Comprehensive Response to Mixed Migration Flows (30-31 January 2008 in Geneva): hosted and chaired by the Swiss Federal Office for Migration.

We are particularly grateful for the most valuable contributions of APS and EPS experts throughout MTM Expert Meetings and to UNHCR for its collaboration in the elaboration of the Working Document. We would also like to express our gratitude to ICMPD Representatives, namely: Abdul Mawla El Solh (Mashreq), Mustapha Djemali (Maghreb), Adel A. Afify (Egypt) and Lukas Gehrke (Brussels).

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Expert Meetings were interpreted by Aline Bazouni Interpretation Services. The Working Document was translated into Arabic by Nour El-Assaad and into French by Suzanne Kazan.





## 2. Executive Summary

Mixed migration management is looming high on many states' national agendas and public debates. This is similarly the case in the Mediterranean region where both Arab (APS) and European Partner States (EPS) are facing great challenges, at various levels and in various forms with the management of irregular migration flows. The comprehensive management of these migration flows is multifaceted: it involves, for example, ever changing migratory routes, increasingly sophisticated smuggling and trafficking networks, the challenge of identifying genuine refugees from economic migrants, the financial burden linked to reception and detention, as well as the implementation of safe and dignified return for illegal migrants and rejected asylum seekers, including re-integration in the country of origin. Addressing this complex phenomenon involves both long and short term measures; it also requires an approach that whilst nationally based, involves regional and international actors.

Reflecting this complicated phenomenon, on both shores of the Mediterranean, states and international agencies alike have recognised the necessity of addressing mixed migration in a comprehensive and holistic manner. Such an approach translates into jointly and simultaneously tackling the causes of irregular migration – the so-called 'push' or 'pull' factors – along with an improved control of mixed migration flows which takes into account humanitarian principles and the needs of persons who require international protection.

The Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows represents the end product of the third phase of the MTM Dialogue entitled 'Towards a Comprehensive Response to Mixed Migration Flows', a project implemented by ICMPD, Europol and Frontex, in collaboration with UNHCR. The transnational and cross-disciplinary nature of irregular migration, and the common challenges that it raises, have served as the basis for expert discussions between APS, EPS, observers and international agencies on four core areas deemed of importance to the comprehensive management of mixed migration, namely: (1) the interception and apprehension of irregular migrants; (2) combating smuggling and trafficking networks, including the protection of victims; (3) the management of reception and detention; and (4) return and readmission, including migrant reintegration and development. The aim of the Working Document is to facilitate the development of common initiatives in these four areas.

The elaboration of the APS EPS Working Document on the Joint Management of Mixed Migration Flows should be seen as part and parcel of a dense network of initiatives aiming at comprehensively addressing issues and challenges linked to mixed migration management. Internationally and regionally, a number of dialogues, processes, programmes and projects have paved the way, raising the issue at the highest political levels, emphasising the need for cooperation, dialogue and mutual respect in the development of a comprehensive approach to managing migration flows. These processes set the scene for the implementation of concrete bilateral and multilateral cooperation in mixed migration management, between countries on the one hand, and with international agencies or NGOs on the other.

Keeping these international processes in mind, the Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows contains a comprehensive set of key recommendations and next steps that serve as an incremental approach to managing mixed migration affecting the Mediterranean region. The content herein is jointly agreed upon by Arab and European Partner States as a good base upon which to pragmatically address mixed migration in the region. The Working Document entails a brief overview of the legislative, judicial and implementation challenges common to MTM Partner States, along with the proposed way forward in each core area of mixed migration management. The key recommendations represent a set of concrete measures put forward by APS and EPS as potential 'next steps' in the evolution of the MTM Dialogue. Throughout, the importance of a balanced approach between human rights and security concerns is reflected, as is the immediate need for security and border controls, and the long term requirement of addressing the root causes of irregular migration flows.



### 3. How to use the Working Document

This Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows is a tool that provides guidance on ways in which mixed migration management could be developed or improved. The present document should therefore be seen as a basis upon which to further build or improve legislative, judicial and working-level approaches to managing mixed migration flows in the Mediterranean region.

In order to fully support national initiative in that direction, the Working Document follows a step-by-step logic, the most important steps are encapsulated in the following sections:

The **User Guide** is composed of sections 3 to 5. These are reference tools that will help the reader make use of the Working Document.

**Section 3:** Is the present section.

**Section 4:** Entails a list of key **Abbreviations** used in this Working Document.

**Section 5:** The **Glossary of Words** contains definitions that provide the reader with a clear and common understanding of the concepts used in the Working Document. Where possible, definitions are officially sourced from national, regional or international documents. The sources of these definitions thus allow for further reference tools.

The **Core Text** of the present document corresponds to sections 6 to 9 inclusively. It provides the reader with: (6) a clear overview of the mixed migration routes in the African and Mediterranean regions; (7) the guiding principles underpinning this Working Document and thus a comprehensive approach to the management of mixed migration flows; (8) a discussion of the challenges, way forward and key recommendations per core area; and (9) an overview of the key recommendations per core area.

**Section 6:** Provides a short analysis of the main **irregular migration routes in Africa and the Mediterranean**, thus offering a concise overview of the migratory situation in the region. The discussion herein is also supported by the Map of Mixed Migration Flows included in section 10 of the document.

**Section 7:** The **Guiding Principles** represent six concepts that Partner States believe are central to the elaboration of an efficient, well-rounded and comprehensive mixed migration management strategy. The concepts are principles commonly agreed upon by members of the MTM Dialogue as central to the elaboration of a sustainable approach to mixed migration management.

**Section 8:** Each **discussion per core area** follows the same approach and logic:

- **Legislative and judicial challenges:** discusses the over-arching legislative and/or judicial issues pertaining to the given core area.
  - ✓ Where do we stand: outlines the key legislative and judicial challenges and issues in the given core area.
  - ✓ How could we go forward: based upon the joint Partner State deliberations, discusses how Partners could jointly go forward in order to address key legislative and judicial challenges.
  - ✓ Who could be involved: bearing in mind each country's individual specificities, provides a non-exhaustive description of potential national, international and other actors who could be involved in developing or strengthening the legislative and judicial framework of each core area.

- **Implementation challenges:** discusses the main challenges faced by Partner States in implementing a comprehensive mixed migration management strategy.
  - ✓ Where do we stand: outlines the key implementation challenges and issues in the given core area.
  - ✓ How could we go forward: based upon the joint Partner State deliberations, discusses how Partners could jointly go forward in order to address the key implementation challenges of a mixed migration management system.
  - ✓ Who could be involved: bearing in mind each country's individual specificities, provides a non-exhaustive description of potential national, international and other actors who could be involved in developing or strengthening the implementation of a mixed migration management system per core area.
- **Key Recommendations:** based on the core area deliberations and the discussions of the legislative, judicial and implementation challenges, this section outlines a number of key recommendations that could be put in place to improve the management of mixed migration flows in the Mediterranean region.

**Section 9: Detachable table** providing a one-glance view of the Arab and European Partner States Key Recommendations on the Joint Management of Mixed Migration Flows.

The **Annexes** are composed of sections 10 to 13 inclusively and are meant as additional instruments to assist practitioners in managing mixed migration flows.

**Sections 10: Detachable map** of irregular migration flows in the region.

**Section 11:** Non-exhaustive **sample of legislative tools and key documents** per core area.

**Section 12:** Non-exhaustive **sample of actors** who could be involved in the development or updating of a comprehensive mixed migration management system.

**Section 13: List of participants** to MTM Expert Meetings from APS, EPS, observers and international agencies.

## 4. List of Abbreviations

<b>APS</b>	Arab Partner States
<b>DCAF</b>	Geneva Centre for the Democratic Control of Armed Forces
<b>EC</b>	European Commission
<b>ECOWAS</b>	Economic Community Of West African States
<b>EPS</b>	European Partner States
<b>EU</b>	European Union
<b>Eurojust</b>	European Union Judicial Cooperation Unit
<b>Europol</b>	European Law Enforcement Organisation
<b>Frontex</b>	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>ICONET</b>	Information and Coordination Network for (European Union) Member States' Migration Management Services
<b>IOM</b>	International Organisation for Migration
<b>IOPCR</b>	International Organisation for Peace, Care and Relief
<b>Interpol</b>	International Criminal Police Organization
<b>MARRI</b>	Migration Asylum Refugees Regional Initiative
<b>MoU</b>	Memorandum of Understanding
<b>MTM</b>	Mediterranean Transit Migration
<b>NGO</b>	Non-Governmental Organisation
<b>OAU</b>	Organisation of African Unity
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>UN</b>	United Nations
<b>UNESCWA</b>	United Nations Economic and Social Commission for Western Asia
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNODC</b>	United Nations Office on Drugs and Crime



## 5. Glossary of Terms

**Asylum Seeker:** When people seek safety in countries other than their own, they are said to be seeking asylum and are known as asylum-seekers. An asylum seeker is a person seeking the protection granted by the status of refugee. Most countries expect asylum-seekers to apply to be recognised as refugees. However, even if asylum-seekers do not apply to be recognised – either because the procedures are not in place, the asylum-seeker is not aware of these application procedures, or the asylum-seeker is unable or unwilling to access them – they may still be in need of international protection and of concern to UNHCR. Such status may be granted pursuant to the 1951 Geneva Convention Relating to the Status of Refugee and its 1967 Protocol, or a national legal text reflecting the provisions of the Refugee Convention.<sup>2</sup>

**Core Area:** refers to a set of elements of crucial importance jointly identified by MTM Partner States as essential for the comprehensive management of mixed migration flows. These four core areas are: (1) interception and apprehension of irregular migrants; (2) combating smuggling and trafficking networks, including the protection of victims; (3) the management of reception and detention; (4) return and readmission, including reintegration.

**Detention:** The restriction of freedom of movement, usually through enforced confinement, of an individual by government authorities. Here detention is used in the sense of administrative detention, guaranteeing that another administrative measure (such as forced return) can be implemented.<sup>3</sup>

**Horizontal Cooperation:** Cooperation is of a ‘horizontal nature’ if an agreement or concerted practice is entered into between agencies, states or administrations operating at the same levels. Horizontal cooperation can lead to substantial benefits where it is a means of sharing risk, making cost savings, pooling knowledge and launching innovative solutions in a more rapid fashion.

**Identification:** refers to the set of measures to establish the nationality and identity of an irregular migrant.

**Illegal Migrant:** An illegal migrant is a person crossing borders without complying with the necessary requirements for legal entry into the receiving state of which he/she is not a national or a permanent resident<sup>4</sup> The term ‘irregular migrant’ is the term often preferred by certain organisations although many countries tend to prefer ‘illegal migrant’, particularly where organised people smuggling and/or trafficking is involved.

**Integrated Border Management:** National and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the objective of open, but well controlled and secure borders.<sup>5</sup>

**Irregular Migration:** Irregular migration is ‘migration that takes place outside the norms and procedures established by states to manage the orderly flow of migrants into, through, and out of their territories.’<sup>6</sup>

**Joint Return Operations:** refer to initiatives aiming at reducing return-related costs and increase readmission rates. Among other examples, some Partner States have experimented joint return flights with success.

**Mediterranean Transit Migration (MTM) Dialogue:** Informal, intergovernmental and state-driven dialogue involving Arab Partner States, European Partner States, observers and international agencies, which aims at sup-

<sup>2</sup> UNHCR Website: [www.unhcr.org](http://www.unhcr.org).

<sup>3</sup> MTM Expert Meeting on the Management of Reception and Detention.

<sup>4</sup> ICMPD-Europol-Frontex (2007): Questionnaire on Irregular Migration and Trafficking in Human Beings in MTM Partner States.

<sup>5</sup> European Commission (2007): Guidelines on Integrated Border Management for the Western Balkans.

<sup>6</sup> IOM website: [www.iom.int](http://www.iom.int).

porting current efforts undertaken at international, regional and sub-regional level in Africa, the Middle East and Europe. The MTM Dialogue is founded on two pillars (1) operational cooperation to manage irregular migration and (2) combating the root causes of irregular migration through the linkages between migration and development. The aim of the Dialogue is to support migration officials in sending, transit and receiving states with a view to prevent and address irregular migration in the region, and thus create the conditions for legal migration.

**Mixed Migration:** Refers to the idea that migration is a multi-faceted phenomenon that encapsulates the variety of migration flows by including bona fide refugees and other persons in need of international protection, economic migrants, as well as victims of trafficking and migrants using smuggling networks.

**Non-Refoulement:** Non-refoulement is a principle that prohibits states from using measures such as rejection at the frontier, return or expulsion, which would compel a refugee to return to or remain in a territory where his life, physical integrity or liberty would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion, external aggression, occupation, foreign domination or events seriously disturbing public order<sup>7</sup>.

**Organised Crime:** '*Organised criminal* group shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.'<sup>8</sup>

**Readmission:** Decision by a receiving state on the re-entry of an individual. Readmission agreements set out the practical procedures and modes of transportation for the return and readmission by the contracting parties of persons illegally residing on the territory of one of the contracting parties.<sup>9</sup>

**Reception:** Reception refers to the set of practical measures a state must take when dealing with refugees, asylum seekers and irregular migrants. Material reception conditions and appropriate identification and referral 'include housing, food and clothing, provided in kind, or as financial allowances or in vouchers, and a daily expenses allowance'<sup>10</sup>

**Refugee:** any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.<sup>11</sup>

**Reintegration:** Upon return from a place of destination, process by which the migrant readapts to his or her original surroundings.<sup>12</sup>

**Rejected Asylum Seeker:** asylum-seekers found not to be in need of international protection are refused refugee status. Thereafter, they are not formally of concern to UNHCR. However, if countries reject asylum-seekers who, in UNHCR's view are refugees, they would remain of concern to UNHCR. UNHCR may subsequently choose to recognise them as refugees under its own mandate or take steps to ensure they are protected.

**Return:** refers broadly to the act of going back from a country of presence to the country of previous transit or origin. There are numerous sub-categories of return which can describe the way it takes place:

- ✓ **Voluntary return** is based on an informed decision freely taken by the individual

<sup>7</sup> Article 1 and 2 of the AOU Convention Governing the specific aspects of Refugee Problems in Africa; See also: UN Convention Relating to the Status of Refugees.

<sup>8</sup> Article 2, paragraph (a), Annex 1 of the United Nations Convention against Transnational Organized Crime.

<sup>9</sup> European Commission (2002): Green Paper on a Community Return Policy on Illegal Residents (Annex 1).

<sup>10</sup> European Council (2003): Directive laying down minimum standards for the reception of asylum seekers (Chapter I art.2 (i)).

<sup>11</sup> 1951 Geneva Convention; also reflected in Article 1.1 of the AOU Convention Governing the specific aspects of Refugee Problems in Africa.

<sup>12</sup> MTM Expert Meeting on Return and Readmission.



- ✓ **Assisted voluntary return** includes organisational and financial assistance for the return and where possible, reintegration measures offered to the individual.
- ✓ **Forced return**: Return that is not undertaken by the individual voluntarily.

**Risk Analysis**: refers to the gathering, fusing, analysing and disseminating of strategic information.<sup>13</sup>

**Smuggling of Persons**: smuggling of persons is 'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident'.<sup>14</sup>

**Trafficking of Persons**: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.<sup>15</sup>

**Vertical Cooperation**: The overall objective of vertical cooperation is to obtain a larger success in policies for the states, agencies or administrations participating in this cooperation. Other subordinate objectives may be for instance to improve the image of the area of migration management, improve effectiveness and decrease management challenges. Vertical cooperation does in principle not imply any hierarchical relationship. Instead, it refers to relationships between actors in the comprehensive mixed migration management, such as border guards, legislators and detention officials.

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<sup>13</sup> MTM Expert Meeting on the Interception and Apprehension of Irregular Migrants.

<sup>14</sup> Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the United Convention against Transnational Organized Crime.

<sup>15</sup> Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime.



## 6. Mixed Migration Flows in the Mediterranean

It is well known that migration movements are triggered by various factors be they internal or international, or socio-economic, political or environmental in nature. In the irregular migration process, an overwhelming number of migrants use the services of facilitators, in the form of smuggling networks, to facilitate their entry into foreign countries of transit or destination. The increasing use of facilitators has led smuggling networks to streamline their businesses by using predetermined paths or 'irregular migration routes' across any given number of countries to a targeted destination.

### 6.1 The Links between Irregular Migration Routes

Not all irregular migration routes have the same importance in terms of migration flows. At a macro level, irregular migration routes transiting through the Mediterranean start in Africa, the Middle East or Asia and run across the Mediterranean Sea to enter Europe.<sup>16</sup> These routes are referred to as the West Africa, West Mediterranean, Central Mediterranean, East Africa and East Mediterranean routes. They can be further classified into two groups according to their countries of origin. Between these broad groups interactions are relatively limited. Within each group however, variations in the flow of one route impacts on the intensity of flows in the others. Moreover, not all migrants reach their final destination. In fact, it is increasingly the case that, due to more efficient controls border controls on the northern shores, increasingly perilous journeys and deaths (in particular at sea), or indeed due to increasing favourable socio-economic conditions in North Africa, migrants remain stranded or opt for remaining in North African countries. Thus, countries that were originally countries of transit are increasingly becoming countries of final destination for a large number of Sub-Saharan Africans or Asian migrants migrating through the African continent.

