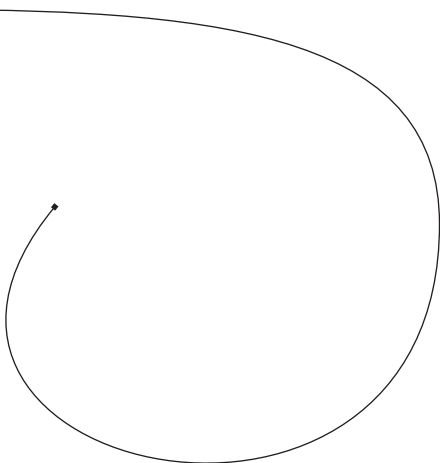




Chapter 2



TOWARDS A COMMON EU IMMIGRATION
AND ASYLUM POLICY: WHAT ARE THE
STAKES FOR WEST AFRICA ?



Europe is sometimes defined as a land of immigration, despite itself. With the progress of the regional integration process since the 1950s,¹ it has become a magnet. Immigration was initially considered a temporary phenomenon. Security considerations subsequently took precedence while such issues as the “need for labour” and “social inclusion” were given little attention. Yet the trend towards demographic decline and population ageing has made them relevant (Withol de Wenden 2007). The European approach has gradually become richer and more complex in both conceptual and institutional terms. While it nevertheless attempts to incorporate other domains such as relations with third countries, development aid and employment and integration, the security paradigm remains dominant.

1 MIGRATION, A MATTER FALLING UNDER THE PURVIEW OF EUROPEAN INSTITUTIONS: STAGES

Europe’s migration policy and approach have relied on several provisions and rules contained in the Union’s treaties as well as on decisions, programmes and initiatives undertaken by Community institutions since the mid-1980s.

- In 1985, the Schengen Agreement showed a desire to facilitate intra-regional human mobility. It promoted intergovernmental co-operation aimed at removing domestic borders between the signatories (Belgium, France, Germany, Luxembourg and the Netherlands) and created a single external border where the same procedures would apply to entry checks. The **Schengen area** then expanded several times – the last time in December 2007, bringing the number of its member countries to 24.² The latter apply common rules with regard to visas, the right to asylum and border controls.

- In 1990, an agreement on **Schengen co-operation** was signed, with all European countries participating at different levels, including the United Kingdom and Ireland (law enforcement and legal co-operation in criminal matters). This co-operation included the creation of an information system – SIS (its version II is currently being developed) – for networking and co-ordination between national authorities and administrations responsible for law enforcement and customs controls.
- In 1990, the **Dublin Convention** replaced the Schengen Agreement’s provisions on asylum and established each country’s competence with regard to the receipt and processing of applications.
- In 1992, the **Maastricht Treaty** defined European citizenship, introducing a distinction between Europeans and non-Europeans (Art. 8). It reorganised the Union’s areas of competence into three pillars.³ Free circulation, immigration and asylum were incorporated into the third pillar – Justice and Home Affairs – and were subject to the inter-governmental method with regard to decision-making.
- In 1997, the **Amsterdam Treaty** extended and simplified the “co-decision” procedure between the European Parliament and the Union’s Council of Ministers with regard to the fields of competence falling under the third pillar. The Council maintained its unanimity with regard to issues relating to immigration and asylum for a period of five years. A Joint Protocol to the Treaty incorporated the Schengen system into Community legislation. The second pillar, “Common Foreign and Security Policy”, was strengthened. Within this framework, a new approach to migration emerged, focusing on “root causes” in order to reduce the political, economic and social factors that push migrants to leave their countries of origin in quest of better livelihoods and work opportunities.
- In 1998, the **Vienna Action Plan** referred to a European immigration and asylum system based on the model of concentric circles (→ Chapter 2, point 2).
- In 1999, the **Tampere European Council** undertook to promoting “an area of freedom, security and justice in the European Union” requiring a common European policy with regard to asylum and migration. This was to be based on four factors: partnership with the countries of origin, a common European asylum system, fair treatment for third country nationals and the management of migratory flows. The European Commission was invited to submit proposals.
- In 2000, the **Lisbon European Council**, devoted to employment, economic reform and social cohesion, proposed labour migration as an essential tool for ensuring growth and development strategy in the knowledge economy given the challenges posed by globalisation and Europe’s ageing population. These considerations were included in

the 2000–2010 Lisbon Strategy. Furthermore, the EU and the 77 African, Caribbean and Pacific States (ACP) extended their development co-operation until 2020 through the **Cotonou Convention**. Co-operation and partnership were expanded to include political dialogue and migration. A clause on the readmission of nationals present illegally within the territory of an ACP or EU state was introduced in Article 13 (→ [Box 2.1](#)).

- From 2002 to 2004, the **Seville, Thessalonica and Hague Summits** deliberated on the security issues raised by undocumented or illegal migration. Within this framework, new co-ordination and control mechanisms were added to the SIS: the Integrated External Vigilance System, the “Eurodac” system for fingerprint comparisons of asylum seekers and the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union – Frontex.
- In 2003, the Dublin Convention was incorporated into European legislation (Regulation 343). The **Dublin II Regulation**⁴ reaffirms that European States would select, based on objective and hierarchical criteria, the state responsible for examining an asylum application submitted on their territory.
- In 2004, the Hague Council approved the **Multi-annual programme on strengthening justice and home affairs** in order to implement the conclusions of the Tampere Summit by the year 2010. Specific measures were envisaged for drafting a common immigration and asylum policy. Common procedures were given priority, along with a common status with regard to asylum, the promotion of legal labour migration from non-European countries, the establishment of a European framework in order to guarantee the successful integration of foreigners in European societies and the facilitation of expulsions and the return of illegal migrants.
- In 2005, the Council adopted its **global approach to migration issues** giving priority to action in Africa and the Mediterranean (Informal Hampton Court European Council). The Commission published the Green Paper on an EU approach to managing economic migration (EC 2005) in order to initiate discussions on the conditions and procedures for the admission of non-European workers.
- In 2006, the Commission sent a Communication to the European Council and Parliament (EC 2006) on the progress achieved in implementing the global approach. It proposed that the latter be extended to all countries of origin beyond the Mediterranean and Africa.
- In 2007, the Commission published a **Green Paper on the future Common European Asylum System** (EC 2007a) with a view to drafting an Action Plan in 2008. The consultation concerned, among other matters, asylum seekers’ reception conditions, processing of

applications, granting protection, integration, sharing of responsibilities and the external dimension of asylum with the establishment of regional protection programmes within the regions of origin or transit. The European Refugee Fund (2000–2004) was extended in order to finance a wide range of actions and, in particular, to reduce inequalities in treatment within the Union.

On the basis of this historical overview, it would appear that the migration issue is deeply rooted within the European agenda and involves an entire range of institutions and actors. Disputes over jurisdiction and conflicts of interest are therefore possible between regional and national levels as well as among Community institutions. This is all the more so given that the migration issue is at the crossroads of several sectors of strategic interest for the Union and its Member States: security, justice and home affairs, employment and social cohesion as well as relations with third countries and development aid. This situation could lead to further complications in the implementation of the common immigration and asylum policy, even though the process is already well underway. Over the last two decades, the strategic choice of the EU's Member States implies a gradual and growing opening up to migrant flows from Eastern Europe, counterbalanced by an effort to halt flows from the African continent (CeSPI 2007).⁵ With Europe's expansion, Africa has become the preferred terrain for testing and applying the European migration policy and approach.

2 THE FOUNDATIONS OF EUROPE'S MIGRATION POLICY AND APPROACH

The tragic incidents in Ceuta and Melilla in the autumn of 2005 in which a dozen African immigration seekers lost their lives while attempting to climb the fence separating these Spanish territories from Morocco, fostered strategic thinking on the limitations of the existing approaches. They also drew attention to issues specific to Africa within the migration system centred on Europe. Community intervention in the drafting and implementation of innovative solutions thereby gained legitimacy.

The EU's common migration policy relies on a global approach based on three principles: **solidarity** between Member States, **partnership** with third countries and **protection** of migrants, especially vulnerable groups. The Union would like to develop an innovative migration policy

(CeSPI 2007) relative to those of its Member States, one that would enable it to:

- Facilitate a balanced approach between restriction and control activities and actions aimed at supporting legal mobility and the integration of migrants.
- Address the migration phenomenon and its complexity through the adoption of several intervention tools and instruments as well as by means of an inter-institutional and interdisciplinary approach.
- Address the root causes of migration while highlighting the positive impacts of human mobility through a more proactive rather than reactive approach to migratory dynamics.
- Facilitate more negotiated and consensual solutions with transit and origin countries.

However, according to some observers (CeSPI 2007, Lindstrøm 2006, Brady 2008), the EU has difficulty freeing itself from the priorities and approaches of its Member States in the implementation of a common policy. This has contributed to consolidating the security, control and mobility deterrence aspects of its policy to the detriment of other considerations. The **concentric circles' model** introduced through Schengen co-operation has thus reinforced the tendency to externalise the control of migratory flows, particularly in regards to Africa. The system has become increasingly complicated with diversification and multiplication of spheres and modalities of control both within and outside of national borders and those of the Schengen area.

- The **inner circle** brings together Schengen area Member States in which controls are carried out in the workplace or randomly at internal borders. The surveillance of external borders is co-ordinated and strengthened by the activities of Frontex (→Chapter 1, point 5; Chapter 2, points 1 and 3.3).
- The **second circle** brings together countries participating in the European Neighbourhood Policy⁶ (immediate land or maritime neighbours of the Union). Migration is not a specific area of this mainly economic co-operation. However, their status as transit countries makes them suitable actors in the establishment of the Community migration management system. These countries now participate in migratory flow controls through law enforcement and customs co-operation agreements. They are requested to harmonise their migration policies with those of the Schengen system with regard to visas, controls and repatriation. Some of them (North Africa, Turkey, former Soviet countries) are also involved in the fight against illegal immigration and human trafficking. European controls are externalised to the borders of transit countries upon both entry and exit. Such controls are carried out by public and/or private actors (e.g. airlines).