The five irregular migration routes in Africa and the Mediterranean region can be grouped as follows:

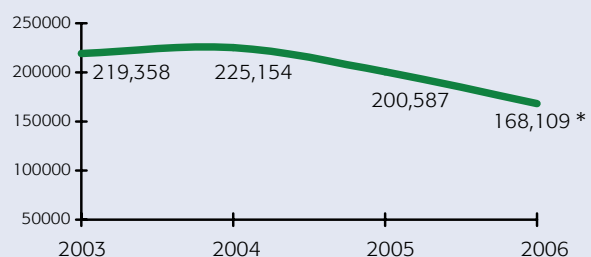
#### **Group of Western Irregular Migration Routes:**

- The West Africa route is both a land and sea-based route that starts in Western African countries and ends in the Canary Islands via Senegal or Mauritania.
- The West Mediterranean route begins in West Africa, runs through Morocco or Algeria and ends in mainland Spain.
- The Central Mediterranean route has its roots in the same region of West Africa. It progresses through Algeria, Libya and/or Tunisia to reach Malta or Italy.

#### **Group of Eastern Irregular Migration Routes:**

- The East Africa route begins in the Horn of Africa, heads north to Italy and Malta via Sudan, Libya and/or Egypt.
- The East Mediterranean route starts in Asia, Central Asia or the Horn of Africa and ends in Cyprus, Greece or Bulgaria via Turkey.

**Aggregated Number of Apprehended Irregular Migrants by APS and EPS 2003-2006**



**Sources:** Answers to the MTM Questionnaire by Sates concerned, Spanish presentation to the Europol Annual Meetings 2005, presentations given by Spain, Malta, Cyprus and the Eastern Sea Borders Centre to the Europol Annual Meeting 2006, Spanish presentation to the Interpol Casablanca Meeting on 22-23 May 2006, UNODC report on Organised Crime and Illegal Immigration 2006, and monitoring of the press.

**Note:** France and Syria are not included. The figure for 2006 is an estimate and France, Syria, Portugal, and Egypt are not included.

<sup>16</sup> For the full description of the routes, see: ICMPD-Europol-Frontex (2006), Joint Assessment on Irregular Migration Flows in Africa and the Mediterranean Region.

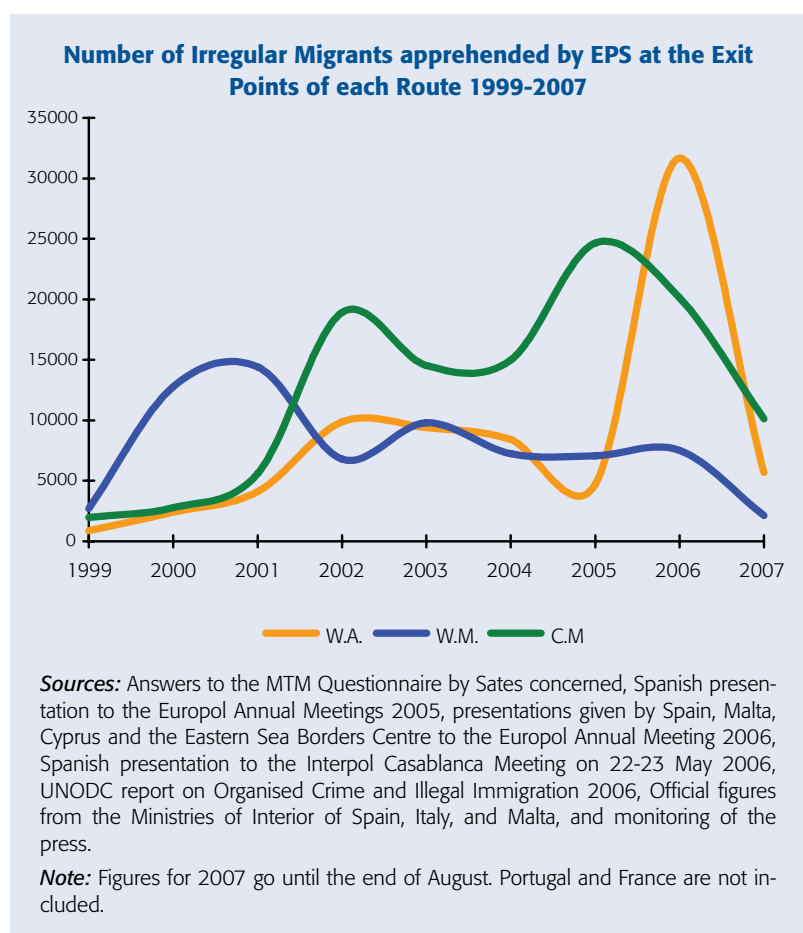
The aggregate number of apprehensions by APS and EPS for the period 2003-2006 yields a yearly average of irregular migrants using the five routes outlined above at around 200,000 persons. Variations over the years are not substantial and the number of total irregular migrants arriving yearly in the MTM Partner States is deemed constant. Therefore, it could be inferred that the relative importance of one migration route over the others depends on other factors than an overall surge in migration movements. For example, newly introduced legislation, joint patrols operations or international border cooperation impacts the swiftness and amplitude of flows, both on a long term and shorter term basis. What is clear from the analysis below however is that whilst migration routes in themselves tend to remain the same, their importance in terms of number of persons varies over time.

## 6.2 Group of Western Irregular Migration Routes

The Western group of irregular migration routes is composed of the West Africa, the West Mediterranean and the Central Mediterranean routes. The traditional main gateways to European soil are on the last two routes due to the geographical proximity of Europe to Africa via the Strait of Gibraltar, the Pelagian Islands, Sardinia, Sicily and Malta. These last two routes are inversely linked: a rise of the flow in one route has the opposite effect on the other, due in part to the geographical closeness of the two departure areas.

The links between the routes in the Western group are best exemplified by the 2005 surge in influx of irregular migrants towards the Spanish cities of Ceuta and Melilla, and the ensuing reaction of Moroccan and Spanish authorities who increased controls and stemmed the flow. Indeed, given the influence of the routes on each other and the increase of border controls, in 2006, the West Mediterranean route decreased in importance and migration flows shifted to the West Africa route. For many years, flows along the West Africa route remained relatively low until security measures taken in Northern Africa pushed departure areas southwards to countries

where monitoring capabilities are deemed less efficient. Nevertheless, despite the notoriously dangerous nature of the maritime part of the West Africa route, figures on the number of arrivals in the Canary Islands quickly increased to 31,678 persons in 2006.



Similar to the variations seen in the routes mentioned above, the flow using the Central Mediterranean route increased in 2006 as well, although it should be noted that Italy and Malta receive irregular migrants from both the Central Mediterranean and the East African routes, with these two routes not affecting each other. For instance, the various measures taken by Morocco alone, notably on the legislative front, or in cooperation with Spain progressively led to the doubling of the flow through Algeria. This shifting of the flows was further emphasised by the absence of visa requirements for Moroccan nationals to enter Libya and by the fact that Spanish authorities were able to return Moroccans after the interception.

### 6.3 Group of Eastern Irregular Migration Routes

The second group of irregular migration routes is composed of the East Africa and East Mediterranean routes.<sup>17</sup> At the beginning of 2003, the link between these two routes was nascent and has quickly evolved since. Turkish statistics show that the number of East African irregular migrants intercepted at its borders has been constantly increasing. Almost entirely composed of Somalis, the flows arriving to Turkey through Syria are expected to influence the arrivals in Italy and Malta given the common countries of origin. In fact, given its geographical location and the constant rise in its irregular flows from East Africa since 2000, Turkey is expected to play an increasingly central role in irregular migration flows from the Eastern group of routes.

A third route beyond the geographic focus of this document is that crossing the Gulf of Aden. This maritime way starts in Ethiopia and Somalia and enters Yemen. For 2006, UNHCR reports that more than 25,800 persons crossed the Strait, with an additional 28,300 persons for 2007, presumably given the current instability in East Africa.

As showed in section 6.2, interactions between the Gulf of Aden, the East Africa and the East Mediterranean routes cannot be excluded as the same countries of origin are involved. However, information on these routes is insubstantial and further research is required in order to fully assess the impact of the Gulf of Aden route on Eastern irregular migration flows.

### 6.4 Conclusion

The importance of the relation between any migration routes and the impact of measures taken by national authorities, at times facilitated or coordinated by international agencies, to curb irregular migration flows is difficult to assess in advance. The 'causal relationship' from one to the next very much depends on the nature of these initiatives, as well as events, political or otherwise, occurring in any given area. What is clear however is that increased border controls is a major source of rapid and important shifts in the irregular migration flows. On the other hand, new legislation and international cooperation tend to impact irregular migration flows more progressively and perhaps more efficiently; however, their impact on migration flows is felt in the longer term rather than the shorter term.

Finally, an assessment of irregular migration routes alone cannot be expected to provide a thorough comprehensive picture of the nature of irregular migration in the region. Moreover, given the composition of irregular migration flows, which at any given time may include persons in need of international protection, it is clear that controlling borders alone will not fully address mixed migration in the region. Sustainable development, conflict prevention, along with protection-sensitive entry procedures for asylum seekers, refugee and victims of trafficking, are complementary and necessary tools in the management of mixed migration.

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<sup>17</sup> Receiving reliable information on the intensity and composition of the flow taking the East Africa route is relatively difficult. Only figures from EU southern destination States allow for an assessment of the variations in the flow.



## 7. Guiding Principles

A number of overarching principles or concepts are central to the elaboration of an efficient, well-rounded and comprehensive mixed migration management strategy. The six concepts below are by no means exhaustive; they are, however, principles that appear to be commonly agreed upon by all members of the MTM Dialogue, who see them as central to the elaboration of a sustainable approach to mixed migration management.

Each guiding principle entails firstly, a definition of what is meant as it applies to the present Working Document; secondly, a short outline of its relevance to mixed migration management; and, thirdly, a general proposed approach, which is meant to be flexible and adaptable to the national migratory realities of each Partner State.

### 7.1 Informal

#### *Definition*

Refers to the principle according to which the Arab and European Partner States Working Document has been developed and should be read. That is, the Working Document is informal, entails non-binding common points on which partners agree and suggest further improvements. It logically follows that the content herein should be approached as non-compulsory and flexible to reflect each state's own volition.

#### *Relevance*

Informality is a key concept of this Working Document since it is a central approach of the MTM Dialogue according to which partners have shared their views. Informality also allows for flexibility of interpretation, thus taking into account state leadership and sovereignty (cf. section 7.2).

#### *Proposed Approach*

Informal translates mainly in the way in which the content of the MTM Working Document should be perceived that is: the Working Document does not entail principles or views according to which MTM Partner States must act, but rather suggested approaches to assist states in jointly addressing the core aspects of mixed migration management.

### 7.2 State Leadership

#### *Definition*

The concept of 'state leadership' refers to the principle by which the management of mixed migration flows would benefit from being approached. It emphasises the centrality of sovereign states in ensuring the development and implementation of a comprehensive framework that addresses mixed migration flows. The term 'state' refers to the individual actors involved in, and who take the lead on, the development of measures to manage mixed migration flows. For its part, the word 'leadership' implies that these states, as sovereign countries impacted by irregular migration, recognise their central role in the elaboration of a framework for managing mixed migration, in particular here, in the Mediterranean region.

Crucially, the principle of state leadership does not preclude the implication of other actors such as international agencies or NGOs in assisting in the design or implementation of measures geared at better managing mixed migration flows. In fact, this involvement is welcomed as necessary and is in line with the principles of cooperation discussed below (cf. section 7.3).

#### *Relevance*

The active involvement of individual MTM Partner States in the management of mixed migration flows is key for several reasons, namely, but not exclusively:

- ✓ States are central in ensuring the harmonisation of legal definitions and procedures linked to migration management; they are also the level at which legislation can best be put into practice and enforced;
- ✓ State actors are the main agents in ensuring cooperation at the local and national levels; moreover, they are the drivers behind international cooperation, be it regional or international; and
- ✓ Being on the receiving end of irregular migration, and being the implementers of practices and legislation geared at managing mixed migration, Partner States leadership ensures the sustainability, applicability and relevance of measures taken to manage mixed migration.

#### *Proposed Approach*

Generally speaking, state leadership as pertaining to the management of mixed migration flows in the Mediterranean entails that:

- ✓ All states impacted by mixed migration transiting through the Mediterranean are drivers in the development of a comprehensive legal and judicial framework supporting migration management initiatives;
- ✓ APS and EPS bear the overall direction of the design and implementation of a mixed migration management strategy, including tools or measures to manage mixed migration flows;
- ✓ Partner States are continually and actively consulted on the development and updating of relevant international programmes and projects; and
- ✓ States are accountable for the implementation of national measures to manage irregular migration flows, including the transfer of international protocols and relevant legislation.

### **7.3 Cooperation**

#### *Definition*

Cooperation refers to the practice by which APS, EPS, international agencies, NGOs and other relevant actors work together towards the common goal of better managing mixed migration flows. This principle is based on the view that the management of mixed migration flows in the Mediterranean region would benefit from being addressed in a joint fashion since irregular migration impacts upon all levels of society, reaches across the four core areas of migration management and, crucially, bears upon the Mediterranean region as a whole.

#### *Relevance*

Given the extensive reach of mixed migration flows both geographically and inter-disciplinarily (cf. section 7.4), cooperation at the national and international levels, as well as between local authorities, state, agencies, and NGOs is central to the success of an irregular migration management strategy.

#### *Proposed Approach*

A number of items could be part of a cooperative migration management approach such as, for example:

- ✓ A clear focus on inter-state cooperation between members as core actors and in-line with the principle of state leadership;
- ✓ Cooperation with international agencies, as actors responsible for providing stakeholders with support and facilitation, as well channels through which to link knowledge on migration flows in the region;
- ✓ Clearly stated and clearly established common goals towards which partners may strive;
- ✓ The building of mutual trust through the recognition that all partners are equal and striving towards the same objective to better manage irregular migration flows;
- ✓ The exchange of information via open yet secure information channels; here the assistance of overarching international bodies could be particularly useful; and
- ✓ The exchange of good practices and experiences between APS and EPS in each area of irregular migration management.

### **7.4 Cross-Disciplinary**

#### *Definition*

The management of mixed migration flows is a complex phenomenon that is closely related to different fields such as organised crime, corruption, labour, exploitation, human rights, international economics et al. As a re-



sult, an efficient mixed migration management strategy could be improved by taking this complexity into consideration and addressing the different core areas of migration management concurrently and comprehensively. To this end, 'cross' refers to an approach that bridges the various aspects of migration management, whereas 'disciplinary' refers to the four core aspects of a comprehensive migration management system, as identified by MTM partners.

#### *Relevance*

A cross-disciplinary approach is important since it addresses the complexity and multi-faceted nature of migration. As such, a comprehensive and concurrent approach that takes into consideration the various areas of migration can greatly assist in better managing mixed migration flows.

#### *Proposed Approach*

To ensure an interdisciplinary cross-area approach, the management of mixed migration flows would benefit if actions were taken to:

- ✓ Explicitly address the different core areas of mixed migration management in parallel and at both the strategic and operational levels;
- ✓ Involve all relevant state and non-state actors, such as governmental authorities, law enforcement, immigration officers, labour authorities, judiciary, NGOs, international agencies, researchers etc.;
- ✓ Comprehensively combine knowledge and expertise from different relevant disciplines in the development of measures to manage mixed migration flows; and
- ✓ Make use of the link between legal and illegal migration in an attempt to comprehensively address the supply and demand of mixed migration, and manage both areas of migration for the benefit of all parties.

## **7.5 Safeguards**

#### *Definition*

The protection of life and human dignity in general is not merely a humanitarian goal or a principle that conforms to international human rights: it is also a state practice stressed by members of the MTM Dialogue. In the present context, safeguard refers to the respect for the safety of irregular migrants in general and trafficked victims (men, women and children) in particular. It refers to the need to provide safe and unhindered access to asylum for those in need of international protection and involves the safe-conduct of migrants' return to their country of origin.

#### *Relevance*

The principle of safeguards provides direction for the further development of measures to manage mixed migration flows and recognises the humanitarian aspect of mixed migration management, in particular with respect to combating smuggling and trafficking networks and individual protection for persons at risk.

#### *Proposed Approach*

In order to better ensure the safeguard of life and human dignity, MTM Partners propose:

- ✓ That a clear difference is made at all levels of the migration management between smuggled and trafficked persons, in line with relevant UN Protocol definitions (cf. section 11).
- ✓ To include safeguards at the centre of a comprehensive approach to mixed migration management;
- ✓ That legitimate law enforcement measures also take into account the safety or right of persons genuinely in need of international protection and/or victims of trafficking; and
- ✓ That measures taken to combat irregular migration and the trafficking in human beings make a clear distinction between punishing traffickers and protecting victims.

## **7.6 Development**

#### *Definition*

The principle of 'development' refers to the inherent links between irregular migration and the economic, social or political advancement in a given region or state. This link is innate since differences between the countries

of origin and destination or transit act as a push factor of irregular migration and that demands on the receiving end acts as pull factors for mixed migration flows.

*Relevance*

Development, the second pillar of the MTM Dialogue, is seen as key to a long-term and sustainable approach to migration management. Indeed, given the fact that the search for work abroad has been fuelled by economic disparity, high unemployment and the disruption of traditional livelihoods, the links between migration and development would benefit from being addressed as part of a comprehensive irregular migration management strategy, thus addressing root causes of irregular migration.

*Proposed Approach*

A number of proposed approaches could be explored by MTM Partners to best take advantage of the link between migration (in particular return migration) and development.

- ✓ Closer cooperation between countries of origin and transit in order to develop application and realistic ways to take advantage of the links between migration and development;
- ✓ The research, development and application of innovative programmes to promote sustainable development via migration, encapsulating the principles established in previous international conferences on migration and development;
- ✓ The inclusion of reintegration at the centre of migrant return programmes;
- ✓ Exploring ways in which to address the supply and demand factors of mixed migration flows.

# 8. The Management of Mixed Migration Flows

## 8.1 Preamble: Four Core Areas

The previous sections of this Working Document underlined the complex multifaceted nature of mixed migration management. This complexity is best addressed through four core areas of mixed migration management: (1) the interception and apprehension of irregular migrants; (2) combating smuggling and trafficking networks, including the protection of victims; (3) the management of reception and detention; (4) return and readmission, including reintegration. Indeed, MTM Partners deem these four areas as essential to a comprehensive approach to mixed migration management, underlining the fact that no one aspect is independent from another and that, for an effective and holistic management of migration flows, these areas should be tackled in a simultaneous and joint fashion.

Of course, despite the inter-connectivity these areas, each of these 'fields' of migration management entails its own unique characteristics and challenges. These differences are discussed in the four following sections of the Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows. Sections 8.2 to 8.5 outline the legislative, judicial and implementation challenges linked to the management of irregular migration flows per core area, along with related proposed approaches that aim to develop or improve the joint management of mixed migration flows in the Mediterranean region. Each section also entails key recommendations and next steps that are put forward by APS and EPS as pragmatic ideas in building a comprehensive mixed migration management system (or systems) in the region.

## 8.2 The Interception and Apprehension of Irregular Migrants

**Interception** and **apprehension** of irregular migrants is at the forefront of a comprehensive mixed migration management system and is a vital element in maintaining the security of a sovereign state. In the Mediterranean region, the work that this core area entails is particularly visible, clearly linked to a humanitarian dilemma and is subject to constant media exposure. Moreover, the varied topography characterising MTM Partner States makes interception and apprehension a challenging task: Partners' geographical realities vary from green, to desert, to air and sea borders.

Key Common Challenges for MTM Partners:

- Ensuring a balance between security and human rights concerns at borders
- Availability and applicability of international legislation for interception and apprehension, in particular at sea
- Developing effective cooperation, nationally, regionally and multilaterally
- Constant increase in clandestine traffic and evolution of *modus operandi*
- Patrolling borders which are not demarcated

### 8.2.1 Legislative and Judicial Challenges

#### 8.2.1.1 Where do we stand?

- (a) **Internationally, useful conventions or laws are in place**, such as the International Convention for the Safety of Life at Sea or the Convention relating to the Status of Refugees, **which relate to the handling of claims for asylum made by irregular or other migrants following their interception**

**and apprehension** at air, land and sea borders (cf. section 11). These are necessary in order to ensure the proper treatment of persons in need of international protection and frame states' interception and apprehension procedures.

- (b) Nonetheless, despite these international laws or conventions, **different interpretations and practices can hinder the development of cooperation**. Moreover, in some cases, appropriate definitions or applications are lacking. That is the case, for example, for legislation or practices surrounding the identification of the state in charge of the reception of irregular migrants intercepted in international waters.
- (c) International **cooperation on the interception and apprehension of irregular migrants is normally based on appropriate national legislation**. This legislative framework for cooperation is also at times supplemented by bilateral agreements or memoranda of understanding (MoUs) between states.
- (d) Efficient and comprehensive border management requires the **coherent application and enforcement of the pertinent legislative framework**. This in turn requires the clear definition of procedures, the preparation of instructions based thereon, and the control and evaluation system to observe their implementation. MTM Partners have implemented these laws, definition, procedures and evaluations at different levels and in various ways. In some of the MTM countries, due to a large variety of reasons, there is still a margin for improvement with regards to implementation.

#### 8.2.1.2 How could we go forward?

- (a) By **focussing on the development of a common understanding in border management matters**, as well as a common approach to tackling particular cross-border phenomena (e.g. interception in international waters; smuggling and trafficking [cf. section 8.3]).
- (b) By **developing a legal framework on which to base international cooperation** on the interception and apprehension of irregular migrants, at air, land and sea. This could include, for example, multilateral and bilateral assistance in the form of international policing or customs policing agreements.
- (c) In the development of an institutional framework and following the principle of state leadership, **encourage active bilateral relations between corresponding agencies and authorities**. In this respect, whilst agreements at the central level remain in general terms, more detailed MoUs could be required for cooperation at the local or national level, including practical solutions for day-to-day implementation of interception and apprehension.
- (d) By ensuring a **good balance between security and human rights principles** at all stages in the development and implementation of legislative and judicial framework on interception and apprehension.

#### 8.2.1.3 Who could be involved?

- (a) National actors (non-exhaustive):
  - **National body custodian of national law**: for the development of MoUs; ensure the respect of international conventions such as the international protection of asylum seekers and refugees.
  - **Border guards**: national actors on the front lines of interception and apprehension (first line control), ensure that proper legislative and judicial procedures are put in place and respected; ensure that human rights principles are properly reflected and implemented.
  - **National body in charge of foreign relations**: take the lead on the development of MoUs with neighbouring countries and ensure adherence to international human rights treaties.
- (b) International actors (non-exhaustive):
  - **Multilateral international organisations**: ensure that safeguards for asylum seekers are well respected in the development and implementation of interception and apprehension; assist in the

development of a legal and judicial framework surrounding interception and apprehension; facilitate cooperation and the development of cooperation agreements; assist in national capacity building with respect to border management, including protection-sensitive procedures.

## 8.2.2 Implementation Challenges

### 8.2.2.1 Where do we stand?

- (a) At various levels and in differing fashion, **states have developed joint patrols to increase possibilities of ensuring the safety of their borders**. Such patrols vary in scope and in capabilities, reflecting national or regional means. Third parties, such as international agencies, are in place to assist in the development and coordination of joint patrolling operations.
- (b) **New or altered irregular migration routes continue to be identified** in the Mediterranean region along with various modus operandi. Moreover, irregular migration routes are constantly changing in response to external factors, including states' policing initiatives.
- (c) Migration flows are expected to increase in the region: the UN forecasts a **strong demographic growth in Africa** for the next fifty years at 1.64 percent (versus -0.24 in Europe)<sup>18</sup> thus, without improved economic development of many African countries, increasing **the pressure for irregular migration and ensuing challenges on national interception and apprehension systems will increase**.
- (d) **Different geographical realities affect the implementation of interception and apprehension**. In the Mediterranean region, these realities are characterised by vast or rugged borders at land and sea, and increased air traffic at airports. These implementation realities require adapted integrated strategies, operations and technologies.
- (e) **Cooperation and coordination, nationally, regionally and internationally have been proven to positively impact the implementation of interception and apprehension**. MTM Partners have elaborated various cooperation and coordination initiatives, for example nationally between border services and customs officials, as well as internationally with neighbouring countries. However, these are seen as too few and too far apart.
- (f) **Risk analysis and information sharing is central to the good functioning of a comprehensive approach to the interception and apprehension of irregular migrants**. This includes methods and information sharing on the identification of persons genuinely in need of international protection as opposed to those who prove to be economic migrants. MTM Partners have varied experiences on this front at all levels of border management.
- (g) In line with the principle of cooperation, in some cases **partnership initiatives with carriers, especially airlines, have been developed** to assist and further increase the efficiency of interception and apprehension.

### 8.2.2.2 How could we go forward?

- (a) **Ensure the centrality of cooperation nationally and internationally in the implementation of interception and apprehension**, with a particular focus on cooperation with neighbours, and the establishment of joint patrol operations and strategic information sharing procedures. A focus could be on integrated border management where intra-service, inter-agency and international co-operation are key.
- (b) Initiated by proper legal regulations and executive standards on borders, as well as inspired by risk analysis assessments and supported by modern forms of cooperation created on the basis of international cooperation and coordination, **develop interception and apprehension measures that focus on**

<sup>18</sup> United Nations (2003), World Population Prospects: The 2002 Revision Highlights. New York.

**the modus operandi of smuggling networks and that allow for the rapid identification of genuine asylum seekers** versus economic migrants.

- (c) Ensure that the need for a comprehensive and global approach to the interception and apprehension of irregular migrants, which takes into account the safeguard of asylum seekers and refugees, is underlined and implemented, thus **balancing states security needs and safeguards for persons** in need of international protection.
- (d) In all geographical situations, there is definite benefit to be gained from **developing joint border operations to strengthen land and sea border controls in particular**. Here, the importance of regional cooperation in the interception and apprehension of irregular migrants is central.
- (e) In the elaboration and implementation of a comprehensive approach to interception and apprehension, take into account the varied geographical challenges facing MTM Partners. That is to say, such diverse realities would benefit from **adapted and targeted border control operations**, including customised technical measures and training.
- (f) The advantages and disadvantages of **private-public partnership could be explored**. This could include the further development of using and/or posting immigration liaison officers abroad, or other partnership agreements, such as those to assist in the development of new technologies geared to interception and apprehension. The idea that private-public partnership decreases burden on states in the implementation of interception and apprehension, or that it increases the speed and accuracy of interception, could be further researched. This should not be to the detriment of access to asylum and the primary responsibility of States to ensure international protection of refugees and asylum-seekers.

8.2.2.3 *Who could be involved?*

- (a) National actors (non-exhaustive):
  - **Body responsible for border issues**: to act as national coordination body for the implementation of interception and apprehension at all levels.
  - **Body responsible for external relations**: to coordinate the implementation of interception and apprehension with third countries.
  - **Body custodian of national law**: ensure the legality of interception and apprehension procedures, including the proper treatment of asylum claims at borders.
  - **Border guards**: ensure the proper implementation of this core area at land, air and sea, including with respect to persons in need of international protection.
- (b) International actors (non-exhaustive):
  - **International multilateral organisations**: assist in the development and implementation of comprehensive border management procedures; ensure that protection measures for asylum seekers are properly implemented at land, sea and air borders; coordinate the implementation of joint interception and apprehension operations; assist and coordinate joint risk analysis.
- (c) Others potential actors (non-exhaustive):
  - **Private sector**: further partnership opportunities in potentially assisting states in the implementation of interception and apprehension (e.g., airlines).
  - **NGOs and charity organisations**: assist in implementing a humanitarian approach to interception and apprehension.



### 8.2.3 Key Recommendations and next steps

Key Recommendations	→ Next Steps
<b>(1) Balance</b> human rights and security concerns.	→ - Review national interception and apprehension framework to identify potential protection gaps. - Implement measures that address protection gaps.
<b>(2) Legally, judicially and pragmatically</b> develop a commonly agreed framework <b>for the interception and apprehension of irregular migrants.</b>	→ - Develop expert workshops to further discuss and develop a common approach to interception and apprehension. - Build common capacities through partner-based targeted training initiatives in interception and apprehension.
<b>(3) Focus on</b> increasing cooperation and coordination <b>in interception and apprehension matters.</b>	→ - Exchange on, and implement steps towards, a national framework that encourages and supports cooperation initiatives between states, with international agencies and/or other relevant parties. - Based on common identified interests and needs, encourage concrete partnerships or cooperation areas, possibly coordinated by relevant third parties or agencies. - Explore new areas of cooperation with non-public institutions on the one hand, as well as regional or international bodies on the other. - Establish platforms of cooperation on information sharing and risk analysis.

Table 8.2.3: **Summary of Key Recommendations and Next Steps for the Interception and Apprehension of Irregular Migrants**

#### 8.2.3.1 Balance Human Rights and Security Concerns

→ **Key Recommendation:** In the development and implementation of a comprehensive approach for the interception and apprehension of irregular migrants, clearly and concretely apply existing international conventions on the rights of persons genuinely in need of international protection, reflecting the obligations of states to provide this protection.

Indeed, humanitarian concerns, and in particular the implementation of protection measures for persons who are genuinely in need of protection, are vital aspects of interception and apprehension measures. Whilst efficient border control leads to reducing cross border crime and international crime, including smuggling and trafficking, the need for practical protection safeguards to ensure that such measures are not applied in an indiscriminate or disproportionate manner should be stressed. That is to say, measures should not lead to refugees being returned to countries where their life or liberty would be at risk and should include unhindered and safe access to asylum procedures.

#### → Next Steps:

- Review national interception and apprehension framework so as to identify potential gaps with respect to protection of asylum seekers; this can be done with the assistance of other partner states, relevant international agencies and/or NGOs.
- Identify and implement measures that address these lacunas; this can be done with the assistance of other partner states, relevant international agencies and/or NGOs.

#### 8.2.3.2 Legally, Judicially and Pragmatically Develop a Commonly Agreed Framework for the Interception and Apprehension of Irregular Migrants

→ **Key Recommendation:** In the development and implementation of interception and apprehension measures, develop a common agreed framework that pragmatically addresses the gaps and needs in the international legal framework pertaining to interception and apprehension systems.

The current gaps or international discrepancies in the approach and implementation of interception and apprehension measures can at times hinder cooperation, a key aspect of a successful interception and apprehension system. Hence, the development of a common understanding on the way in which interception and apprehension should be implemented, including with respect to the application of international conventions and law, would go a long way to encourage cooperation across the Mediterranean. This common understanding, can be based on informal dialogue, accession to relevant human rights Treaties and Conventions, and further fortified by concrete international agreements, such as, for example, MoUs.

→ **Next Steps:**

- Develop expert workshops to further discuss and elaborate a pragmatic common approach to interception and apprehension, in particular at sea and air borders.
- Build common capacities through partner-based targeted training initiatives in interception and apprehension.

### 8.2.3.3 Increase Cooperation and Coordination at all Levels

→ **Key Recommendation:** Focus on increasing cooperation and coordination in interception and apprehension matters.

Cooperation and coordination, at both national and international levels, bilaterally and multilaterally, are central in all aspects of interception and apprehension. MTM Partners have a number of good practices, such as ‘integrated border management’, which could be shared. Moreover, international agencies such as Frontex are in place as supporting bodies for cooperation and coordination between and with MTM Partners. Cooperation does not refer only to public institutions, but also NGOs or private sector enterprises involved in any aspect of interception and apprehension. For example:

- **Nationally:** national cooperation and coordination of interception and apprehension horizontally but also vertically, for example in information sharing, is crucial to a comprehensive approach to managing interception and apprehension. Cooperation with customs officials, the sharing of strategic information between relevant parties, as well as the increased cooperation with local communities can be particularly useful.
- **Internationally:** international cooperation and coordination in interception and apprehension across borders (e.g., bilaterally with neighbouring countries or multilaterally with states and international agencies) greatly increases the success of interception and apprehension and ensures the increased safety of asylum seekers in the process. This can take the form of the common monitoring of borders, the use of joint operations at a regional level, or the assistance of international agencies or NGOs in ensuring proper safeguard measures for asylum seekers at borders.

→ **Next Steps:**

- Exchange on, and implement steps towards, a national framework that encourages and supports cooperation initiatives between states, with international agencies and/or other relevant parties.
- Based on common identified interests and needs, encourage concrete partnerships or cooperation areas, possibly coordinated by relevant third parties or agencies.
- Explore new areas of cooperation with non-public institutions on the one hand (e.g., private sectors or NGOs), as well as regional or international bodies such as Frontex on the other.
- Establish platforms of cooperation on information sharing and risk analysis.

## 8.3 Combating Smuggling and Trafficking Networks

According to the UN Protocol against the Smuggling of Migrants, **smuggling** is defined as the procurement to obtain, directly or indirectly, a financial or other material benefit, through the illegal entry of a person into a state of which the person is not a national or a permanent resident.

According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, **trafficking** is defined as the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force, or



other forms of power, of coercion, of abduction, of fraud, of deception, of the abuse of power, of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

These definitions, and the differences between the two crimes, form the base for this section of the Arab and European Partner States Working Document.