Apart from playing a buffering role with regard to migratory flows from Asia and Africa, this group of countries is also the source of considerable migration to Europe (→Chapter 1) – thus the increased interest in building a dialogue with them.

- The **third circle** presently consists of sub-Saharan African countries but the EU would like it expanded to include Asia and Latin America so that its approach might become truly global (EC 2006). As in the case of the second circle, European controls are externalised to the exit borders of certain African countries and are carried out by government authorities and/or private actors. Moreover, agreements on joint management of migratory flows and the readmission of nationals living illegally in Europe are being signed, accompanied by other measures aimed at removing the root causes of immigration.

While the European approach emphasises the need for integrated and negotiated global treatment of these issues, the control and deterrence of human mobility from third countries continue to prevail. This reality has not only influenced the initial implementation of the European approach as described below but also the EU's relations with non-European countries as a whole (neighbourhood policy, external aid programmes, regional co-operation, etc).

3 IMPLEMENTATION OF THE EUROPEAN APPROACH AND PROSPECTS WITH THE AFRICAN CONTINENT

In 2006, the European Union established a working programme with Africa focusing on the following five themes:

1. Facilitating legal migration.
2. Promoting integration and intercultural dialogue.
3. Combating illegal immigration and human trafficking.
4. Providing asylum and refugee protection.
5. Strengthening dialogue and co-operation with African origin and transit countries.

The progresses made in areas **1.** to **4.** is presented below. Point **5.** above is the focus of a specific chapter (→Chapter 2, point 4).

3.1 Facilitating legal migration

The EU's goal is to simplify the admission of certain categories of (skilled or seasonal) African workers and grant legally residing foreign workers a secure legal status shared by several European countries. A Communication from the Commission (EC 2007b) suggests that these objectives could be achieved through the creation of "mobility partnerships"⁷ and a better organisation of circular migration between European and third countries that have signed joint migratory flow and readmission management agreements. One support measure would consist of establishing specific migration centres with European financial aid. Such centres would provide information and guidance on working in Europe, advertise job offers in EU countries linked to visas, offer language courses and other technical training and supply financial support for the reintegration of returning migrants. A pilot centre is currently being set up in Bamako, Mali, called the Centre for Migration Information and Management. It is to provide information regarding job offers in neighbouring countries given that most of the emigration from Mali is towards the rest of West Africa. The EU supports the establishment of an operational network of centres such as the one in Mali as a milestone in the development of a common regional migration policy. This would help facilitate legal migration while combating unauthorised migration.

3.2 Promoting integration and intercultural dialogue

The Commission expects the link between immigration and integration to be a priority issue for the EU. The measures already undertaken or presently under consideration concern: establishing a platform for integration that would enable migrants to participate more actively in European public life; strengthening the role of local governments in the design and execution of European integration policies; developing a website, publishing a manual on integration and an annual report on immigration and integration in Europe (the third edition was published in 2007). In 2008, intercultural dialogue was selected as a preferred integration tool.⁸

3.3 Combating illegal immigration and human trafficking

From 2006 to 2007, Frontex co-ordinated many of the Union's maritime border surveillance operations as well as the search and rescue of non-European nationals in distress in Mediterranean waters (Operation Hera II off the coast of the Canary Islands and North and West Africa, Operation Nautilus in the Central Mediterranean). Frontex co-ordinates the dispatch of experts to European countries (Spain, Malta) affected by the arrival of migrants by boat in order to facilitate their repatriation.

Their role is to identify migrants' nationalities. Frontex is examining the possibility of establishing a network of constantly active Mediterranean coastal patrols (Medsea), with the participation of Member States in the South of the Union and neighbouring countries. Moreover, a surveillance system covering the entire southern maritime border of the EU and the Mediterranean Sea (Bortec) and a mechanism for the creation and deployment of Rapid Border Intervention Teams (Rabits) are well on the way to being implemented.

An immigration liaison officers' (ILO) network is being set up in North and West Africa. Each European State sends an ILO to its consulate in a third country. These officers are in charge of maintaining direct contacts with the host country's authorities concerning migration flows, especially illegal migration, in order to improve information exchange. The various ILOs on assignment in the same country form a network under the co-ordination of whatever country is currently occupying the EU's rotating Presidency. The creation of this network helped advance the implementation of the Migration Routes Initiative launched during the Rabat Conference in July 2006 (→Chapter 2, point 2.4). The ILOs prepare reports on illegal migration and human trafficking in the country/region to which they are assigned. Based on this information, Spain, France, Italy and the United Kingdom are responsible for drafting and co-ordinating action plans for better management of flows along the four main migration routes identified in West/North Africa and the Balkans. The home and transit countries are involved in their implementation, which is also supported by Frontex and Europol.

The European Commission would like to encourage controls and penalties for European employers who recruit undocumented foreign labour by creating new community legislation. The Commission analyses current practices and the effects of national amnesty and regularisation campaigns in order to assess the advisability of creating a common legal framework for regularisations at the European level. It gives priority to helping Member States respect United Nations protocols regarding the trafficking of persons and migrants. For the return and readmission of migrants, the Commission recommends extending voluntary return programmes to all host countries and recourse to forced return plans, including joint removal flights.

« The Commission analyses the advisability of creating a common legal framework for regularisations at the European level.

3.4 Asylum and protecting refugees

This aspect pertains to dialogue and co-operation with third countries. It is supported by regional protection programmes. These are multi-year programmes whose design and implementation are partially

entrusted to the HCR. They provide for a series of measures targeting refugees’ region/country of origin or first asylum in order to: strengthen protection capacities, establish a biometric registration system, set up resettlement programmes in Europe, provide assistance for the improvement of local infrastructure and the integration of refugees and asylum seekers, offer co-operation with regard to legal migration and migration flow management and establish return policies. These programmes should lead to sustainable solutions such as the repatriation, in-country integration or third country resettlement of refugees. Their implementation is based on existing technical and financial assistance instruments and initiatives with third countries, for instance, “Aeneas”.⁹ By discussing the future common European asylum system referred to earlier, the Commission would like to ensure that access to asylum procedures is guaranteed to persons intercepted in anti-illegal immigration operations who require international protection.

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4 DIALOGUE AND CO-OPERATION WITH AFRICAN ORIGIN AND TRANSIT COUNTRIES

This aspect should be addressed separately as it has been the largest part of the global approach’s implementation since 2006 and involves a variety of initiatives at the bilateral, regional and continental levels.

4.1 Bilateral level: Migration in the Cotonou Agreements

In accordance with Articles 8 and 13 of the Cotonou Agreements¹⁰ between the European Union and the 77 ACP countries, the signatories agreed to establish regular policy dialogue among themselves, in particular, concerning migration issues. This dialogue, which is intended to foster information sharing, mutual understanding and the definition of common priorities and principles, is one of the Cotonou Agreements’ instruments. It is based on three pillars: the policy dimension (Pillar I), the promotion of participatory approaches (Pillar II) and development strategies and the focus on poverty reduction (Pillar III). This dialogue, which is both formal and informal, includes co-operation strategies as well as general and sector policies, including that of migration. Regional and sub-regional organisations and civil society representatives are also involved in the dialogue. Article 13 (→[Box 2.1](#)) outlines a common European policy on migration. It contains the principles, approaches (both “root causes” and

“security”) and priorities and modalities of co-operation between migration system actors around Europe. Apart from the fight against illegal immigration, integration and non-discrimination are also at the forefront.

Box 2.1

Article 13 of the Cotonou Agreement

- | | |
|---|---|
| 1 | The issue of migration shall be the subject of in-depth dialogue in the framework of the ACP-EU Partnership. / The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion. |
| 2 | The Parties agree to consider that a partnership implies, with relation to migration, fair treatment of third country nationals who reside legally on their territories, integration policy aiming at granting them rights and obligations comparable to those of their citizens, enhancing non-discrimination in economic, social and cultural life and developing measures against racism and xenophobia. |
| 3 | The treatment accorded by each Member State to workers of ACP countries legally employed in its territory shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Further in this regard, each ACP State shall accord comparable non-discriminatory treatment to workers who are nationals of a Member State. |
| 4 | The Parties consider that strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training contribute in the long term to normalising migratory flows. / The Parties will take account, in the framework of development strategies and national and regional programming, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate and of reducing poverty. / The Community shall support, through national and regional Co-operation programmes, the training of ACP nationals in their country of origin, in another ACP country or in a Member State of the European Union. As regards training in a Member State, the Parties shall ensure that such action is geared towards the vocational integration of ACP nationals in their countries of origin. / The Parties shall develop co-operation programmes to facilitate the access of students from ACP States to education, in particular through the use of new communication technologies. |
| 5 | <p>a) In the framework of the political dialogue the Council of Ministers shall examine issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy.</p> <p>b) In this context the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin. In this connection the authorities concerned shall extend to them the administrative facilities necessary for their return.</p> |

→

- c) The Parties further agree that:
1. each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities; each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities;
The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes.
 2. at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by any of the Parties, arrangements for the readmission of third country nationals and stateless persons. Such agreements will lay down the details about the categories of persons covered by these arrangements as well as the modalities of their readmission and return. Adequate assistance to implement these agreements will be provided to the ACP States.
 3. for the purposes of this point (c), the term "Parties" shall refer to the Community, any of its Member States and any ACP State.