Key Common Challenges for MTM Partners:

- The accurate identification of smuggling and trafficking cases, reflecting the difference in definitions
- The elaboration and enforcement of tailored law enforcement measures
- The sharing of sensitive information pertaining to smuggling and trafficking
- The development of prevention measures to address both supply and demand
- The training and awareness-raising of relevant officials
- The protection of trafficked victims

### 8.3.1 Legislative and Judicial Challenges

#### 8.3.1.1 Where do we stand?

(a) The difference between smuggling and trafficking cases are as follows:

Element	Smuggling	Trafficking
Type of Crime	Crime against the state – no victim by the crime of smuggling as such	Crime against a person – victim. Violation of the rights of the victim of trafficking by definition
Why fight it?	To protect the sovereignty of the state	To protect a person against human rights violation Obligation of the state to provide adequate protection to its citizens.
Nature of crime and duration of customer relationship	Commercial; relationship between smuggler and migrant ends after illegal border crossing achieved and fee paid	Exploitative; relationship between trafficker and victim continues in order to maximise economic and/or other gains from exploitation
Rationale	Organised movement of persons for profit	Organised recruitment/movement and (continuous) exploitation of the victim for profit
Border crossing	Illegal border crossing is a defining element	Purpose of exploitation is the defining element; border crossing is not necessarily an element of the crime.
Consent	Migrant consent to illegal border crossing	Either no consent or initial consent made irrelevant because of deception practised and use of force, coercion, at any stage of the process

Table 8.3.1: **Differences between Smuggling and Trafficking. Source: Guidelines for the development and implementation of a Comprehensive National Anti-Trafficking Response (ICMPD: 2006).**

(b) Despite the differences above, in combating smuggling or trafficking networks, **the identification of smuggling cases from trafficking cases (and vice versa) is not always straightforward and grey areas exist.** These grey areas create legislative and judicial challenges, including with respect to law

enforcement and prosecution. The proper identification of cases affects, amongst other, possible investigative strategies.

- (c) There are applicable and concrete international definitions outlining the difference between smuggling and trafficking outlined in the UN Protocols against the Smuggling of Migrants and to Prevent, Suppress and Punish Trafficking of Persons. **These are relevant international bases upon which to build applicable legislation and tools to combat smuggling and trafficking networks**, keeping in mind national particularities and sovereignties. These definitions have been transferred differently and unevenly in MTM Partner States.
- (d) There are **different national structures** to combat smuggling and trafficking networks that reflect culture and state sovereignty. Partners have expressed the wish to exchange on the benefits and drawback of any given approach.
- (e) **Legal issues linked to data protection** translate in the unequal (and at times impossible) sharing of information amongst relevant states along the migratory routes. This exchange gap makes cross-border investigations and prosecution particularly difficult.

#### 8.3.1.2 How could we go forward?

- (a) By **transferring and reflecting the different international definitions on smuggling and trafficking of persons in national legislative and judicial frameworks**. This national transference could serve as a solid base upon which to further build programmes, initiatives and judicial enforcement measures to combat smuggling and trafficking networks.
- (b) Given the inherent differences between smuggling and trafficking crimes, focus on **developing different yet complementary international and national legislations** to combat smuggling on the one hand, and trafficking networks on the other, both on the criminal and immigration fronts. This would benefit from being done in cooperation, nationally and internationally, in order to clearly reflect the cross-disciplinary and transnational realities of the crimes at play.
- (c) In cases of human trafficking, **clauses for the protection of, and assistance to, victims of trafficking** would benefit from being included in pertinent legislation or legal proceedings reflecting the fact that trafficked persons are not perpetrators but often victims of a crime and, thus, in need of protection.
- (d) Along with state sovereignty, **recognise the incremental nature of developing and implementing a comprehensive structure to combat smuggling and trafficking networks**. That is to say, in the first instance, national legislation, policies and programmes may be reactive in order to meet a critical need and curb illegal migration. This may be followed by preventive measures and later complemented by a variety of initiatives that enhance the comprehensiveness of a national system to combat smuggling and trafficking.
- (e) Strive to **ratify strategic or operational agreements for strict data protection** so as to make greater use of information sharing, namely via multilateral coordination bodies such as Interpol and Europol.

#### 8.3.1.3 Who could be involved?

- (a) National actors (non-exhaustive):
  - **Body responsible for national law**: central national body for the development of the legal and judicial frameworks pertaining to smuggling and trafficking; key actors in prosecution and defence.
  - **Body responsible for external relations**: take the lead in advising on the development and implementation of comprehensive legal and judicial frameworks targeting cross-border smuggling and trafficking networks.
  - **Body responsible for internal affairs**: jointly with the ministry of foreign affairs, take the lead in the national coordination and implementation of measures to combat smuggling and trafficking networks, including prevention and the safeguard of victims.

- (b) International actors (non-exhaustive):
- **Body responsible for external affairs** (in foreign and partner countries): take the lead in advising on advising on the development and implementation of comprehensive legal and judicial frameworks targeting cross-border smuggling and trafficking networks.
  - **International multilateral organisations**: assist states in implementing a comprehensive legal and judicial framework that reflects commonly agreed definitions; facilitate the development of data protection agreements.
- (c) Other actors (non-exhaustive):
- **NGOs, charity organisations et al.**: advise on the practical needs for the safeguard of trafficked victims and their inclusion in legal and judicial measures.

### 8.3.2 Implementation Challenges

#### 8.3.2.1 Where do we stand?

- (a) Smuggling and trafficking networks thrive because of the **supply and demand chain that makes smuggled and trafficked persons a valuable commodity**. The supply side is fed namely by socio-economic disparity and the lack of information on the realities of smuggling and trafficking; the demand side is characterised for example by the demands in forced labour.
- (b) In some states, combating smuggling and trafficking tends to be vertically organised; others have increasingly turned towards more horizontal structure. In comparing and contrasting both approaches, it has become clear that a principally **horizontal cross-disciplinary multi-agency structure**, supplemented by high-political support, tends to be the most effective way to combat smuggling and trafficking networks.
- (c) Along with cooperation at the national level, **international multilateral cooperation** is central in combating smuggling and trafficking networks, in no small part since these networks are inherently transnational and do not affect one state alone.
- (d) Partner States have developed various and varied programmes for the **training and awareness building** of officials that come into contact with smuggled and/or trafficked persons.
- (e) A number of Partners have experience in implementing **tailored enforcement measures** that address and curb smuggling and trafficking networks, in particular through deterrence and the dismantling of criminal networks. Other Partners see room for improvement, in particular in facing the transnational nature of the smuggling and trafficking networks and enforcing law across borders.

#### 8.3.2.2 How could we go forward?

- (a) Include **prevention measures that address both the supply and demand** of smuggled and trafficked persons. Targeted information campaigns along the migratory routes on the risks involved in smuggling and trafficking, as well as the deployment of immigrant liaison officers.
- (b) The **deployment of immigration liaison officers**, who would act as advisers on bridging the interests of the host and sending state and jointly with regional colleagues enhance and promote the multi-agency and multi-lateral approach.
- (c) **Nationally, increase the development of multi-agency cooperation**, for example between administrative areas, organisations and agencies. This cooperation could concentrate on information sharing and analysis, intelligence-led policing, the implementation of joint investigation, common training and capacity and capability building, as well as awareness-raising.

- (d) **Internationally, increase cooperation between states, international organisations and agencies and other relevant actors** such as NGOs. This cooperation could concentrate on information sharing and analysis, intelligence-led policing, the implementation of joint investigation, common training and capacity and capability building, as well as awareness-raising. It could be facilitated or coordinated via central bodies that serve as a 'one-stop-shop' for combating smuggling and trafficking networks, such as Interpol or Europol.
- (e) Increase **mutual assistance and cooperation in law enforcement and cross-border prosecutions** targeting smuggling and trafficking networks along the migration routes.
- (f) Focus on **the training and awareness-raising of officials, police officers, media, health experts, educators et al.**, focussing firstly on the accurate identification of smuggled or trafficked persons, secondly, on the social, health and safeguard needs of trafficked persons and on some migrants right to seek and enjoy asylum.

### 8.3.2.3 Who could be involved?

#### (1) National actors (non-exhaustive):

- **Body responsible for internal affairs:** jointly with the ministry of foreign affairs, take the lead in the national coordination and implementation of measures to combat smuggling and trafficking networks, including prevention and the safeguard of victims.
- **Body responsible for external affairs:** jointly with the ministry of interior, take the lead in the national coordination and implementation of measures to combat smuggling and trafficking networks, including prevention and the safeguard of victims.
- **Body custodian of national law and law enforcement agencies:** key actors in law enforcement and the prosecuting of smuggler and traffickers, as well as black labour market infringements; key actors in the detection of smuggling or trafficking cases, particularly when using intelligence-led law enforcement.
- **Body responsible for employment and labour:** key actors in coordinating national policy and legislation pertaining to the labour law.
- **Educators, social workers and healthcare agencies:** central to awareness-building, both on the giving and receiving sides, as well as in implementing social, health, educational and safeguard measures for victims of trafficking.

#### (2) International actors (non-exhaustive):

- **International multilateral agencies:** assist in the implementation of the UN Protocols against smuggling and trafficking of persons; ensure some migrants right to seek and enjoy asylum; ensure the protection and safeguard of smuggled persons rights and protection of trafficked victims; coordinate investigations and measures to combat smuggling and trafficking across borders; act as a central intelligence unit between Partners and for investigations along the migratory routes; assist in the implementation of preventive measures; provide safe and dignified return for victims; promote mutual assistance and cooperation in cross-border prosecutions mainly involving Europe; assist in capacity building and training initiatives.

#### (3) Others potential actors (non-exhaustive):

- **Community groups, NGOs etc:** along the migratory route, assist in the implementation of preventive measures, in particular since community groups and diasporas may have greater access to potential irregular migrants and victims; assist in providing support to victims of trafficking.

### 8.3.3 Key Recommendations and Next Steps

Key Recommendations	→ Next Steps
(1) Ensure that the <b>definitions</b> of smuggling and trafficking are <b>translated into national legislative and judicial frameworks</b> , including for the safeguard of victims.	→ - Identification of gaps in national legislative or judicial frameworks. - Elaboration of twinning and mutual assistance programme on the concrete transference of, and adherence to, the UN Protocols at a national level.
(2) <b>Raise awareness</b> on the dangers of smuggling and trafficking, with particular attention paid to countries along the migratory routes.	→ - Exchange and implement good practices to raise awareness amongst potential smuggled or trafficked persons. - Elaboration of awareness-raising initiatives with relevant agencies such as border guards. - Include countries of origin in the development of preventive measures to address flows at the root. - Develop public awareness campaigns along the migratory routes to address the supply and demand of smuggling and trafficking. - Cooperate in the development of topical of national or joint training programmes for public official.
(3) <b>Increase national and international co-operation and coordination</b> of investigations, as well as the enforcement of law.	→ - Develop a common basis on which to facilitate the exchange of strategic information and eventually operational information. - Focus on development of a cooperative working relationship between MTM Partners in conducting joint investigations and prosecutions.
(4) <b>Increase support and protection measures for victims</b> of trafficking.	→ - Assess the trafficking situation and map the main actors involved in national anti-trafficking framework. - Establish and institutionalise cooperation of actors. - Joint targeted training and workshops.

Table 8.3.3: **Summary of Key Recommendations and Next Steps for Combating Smuggling and Trafficking.**

#### 8.3.3.1 Transference of International Smuggling and Trafficking Definitions at National Level

→ **Key Recommendation:** Ensure that the definitions of smuggling and trafficking, as outlined in the UN Protocols are concretely translated into national legislative and judicial frameworks, including with respect to the safeguard of victims.

The national application of commonly agreed international definitions would greatly assist in building a solid and common base upon which to jointly and comprehensively combat smuggling and trafficking networks. That being said, this transference should be seen as incremental, as is the building of a national structures to combat smuggling and trafficking. National transference could be assisted by focussing on international cooperation and twinning, by including capacity and capability building measures and sharing knowledge between equal partners.

→ **Next Steps:**

- With the assistance of relevant authorities, the self-identification of gaps in national legislative or judicial frameworks.
- Elaboration of inter-states twinning and mutual assistance programmes, potentially coordinated by international agencies, on the concrete transference and adherence to the UN Protocols at a national level.

### 8.3.3.2 Awareness-Raising and Prevention along the Routes used by Smuggling and Trafficking Networks

→ **Key Recommendation:** Focus on raising awareness and implementing preventive measures targeting the supply and demand of smuggling and trafficking networks, with particular attention paid to the countries along the irregular migratory routes of smugglers and traffickers.

Awareness-raising and prevention focuses not only on potential smuggled or trafficked persons, but also on relevant state officials and societies along the migratory routes, such as police officers, educators, community members, health officials and Diasporas. A number of benefits are linked to both measures, namely:

- address black market labour demands by decreasing profits margins for smugglers and traffickers;
- prevent the supply of smuggled and trafficked persons by increasing socio-economic opportunities in the countries of origin;
- the rapid identification of trafficked persons amongst irregular migrants;
- ensuring increased political support at high levels in the countries where the presence of these crimes is particularly important; and
- assist in ensuring the protection, health and social needs of victims of trafficking and asylum seekers and refugees.

On these fronts, a number of MTM Partners have notable experiences that could be shared. In particular, innovative awareness-raising and training programmes have been put in place that have known success and could be emulated.

#### → **Next Steps:**

- Exchange and implement concrete good practices to raise awareness with potential smuggled or trafficked persons, in particular in the countries of origin.
- The elaboration of awareness-raising initiatives with relevant officials such as border guards.
- Actively include countries of origin in the development of preventive measures to address flows at the root, including in socio-economic development.
- Develop public awareness campaigns along the migratory routes to address the supply and demand of smuggling and trafficking.
- Assist or cooperate in the development of topical national and/or joint training programmes, such as for the protection and care of victims of trafficking, or the elaboration and implementation of prevention measures; the identification of smuggling versus trafficking cases.

### 8.3.3.3 Increased National and International Coordination and Cooperation in Investigations

→ **Key Recommendation:** Increase cooperation and coordination of investigations, as well as the enforcement of law.

That is to say, because of the cross-border nature of smuggling and trafficking networks and the difficulties faced with respect to enforcing law, coordinating investigations, sharing strategic and operation information, as well as investigation coordination are central to combating smuggling and trafficking networks. A number of initiatives and structures are already in place upon which to build and additional options. These have been proposed as potential areas for increased cooperation and coordination.

- When possible, coordinate at a national, regional and international level the gathering, analysis, and sharing of strategic and operational information on smuggling and trafficking networks to combat relevant networks more effectively.
- Albeit state-led, information-sharing and operational coordination may benefit from being centrally operated. Here, coordination bodies such as Interpol and Europol could have an important role to play in facilitating a multi-agency and multi-state approach to combating smuggling and trafficking networks.
- The deployment of immigration liaison officers at a regional level and along the migration route is beneficial in addressing smuggling and trafficking networks in a regional and comprehensive manner. This practice could be reinforced and these officers' mandates further used. On this front, some initiatives are currently under in a number of Partner States.
- Other potential areas of coordination and cooperation include: prosecution and law enforcement; the implementation of preventive measures along the migratory routes; training; addressing the supply of smuggled and trafficking persons, in particular with respect to socio-economic development in the countries of origin.



→ **Next Steps**

- Develop a common basis on which to facilitate the exchange of strategic and operational information.
- Focus on developing a cooperative working relationship between MTM Partners in conducting joint investigations and prosecutions.

8.3.3.4 *Increase Support and Protection Measures for Victims of Trafficking*

→ **Key Recommendation:** Include measures to support and protect victims of trafficking in the development or updating of a comprehensive framework for combating smuggling and trafficking networks.

In light of the fact that trafficked persons are not perpetrators of a crime but often victims, a comprehensive approach to combating trafficking would benefit from including measures that support and protect victims of trafficking, such as legal, health and social support, if the country's legislations allow such procedures. Specifically, support and protection measures could comprise:

- The implementation of special residence permits;
- Social support, including access to the labour market and education;
- Access to civil procedure and compensation for victims;
- The implementation of witness protection programmes; and
- Access to return and reintegration measures

→ **Next Steps:**

- With the assistance of relevant partners if wished, nationally assess the trafficking situation and map the main actors involved in the national anti-trafficking framework.
- Establish and institutionalise the cooperation of all actors involved, including NGOs.
- Establish joint targeted training and workshops for actors involved in the development or implementation of support and protection measures for victims.

## 8.4 Reception and Detention of Irregular Migrants

**Reception** is in the front line of irregular migration in that it ensures the necessary facilities to meet migrants' immediate needs post interception and apprehension or asylum request. Moreover, reception provides a way for states to manage incoming mixed migration flows, to proceed to the accurate identification of migrants and sort genuine asylum seekers from economic migrants.

**Detention**<sup>19</sup> can be a necessity in order to proceed to the return of illegal migrants to their countries of origin and, as such, is central to an efficient mixed migration management strategy. Detention is, however, a last resort and interim step in the management of mixed migration flows.

Key Common Challenges for MTM Partners:

- The elaboration, updating and harmonisation of relevant reception and detention legislative and judicial frameworks, in particular at a national level
- The identification of economic migrants from asylum seekers and refugees
- Adapting reception and detention centres to fluctuating migration flows
- Balancing security, legality and human rights principles in reception and detention centres
- The daily management of reception and detention centres

<sup>19</sup> In the majority of cases, migrants in detention are illegal migrants as they have entered or over-stayed in the country without the right to do so or their asylum claims have been rejected; in a minority of cases, irregular migrants may be held in administrative detention as a result of the absence of identification due to the lack of cooperation in their identification process.