Inspired by the provisions of Article 13, in 2006 the EU initiated dialogue on migration with the Mauritanian, Senegalese and Malian authorities as provided for in the implementation programme of the European global approach. Other West African countries have been asked to participate in this dialogue: Cameroon, Ghana, Nigeria, and Niger. On the suggestion of Belgium and Germany, Guinea Conakry and Burkina Faso were added to the list for 2007–2008. Once the negotiations started, they were followed-up by the EU Head of Mission in the country of origin. Migration has thus *de facto* become a fully-fledged domain of political and technical co-operation between the EU and West African countries. Two facts reinforce this state of affairs: first, the 10th European Development Fund provides financial coverage for programmes and projects in this domain; second, a national migratory profile must now be included in Country Strategy Documents if the country in question is at the origin of migratory flows into other ACP states and/or Europe.

4.2 Rabat Euro-African Partnership Conference on Migration

The organisation of the Rabat Ministerial Conference on 10 and 11 July 2006 went beyond the provisions set out in the Cotonou Agreement. Hence, North African countries, not belonging to the ACP but linked to the EU through other partnership and co-operation agreements, including those

regarding migration (Barcelona Process, EUROMED, the MEDA programme, etc.), need to be brought into the dialogue on migration. This need stems from their dual status as countries of origin and transit for African immigration towards Europe. Furthermore, the Rabat Conference enabled the regional dimension of policy dialogue leading to a concerted management of flows to be discussed. Included in the Agreements, this approach needs to be put into operation.

On the initiative of Morocco, Spain and France, with co-funding from the European Commission, the EU member countries' foreign affairs, development aid and migration authorities met their counterparts in West, Central and North Africa¹⁷ to discuss the "Euro-African partnership for migration and development". The discussion focused on the phenomenon of **migration routes in West Africa**. The final Declaration and Action Plan stressed the importance of a global, balanced, pragmatic and operational approach based on the respect of migrants and refugees' rights and dignity in order to jointly manage flows along these routes.



The Rabat Conference enabled the regional dimension of policy dialogue leading to a concerted management of flows.

The Declaration endorsed the following three key principles of the European migration approach vis-à-vis Africa and the Mediterranean:

- International migration has a positive effect on the host, transit and home countries if the flows are properly managed;
- Migratory flow management cannot be reduced merely to control measures;
- It must be carried out within the framework of a partnership to reduce poverty and promote sustainable and joint development.

The Action Plan transformed these principles into a series of short-, medium- and long-term measures organised into four strands: migration and development; legal migration; illegal immigration; and operational law enforcement and judicial co-operation and assistance to victims. One of the main priorities was the promotion of regional integration and tripartite co-operation between the EU, North African and West African countries. The others have been summarised in the →[Box 2.2](#) below. The Rabat Conference's outcome was incorporated into ECOWAS' efforts to formulate a common approach on migration (→Chapter 3) as well as into the other international events and processes on "migration and development" that filled the international policy agenda in 2006–2007.

Box 2.2

Rabat Action Plan Areas

Migration and Development

Promoting development

Support to trade, conflict prevention; regional integration; employment generating projects in emigration zones; European and African partnerships bringing cities together, etc.; co-development project along migration routes, etc.

Financial instruments for co-development

For legal migrants residing in Europe, co-funding their projects in their home countries; establishment of joint funding bodies, etc.

Developing knowledge and know-how

Expanding African students' access to universities and institutes for higher education in Europe and Africa; incentive policy for students to return; establishment of "centres of excellence" in the South, etc.

Partnerships between scientific and technical institutions

Networking among researchers in Europe and Africa, etc.

Reinforcing co-operation in training

Student mobility within Africa and towards the EU, etc.

Legal Migration

Co-operation in managing legal migration

Strengthening of administrative services in countries of origin and transit; training of potential migrants adapted to the needs of immigration countries; migrant integration initiatives in host countries, etc.

Facilitating the mobility of workers and persons

Facilitating immigration procedures for skilled/unskilled workers through voluntary bilateral agreements; information on labour markets in immigration countries; support for free intra-Community movement of persons within regional organisations; facilitating circular and temporary migration, etc.

Illegal Immigration

Co-operation in combating illegal immigration

Logistics and financial support for voluntary return in transit countries; re-admission mechanisms between all the concerned countries; facilitation of re-integration of illegal migrants; information and awareness campaigns; financial aid to countries in emergency situations with regard to illegal migration, etc.

Border control capacity building in transit and departure countries

Training of competent departments; provision of a computerised database; early warning system similar to the European system, etc.

Operational law enforcement and judicial co-operation and assistance to victims

Co-operation to combat human trafficking and illegal immigration networks

Co-operation to dismantle criminal organisations that control cross-border trafficking

Ratification and greater recourse to mechanisms provided in the UN Convention on Transnational Organised Crime

Implementation of the Ouagadougou Action Plan for combating human trafficking, especially that of women and children

Projects aimed at helping and facilitating the re-integration of human trafficking victims

The Plan envisaged an institutional implementation follow-up mechanism involving a joint EU–ECOWAS working group on migration (→Chapter 3). The Rabat Conference follow-up mechanism will also ensure that the measures undertaken are consistent with policies and initiatives within the framework of parallel processes in which several actors present in Rabat are also involved (ECOWAS, EUROMED, 5+5 Process). This concern for coherence has been stressed by several experts (CeSPI 2007). The overlapping of bilateral, multilateral and regional levels is often problematic for African States because objectives and instruments can prove to be inadequate or contentious. Indeed, how is the free movement of persons within the ECOWAS region to be reconciled with stronger controls in departure and transit countries in support of a partnership with Europe to combat undocumented immigration? The multiplication of co-operation processes and initiatives among those concerned has undermined the institutional concerted migration management system, which can be detrimental to its effectiveness and sustainability.

4.3 EU-Africa dialogue: from Tripoli to Lisbon

In keeping with the European global approach centred on Africa and the Mediterranean, political dialogue and partnership on migration at the continental level are necessary. To this end, the conference held in Tripoli, Libya, on 22–23 November 2006 for the first time brought together EU and AU representatives as well as the leaders of their member countries. The global approach was raised at the Bamako Ministerial Troika meeting in December 2005 (→[Box 2.3](#)) responsible for framing dialogue between the EU and Africa on issues regarding social cohesion, economic integration and development. At the same time, the AU adopted a common position on migration and development (→Chapter 3) that provided the basis for discussions in Tripoli as well as for the EU's global approach.

Box 2.3

What is the Ministerial Troika ?

Within the EU, a Ministerial Troika is formed for each sector by the concerned Minister of the State holding the Council of the European Union's rotating Presidency as well as his or her counterpart in the State that will take over the Presidency the following semester and the European Commission's representative in the specific sector.

Since October 2001, the EU Ministerial Troika has regularly met the Organisation of the African Union (now African Union) and/or ECOWAS. These meetings are in line with the April 2000 Cairo Summit's Action Plan. The Summit enabled the EU to strengthen its dialogue and partnership with the entire African continent, bearing in mind that its relations with African countries are organised on the basis of two regional groups: the ACP countries for the sub-Saharan States and the Euro-Mediterranean partnership and European Neighbourhood Policy for North African States. The dialogue led to the development of a Strategy for Africa in 2005 in order to support Africa's efforts to achieve the Millennium Development Goals.¹²

Migration has been on the EU-Africa Ministerial Troika meetings' agenda since the very beginning:

- Brussels, October 2001
- Ouagadougou, November 2002
- Rome, November 2003
- Dublin, April 2004
- Addis Ababa, December 2004
- Luxembourg, April 2005
- Bamako, December 2005
- Vienna, May 2006
- Brazzaville, October 2006
- Niamey, October 2006 (only ECOWAS-EU)
- Brussels, May 2007
- Luxembourg, April 2007 (only ECOWAS-EU).

The Troika prepared the second EU-Africa Summit held in Lisbon in December 2007.

Similar results to those of the Rabat Conference were expected in Tripoli, although the meeting covered a much broader field both in terms of its participants¹³ and the issues that were addressed (not just the global migration approach but also peace, security and human rights issues). The Final Declaration acknowledged the fact that the Euro-African partnership on migration and development was inspired by ongoing initiatives carried out at several levels (United Nations, Mediterranean countries, etc). It reaffirmed the need for partnership between origin, transit and destination countries for managing migration better on the basis of an exhaustive, holistic and balanced approach, for shared responsibility and co-operation. The commitments and actions to be undertaken must be based on a shared

recognition of the opportunities and challenges involved in migration and on a concerted definition of the most appropriate measures. Nine fields of activity were identified: migration and development; migration management; peace and security; human resources and the brain drain; respect for human rights and individual well-being; the sharing of best practices; opportunities for legal migration; illegal migration; and the protection of refugees. Policy harmonisation and coherence between initiatives at different levels were explicitly cited as part of a more effective migration management system. In addition, strengthening regional integration processes and facilitating the free movement of workers throughout Africa in line with the Abuja Treaty are essential to economic growth and poverty reduction. The other measures were based on the proposals made in Rabat. A new thematic meeting was called for 2009 to take stock of the progress achieved by the EU-Africa partnership. At the same time, both parties undertook to formulate a Europe-Africa Strategy to replace the one developed in 2005. This strategy was endorsed by the Lisbon Summit (December 2007), which had a very heavy agenda, migration being one topic of discussion.

The Lisbon Summit was above all marked by the disagreement between the parties regarding the signature of the economic partnership agreements (EPA) provided by the Cotonou Agreement.¹⁴ Differences on how to re-organise trade between the two continents influenced discussions in other fields, too, which led commentators to infer that the Summit – the first in seven years – ended with a rather modest outcome. Despite this, a 2008–2010 Action Plan was adopted, paving the way for the implementation of the EU-Africa Common Strategy for long-term partnership. In the Final Declaration, the two continents' representatives acknowledged their crucial inter-dependence in the globalisation process and the need to work together in the face of major contemporary political challenges: energy and climate change, **migration**, and gender issues.



The Declaration reaffirmed the need for partnership between origin, transit and destination countries in respect of shared responsibility.

Migration, mobility and employment were a pillar of the Lisbon Action Plan and Strategy.¹⁵ In the short term, three priority actions were identified: implementation of the Tripoli Declaration on migration and development; implementation of the EU-Africa Action Plan on human trafficking; and implementation and follow-up of the Ouagadougou Declaration and Action Plan on employment and poverty reduction. Generating better quality jobs and improving migratory flow management were the Plan's final objectives. The Plan established the objectives, results, activities, actors and financial means required, ensuring continuity with existing commitments and approaches. This also holds true for the post-2010 Strategy (→[Box 2.4](#)).

Box 2.4

Lisbon Summit Action Plan and Strategy on migration and mobility

Objectives
Facilitate mobility and free movement of persons in Africa and Europe and better manage legal migration between the two continents
Resolve the deeper causes of migration and refugee flows
Find tangible solutions to issues raised by illegal migratory flows
Resolve issues of migrants residing in Europe and African countries
Results expected
<i>Migration</i>
Better use of potential synergies between migration and development
Progress in the human resource situation in critical sectors including the health sector
Enhanced co-operation in managing migration in Africa and the EU
Enhanced co-operation in all fields in combating irregular or illegal migration (e.g.: re-admission agreements)
Better international protection capacities for persons requiring it
Better integration of African migrants in their country of residence in Africa or the EU
<i>Mobility</i>
Subsequent reduction of obstacles to free movement within Africa or the EU
Reinforced mechanisms to facilitate circular migration between Africa and the EU
Activities
<i>Migration</i>
Integrate issues concerning migration, mobility and employment in poverty reduction strategies and Country Strategy Papers, in particular through support for the improvement and updating of country migratory profiles, illustrating the differences and inequalities in skill levels in the labour market
Ensure progress in the implementation of an AU migration framework, especially in the capacity building sector
Promote regional initiatives on the theme of “migration and development”, in order to strengthen co-operation between countries of origin, transit and destination along migration routes
Consolidate co-operation in the field of international protection
Create a network of observatories on migration in order to gather, analyse and disseminate data on migration flows

→

Ensure progress in providing support for more secure, faster and less costly financial transfers (including investments), ensure that the necessary data, know-how and analyses are available to governments and promote innovative solutions

Act against the exploitation, discrimination and social exclusion of migrant workers

Strengthen joint actions to combat illegal immigration and human trafficking

Mobilise the necessary resources from existing Programme Funds and mechanisms for the effective implementation of the Tripoli Declaration

Encourage the European Commission and African Union Commission to examine the possibility of setting up a Fund as provided for in the Tripoli Declaration

Establish a regular dialogue on African migrants residing in Europe or Africa to find solutions for their concerns

Mobility

Promote dialogue and co-operation on visa issues

Promote “ethical recruitment” policies in both continents in order to minimise factors leading to a brain drain in some sectors; support the application of retention strategies in order to counterbalance factors that drive workers to migrate

Develop training in sensitive sectors in order to respond better to labour needs in local, national and international job markets

Set up appropriate incentive mechanisms encouraging the retention and return of skilled personnel

Help African governments in the implementation of Migration Information and Management Centres (*Centres d'information et de gestion des migrations*) to improve the management of labour migration within Africa and between Africa and the EU

Facilitate the movement of members of the diaspora or migrant communities so that they are able to assume the role of development agents, identify existing diaspora organisations and support co-development projects

Support partnerships and twinning between institutions based in Africa and the EU (universities, etc.)

Actors involved

AU/NEPAD Commission, African States, Pan-African Parliament, regional integration organisations, African Development Bank, local African authorities.

European Commission, EU member States, European Parliament, European Investment Bank.

Civil society actors, migrant associations, research institutes.

The United Nations System's organisations and other specialised international organisations.

4.4 Preparatory meetings for the Conference of Paris

The preparatory meetings for the 2nd Euro-African Ministerial Conference on “Migration and Development” (Paris, 20–21 October) have also contributed to Euro-African dialogue.

The first preparatory meeting of experts, co-chaired by the Moroccan and Italian Governments, was held in Rabat on 3 and 4 March 2008. It focused on legal migration and examined the collective, trans-regional, multi-dimensional, structural and respectful aspects (...) of the human rights of migrants and refugees. The following themes were addressed during the experts’ presentations:

- Cooperation with regard to legal migration:
 - The exchange of good practices on the management of legal migration flows.
 - Facilitating the movement of workers and migrants: circular migration of seasonal workers and other categories of people.
- Local/national intermediation services to match international offers and demands and to provide information on employment abroad.
- Social protection of migrant workers.

The main recommendations included:

- Cooperation programmes related to the management of legal migration.
- Shared strategic thinking on migrants’ pension rights.
- Measures facilitating the movement of labourers and persons.
- Means likely to facilitate circular migration.
- Continue dialogue on new forms of co-operation.

The second preparatory meeting of experts focused on controlling irregular migration. It was organised in Ouagadougou (Burkina Faso) under the auspices of the Burkina Faso and French Governments. The following topics were addressed:

- Cooperation related to improving civil-state systems in Africa.
- Cooperation with regard to controlling borders.
- National and regional prevention strategies for human trade and trafficking, raising awareness of illegal migration and the protection of victims, notably women and minors.
- Cooperation related to re-admission agreements.
- Cooperation regarding voluntary return to the countries of origin.

At the second meeting, two interventions focused on re-admission procedures and co-development policies. Some questions were raised: how would ECOWAS States benefit from helping to control migratory flows? As less people are involved, would it not be more advantageous to facilitate intra-regional migration which is much greater than migration

exiting the region? Finally, a contribution concluded thus: “Although they have occurred very recently in the migratory process(at the end of the 1990s),co-development initiatives have presented a major interest, having shown that migratory flow management policies cannot be limited to the control of borders and the fight against illegal immigration without considering its deeper causes. However, we can concern ourselves with the fact that the co-development that favours assistance for voluntary return occurs most often in Southern countries that have heavy migratory movement toward destination countries in the North. In fact, we have been able to confirm that Burkina Faso, an emigration country with the majority of its flow moving toward Southern countries, does not truly benefit from co-development strategies. On the other hand, the Southern countries that have a migratory flow mainly toward Northern countries are experiencing co-development and benefit from the assistance available to their emigrants for voluntarily returning. Regarding this fact, we are lead to believe that the greatest concern in encouraging and aiding voluntary return and reintegration is in limiting immigration in Northern countries, rather than in promoting local development in the country of origin.”¹⁶



How would ECOWAS States benefit from helping to control migratory flows? Would development aid depend upon readmission agreements?

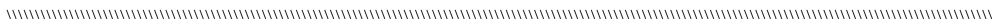
The third preparatory meeting of experts examined migration and development. It was held in Dakar on 9, 10 and 11 July 2008 under the auspices of the Senegalese and Spanish Governments. The following sometimes recurrent topics were addressed:

- Establishment of migration information, management and support mechanisms.
- Development of employment training systems.
- Social protection and the creation of support networks.
- Support for mechanisms aim to promote migration’s economic and social effects on development.
- Promotion of links between the diaspora and country of origin.

The feminisation of migration and inter-regional migration was addressed transversally. Importance was given to the need for dialogue between countries of origin, transit and destination of migratory flows. Most of the interventions focused on supporting migrants and their remittances to their country of origin. Very little emphasis was placed on development projects in West African countries and even less on the regional dimension.

Following these three preparatory meetings for the Euro-African Ministerial Conference, the initial observations are:

- The regional dimension is largely taken into account in debates on irregular migration. These discussions support the Rabat-spirit according to the need for simultaneous dialogue between host, transit and departure countries.
- This approach defined at Rabat, however, lacks proposals concerning “legal migration” and “migration and development” which are mainly based on a Northern and Southern countries’ bilateral approach and which hardly take the realities of West African movement into account. For example, the challenge of the development of West African economic growth areas and the co-operation with North Africa is not addressed. By reviewing the interventions and conclusions of the work undertaken, it is difficult to truly measure the progress of the Rabat Action Plan except for maybe border controls. Thus it is a far cry from the initial willingness of “making the most of (...) the contribution of (migratory movements) undeniable for development within our bi-continental space, both in the North, and in the South”.



5 WHAT'S AT STAKE FOR WEST AFRICA?

Migration has fallen under the purview of Community institutions since the mid-1980s. With the introduction of the Schengen system, it came to be treated as a critical justice and home affairs issue. This system made it possible to harmonise border control and visa issuance policies and procedures. It is a key instrument for the free movement of persons within the European countries that are members of it.

The Maastricht Treaty recognised the European Union’s specific migration- and asylum-related functions. In the 1990s, the comparative advantage of taking the regional level into consideration in matters of foreign policy and joint security was recognised not just for home affairs but also for relations with third countries. The regional dimension provided a space for experimenting with and negotiating migration policies targeting the general interest in the long term. This space is, at least partially, free from threats of being used as a pretext for electoral or short-term purposes, as often occurs on the domestic level. Inter-institutional dialogue has since intensified between the European Commission, Council and Parliament in order to develop an approach and policy on migration different from those of their Member States. In the first decade of the century, the “development aid” component was integrated, enabling the use of specific instruments for external action by the EU to deal with migration.

The EU's global approach seeks to be integrated, balanced, negotiated and consensual. It shows that migration is now one of the strategic domains of negotiation between the Community and third countries. From the operational perspective, however, the "control" issue is overriding and liberating national agendas from it is often difficult. Such is the assessment resulting from the first year of its implementation in 2006–2007. It illustrates a trend that has been observed over the last two decades towards gradual opening up to flows from Eastern Europe (in preparation and support for the EC's enlargement) and of gradual closure to migration from the South. Thus the attention paid to Mediterranean and African migration issues (around which the approach was initially centred).