#### 8.4.1 Legislative and Judicial Challenges

##### 8.4.1.1 *Where do we stand?*

- (a) **Internationally, there are useful and applicable legislation or conventions** (cf. section 11) for the reception and detention of irregular migrants, in particular with respect to providing guidance on the conditions under which, and according to which, migrants should be detained. These international laws, conventions or recommendations have been implemented differently in Partner States, reflecting the principle of state sovereignty and the various national realities of partner countries.
- (b) States have **varied legislative and judicial frameworks** to support their reception and detention facilities geared at irregular migrants:
  - Some countries view their legislative framework as insufficient;
  - Others are in the process of updating their legislative framework and judicial procedures to reflect current migratory realities; and
  - The legislation of some countries is perceived as 'mature', in that it deals relatively well with mixed migration flows and combines international human rights principles with practical needs to the best of their capacities.
- (c) In the judicial process surrounding the decision to detain irregular migrants, there is **no clear and common definition of what constitutes the proper grounds for detention, the appropriate length of time of detention should be enforced and the minimum standards for its implementation applied**. That is to say, whilst international guidance exists on the distinction of detention requirements between legitimate asylum seekers and refugees, and other irregular migrants,<sup>20</sup> it is not clear within the second category on what basis detention should be enforced and the conditions under which it should be implemented.
- (d) Currently, there are very **few fora available to discuss legislation and judicial frameworks** at comparative technical levels.

##### 8.4.1.2 *How could we go forward?*

- (a) Increase **exchange on the better and less efficient legislation and judicial frameworks** dealing with the reception and detention of irregular migrants. It would be particularly interesting for more legally and judicially 'mature' states to exchange with fellow partners on the step-by-step development of their respective legislative and judicial measures, including the measures that have proven useful and those that have known a lesser degree of success.
- (b) These exchanges could include a **focus on viable minimum standards for detention**, thus assisting partner states in implementing a good balance between human rights and security aims in reception and detention centres. Crucially, procedures, definitions and standards are not 'one size fits all' reflecting the principles of state leadership and sovereignty. Moreover, the development and updating of national legislative frameworks should be approached as an incremental process, taking into account respective national histories with irregular migration, as well as experience with migration management and overall regional realities.
- (c) As the basis for the detention of irregular migrants and the elaboration of a legal framework for the migrant detention, **clearly identify, define and implement clear criteria for detention**, such as (a) the lack of cooperation of migrants; (b) insufficient information about the identity of the person; (c) having committed an offence, including illegal entry or stay in a sovereign state; and (d) state security.
- (d) Work towards **harmonising applicable legislation and judicial procedures** in order to have a framework for dealing with mixed migration flows that is relatively consistent across the Mediterranean and that prevents "asylum shopping".

<sup>20</sup> There are also international conventions pertaining to the detention of children (cf. section 11).



#### 8.4.1.3 Who could be involved?

- (a) National actors (non-exhaustive):
- **Body custodian of national law:** assist in the elaboration and updating of the legislative and judicial frameworks and ensures the enforcement of the law.
  - **Body responsible for migration management:** ensure the applicability of relevant legislation; acts as national coordinating body for consultation and implementation; ensures the comprehensiveness and compatibility with other aspects of mixed migration management.
  - **Reception and detention centres:** assist in the elaboration of applicable and relevant legislation; puts legislation into practice.
- (b) International actors (non-exhaustive):
- **Regional multilateral organisations:** advise on the elaboration of international human rights standards with respect to reception and detention and its transference at national level; assist and advise on legislative and judicial matters pertaining to reception and detention.
  - **International multilateral organisations:** assist states in advising on the development of a comprehensive legal and judicial framework, including the operationalisation of UN Standards and Norms linked to reception and detention; advise on the humanitarian conditions of reception and detention with respect to asylum seekers and groups deemed at risk; ensures the continuation of a reception and detention dialogue between partners.

#### 8.4.2 Implementation Challenges

##### 8.4.2.1 Where do we stand?

- (a) There are managerial challenges and financial burden in **adapting reception and detention facilities to the needs of fluctuating mixed migration and return migration flows.** On this front, different practices are in effect in various Partner States, yet little exchange of good practices and experiences exists.
- (b) **Serious difficulties also exist in the identification of irregular migrants and sorting of economic migrants from asylum seekers and refugees.** This is a crucial aspect of mixed migration management since it affects numerous fields namely, unhindered access to asylum, the rapidity of return (cf. 8.5) and the manageability of reception and detention centres. The main obstacle in the identification process lies in the lack of willingness of migrants to cooperate in their identification.
- (c) A key implementation issue is **ensuring the operational viability of reception and detention facilities,** in particular the development and refurbishing of centres and the training of staff. A number of partners have notable experiences in this front whilst others have expressed interest in benefiting from partner experiences.
- (d) There is increasing **acute pressure from public opinion** (and in particular the media) in dealing with detention centres. This public opinion pressure has had a distinct negative impact on the management of detention centres. Whilst the issue is not sensitive across all partner states, it is clearly increasing at a rapid pace. It comes to the fore namely as a result of a perceived lack of transparency from the reception and detention system.

##### 8.4.2.2 How could we go forward?

- (a) **Develop good practices to facilitate the accurate identification of irregular migrants.** In this respect, initiatives to further promote the secure exchange of information are particularly welcome along with the exploration and sharing of successful identification methods. A central point here is the perfecting of means by which to promote increased migrant cooperation in his or her identification process.
- (b) Provide **assistance towards, and exchange good practices on, the development and day-to-day management of reception and detention centres.** Particularly useful would be exchanges of

good practices and practical experiences in adapting centres to fluctuating migration flows and the technical aspects of reception and detention (e.g., victim identification, security practices, cultural sensitivity, amongst others).

- (c) In exchanging practices, international fora, where information is shared between a large numbers of actors, although necessary, are not sufficient for concrete capacity building. Hence, the focus could be on **detailed pragmatic training and exchange programmes amongst relevant MTM Experts**.
- (d) The development of a public opinion strategy, in particular dealing with the media, has been recognised as necessary. Hence, **the elaboration of a preventive media strategy to address increasing pressures from public opinion and pressure groups might be beneficial**. That is to say, dealing with public opinion could be included as part of a pro-active approach to the management of detention centres.

#### 8.4.2.3 Who could be involved?

- (a) National actors (non-exhaustive):
  - **National body responsible for migration management:** ensure the coordination of reception and detention with other areas of migration management.
  - **Body custodian of national law:** assist in the implementation and enforcement of the legislative and judicial frameworks.
  - **Law enforcement officers:** as security and crime experts, ensure training in interview techniques and identification of victims of trafficking; ensure the sharing of information nationally and with international bodies.
  - **Embassies:** as representatives of the countries of origins abroad, assist in the identification process (expect for asylum seekers and refugees); act as intermediaries between migrants and the country of reception or transit;
  - **Reception and detention centres:** identify the real needs and challenges facing states in the implementation of reception and detention.
- (b) International actors (non-exhaustive):
  - **International multilateral organisations:** for training and skills transfer; the provision of advice; law reform; the development of guides, manuals and reports on best practices; advise on the implementation of a comprehensive reception and detention system; assist or advise on technical aspects related to the sorting of asylum seekers and refugees from other migrants; ensure that reception arrangements are in line with the basic human needs of people involved in mixed movements; monitor and assist in the implementation of humanitarian principles in reception and detention centres.
- (c) Others potential actors (non-exhaustive):
  - **Public relation agencies:** could assist in the elaboration of a comprehensive strategy to address public pressure on migrant detention (and other relevant areas of mixed migration management);
  - **NGO's, charity organisations, Diasporas or religious groups:** to ensure relevant social and religious needs of residents; provide assistance and relief to irregular migrants in reception and detention centres.
  - **Private sectors enterprises:** assist in the day-to-day management of reception or detention centres.

#### 8.4.3 Key Recommendations and Next Steps

Key Recommendations	→ Next Steps
(1) Increase cooperation between MTM Partners, in particular in small working groups or bilateral twinning, in order to overcome legislative and implementation challenges through <b>knowledge transfer</b> .	<ul style="list-style-type: none"> <li>→ - Identify areas of common interest for knowledge transfer in reception and detention.</li> <li>- Identify workshop and twinning opportunities.</li> <li>- Develop a list of MTM experts in reception and detention, clearly identifying parties interested in knowledge sharing.</li> </ul>

<p>(2) <b>Focus on migrant identification</b> to decrease pressure on the reception and detention system, prevent the unwanted use of coercion and more rapidly ensure the proper safeguard for asylum seekers and refugees. In this, migrant cooperation is central.</p>	<p>→ - Identify practical venues for knowledge transfers on migrant identification and cooperation (cf. recommendation 1 above). - Develop or enhance secure channels for information on migrant identifiers, with the assistance of relevant bodies.</p>
<p>(3) In the spirit of cooperation and to help comprehensively address a central aspect of mixed migration management in the region, exchange on <b>means to alleviate managerial pressures on national reception and detention systems.</b></p>	<p>→ - Increase the efficiency of the identification (cf. recommendation 2 above) and return (cf. 8.5) process. - Explore alternatives to detention. - Assist in elaborating productive novel venues for cooperation targeting centres' daily management. - Assist or exchange on means to strike a balance between the need for security and humanitarian obligations.</p>
<p>(4) <b>Approach public opinion in a pre-emptive and pro-active manner</b>, addressing media and pressure groups in transparent way and involving relevant parties including NGOs.</p>	<p>→ - Further exchange experiences in the challenges faced with public opinion linked to detention. - Increase dialogue on potential areas of improvement in managing public opinion, perhaps involving public relation expert for initial increased consultation.</p>

Table 84.3: **Summary of Key Recommendations and Next Steps for the Management of Reception and Detention of Irregular Migrants.**

#### 8.4.3.1 Knowledge Transfer through Cooperation

→ **Key Recommendation:** Increase practical and technical cooperation, in particular in small working groups, bilateral twinning or visiting experts, in core areas of reception and detention, in order to overcome both legislative and implementation challenges through knowledge transfer.

A number of suitable options for knowledge transfer have been identified in reception and detention matters, the three main ones being:

- the updating or developing national legislative frameworks to reflect current realities and ensure the safeguards of migrants.
- the refurbishment and development of reception and detention facilities to meet state and migrant needs.
- the training of staff in key areas of reception and detention.

Knowledge transfer is best implemented via regular workshop contact and state-led cooperation. State leadership here ensures that knowledge transfer reflects self-identified state lacunas. International partners and agencies could ensure coordination and the transfer of relevant international principles (e.g. safeguards) on an ad hoc and necessary basis.

This recommendation could take various practical forms, the most relevant being:

- The elaboration of small thematic working groups focussed for MTM Partner States who have expressed the wish to benefit from knowledge exchange in specific reception and detention areas. Areas of particular interest include: updating legislative frameworks; elaboration of common minimum standards; safeguard implementation; training of staff; the refurbishment of facilities for reception and detention needs.
- Targeted twinning of national reception and detention centres (or relevant state officials) in order to exchange one-on-one on the day-to-day management of centres and receive a practical view of the functioning of reception and detention in partner states.
- The possibility of developing fact-finding missions in the form of short-term expert secondments to MTM Partner States host organisations and gain on the ground experience from a partner system.

→ **Next Steps:**

- The development of concrete initiatives for capacity building through knowledge transfers in reception and detention, namely in the areas of: governance and administrative practices of reception and detention; alternatives to detention; social care and vulnerable groups; and managing public opinion.

- The development and identification of concrete visiting experts opportunities in the key areas of reception and detention.
- The elaboration of an MTM national expert list in targeted reception and detention areas clearly identifying parties interested in knowledge sharing.

#### 8.4.3.2 Focus on Migrant Identification and Cooperation

→ **Key Recommendation:** Focus on migrant identification to decrease pressure on the reception and detention system, prevent the unwanted use of detention and more rapidly ensure the proper safeguard of asylum seekers and refugees. In this, migrant cooperation is central.

The positive and accurate identification of migrants has ramifications in numerous aspects of the management of mixed migration flows, influencing the safeguard of asylum seekers, the effectiveness of return and, crucially, the manageability of reception and detention centres. One of the key challenge and central focus for MTM Partners is the further development of methods to increase the identification of irregular migrants, in particular via migrant cooperation initiatives.

A number of useful practices have been outlined by partner states firstly, in the overall identification process and secondly, in ensuring migrant cooperation. Combining and sharing these practices could go a long way in better identifying irregular migrants in the Mediterranean region. The table below outlines a sample of practices currently in place in MTM Partner States to ensure accurate and rapid identification of migrants or promote his or her cooperation in the process:

Migrant Identification Practices	Migrant Cooperation Practices
<ul style="list-style-type: none"> <li>- Fingerprinting of irregular migrants</li> <li>- Biometric identifiers for visa applicants</li> <li>- Within personal information laws, the exchange of information between relevant international partners</li> <li>- Engage frequently and closely with embassies of foreign governments to identify best ways of establishing nationality, with the exception of asylum-seekers</li> <li>- Developing and adapting interview techniques</li> </ul>	<ul style="list-style-type: none"> <li>- Assurance that removal will take place for illegal migrants (e.g., via introductory videos or information sessions)</li> <li>- The use of rewards, such as alternative to detention pending return, living grants upon return, return flight, etc.</li> <li>- Allowing frequent contact with family and friends in the country of origin</li> <li>- The use of cultural mediators to promote cooperation</li> <li>- Assurance of international party involvement</li> </ul>

Table 8.4.3.2: **Sample of Good Practices for Irregular Migrant Identification and Cooperation.**

#### → Next Steps:

- The development of practical fora for knowledge transfers and capacity building targeting migrant identification techniques and methods in which to increase migrant cooperation in the identification process (cf. recommendation 1 above).
- Develop or enhance secure channels for information sharing on migrant identification, with the assistance of international bodies such as Interpol, Europol et al.

#### 8.4.3.3 Focus on Alleviating Practical and Managerial Challenges Facing Reception and Detention Centres

→ **Key Recommendation:** In the spirit of cooperation and to help comprehensively address a central aspect of mixed migration management in the region, exchange on means to alleviate pressures on the daily management of reception and detention centres, including reaching the right balance between human rights and security aims.

In this respect, a number of potential approaches have been proposed, which can be encapsulated by three main ideas: a focus on return migration (and thus migrant identification); exploring potential alternatives to detention in particular when migrants cooperate in their identification or return; and the elaboration of novel cooperation initiatives, with NGOs, religious groups, relevant charity organisations and/or private sectors enterprises. The management of return and readmission is discussed in section 8.5 of these guidelines; alternatives to detention and 'novel cooperation' are discussed here.

- Some partner states have turned to detention alternatives as a potential solution to the increasing capacity pressures on the detention system. In most cases cooperating migrants receive accommodation in temporary apartments or homes that are financed by the states. They can come and go freely within certain limits. Above and beyond alleviating capacity pressure on detention centres, temporary homes and apartments have the benefit of flexibility in contract and ensure adequate treatment whilst countering public pressures.
- If alternatives to detention are not deemed a suitable option and detention is the preferred national option, innovative cooperation initiatives have been explored by a number of partner states. For example, the out-sourcing of detention to screened and monitored private sectors enterprises; the inclusion of charity groups, NGOs and religious groups in ensuring that the social and religious needs of migrants are met. Like alternatives to detention, this can also have the additional benefit of easing public pressure.

→ **Next Steps:**

- Increase the efficiency of the identification (cf. recommendation 2 above) and return (cf. section 8.5) processes.
- Explore alternatives to detention, in particular linking cooperating migrants to voluntary return.
- Assist or exchange on the elaboration of innovative areas for cooperation targeting reception and detention centres' daily managerial pressures.
- Assist or exchange on means to strike a balance between the need for security and human rights obligations.

8.4.3.4 *Preventively Address Public Opinion Pressures*

→ **Key Recommendation:** Approach public opinion in a pre-emptive and pro-active manner, addressing media and pressure groups in a transparent way and involving relevant parties including NGOs.

As noted above, public opinion is a somewhat new area of mixed migration management. Nonetheless, a number of MTM Partner States have had to deal with acute pressure from the media and pressure groups and have experiences to share. Recommendations include:

- Providing easy and open access to a relevant designated centre official trained in media relations.
- Providing regular updates of the situation pertaining to national reception and detention centres.
- Transparency as a code of conduct in media matters.
- Active involvement in local society where reception and detention centres are located.
- Cooperation with NGO's (for example as noted in recommendation 3 above); and
- Develop public information tools to address concerns and present the clear functioning of centres.

Crucially, public opinion with respect to mixed migration (and migration in general) needs to be addressed in a holistic fashion, including with respect to racism, the positive benefits of migration for the receiving societies, addressing the root causes of migration including demand (cf. section 8.5) and the inherent need for security measures.

→ **Next Steps:**

- Further exchange experiences in the challenges faced with public opinion lined to detention.
- Increase dialogue on potential areas of improvement in managing public opinion, perhaps involving public relation experts for initial increased consultation.