European States seek greater dialogue and co-operation with countries of origin and transit by using the framework and instruments provided by the Union in its relations with Africa. From Rabat to Lisbon to Tripoli, the salient characteristics of the growing Euro-African migration partnership can be identified. Apart from the characteristics that were discussed earlier, three factors should be highlighted due to their implications for intra-regional migratory dynamics and the prospects for regional development and co-operation in West Africa.

1. By its approach and action, the EU affirms that the European and West African migration systems are complementary and interdependent. The Union is thus keenly interested in understanding and regulating intra-African migration. It encourages the continent's national and regional decision-makers to prioritise migration flow management and policy convergence. The adoption of a common approach by ECOWAS and the AU in 2007 was in this regard partially the result of pressure from their European partners. The fact that the regional dimension of African migration is recognised vis-à-vis international migration is in itself positive. However, the true bargaining strength of the countries of origin and transit associated with the implementation of the EU's global approach needs to be considered, especially when the measures undertaken on behalf of the Euro-African partnership contradict certain regional commitments (e.g. the delegation of European controls to local authorities on the basis of the concentric circle model and the free movement of persons within the ECOWAS zone).
2. On the other hand, by furthering dialogue and co-operation with African partners to implement the global approach, a consensus has emerged – theoretically, if not for the moment practically – on the strategy linking "migration and development". This concept has affected not only the relations between European and African countries but has also done so globally in the United Nations' migration agenda. In addition, several elements of the EU's global

approach (and the ECOWAS and AU's common approaches → Chapter 3) are based on UN initiatives such as the High-Level Dialogue on International Migration and Development (New York, 2006) and the Global Migration Group. While there is consensus on the foundations of this approach, the system of governance with which it is associated is currently dispersed among a multitude of poorly co-ordinated continental-, multilateral-, regional- and bilateral-level activities and processes. A precise definition of the respective missions of often overlapping initiatives is lacking and this could create conflicts of competence and interest, thereby compromising the Africa-Europe dialogue. This is all the more the case given a context of limited capacities and resources allocated to this purpose, especially by African institutions.

3. Some experts have called into question the legitimacy of the EU's "migration and development" approach towards Africa as a means for co-ordinating migration and identifying solutions that would benefit migrants as well as countries of origin and transit (de Haas 2007b, 2008). Others add that current knowledge of intra-African migratory dynamics as well as their ties with extra-continental migration and current policies does not presently permit tailored interventions capable not just of reacting but also of making the most of migration (CeSPI 2007, IMI 2007). A sustainable Euro-African partnership should therefore stress the need for acquiring more information and sharing knowledge in order to facilitate decision-making in Europe, Africa and in the relations between the two continents.

//

- 1 In early 2006, the EU was host to 18.5 million third country nationals (Romanians and Bulgarians not included), i.e. 3.8% of its total population (European Commission 2007a).
- 2 Austria, Belgium, Czech Republic, Denmark (common visa policy), Estonia, Finland, France, Germany, Greece, Hungary, Iceland (associated country), Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway (associated country), Poland, Portugal, Slovakia, Slovenia, Spain and Sweden.
- 3 1) Community pillar concerning the three Communities (EC, ECSC and EURATOM 2) Common Foreign and Security Policy (CFSP). The third pillar is called Justice and Home Affairs (JHA), including liberty and security.
- 4 Regime: Set of agreements, rules, procedures and institutions devoted to a given subject, etc. The term regime is used in recognition of the fact that it goes beyond a Convention as such.
- 5 For instance, since 2001, a visa has been required from all African nationals visiting a Union country, even if it is for tourism or business.
- 6 http://ec.europa.eu/world/enp/policy_en.htm.
- 7 <http://europa.eu/scadplus/leg/fr/lvb/114564.htm>.
- 8 <http://europa.eu/scadplus/leg/fr/lvb/129017.htm>.
- 9 http://ec.europa.eu/europeaid/where/worldwide/eidhr/index_en.htm and www.etui-rehs.org/education/EU-Information-Service/Library/European-Union-Programmes-and-Budget-Lines/Programme-AENEAS.
- 10 For a summary of the Agreement's main principles, go to <http://europa.eu/scadplus/leg/fr/lvb/r12101.htm>.
- 11 The following countries were represented in Rabat: Austria, Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Egypt, Equatorial Guinea, Estonia, European Commission, Finland, France, Gabon, The Gambia, Germany, Ghana, Greece, Guinea Bissau, Guinea, Hungary, Iceland, Ireland, Italy, Latvia, Liberia, Libya, Lithuania, Luxembourg, Mali, Malta, Morocco, Mauritania, Netherlands, Niger, Nigeria, Norway, Poland, Portugal, Romania, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia and the United Kingdom.
- 12 <http://europa.eu/scadplus/leg/fr/lvb/r12540.htm>.
- 13 The Tripoli Conference was attended by all AU member countries, Morocco and the Sahrawi Arab Democratic Republic, EU member states and the European Commission, as well as several organisations as observers: African sub-regional institutions including ECOWAS, UN System organisations, the World Bank, etc.
- 14 www.delcaf.ec.europa.eu/fr/accord_cotonou/cotonou_resume.htm.
- 15 http://ec.europa.eu/development/icenter/repository/EAS2007_action_plan_2008_2010_en.pdf#zoom=100.
- 16 Good practice in respect of voluntary returns – A. Traore, http://dialogueafrica.net/archivos/EN_bonnes_pratiques_en_matiere_de_retours_volontaires_a.traore.pdf

ANNEXES

Annex I contains graphs and bar charts using data from OECD statistics. It is important to take into consideration that data collection and compilation of migration inflows varies and is specific to each country. However, the major trends become evident. → [Figures 1.1–1.10](#)

Annex II sets out a chronology of significant events and meetings that occurred in 2005 (the tragic incidents in Cueta and Melilla). The human and above all security dimensions will henceforth be extremely important in the “management” of migration issues.

Figure I.1

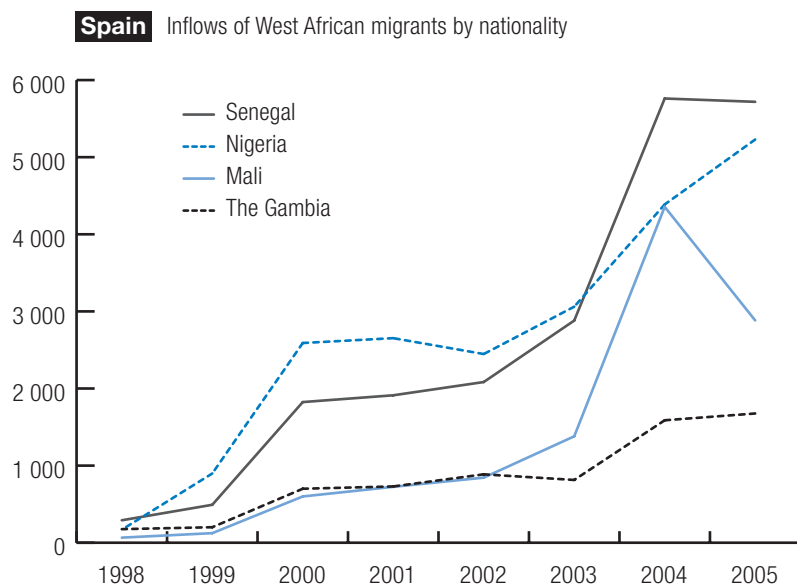


Figure I.2

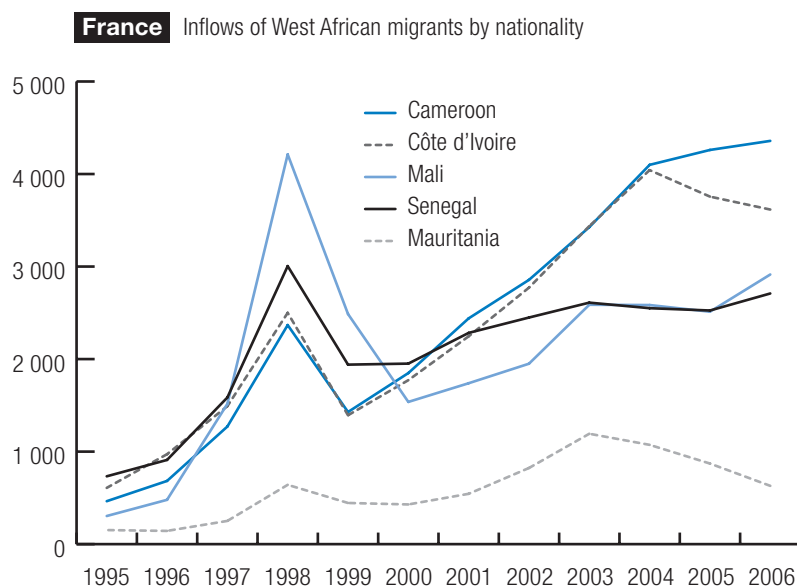


Figure I.3

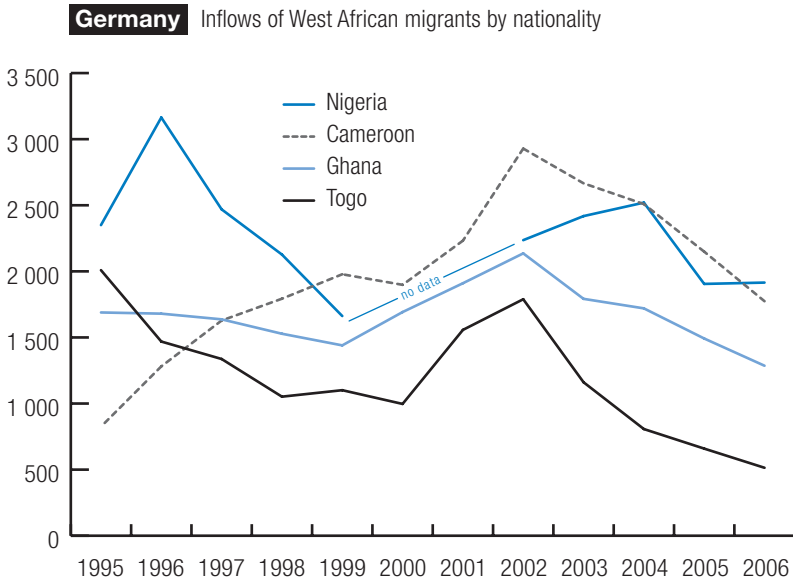


Figure I.4

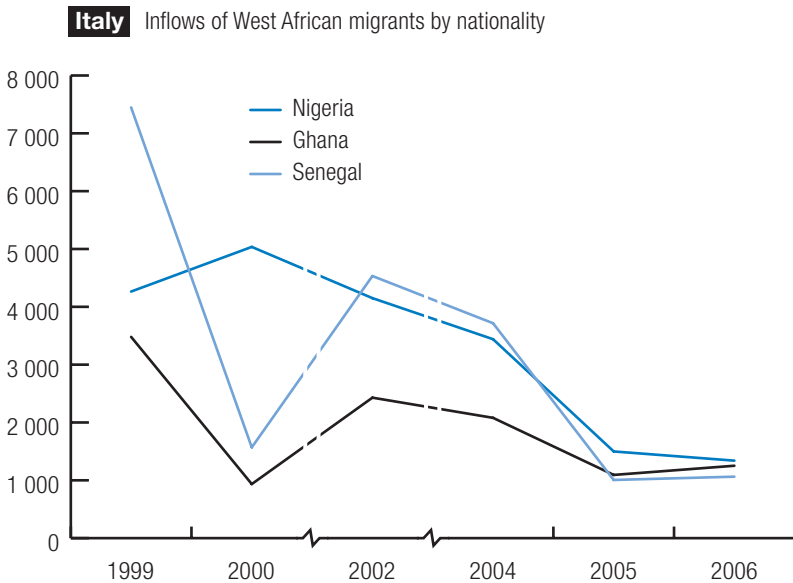


Figure I.5

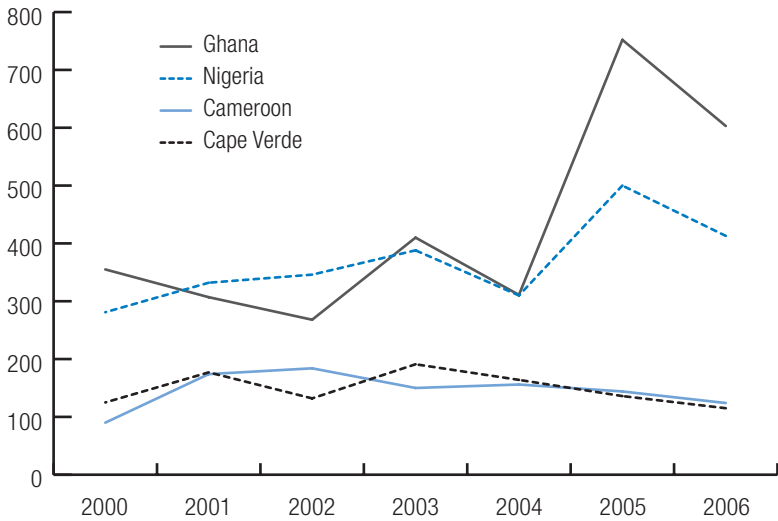
Netherlands Inflows of West African migrants by nationality

Figure I.6

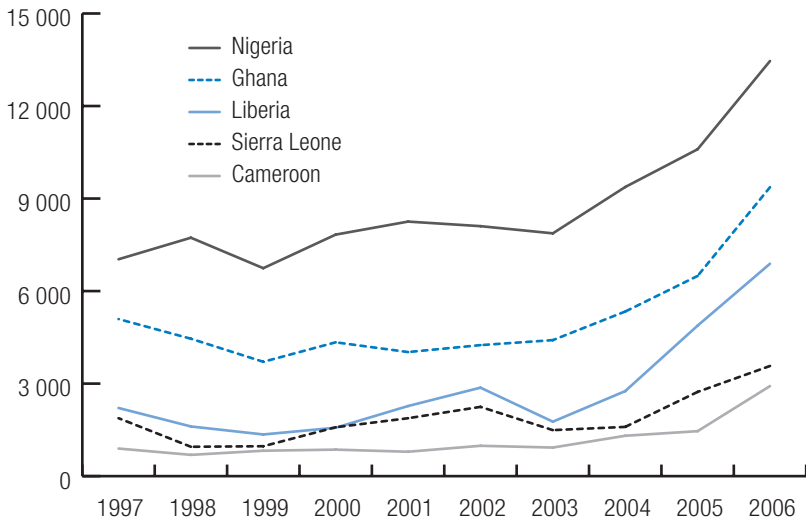
USA Inflows of West African migrants by nationality

Figure I.7

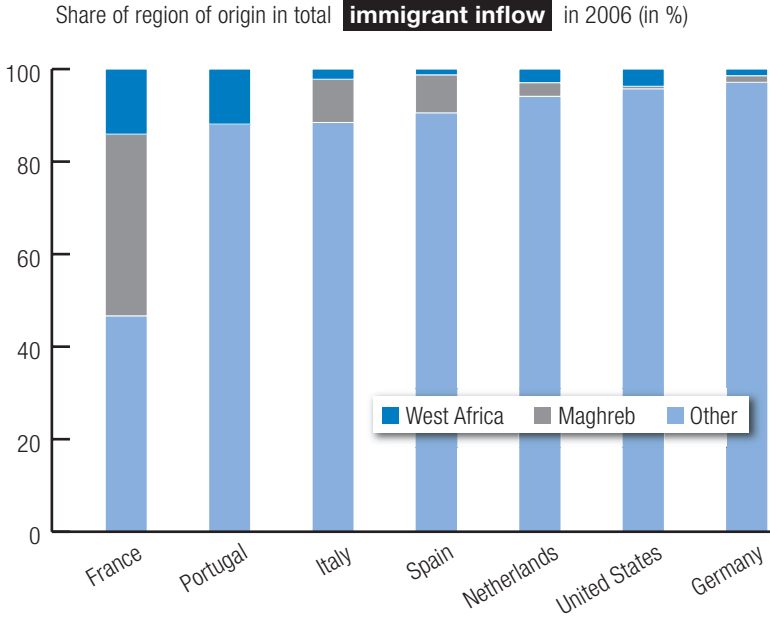


Figure I.8

Total number of migrants from Maghreb and West African countries in 2006, in thousands