## 8.5 Return and Readmission

**Readmission** agreements are an integral part of the return process. They provide a framework for cooperation between the countries of destination, transit and/or origin, namely in the identification of irregular migrants (cf. section 8.4), in issuing travel documents and facilitating administrative procedures. Readmission agreements also assist in ensuring the physical readmission of irregular migrants in their countries of origin.<sup>21</sup>

<sup>21</sup> UNHCR has protection concerns with respect to the implementation of readmission agreements. In UNHCR's view some accelerated return linked to readmission agreements may run the risk of migrants being returned without full consideration and determination of their claims to protection.

Voluntary **return** is the preferred method of return for MTM partner states. Where this is not possible, however, and in order to maintain the credibility and integrity of national migration control and management systems, forced return remains a necessary enforcement option. Moreover, there is a clear link between return and socio-economic development in the countries of origin, which they wish to further enhance.

Key Common Challenges for MTM Partners:

- Internationally accepted and applied understanding of return
- The processing of administrative documents related to return, including migrant identification
- The conclusion and enforcement of readmission agreements
- The promotion of voluntary return
- The forced returned of migrants in safety and dignity
- Enhancing the positive impact of return migration on development

### 8.5.1 Legislative and Judicial Challenges

#### 8.5.1.1 *Where do we stand?*

- (a) There is **no internationally accepted and applied definition of return migration** that takes into account the different typologies of return (i.e. voluntary and forced return) and acts as a useful basis for developing readmission agreements and implementing return.
- (b) Internationally, the principle of *non-refoulement*, codified within the 1951 Geneva Convention, the African Refugee Convention and other instruments of international law (cf. section 11), **forbids the expulsion of persons in need of international protection into an area where he or she might be subjected to persecution**. *Non-refoulement* is a fundamental principle of international law and humanitarian concept that ensures the safeguard of migrants in need of international protection.
- (c) International instruments such as the 5+5 Dialogue Tunis Declaration, the Cotonou Agreement, the Khartoum Declaration of the African Union and the 20 Council of Europe Guidelines are important tools **in the development or implementation of a comprehensive return policy**, in particular with respect to burden sharing and linking return with socio-economic development.
- (d) **Readmission agreements** have been concluded or are pending linking some countries along the Mediterranean Transit Migration routes; nevertheless, these are deemed **too few and too far apart** in particular since they facilitate administrative procedures linked to return.
- (e) There are gaps in the **current links between different areas of mixed migration management** such as legal and illegal migration, or return migration and development. Partners wish to enhance these links.

#### 8.5.1.2 *How could we go forward?*

- (a) By **developing a commonly agreed definition and basis upon which to implement or update national return migration strategies**. In particular, as most common denominator, return is legitimate when irregular migrants have illegally entered a country, overstayed their visas or have committed a crime, provided that the principle of *non-refoulement* is respected and enforced.
- (b) By further **concluding readmission agreements along the migratory routes affecting MTM Partners**. Given the agreements' usefulness in facilitating cooperation between countries of origin, transit and destination, in particular in the identification of irregular migrants and the processing of documents, there is a clear advantage in concluding more readmission agreements between relevant countries along the routes.



- (c) In developing a comprehensive return migration strategy, **ensure that the principle of non-refoulement is properly reflected** in order to protect vulnerable persons and respect the international convention on refugees.
- (d) In the development of a comprehensive migration management framework, **take into account the relationship between the different areas of migration management impacting on return namely, legislative, criminal, social and labour aspects.** In policy making and programme development, concretely reflect and take advantage of these links, in particular between return migration and development; illegal migration and labour recruitment; security and the need for to international protection.

#### 8.5.1.3 Who could be involved?

- (a) National actors (non-exhaustive):
- **Body custodian of national law:** key actor in the development of readmission agreements; ensures that the principle of *non-refoulement* is well reflected and implemented in national law and judicial procedures; ensures the legality of forced return.
  - **Body responsible for external relations / national embassies and consulates abroad:** key actor in negotiating readmission agreements; key actor in the development of a return migration strategy.
  - **Body responsible for internal affairs:** assist and input into the elaboration of a comprehensive return policy strategy.
- (b) International actors (non-exhaustive):
- **Third country embassies and consulates:** key actor in the negotiation of readmission agreements; important actor in advising on the local realities linked to reintegration.
  - **Multilateral international organisations:** ensure that the principle of *non-refoulement* is well reflected in national return migration frameworks and judicial practices; international migration organisation that could advise and assist Partners in the elaboration of a comprehensive return migration strategy; support its member states in the development of a common and comprehensive return policy that takes into account socio-economic development; advise and assist in the development of a common and comprehensive return policy that takes into account international conventions.

### 8.5.2 Implementation Challenges

#### 8.5.2.1 Where do we stand?

- (a) Under international customary law, **states are to take back their own nationals without undue difficulties.** Despite this however, transit and destination countries face challenges in returning third country nationals to their countries of origin, because of the lack of identification, because of administrative challenges in issuing travel documents or, at times, since cooperation between countries along the routes is deficient.
- (b) There are **national differences in implementation measures linked to day-to-day readmission procedures.** This difference reflects varied administrative cultures and on-the-ground realities of return migration management.
- (c) Whilst the centrality of voluntary return holds common ground between MTM Partners, **the best means by which to promote this type of return remains rather uncertain.** Some partners have noted successes with a number of national initiatives; others are grappling with ways to promote voluntary return.
- (d) The **implementation of return, and specifically the physical transportation of returned migrants, is a central worry** for partner states and pose financial pressure on national administrations. Some states have tested the efficacy of joint (at times multinational) return operations to reduce return-

related costs and increase readmission rates. Varied experiences and implementation also exist with respect to ensuring the safety and dignity of returned migrants.

- (e) The link between return migration and development has been highlighted at high international levels and in many states. However, **in the day-to-day implementation of return, this link has received mixed attention**. Moreover, very few tools exist to measure the effectiveness of reintegration programmes in the countries of origin and practices are varied on this front.
- (f) **Public opinion pressures are increasingly impacting the implementation of return**, in the countries of destination and transit, but also in the countries of origin.

#### 8.5.2.2 How could we go forward?

- (a) By developing and **updating return and readmission practices and procedures** so as to reflect commonly agreed definition and goals of return, and include technical aspects of return such as health, security, transportation et al. Such return practices would benefit from being developed in consultation with countries along the migratory route, as well as relevant national officials (e.g., health officials, social workers, etc.).
- (b) In order to increase the efficiency and success of return procedures, **implement measures that are pragmatically informed, concretely applicable and that take into account the on-the-ground realities of countries along the routes**. Such practices will not only increase the success of return, but will also ensure greater cooperation from relevant states.
- (c) By focussing on the **development of communication channels between countries of origin, transit and destination** in order to ensure the flow of information, as well as support cooperation along the routes. Hence, communication channels would benefit from reflecting national and international triangular cooperation.
- (d) In prioritising voluntary return, **increasing the level of exchanges on good practices to promote voluntary return**. This exchange could be cross-border, but also national, and include migrant community groups, NGOs or other relevant actors.
- (e) By focussing on close **cooperation with the countries of origin for the development of reintegration measures targeting both forced and voluntarily returned migrants**. Such cooperation could include the development of reintegration assessment tools where the exchange of good practices could be beneficial.
- (f) By **exploring additional areas of multilateral return cooperation**, such as joint return flights, assistance in implementing return, from the initial identification of migrants to be returned, to the actual transportation.

#### 8.5.2.3 Who could be involved?

- (a) National Actors (non-exhaustive):
  - **Body responsible for external relations**: takes the lead in increasing cooperation along the migratory routes; oversees the development and implementation of a comprehensive return policy.
  - **Border responsible for internal affairs**: cooperates in the implementation of both voluntary and forced return; in some cases, could act as coordinating body for the implementation of a comprehensive return policy.
  - **Law enforcement agencies**: ensure that the implementation of return respects human rights and is in accordance with international conventions and law.
  - **Health and social care officials**: assist in the implementation of return so as to ensure that practices meet the health and social needs of returned migrants.
- (b) International actors (non-exhaustive):
  - **Bodies responsible for external relations** (in foreign countries along the routes): assist in the elaboration of communication channels linked to return; assist in the identification of nationals; cooperate in the delivery of proper documentation.



- **Multilateral international agencies:** support in capacity building for programmes linking return migration and development; provide assistance and leadership in coordinating joint return operations; help identifying best practices on the acquisition of travel documents and the removal of illegal third country nationals; ensure that the principle of *non-refoulement* is properly implemented; assist in the identification of migrants to be returned, or to be protected; ensure that irregular migrants are well informed of their rights and return procedures.

(c) Other actors (non-exhaustive):

- **Airlines:** assist in the transportation of migrants in implementing return.
- **Community groups and/or NGOs:** *in the countries of destination and transit:* assist in communicating with irregular migrants; promote voluntary return; ensure that irregular migrants are well informed of the rights and the return process. *In the countries of origin:* provide guidance and support for the reintegration of returned national.

### 8.5.3 Key Recommendations and next steps

Key Recommendations	→ Next Steps
(1) Focus on <b>developing open communication channels</b> between relevant actors along the migratory route.	→ <ul style="list-style-type: none"> <li>- Develop topical return-focussed communication channels.</li> <li>- Exchange between Partners via a central communication unit.</li> <li>- Develop return migration networks of specialists that include MTM Partners and targeted countries of origin.</li> </ul>
(2) <b>Increase cooperation</b> between relevant actors involved in return and readmission along the migratory routes	→ <ul style="list-style-type: none"> <li>- Conclude readmission agreements reflecting migratory routes.</li> <li>- Develop workshops to exchange good practices on voluntary return.</li> <li>- Develop joint return programmes involving interested MTM Partner states.</li> <li>- Assist Partners under strain in implementing return.</li> <li>- Investigate cooperation capabilities in countries of origin in the implementation of return, readmission and reintegration.</li> <li>- Develop a database of good return practices on which to build cooperation.</li> </ul>
(3) Ensure a <b>concrete working link between return and development</b> in the elaboration of a national return migration strategy	→ <ul style="list-style-type: none"> <li>- Develop contact points to promote information-gathering mechanisms and ensure the links between return migration and development.</li> <li>- Elaborate task forces to explore innovative ways to take advantage of the impact of return migration on development.</li> <li>- Develop reintegration assessment tools.</li> <li>- Involve community groups or other relevant actors in the development and assessment of reintegration programmes.</li> <li>- Identify capacity building possibilities in the area of migration management that benefit all parties involved.</li> </ul>

Table 8.5.3: **Summary of Key Recommendations and Next Steps for the Management of Return and Readmission**

#### 8.5.3.1 Develop Open and Secure Communication Channels

→ **Key Recommendation:** Focus on developing open communication channels between relevant actors along the migratory route.

Increase the level of information exchange between MTM Partners, with countries of origin and with the public on return policy and practices so as to benefit Partner States in the development and implementation of a comprehensive return strategy. Open communication channels between would be beneficial in:

- Promoting increased cooperation in the development of return practices and readmission agreements, both at a policy development and the implementation levels.
- The development or updating of common return and readmission practices and procedures so as to reflect implementation realities along the routes.
- The practical exchange of information in the day-to-day implementation of return e.g., from issuing travel documents to facilitating administrative procedures.
- Knowledge transference through the exchange of good practices, for example in promoting voluntary return, implementing forced return and in developing joint return projects.
- Informing the development of the links between return migration and development, by reflecting the impact of returned migrants in the socio-economic life of countries of origin.
- Proactively addressing public pressure.

→ **Next Steps:**

- The development of topical return-focussed communication channels between MTM Partners to exchange on the day-to-day realities of return and readmission challenges and procedures (e.g., working groups; mailing lists; newsletter, etc.).
- Reinforcing exchanges between Partners via a central communication unit (e.g., the MTM Secretariat, information databases such as ICONET, etc.).
- Initiate a return migration network of specialists that includes MTM Partners as well as targeted countries of origin in order to extend the dialogue along the migratory route.

#### 8.5.3.2 Increase Cooperation

→ **Key Recommendation:** Increase cooperation between relevant actors involved in return and readmission along the migratory routes.

Bilateral state cooperation is central to the success of return and readmission, as is the development of triangular cooperation involving countries of origin, transit and destination, as well as international agencies and other relevant partners. Cooperation between actors, be they local, national, regional, international, both vertically and horizontally, is key on a number of fronts, namely:

- In ensuring that the principle of *non-refoulement* is respected and implemented.
- In ensuring the proper identification of irregular migrants and the issuance of necessary travel and administrative documents.
- In order to ensure the rapid, safe and dignified return of irregular migrants to their countries of origin.
- In order to elaborate joint return initiatives to alleviate financial pressures on relevant Partner States and increase return success rates.

→ **Next Steps:**

- Conclude pending readmission agreements and develop new ones reflecting the migratory routes employed by irregular migrants.
- Develop targeted workshops to exchange on good practices to promote voluntary return.
- Based on previous multinational return initiatives of certain MTM Partners or agencies, further develop joint return programmes involving interested Partners.
- Assist MTM Partners under strain in implementing a return strategy that respects human rights and international obligations.
- Building on available research data and/or short exploratory missions, investigate cooperation capabilities in countries of origin for the implementation of return, readmission and reintegration.
- Develop a database of good return practices on which to build cooperation.

#### 8.5.3.3 Development as a Part of a Comprehensive Return Migration Strategy

→ **Key Recommendation:** Ensure a concrete working link between return and development in the elaboration of a national return migration strategy.

Linking return migration and development in the elaboration or updating of a comprehensive return strategy will benefit destination countries in ensuring increased socio-economic development as well as benefit countries along the migratory route by preventing further mixed migration flows.

→ **Next Steps:**

- Establish contact points via embassies or relevant international representatives in order to promote information-gathering mechanisms; contact points could also further ensure that the links between return migration and development are implemented.
- Establish a task force to explore innovative ways to take advantage of the impact of return migration on socio-economic development; such as a task force could involve MTM Partners but also targeted countries of origin.
- Further exchange on, or mutual assist in, the development of tools to assess the success of reintegration programmes.
- Involve community groups, NGOs or other relevant actors knowledgeable in the daily challenges of migrant reintegration into the countries of origin. Such involvement could take place at the programme development and/or assessment stages.
- Identify capacity building possibilities in the area of migration management that benefit all parties involved.



9. **Key Recommendations and Next Steps**  
(detached at back)

10. **Map on Mediterranean  
and African Irregular Migration Routes**  
(detached at back)



# 11. Selected International Legislation and Reference Documents

The following non-exhaustive list aims to provide a sample of international legislation and reference documents that can assist states in the management of mixed migration flows generally, and in the four core areas of mixed migration management.