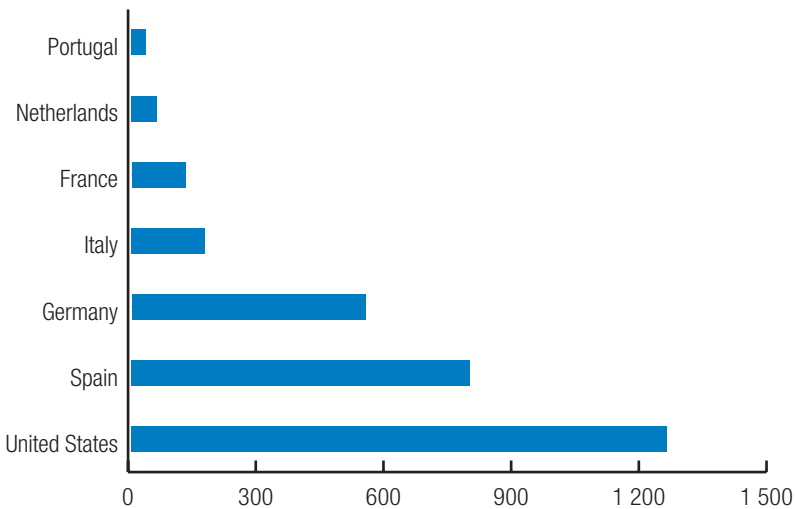


Figure I.9

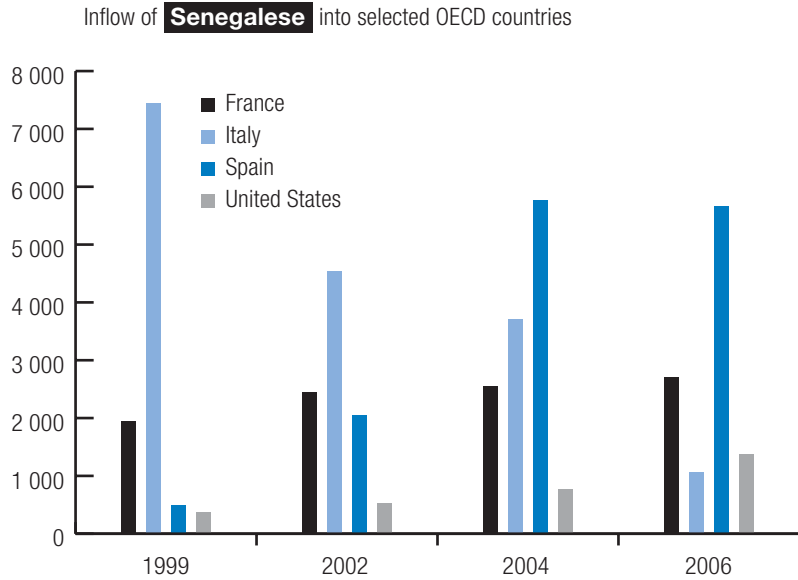
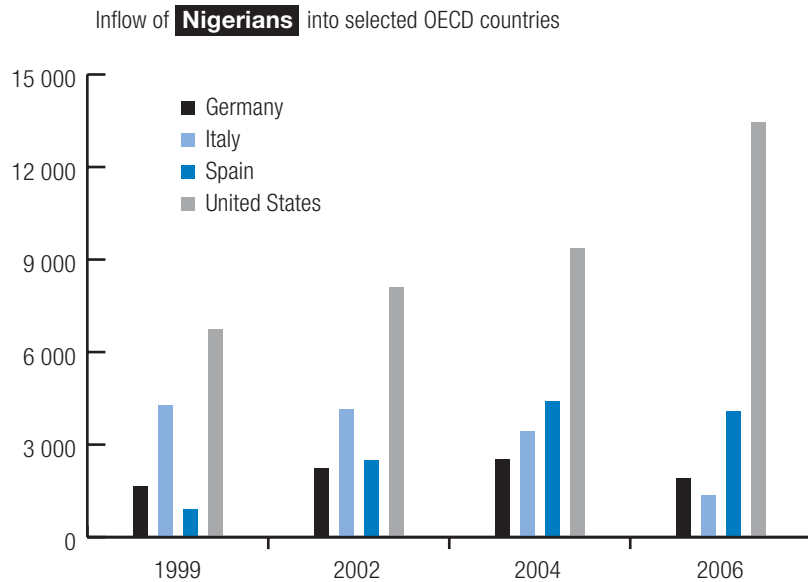


Figure I.10



Chronology¹

Global approach to Migration

2005

September

Hundreds of immigrants try to enter the territories of Ceuta and Melilla.

→ For four days hundreds of immigrants, mainly young men from Sub-Saharan Africa who would do anything to get to Europe, try to enter the Spanish cities of Ceuta and Melilla.

October

European leaders meet informally to try and respond more effectively to the problems of migration.

→ On 27 October EU leaders meet at Hampton Court (UK) to discuss the growing problem of illegal immigration and the urgent need to take action, not least to prevent the loss of human life among illegal immigrants.

→ Recognising the need for EU intervention, given the increasingly strong public interest in these issues, they call for action and dialogue in a spirit of partnership between all the countries involved (in particular the countries of North and Sub-Saharan Africa).

November

Communication from the Commission to the Council and the European Parliament – Priority actions for responding to the challenges of migration – First follow-up to Hampton Court

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0621:EN:NOT>

December

The European Council adopts the Global Approach to Migration

Brussels European Council, 15 – 16 December 2005, 15914/1/05 REV1
www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/87642.pdf

Focusing on Africa and the Mediterranean, this approach aims to implement comprehensive and coherent actions, recommending in particular:

→ cooperation with third countries and regional organisations in all related areas (legal and illegal immigration, development, refugee protection, human trafficking);
 → coordination of different policies: external affairs, development, employment, justice and interior affairs.

The approach assumes:

→ strengthened cooperation between EU Member States;
 → a dialogue with Africa;
 → a dialogue with neighbouring countries in the Mediterranean region.

2006

January

Work starts on implementing the plan.

European Commission, EU Member States, Frontex, Europol, international organisations (UNHCR, IOM).

May

Immigration is one of the main items discussed at the Ministerial Troika Meeting between the Economic Community of West African States (ECOWAS) and the EU. A joint working group on migration is set up.

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/91464.pdf

May

The Commission initiates a bilateral dialogue with Mauritania and Senegal on the basis of Article 13 (Migration) of the ACP-EC Cotonou Agreement.

- The Commission establishes a bilateral dialogue with priority countries of Sub-Saharan Africa. Meetings are held in Mauritania and Senegal in May and in Mali in September. Similar meetings are planned with other African countries to review all migration issues relevant to the EU and Africa.
- The dialogue on immigration continues within the framework of the regular political dialogue between the local missions of the Commission and the authorities of the countries concerned.
- EU Commissioner Frattini travels to Libya to explore opportunities for dialogue and cooperation on migration issues.
- There is an improvement in dialogue and cooperation between the EU and North African countries, including Morocco, Algeria and Libya, which are important transit countries.
- Libya, which is recognised as an important partner in migration issues, invites a team of experts to visit its southern borders. Later in the year Libya hosts the EU-Africa Ministerial Conference on Migration and Development.

June

Euromed Ministerial meeting on migration.

- An agreement is reached to gather information on projects and best practices regarding legal and illegal immigration, migration and development, human trafficking and return issues, to enable the Commission to draw up a more detailed plan of action.

As of June

Networks of Immigration Liaison Officers are established along four key migration routes.

- The network of Immigration Liaison Officers will be linked to the migration routes initiative.
- The network will cooperate with EU Member States, Frontex [www.frontex.europa.eu], Europol [www.europol.europa.eu] and the Commission delegations in African countries to establish an information system on illegal immigration and human trafficking.
- Regional networks of Immigration Liaison Officers are established along the four specified key migration routes.
- The Liaison Officers are to draw up reports on illegal immigration and formulate concrete recommendations to increase cooperation along migration routes.
- Each regional network has a Member State named as leader: Spain, Portugal, France, Italy and the United Kingdom. Each of these countries organises regional meetings to draw up operational plans of action for each route.

*July***The Commission proposes the creation of Rapid Border Intervention Teams.**

→ Managed by Frontex and made up of national experts from various EU Member States, these Intervention Teams can supply rapid technical and operational assistance in case of a mass influx of immigrants. Regulation (EC) No 863/2007
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0863:EN:HTML>

*July***Participants in the Euro-African Ministerial Conference held in Rabat focus on the western and central migration routes that cross Africa towards Europe.**

www.maec.gov.ma/migration/En/documentation.htm

→ The participants [www.maec.gov.ma/migration/En/participants.htm] agree to look at these migration routes together and to adopt concrete proposals of cooperation [www.realinstitutoelcano.org/materiales/docs/RabatDeclaration_ActionPlan.pdf] between the countries of origin, transit and destination along specific migration routes.

→ A budget of 2.45 million Euros is allocated to Mauritania to finance measures related to the rapid reaction mechanism.

The measures relate, among others, to:

- capacity building in the areas of detection (patrol boats) and arrest (staff training);
- humane detention conditions and return of migrants;
- re-examining current legislation;
- raising awareness;
- supporting the new Mauritanian unit responsible for immigration.

→ Frontex presents a feasibility study concerning a Mediterranean Coastal Patrol Network [www.europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/454&format=HTML&aged=1&language=EN&guiLanguage=en] (MEDSEA).

→ MEDSEA studies the possibility for a central command structure in the Mediterranean and recommends the establishment of national coordination centres in the EU Member States.

→ A second study concerning the technical feasibility of a surveillance system for the southern maritime borders of the EU and Mediterranean (BORTEC) is completed in December 2006.

Summer

Frontex coordinates joint operations in the Mediterranean and Atlantic for the surveillance of the southern maritime border of the EU and saving illegal immigrants in danger of dying at sea.

Operations include:

→ joint operations off the Atlantic coast of North Africa during the summer to offer operational assistance to Spain (patrols and humanitarian aid);

→ Hera I and Hera II in the Canary Islands: granting technical assistance to Spain to organise the return of identified illegal immigrants and establish joint patrols. Several EU Member States participate in these operations;

→ joint patrols in the Mediterranean (southern Sicily, Lampedusa and Malta).

*September***United Nations High-Level Dialogue on International Migration and Development in New York.**

www.europa-euun.org/articles/en/article_6221_en.htm

This dialogue :

- strengthens links between migration policy and development policy;
 - endorses the idea of a Global Forum on Migration and Development.
- The Commission contributes a communication on EU policies.

*November***The first EU-Africa Ministerial Conference on Migration and Development takes place in Tripoli.**

http://ec.europa.eu/justice_home/doc_centre/immigration/docs/AU-UE-22.11.06.pdf

At this conference the EU and Africa agree to:

- cooperate in the management of migratory flows in a spirit of mutual partnership and shared responsibility;
- commit to a partnership between countries of origin, transit and destination;
- make political commitments and take concrete actions, in the knowledge that appropriate policy responses can best be found together;
- take measures in the areas of migration and development, management of migratory flows, peace and security, human resources and the brain drain, human rights and the well-being of the individual.

*30 November***Communication from the Commission to the Council and the European Parliament – The Global Approach to Migration one year on: Towards a comprehensive European migration policy**

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0735:EN:NOT>

In summary:

- Significant progress has been made with African countries and regional organisations on migration issues. Discussions could also be undertaken with other regions (Eastern Europe, Latin America and Asia).
- Proposals include strengthening the dialogue and cooperation with Africa on all migration issues: legal and illegal immigration, improved refugee protection, strengthening of links between migration policy and development policy. Specific proposals include Migration Support Teams, the European Job Mobility Portal, migration centres and Mobility Packages.

2007*April***The joint ECOWAS-EU Working Group on Migration meets in Luxembourg alongside the ECOWAS-EU Ministerial Troika Meeting**

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/93800.pdf

- A dialogue with the key African countries involved is launched in accordance with Article 13 of the Cotonou Agreement.

16 May

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0248:EN:NOT>

→ The Commission proposes new measures for incorporating legal migration opportunities into the EU's external policies and presents means to facilitate and encourage circular and temporary migration. The communication underlines the need to improve mobility between the EU and third countries and better adapt to the EU's labour needs. It proposes establishing tailor-made mobility partnerships with countries and regions of origin and transit.

16 May

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union*

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0247R\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0247R(01):EN:NOT)

→ The communication widens the geographical scope of the Global Approach to Migration and presents recommendations for improving dialogue and cooperation with the countries concerned.

October

EU-ECOWAS Ministerial Troika Meeting

www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/96478.pdf

November

First Euro-Mediterranean Ministerial Meeting on Migration

www.eu2007.pt/NR/rdonlyres/8D86D66E-B37A-457E-9E4A-2D7AFF2643D9/0/20071119AGREEDCONCLUSIONSEuromed.pdf

December

EU Africa Summit

www.eu2007.pt/NR/rdonlyres/BAC34848-05CC-45E9-8F1D-8E2663079609/0/20071208LISBONDclaration_EN.pdf

→ The declaration affirms cooperation between the EU and Africa, also in the area of immigration, and outlines the cooperation and processes in progress (see above the EU-Africa Ministerial Conferences held in Tripoli and Rabat) in a general political framework. The concrete actions are outlined in the Joint Strategy.

www.eu2007.pt/NR/rdonlyres/D449546C-BF42-4CB3-B566-407591845C43/0/071206jsapenlogos_formatado.pdf

5 December

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *Towards a Common Immigration Policy*

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0780:EN:NOT>

10 December

Council Conclusions on mobility partnerships and circular migration

www.eu2007.pt/NR/rdonlyres/4B8B3D1F-86EA-4591-93ADC09DAAD6D42E/0/97508.pdf

→ The Council invites the Commission and Member States to finalise pilot mobility partnerships with Cape Verde and Moldova.

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- Centro Studi Immigrazioni – CESTIM
www.cestim.org/

- Consortium for Applied Research on International Migration
www.carim.org/
- Courrier international
www.courrierinternational.com/
- (The) Development Research Centre on Migration, Globalisation and Poverty – University of Sussex
www.migrationdrc.org/
- ECOWAS
www.ecowas.int/
- Equality and Human Rights Commission – United Kingdom
www.equalityhumanrights.com/en/Pages/default.aspx
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- European Council on Refugees and Exiles
www.ecre.org/
- European Foundation for the Improvement of Living and Working Conditions
www.eurofound.europa.eu
- France Diplomatie
www.diplomatie.gouv.fr/fr/europe_828/union-europeenne-monde_13399/politique-migratoire_14603/conference-euro-africaine-rabat-10-11.07.06_38190.html
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www.frontex.europa.eu/
- Forum Internazionale ed Europeo di Ricerche sull'Immigrazione Internazionale
www.fieri.it/pagInterna.cfm?pag=leggi_provvedimenti
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www.un.int/iom/GMG.html
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www.integrationindex.eu/
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- International Organisation for Migration
www.un.int/iom/index.htm
- International Labour Organization– International Migration
<http://www.ilo.org/public/english/protection/migrant/>
- Parlamento italiano
www.parlamento.it/leggi/02189l.htm
- Platform for international Cooperation on Undocumented Migrants
www.picum.org/
- Plate-forme migrants et citoyenneté européenne
www.pmc-europe.info/component/option,com_frontpage/Itemid,1/
- Revue européenne des Migrations internationales
<http://remi.revues.org/entrees.html?type=motcle>
- Spiegel en ligne
www.spiegel.de/international/business/0,1518,482109,00.html
- Sud Online
www.sudonline.sn/spip.php?article7635
- Sussex Centre for Migration Research
www.sussex.ac.uk/migration/
- UNDESA – High-level Dialogue on International Migration and Development
www.un.org/esa/population/migration/hld/index.html
<http://www.un.org/migration/>
www.un.org/esa/population/publications/ReplMigED/migration.htm
- United Nations – Development Policy and Analysis Division
www.un.org/esa/policy/wess/index.html
- World Bank
www.worldbank.org/

Electronic Resources by country

Belgium

www.belspo.be/belspo/home/publ/pub_ostc/agora/ragee058_fr.pdf
www.migrationinformation.org/Profiles/
www.belgium.be/eportal/application?pageid=charterPodPage&navId=30523&languageParameter=fr

Canada

www.cic.gc.ca/francais/ausujet/immigration/index.asp
www.migrationinformation.org/Profiles/

France

www.premier-ministre.gouv.fr/chantiers/immigration_865/
www.vie-publique.fr/th/acces-thematique/immigration.html
<http://lesrapports.ladocumentationfrancaise.fr/BRP/074000232/0000.pdf>

Germany

www.auswaertiges-amt.de/diplo/fr/WillkommeninD/EinreiseUndAufenthalt/Zuwanderungsrecht.html
www.migrationinformation.org/Profiles/

Italy

www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/
www.migrationinformation.org/Resources/italy.cfm

Netherlands

www.ind.nl/EN/
www.migrationinformation.org/Resources/netherlands.cfm

Portugal

www.acime.gov.pt/
www.migrationinformation.org/Profiles/display.cfm?ID=77

Spain

<http://extranjeros.mtas.es/>
www.migrationinformation.org/Profiles/

United Kingdom

www.ind.homeoffice.gov.uk/
www.bia.homeoffice.gov.uk/

United States

www.dhs.gov/ximgtn
www.migrationinformation.org/Resources/unitedstates.cfm

 GLOSSARY¹

Alien: A person who is not a citizen of the country in which he or she lives. A “legal alien” is someone who lives in a foreign country with the legal approval of that country. An “illegal alien” (or undocumented alien) is someone who lives in a foreign country without the legal approval of that country. A distinction is made between illegal immigrants and illegal aliens; the former being someone who wishes to settle permanently in the new country. A distinction is made between illegal immigrants and illegal aliens – the former being someone who wishes to settle permanently in the new country.

Circular migrant: One who moves regularly between his or her home country and a foreign country for employment-related reasons. Typically, though not exclusively, circular migrants do agricultural or construction work, returning home when employment opportunities wane, or when they have made a bit of money. The term “circular migrant” is not entirely synonymous with guest worker, because the latter term implies that the individual fits into a specific employment-visa category of the host country; a circular migrant can be in a host country illegally or legally. Further, a guest worker may come to a host country for a set period of time and only return home when the visa expires – in other words, there is no back-and-forth and hence no circularity.

Economic migrant: *Sometimes used as an equivalent to the term labour migrant or migrant worker. However, the two concepts may cover different categories. The term “labour migrant” can be used restrictively to only cover movement for the purpose of employment while “economic migrant” can be used either in a narrow sense, which includes only movement for the purpose of employment, or in a broader sense that includes persons entering a State to perform other types of economic activities such as investors or business travellers.*

Expulsion: A decision by a public authority, either administrative or judicial ordering an alien who has been lawfully resident to leave the country. This order might or might not include a ban on return. Seen in phrase: expulsion of foreigners.

Flow: *The term used for the unstable and changing portion of an overall population figure*

Forced departure: *So as to avoid using the word “expulsion” (a legal-technical term in State immigration law), we speak of “forced departure” of an alien in cases in which authorities enforcing the decision of expulsion have used physical or other pressure to force an alien to leave his former country of residence.*

Illegal migrant: A person who comes to settle in a country without the correct legal documentation, or who lives there using false identification or no documentation at all (“sans papiers” - without papers), or who otherwise resides in a country without formal permission. E.g., a person who enters a country on a tourist or student visa and then overstays his or her visa becomes an illegal immigrant.

Intergovernmental method: *Negotiation sessions between representatives of national governments*

Irregular migration: It is defined by the Global Commission on International Migration as a complex and diverse phenomenon in which the main focus is irregular flows and entries, rather, for example, than the various challenges posed by stocks or irregular migrants such as undocumented work.

Labour migration: Movement of persons from their home State to another State for the purpose of employment.

Migrant smuggling; smuggling of migrants: Defined in the relevant Protocol as follows: “Smuggling of migrants” shall mean 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”.

Naturalization: in law, refers to an act whereby a person acquires a citizenship different from that person’s citizenship at birth. Naturalization is most commonly associated with economic migrants or refugees who have immigrated to a country and resided there as aliens, and who have voluntarily and actively chosen to become citizens of that country after meeting

specific requirements. However, naturalization that is at least passive and often not voluntary, can take place upon annexation or border adjustments between countries. Unless resolved by denaturalization or renunciation of citizenship, naturalization can lead to multiple citizenship.

Non-refoulement: *A core principle of refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle is usually considered a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention relating to the Status of Refugees.*

Refugee: Defined under the 1951 Convention relating to the Status of Refugees (article 1) as “any person who owing to a 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”. In France, refugee status is a legal status recognised by the Office français de protection des réfugiés et apatrides (OFPRA), in accordance with the Geneva Convention of 28 July 1951 as well as the law of 25 July 1952 (in its draft of the law of 11 May 1998) referring to two categories of persons: anyone meeting the definitions set out in Article 1 of the Geneva Convention of 28 July 1951 related to the status of refugees; “any person persecuted due to his/her actions on behalf of freedom” (L. 11.5.1998, Article 29).

Return migration: I.e., migrants returning to their country of origin – going home

Stock: *In migration statistics, used to describe the stable portion of an overall population figure*

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1 *The text in italics has been translated based on the official source text. www.iom.int and United Nations Multilingual Terminology Database <http://157.150.197.21/dgaacs/unterm.nsf>*

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LIST OF ACRONYMS

ACP	Africa, Caribbean, Pacific
AU	African Union
CAI	<i>Contrat d'Accueil et d'Intégration</i> (France)
ECOWAS	Economic Community of West African States
EPA	Economic Partnership Agreement
EU	European Union
FRONTEX	European Agency for the Management of Operational Co-operation at the External Borders
ILO	Immigration Liaison Officer
IND	<i>Immigratie- en Naturalisatiedienst</i> (Immigration and Naturalisation Service) (the Netherlands)
MEDSEA	Mediterranean Coastal Patrol Network
OECD	Organisation for Economic Co-operation and Development
PALOP	Portuguese-speaking African Countries
SIS	Schengen Information System
SWAC	Sahel and West Africa Club
WAEMU	West African Economic and Monetary Union



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