<b>1. Cross-Area</b> (non-exhaustive)	
<i>Legislation or Reference Document</i>	<i>How can it assist?</i>
Universal Declaration of Human Rights (1948: United Nations) Available at: <a href="http://www.un.org">www.un.org</a>	Key international reference document framing namely: <ul style="list-style-type: none"> <li>■ The right to seek and to enjoy in other countries asylum from persecution;</li> <li>■ The right to standard of living adequate to the health or well-being;</li> <li>■ The right not to be subjected to arbitrary arrest, detention or exile; and</li> <li>■ The right to leave any country including his own, and to return to this country.</li> </ul>
African Charter on Human and Peoples Rights (1969: African Union) Available at: <a href="http://www.achpr.org">www.achpr.org</a>	Key African reference document on Human right pertaining, for example to: <ul style="list-style-type: none"> <li>■ The right to liberty and security;</li> <li>■ The right to freedom of movement and residence;</li> <li>■ The right to leave any country including his own, and to return to this country;</li> <li>■ The right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions; and</li> <li>■ Return by virtue of a decision taken in accordance with the law.</li> </ul>
Convention for the Protection of Human Rights and Fundamental Freedoms (1950: Council of Europe) Available at: <a href="http://www.echr.coe.int">http://www.echr.coe.int</a>	Key European reference document on Human Rights. The Convention has often served as the basis for decisions against states wishing to enforce deportation. The jurisprudence that has evolved from the Convention prompted legislative and implementation changes in practices in European Member States.
The 1951 Geneva Convention and the 1967 Protocol (1951: United Nations) Available at: <a href="http://www.unhcr.org">www.unhcr.org</a>	Reference document for refugee affairs which, amongst other: <ul style="list-style-type: none"> <li>■ Defines who is a refugee, their rights and the legal obligations of States;</li> <li>■ Ensures the basic human rights of refugees and <i>non-refoulement</i>; and</li> <li>■ Assists in repatriation.</li> </ul>
Declaration on Territorial Asylum (1967: United Nations) Available at: <a href="http://www.unhchr.ch">www.unhchr.ch</a>	Document which lays down several core principles on Asylum, namely: <ul style="list-style-type: none"> <li>■ The inalienability of the right to claim asylum;</li> <li>■ The sovereignty of states in the determination of the case; and</li> <li>■ The principle of <i>non-refoulement</i> at the border with the exception of overriding reasons of national security.</li> </ul>

<p>Convention Governing the Specific Aspects of Refugee Problems in Africa (1969: African Union) Available at: <a href="http://www.africa-union.org">www.africa-union.org</a></p>	<p>Regional reference document on refugee issues for Africa, which, amongst other:</p> <ul style="list-style-type: none"> <li>■ Recognises the need for a humanitarian approach to solving refugee problems;</li> <li>■ Discusses voluntary repatriation;</li> <li>■ Frames the settlement of disputes; and</li> <li>■ Frames cooperation of national authorities with the African Union.</li> </ul>
<p>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984: United Nations) Available at: <a href="http://www.ohchr.org">www.ohchr.org</a></p>	<p>Recalls the obligation for states not to return, expel or extradite a person to another state where there are substantial grounds for believing that the person would be in danger of being subjected to torture.</p>
<p>Council Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status (2005: European Commission) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a></p>	<p>Regional directive paving the way towards a common European policy with regards to the granting of asylum status by setting minimum standards.</p>
<p>Handbook on Procedures and Criteria for Determining Refugee Status (1992: UNHCR) Available at: <a href="http://www.unhcr.org">www.unhcr.org</a></p>	<p>Non-binding handbook assisting states in, amongst other:</p> <ul style="list-style-type: none"> <li>■ Criteria for the determination of refugee status; and</li> <li>■ Procedures for the determination of refugee status.</li> </ul>
<p>Khartoum Declaration of the African Union Ministerial Meeting on Refugees, Returnees and Internally Displaced Persons in Africa (1998: African Union) Available at: <a href="http://www.africancourtcoalition.org">www.africancourtcoalition.org</a></p>	<p>African document addressing the situation of refugees, returnees and internally displaced persons in Africa, namely with respect to:</p> <ul style="list-style-type: none"> <li>■ Root causes;</li> <li>■ Refugee instruments;</li> <li>■ Refugee protection;</li> <li>■ Durable solutions;</li> <li>■ Consolidating the reintegration process;</li> <li>■ Capacity building; and</li> <li>■ Assistance to displaced persons.</li> </ul>
<p>Council Regulation (EC) No 2007/2004 (2004: European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a></p>	<p>Regional document on the establishment of a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.</p>
<p>Rabat Action Plan (2006: Euro-African Ministerial Conference) Available at: <a href="http://www.maec.gov.ma">www.maec.gov.ma</a></p>	<p>Action plan, which highlights initiative that includes the organisation of future complementary initiatives which focus on migratory routes in Africa and in Europe, namely with respect to:</p> <ul style="list-style-type: none"> <li>■ Migration and development;</li> <li>■ Legal migration;</li> <li>■ Illegal immigration; and</li> <li>■ Operational police and judicial cooperation and assistance for victims.</li> </ul>
<p>Joint Africa-EU Declaration on Migration and Development (2006: Tripoli) Available at: <a href="http://www.africa-union.org">www.africa-union.org</a></p>	<p>Key African-EU document underlining the importance of joint action in the areas of, amongst other:</p> <ul style="list-style-type: none"> <li>■ Migration and development;</li> <li>■ Migration management;</li> <li>■ Peace and security;</li> <li>■ Human resources and brain drain;</li> <li>■ Human rights and well-being;</li> <li>■ The sharing of best practices;</li> <li>■ Regular migration opportunity;</li> <li>■ Illegal or irregular migration; and</li> <li>■ Protection of refugees.</li> </ul>
<p>First Euro-Mediterranean Ministerial Meeting on Migration (2007: Algarve) Available at: <a href="http://www.eu2007.pt">www.eu2007.pt</a></p>	<p>Agreed Ministerial conclusions between Euro-Med Partners underlining the need for a comprehensive approach in migration management, in particular with respect to:</p> <ul style="list-style-type: none"> <li>■ Legal migration;</li> <li>■ Illegal immigration; and</li> <li>■ Migration and development.</li> </ul>



## 2. Core Area 1 : Interception and Apprehension of Irregular Migrants

(non-exhaustive)

<i>Legislation or Reference Document</i>	<i>How can it assist?</i>
Decision on the establishment of a mutual information mechanism concerning European Member States' measures in the areas of asylum and immigration (2006: European Commission) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a>	Provides for an exchange of information between the Commission and European Member States concerning national laws on asylum and immigration. Member States are required to transmit through a web-based network the measures which they intend to take or have recently taken. The network also allows the Commission and the Member States to request from one or more Member States additional information on measures communicated.
International Convention for the Safety of Life at Sea (1974: International Maritime Organisation) Available at: <a href="http://www.imo.org">www.imo.org</a>	International convention regulating search and rescue operations and the delivery of persons to safe places.
International Convention on Maritime Search and Rescue (1979: International Maritime Organisation) Available at: <a href="http://www.imo.org">www.imo.org</a>	Frames the rights and responsibilities of coastal states.
Council Regulation Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in One of the Member States by a Third Country Nationals + Council Regulation laying down detailed rules for its application (2003: European Commission) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a>	Text of reference for determining the competent authorities for examining asylum applications lodged in EU Member States. It sets rules with regards to requests for transfers, language to be used, etc.
United Nations Convention on the Law of the Sea (1982: United Nations) Available at: <a href="http://www.un.org">www.un.org</a>	Convention establishing rights and obligations of states at sea, such as: <ul style="list-style-type: none"> <li>■ The enforcement of national legislations in the territorial waters and contiguous zones;</li> <li>■ Limitations to the right of innocent passage;</li> <li>■ Regime applicable to international straits;</li> <li>■ The right of <i>hot pursuit</i>; and</li> <li>■ The interception of vessels and rules related to the pavilion.</li> </ul>
Convention on the facilitation of International Maritime Traffic and amendments (1965: International Maritime Organisation) Available at: <a href="http://www.iom.org">www.iom.org</a>	Sets the obligation for authorities of a port to take the necessary measures to prevent access of stowaways to installations and vessels.
Joint Position of 25 October 1996 defined by the Council on the basis of Article K.3 (2) (a) of the Treaty on European Union, on pre-Frontier Assistance and Training Assignments (1996: European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a>	Joint position on assistance to third countries' authorities in implementing checks at airports for flights to the EU.
Council Decision 2004/512/EC establishing the Visa Information System, (2004: European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a>	Example of a regional Visa Information System based on a centralised architecture and consisting of a central information system.

## 3. Core Area 2 : Combating Smuggling and Trafficking Including the Protection of Victims

(non-exhaustive)

<i>Legislation or Reference Document</i>	<i>How can it assist?</i>
United Nations Convention against Transnational Organized Crime (2000: United Nations) Available at: <a href="http://www.unodc.org">www.unodc.org</a>	Key international text on organised crime.

<p>Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000: United Nations) Available at: <a href="http://www.unodc.org">www.unodc.org</a></p>	<p>Key international text focusing specifically on human trafficking activities.</p>
<p>Protocol against the Smuggling of Migrants by Land, Sea and Air (2000: United Nations) Available at: <a href="http://www.unodc.org">www.unodc.org</a></p>	<p>Key international text focusing specifically on human smuggling activities.</p>
<p>Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002: United Nations) Available at: <a href="http://www.unhcr.org">www.unhcr.org</a></p>	<p>Principles and guidelines dealing with trafficking of human beings, outlining namely:</p> <ul style="list-style-type: none"> <li>■ The primacy of human rights;</li> <li>■ The prevention of trafficking;</li> <li>■ Protection and assistance; and</li> <li>■ Criminalisation, punishment and redress.</li> </ul>
<p>Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949: United Nations) Available at: <a href="http://www.un.org">www.un.org</a></p>	<p>Basic international text for the combat against human trafficking.</p>
<p>Council of Europe Convention on Action against Trafficking in Human Beings (2005: Council of Europe) Available at: <a href="http://www.coe.int">www.coe.int</a></p>	<p>Serves as an example of regional effort to address trafficking in human being. The document entails a mention of the detailed definition of trafficking and requests that parties adopt adequate legal frameworks to address human trafficking.</p>
<p>Council Regulation on the Creation of an Immigration Liaison Officers Network (2004: European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a></p>	<p>Example of the creation of an 'Immigration Liaison Officer' (ILO) network</p>
<p>Council Decision on the Common Use of Liaison Officers Posted Abroad by the Law Enforcement Agencies of the Member States (2003: European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a></p>	<p>Example of international cooperation and pooling of resources for a better prevention of irregular migration.</p>
<p><b>4. Core Area 3 : The Management of Reception and Detention</b> (non-exhaustive)</p>	
<p><i>Legislation or Reference Document</i></p>	<p><i>How can it assist?</i></p>
<p>Council Directive Laying Down the Minimum Standards for the Reception of Asylum Seekers (2003: Council of the European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a></p>	<p>European document framing Member States standards for the reception of asylum seekers, namely:</p> <ul style="list-style-type: none"> <li>■ The identification of asylum seekers;</li> <li>■ The responsible country;</li> <li>■ Reception conditions;</li> <li>■ Common procedures;</li> <li>■ Subsidiary protection;</li> <li>■ Temporary protection; and</li> <li>■ The treatment of children and women.</li> </ul>
<p>The United National International Covenant of Civil and Political Rights (1966: United Nations) Available at: <a href="http://www.ohchr.org">www.ohchr.org</a></p>	<p>International covenant framing namely:</p> <ul style="list-style-type: none"> <li>■ Non-discrimination;</li> <li>■ Detention;</li> <li>■ Recognition as a person before the law;</li> <li>■ Privacy and family life;</li> <li>■ Freedoms; and</li> <li>■ Family unity and treatment of children.</li> </ul>
<p>Convention on the Right of the Child (1989: United Nations) Available at: <a href="http://www.unhcr.ch">www.unhcr.ch</a></p>	<p>Reference document on appropriate measures to ensure that a child seeking refugee status or considered a refugee, whether accompanied or unaccompanied, shall receive appropriate protection and assistance.</p>



<p>5+5 Tunis Declaration (2003: 5+5 Dialogue) Available at: <a href="http://www.5plus5.tn">www.5plus5.tn</a></p>	<p>Declaration recognising migration as enrichment and outlining the need for cooperation between Maghreb and European states. The text proposes long-term measures to manage mixed migration namely:</p> <ul style="list-style-type: none"> <li>■ Reinforcing commercial exchanges and flow of capital between the Maghreb and Europe;</li> <li>■ Ensures development for the entire Mediterranean region based on the interdependence of interests and benefits;</li> <li>■ Respecting and implementing agreements concluded between the Maghreb and Europe in employment, social security and the free movement of persons, and enlarge the scope of these agreements; and</li> <li>■ Consolidating development in Maghreb countries in order to increase employment.</li> </ul>
<p>The Cotonou Agreement (2000: ACP-EU Development Cooperation) Available at: <a href="http://ec.europa.eu/development">ec.europa.eu/development</a> 2005 amendments available at: <a href="http://ec.europa.eu/development">ec.europa.eu/development</a></p>	<p>International agreement between African and Caribbean Countries and the European Union that aims at the reduction and eventual eradication of poverty while contributing to sustainable development.</p>
<p>Khartoum Declaration of the OAU Ministerial Meeting on Refugees, Returnees and Internally Displaced Persons in Africa (1998: Organisation of African Unity) Available at: <a href="http://www.mirem.eu">www.mirem.eu</a></p>	<p>Key African document that, amongst other:</p> <ul style="list-style-type: none"> <li>■ Emphasises that in order to progress towards achieving peace and international security, sustainable development and equitable social progress, it is important to effectively strengthen multilateral systems;</li> <li>■ Reaffirms deep commitment to the fundamental principles of democracy, the rule of law and the protection of Human Rights;</li> <li>■ Reaffirms the need for cooperation, dialogue and mutual respect between people and cultures as pillars for building a peaceful and tolerant world;</li> <li>■ Emphasises that the eradication of poverty is an indispensable prerequisite for development and a vital step that creates conditions for individuals and peoples to live in dignified and sustainable environment;</li> <li>■ Welcomes equally the commitments made by the European Union and its Member States to scale-up its development aid budgets; and</li> <li>■ Remains committed to considering the fate of populations displaced by conflicts or natural disasters, and to working to find solutions to facilitate the return of the refugees and re-integration into their countries of origin.</li> </ul>
<p>Directive 2001/40/EC on Mutual Recognition of Expulsion Decisions (2001: European Union) Available at: <a href="http://www.eur-lex.europa.eu">www.eur-lex.europa.eu</a></p>	<p>Example of regional directive and practices whereby this Directive makes possible the recognition of an expulsion decision issued by an authority in one Member State, against a third country national present within the territory of another Member State.</p>
<p>Handbook on Integration for Policy-Makers and Practitioners (2004 and 2007: European Union) Available at: <a href="http://www.ec.europa.eu">www.ec.europa.eu</a></p>	<p>Example of regional document issued as a driver for the exchange of information and good practice. It focuses on mainstreaming immigrant integration, housing in an urban environment, economic integration and integration governance. A third edition is planned for 2009.</p>

## 12. Sample of International Actors

<b>International Actors</b> (non-exhaustive)	<b>How Could they Assist?</b> (non-exhaustive)*
<b>African Union</b>	<ul style="list-style-type: none"> <li>■ Assist in initiatives geared towards the political and socio-economic integration of the continent;</li> <li>■ Promote and defend African common positions on migration issues;</li> <li>■ Encourage international cooperation;</li> <li>■ Assist with initiatives promoting democratic principles and institutions, popular participation and good governance in Africa;</li> <li>■ Advise on the protection of human rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;</li> <li>■ Coordinate and harmonise policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union; and</li> <li>■ Assist in research linked to migration.</li> </ul>
<b>DCAF</b>	<p>Promote good governance and reform in particular related to security issues through:</p> <ul style="list-style-type: none"> <li>■ research on good practices;</li> <li>■ encouraging the development of appropriate norms at the national and international levels;</li> <li>■ make policy recommendations; and</li> <li>■ provide in-country advice and assistance programmes.</li> </ul>
<b>EC</b>	<ul style="list-style-type: none"> <li>■ Support or contribute towards the development of projects linked to improving the quality and capacity of migration management;</li> <li>■ Encourage the pooling of resources with a view to provide operational assistance to states affected by migration pressures;</li> <li>■ Promote increased knowledge and the enhancement of capacities at the external borders of the European Union; and</li> <li>■ Encourage the development of an effective, comprehensive, cooperative and protection-sensitive approach to the management of mixed migration flows.</li> </ul>
<b>ECOWAS</b>	<ul style="list-style-type: none"> <li>■ Assist in initiatives geared towards the political and socio-economic integration of the continent;</li> <li>■ Advise on the protection of human rights in particular linked to gender issues; and</li> <li>■ Advise on, and act as a facilitator in, the promotion of the links between migration and humanitarian and social affairs in Africa.</li> </ul>
<b>Eurojust</b>	<ul style="list-style-type: none"> <li>■ Stimulate and improve the coordination of investigations and prosecutions between competent authorities in particular with or between EU Member States.</li> <li>■ Improve cooperation between competent authorities of the Member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests; and</li> <li>■ Support competent authorities of the Member States in order to render their investigations and prosecutions more effective when dealing with cross border crime.</li> </ul>

\* Based on official organisational mandates.

<b>Europol</b>	<ul style="list-style-type: none"> <li>■ Assist at a regional level for the coordination of investigation related to smuggling and trafficking networks;</li> <li>■ Facilitate the exchange of information in accordance with national law;</li> <li>■ Provide operational analysis in support of operations;</li> <li>■ Generate strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by Member States and third parties;</li> <li>■ Provide expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of concerned Member States.</li> </ul>
<b>Frontex</b>	<ul style="list-style-type: none"> <li>■ Coordinate operational cooperation in the field of management of external borders;</li> <li>■ Assist in the training of national border guards, including the establishment of common training standards;</li> <li>■ Carrying out risk analyses;</li> <li>■ Follow up the development of research relevant for the control and surveillance of external borders;</li> <li>■ Assist in circumstances requiring increased technical and operational assistance at external borders; and</li> <li>■ Provide necessary support in organising joint return operations.</li> </ul>
<b>ICMPD</b>	<p>Coordinate assist and facilitate on mixed migration topics, namely:</p> <ul style="list-style-type: none"> <li>■ Assessment of gaps and needs in the four core areas of mixed migration management;</li> <li>■ Capacity building; and</li> <li>■ Inter-governmental Dialogue.</li> </ul>
<b>Interpol</b>	<ul style="list-style-type: none"> <li>■ Provide secure global police communication services via global communications system, which provides police around the world a common platform through which they can share crucial information about criminals and criminality;</li> <li>■ Provide operational data services and databases for police to ensure that police worldwide have access to the information and services they need to prevent and investigate crimes;</li> <li>■ Provide operational police support services for law enforcement officials, especially in organised crime and trafficking in human beings;</li> <li>■ Assist in training and development for national police forces, including guidance and support in building dedicated crime-fighting components; and</li> <li>■ Sharing knowledge, skills and best practices in policing through Interpol channels and the establishment of global standards on how to combat smuggling and trafficking networks.</li> </ul>
<b>IOM</b>	<ul style="list-style-type: none"> <li>■ Assist in regulating migration such as with respect to return assistance, counter-trafficking, technical cooperation on migration management;</li> <li>■ Assist towards migration policy development and research, as well as international migration law;</li> <li>■ Help build capacity through qualified human resources and experts;</li> <li>■ Provide resettlement and repatriation assistance.</li> </ul>
<b>League of Arab States</b>	<ul style="list-style-type: none"> <li>■ Encourage close relations between Arab Partner States and coordinate collaboration between them;</li> <li>■ Represent its Arab Member States in negotiations with third parties;</li> <li>■ Promote the interest of Arab countries in migration affairs.</li> </ul>

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**UNHCR**

- UNHCR promotes international refugee agreements and monitors government compliance with international refugee law;
- Advise and assist in the development or up-dating of a national legislative framework that takes into account assistance for person in need of international protection;
- Assist in capacity building on asylum seeker and refugee issues; and
- Assist in the identification of person in need of international protection.

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**UNODC**

Assist Member States in the struggle against illicit drugs, crime and terrorism, in particular linked to three pillar:

- Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism;
  - Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence-base for policy and operational decisions; and
  - Normative work to assist States in the ratification and implementation of the international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies.
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## 13. List of MTM Expert Meeting Participants by Partner States, Observers and Agencies

### Legend

Expert Meetings Attended.

- 1** Expert Meeting on the Interception and Apprehension of Irregular Migrants
- 2** Expert Meeting on Combating Smuggling and Trafficking Networks
- 3** Expert Meeting on the Management of Reception and Detention
- 4** Expert Meeting on Return and Readmission

Partner States	Organisations, Addresses and Websites	Expert Meeting Attended
<b>ALGERIA</b>	Ministry of Foreign Affairs El Mouradia Algiers <a href="http://www.mae.dz">www.mae.dz</a>	Meetings 1 to 4
<b>AUSTRIA</b>	Ministry of Interior BMI Postfach 100, 1014 Wien Tel: +43 15 31 260 <a href="http://www.bmi.gv.at">www.bmi.gv.at</a>	Meetings 1, 2 and 4
<b>BELGIUM</b>	Ministry of Interior Immigration Office WTC II, Chaussée d'Anvers 59 1000 Brussels <a href="http://www.dofi.fgov.be">www.dofi.fgov.be</a>	Meetings 1 and 2
	Federal Police Central Office of the Criminal Police Smuggling and Trafficking in Human Beings Rue Fritz Toussaint 47, 1050 Brussels <a href="http://www.polfed-fedpol.be">www.polfed-fedpol.be</a>	Meetings 1 and 2
	Closed Centre of Merksplas Steenweg op Wortel 1 A 2330 Merksplas	Meeting 3
	Open Centre of Broechem Van den Nestlaan 64 B 2520 Broechem (Ranst)	Meeting 3
	Federal Agency for the Reception of Asylum Seekers rue des Chartreux 21 1000 Brussels <a href="http://www.fedasil.be">www.fedasil.be</a>	Meeting 3
<b>BULGARIA</b>	Bulgarian Representation to Europol P.O. Box 908 50 2509 LW The Hague Tel: +31 70 302 5000 <a href="http://www.europol.europa.eu">www.europol.europa.eu</a>	Meeting 2

<b>Partner States</b>	<b>Organisations, Addresses and Websites</b>	<b>Expert Meeting Attended</b>
<b>CYPRUS</b>	Ministry of Interior 1453 Nicosia Tel: +357-22 867 867 <a href="http://www.moi.gov.cy">www.moi.gov.cy</a>	Meetings 1-4
	Ministry of Foreign Affairs Presidential Palace Avenue 1447 Nicosia Tel: +357 22 401000 <a href="http://www.mfa.gov.cy">www.mfa.gov.cy</a>	Meeting 4
<b>CZECH REPUBLIC</b>	Criminal Police and Investigation Service Unit for Combating Organised Crime Police of the Czech Republic P.O. Box 41/V3 156 80 Prague	Meetings 1 and 2
<b>DENMARK</b>	Ministry of Refugee Holbergsgade 6 1057 Copenhagen K Tel: +45 33 92 33 80 <a href="http://www.inm.dk">www.inm.dk</a>	Meeting 1
<b>EGYPT</b>	Ministry of Foreign Affairs Connaich El Nil, Maspero Cairo Tel: +20 25796334 <a href="http://www.mfa.gov.eg">www.mfa.gov.eg</a>	Meetings 1, 2 and 4
<b>ESTONIA</b>	Ministry of Interior Pikk 61 15065 Tallinn Tel: + 372 612 5008 <a href="http://www.siseministeerium.ee">www.siseministeerium.ee</a>	Meeting 4
	Estonian Board of Border Guard Pärnu mnt 139/1 15183 Tallinn Tel:+372 614 9028 <a href="http://www.pv.ee">www.pv.ee</a>	Meetings 1 to 4
	Citizenship and Migration Board of Estonia Vilmsi 59 10147 Tallinn Tel: +372 666 2722 <a href="http://www.mig.ee">www.mig.ee</a>	Meetings 1, 2 and 3

<b>Partner States</b>	<b>Organisations, Addresses and Websites</b>	<b>Expert Meeting Attended</b>
<b>FINLAND</b>	Ministry of Interior PO Box 26 FI-00023 Government Kirkkokatu 12 Helsinki Tel: +358 9 16001 <a href="http://www.intermin.fi">www.intermin.fi</a>	Meetings 1 to 3
	Finish Representation to Europol P.O. Box 908 50 2509 LW The Hague Tel: +31 70 302 5000 <a href="http://www.europol.europa.eu">www.europol.europa.eu</a>	Meeting 2
<b>FRANCE</b>	Ministry of Foreign Affairs 37, Quai d'Orsay 75351 PARIS Tel: +33 1 43 17 53 53 <a href="http://www.diplomatie.gouv.fr">www.diplomatie.gouv.fr</a>	Meetings 1 and 4
	Ministry of Interior Place Beauvau 75008 Paris Tel : +33 1 40 07 60 60 <a href="http://www.interieur.gouv.fr">www.interieur.gouv.fr</a>	Meeting 4
	OCRIEST 27 cours des Petites Ecuries 77185 Lognes	Meeting 2
<b>GERMANY</b>	Federal Police Directorate Bundespolizeidirektion Roonstraße 13 56068 Koblenz Tel: +43 261 399 0 <a href="http://www.bundespolizei.de">www.bundespolizei.de</a>	Meetings 1, 2 and 4
	Ministry of Interior Centre Section Alt-Moabit 101 10559 Berlin Tel: +49 30 18 681-0 <a href="http://www.bmi.bund.de">www.bmi.bund.de</a>	Meeting 3
<b>GREECE</b>	Ministry of Public Order Aliens Division Police Headquarters P. Kanellopoulou 4 Str. Athens	Meeting 4
	Ministry of Mercantile Marine Security Directorate 150 Grigoriou Lambraki Street Piraeus Greece Tel: +30 210 4191700 <a href="http://www.yen.gr">www.yen.gr</a>	Meeting 1

<b>Partner States</b>	<b>Organisations, Addresses and Websites</b>	<b>Expert Meeting Attended</b>
<b>HUNGARY</b>	Hungarian Representation to Europol P.O. Box 908 50, 2509 LW The Hague Tel: +31 70 302 5000 <a href="http://www.europol.europa.eu">www.europol.europa.eu</a>	Meeting 2
<b>ITALY</b>	ROS – Special Operations Unit Carabinieri 25 Via di Ponte Salaro Roma <a href="http://www.carabinieri.it">www.carabinieri.it</a>	Meetings 1 and 2
<b>LEBANON</b>	Directorate General of the Security General of Lebanon Beirut – El Mathaf Tel: +961 1 386610 <a href="http://www.general-security.gov.lb">www.general-security.gov.lb</a>	Meetings 1 to 3
	Embassy of Lebanon in Warsaw Ambasada Republiki Libańskiej ul. Starościńska 1 B m.10, 02-516 Warszawa Tel: +48 22 844 50 65 <a href="http://www.lebanon.com.pl">www.lebanon.com.pl</a>	Meeting 1
	Embassy of the Republic of Lebanon to Cyprus 6 Chiou Str. Ayios Dhometios P.O Box 219241515 Nicosia, Cyprus Tel: +357 2 780-866 Fax: +357 2 776-662	Meeting 4
<b>LIBYA</b>	Ministry of Interior Tripoli Great Socialist People's Libyan Arab Jamahiriya	Meetings 2 and 3
	Libyan Arab People's Bureau in Cyprus Administration Department Leoforos Stassinou 7 P.O.Box 22487 1522 Lefkosia Tel: +357 22 46 00 55	Meeting 4
<b>MALTA</b>	Maltese representation to Europol P.O. Box 908 50 2509 LW The Hague Tel: +31 70 302 5000 <a href="http://www.europol.europa.eu">www.europol.europa.eu</a>	Meeting 2
	Ministry for Justice and Home Affairs Auberge D'Aragon Independence Square La Valletta Tel: +356 2295 7000 <a href="http://www.mjha.gov.mt">www.mjha.gov.mt</a>	Meeting 3

<b>Partner States</b>	<b>Organisations, Addresses and Websites</b>	<b>Expert Meeting Attended</b>
<b>MOROCCO</b>	Ministry of Interior Directorate for Migration and Border Surveillance Quartier Administratif Rabat, Morocco	Meetings 1 to 4
<b>NETHERLANDS</b>	Ministry of Justice Schedeldoekshaven 100 2511 EX Den Haag Tel: + 31 70 3 70 79 11 <a href="http://www.justitie.nl">www.justitie.nl</a>	Meetings 1 to 4
<b>NETHERLANDS</b>	Expertise Centre Identity Fraud Airport Schiphol Evert van de Beekstraat 101 1118 ZH Schiphol Airport	Meeting 1
	Seaport Police Rotterdam St Jobsweg 6 3024 EJ Rotterdam Tel: +31 10 274 74 71	Meeting 1
<b>NORWAY</b>	Ministry of Labour and Social Inclusion Postboks 8019 Dep 0030 Oslo Tel: +47 22 24 90 90 <a href="http://www.regjeringen.no">www.regjeringen.no</a>	Meeting 4
<b>POLAND</b>	Ministry of Interior ul. Stefana Batorego 5 02-591 Warsaw Tel: + 48 22 601 44 27 <a href="http://www.mswia.gov.pl">www.mswia.gov.pl</a>	Meetings 1 to 4
	Polish Border Guard Headquarters Bureau of International Cooperation al. Niepodległości 100 02-514 Warsaw Tel: +48 22 5004000 <a href="http://www.sg.gov.pl">www.sg.gov.pl</a>	Meeting 1
<b>PORTUGAL</b>	Ministry of Interior Morada Praça do Comércio 1149-015 Lisbon Tel: +351 213 233 000 <a href="http://www.mai.gov.pt">www.mai.gov.pt</a>	Meetings 1 to 4
<b>ROMANIA</b>	Ministry of Interior General Inspectorate, Romanian Border Police Piata Revolutiei nr.1 A, sect, 1 Bucharest Tel: 021 / 303.70.80 <a href="http://www.mai.gov.ro">www.mai.gov.ro</a>	Meetings 1 to 4

<b>Partner States</b>	<b>Organisations, Addresses and Websites</b>	<b>Expert Meeting Attended</b>
<b>SLOVACK REPUBLIC</b>	Ministry of Interior Department for Organised Crime Pribinova 2 812 72 Bratislava Tel: +421 2 5094 1111 <a href="http://www.minv.sk">www.minv.sk</a>	Meeting 2
<b>SPAIN</b>	Ministry of Foreign Affairs Plaza de la Provincia, 1 28071 Madrid Tel: +34 91 379 97 00 <a href="http://www.mae.es">www.mae.es</a>	Meeting 3
	Ministry of Interior Paseo de la Castellana, 5 28046–Madrid <a href="http://www.mir.es">www.mir.es</a>	Meetings 1, 3 and 4
	Guardia Civil C/ Guzman el Bueno 110 28003- Madrid Tel: +34 900 100 062 <a href="http://www.guardiacivil.org">www.guardiacivil.org</a>	Meetings 1 and 2
	National Police Force Operational Section of Intelligence 90, General Pardinias 28006 Madrid <a href="http://www.policia.es">www.policia.es</a>	Meetings 1 and 2
<b>SWEDEN</b>	Swedish Migration Board Ministry of Justice Rosenbad 4 103 33 Stockholm Tel: 011-15 60 00 <a href="http://www.migrationsverket.se">www.migrationsverket.se</a>	Meetings 2 to 4
<b>SWITZERLAND</b>	Federal Office for Migration Quellenweg 6 3003 Bern-Wabern Tel : +41 31 325 11 11 <a href="http://www.bfm.admin.ch">www.bfm.admin.ch</a>	Meeting 1, 2 and 4
<b>SYRIA</b>	Ministry of Foreign Affairs Damascus Syria	Meetings 1 to 4
	Ministry of Interior Tel: +963 11 2313471 <a href="http://www.civilaffair-moi.gov.sy">www.civilaffair-moi.gov.sy</a>	Meetings 1, 2 and 4
<b>TUNISIA</b>	Embassy of Tunisia to Belgium Avenue de Tervueren 278 Brussels Tel: +32 2771 73 95	Meeting 3

<b>Partner States</b>	<b>Organisations, Addresses and Websites</b>	<b>Expert Meeting Attended</b>
<b>TURKEY</b>	Ministry of Interior Türkiye Chumhuriyeti İçisleri Bakanlıđı 06100 Bakanlıklar Ankara <a href="http://www.icisleri.gov.tr">www.icisleri.gov.tr</a>	Meetings 1 and 2
<b>UNITED KINGDOM</b>	Home Office 2 Marsham Street London SW1P 4DF Tel: +44 20 7035 4848 <a href="http://www.homeoffice.gov.uk">www.homeoffice.gov.uk</a>	Meetings 2, 3 and 4
	Serious Organised Crime Agency PO Box 8000 London SE11 5EN Tel: +44 800 2346657 <a href="http://www.soca.gov.uk">www.soca.gov.uk</a>	Meeting 1

<b>Agencies and Observers</b>	<b>Organisations and Addresses</b>	<b>Expert Meeting Attended</b>
<b>AUSTRALIA</b>	Australian High Commission Australia House Strand London WC2B 4LA United Kingdom <a href="http://www.uk.embassy.gov.au">www.uk.embassy.gov.au</a>	Meetings 1 and 2
<b>PAYOKE</b>	Payoke Leguit 4, 2000 Antwerp, Belgium Tel: +32 3201 1690 <a href="http://www.payoke.be">www.payoke.be</a>	Meeting 3
<b>DCAF</b>	Geneva Centre for the Democratic Control of Armed Forces Rue de Chantepoulet 11 1201 Geneva 1 Switzerland Tel: + 41 22 741 77 00 <a href="http://www.dcaf.ch">www.dcaf.ch</a>	Meeting 2
<b>EUROPEAN COMMISSION</b>	European Commission Rue de Luxembourg, 46, 1050 Brussels, Belgium Tel : +32 2 299 1111 <a href="http://www.ec.europa.eu">www.ec.europa.eu</a>	Meetings 1, 2 and 4

<b>EUROJUST</b>	EUROJUST Maanweg 174, 2516 AB The Hague, Netherlands Tel: +31 70 412 5000 <a href="http://www.eurojust.europa.eu">www.eurojust.europa.eu</a>	Meetings 1 and 2
<b>Europol</b>	Europol P.O. Box 908 50, 2509 LW The Hague, Netherlands Tel: +31 70 302 5000 <a href="http://www.europol.europa.eu">www.europol.europa.eu</a>	Meetings 1 to 4
<b>Frontex</b>	Frontex Rondo ONZ 1 00-124 Warsaw Poland Tel: +48 22 544 9500 <a href="http://www.frontex.europa.eu">www.frontex.europa.eu</a>	Meetings 1 to 4
<b>ICMPD</b>	International Centre for Migration Policy Development Gonzagagasse 1 1010 Vienna Austria Tel : +43 1504 46770 <a href="http://www.icmpd.org">www.icmpd.org</a>	Meetings 1 to 4
<b>INTERPOL</b>	Interpol 200, quai Charles de Gaulle 69006 Lyon, France Tel: +33 4 72 44 71 60 <a href="http://www.interpol.int">www.interpol.int</a>	Meetings 1 and 2
<b>IOPCR</b>	International Organization for Peace, Care and Relief Tripoli P.O. Box 2276 Great Socialist People's Libyan Arab Jamahiriya Tel: + 218 21 4780333 <a href="http://www.iopcr.org">www.iopcr.org</a>	Meetings 1 to 4
<b>UNHCR</b>	United Nations High Commissioner for Refugees Case Postale 2500 CH-1211 Genève 2 Dépôt Suisse Tel: +41 22 739 81 11 <a href="http://www.unhcr.org">www.unhcr.org</a>	Meetings 1, 3 and 4
<b>UNODC</b>	United Nations Office on Drugs and Crime Vienna International Centre, Wagramer Strasse 5 Vienna Tel: +43 1 26060 0 <a href="http://www.unodc.org">www.unodc.org</a>	Meetings 1 and 2



ICMPD, Europol, Frontex

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