



This policy paper is part of a series of six on the priorities of the Netherlands for the EU for 2019-2024

A renewed European agenda on migration

In 2015, an unprecedented number of persons entered the EU irregularly; fleeing conflict, seeking protection, or looking for better opportunities. Since 2015, much has been done to bring flows of irregular migration under control. A lot has been achieved by the Juncker Commission in developing a common European Agenda on Migration and its implementation. The EU increased support to host countries receiving large numbers of refugees and IDPs and invested substantially in addressing root causes that could lead to irregular migration. In addition, important steps were made in the global fight against human trafficking and smuggling. In 2018, the number of detected irregular arrivals decreased by 92% compared to 2015. The number of first asylum applications in the EU has also decreased by 53% in three years' time. Nevertheless, a lot still needs to be done especially as secondary migration continues to persist. The common European as well as our national asylum and return systems are still not crisis-proof, with no perspective for a speedy conclusion of the intended reform. Migration pressure is persisting and will increase in all future scenario's. In the Netherlands as well as in other parts of Europe, asylum and migration continue to be topics of great concern for citizens, often leading to highly divisive debates. With a negative spill-over to dialogues with third countries. We clearly need to step up our efforts to improve the management of irregular migration into and within the EU.

In the view of the Netherlands, the next European Commission should renew the European Agenda on Migration, along the following lines:

Strong CEAS, strong Schengen

An effective, well-functioning CEAS is essential in order to return to a well-functioning Schengen-area which must be our common goal. The traditionally rights-based system, which primarily ensures guarantees to individuals, needs to be complemented with a **well-functioning rules-based system**, both for individuals and Member States in the application of the acquis. **Free-riding needs to end.** A lack of implementation of the current and future acquis should lead to negative consequences: financially and/or in enjoying privileges resulting from Schengen.

Borders

From the negotiations on the asylum proposals over the last 4 years, lessons can be learned. An effective system starts with effective border control. For this, the Netherlands proposes:

- Effective implementation of Integrated Border Management by the European Border and Coast Guard.
- Development and implementation of a **mandatory external border procedure** via the Asylum Procedure Directive and Return Directive.
- In case of disproportionate migratory pressure on the respective Member State of arrival an **EU-wide relocation** of refugees should be part of our response. Given the ongoing discussions on Dublin, a separate legal framework needs to be developed. Those who are not entitled to protection must be refused entry and returned swiftly from the point of arrival.

- **Full financial support** via EU funds and **full operational support** should be provided to Member States via the European Agencies (EASO, Frontex, Europol).
- Enhancing the **governance structure** of the agencies involved that matches these extra tasks, including political guidance from Commission, Member States and Council.
- Further enhancing cooperation with third countries on border management and illegal migration, e.g. by improving coordination within (I)LO network and operational cooperation of Agencies with third countries.

Preventing Secondary movements

While reality dictates that illegal entry or stay can never be completely prevented, we must also act to address the fact that it is still far too easy to stay in the EU illegally. The number of rejected asylum seekers or irregular migrants travelling within the EU with multiple Eurodac registrations continues to rise, straining the asylum and reception systems of Member States and lowering the public acceptance of asylum for genuine refugees. Further efforts are needed to prevent these secondary movements between Member States.

- Agencies must work within their respective mandates to gain more insight into **secondary movements**. While conclusions can be drawn based on data that has already been gathered by agencies (Frontex, Europol, EASO), the agencies should enhance their cooperation on this subject and support member states to prevent secondary movement.
- **Asylum procedures and reception conditions need to be further harmonized**, including limiting the access to social benefits, accommodation and withdrawing the procedure in case of non-cooperation of the asylum seeker are necessary elements. The implementation of the current asylum acquis, the reform of the Reception Conditions directive and the review of the Return Directive should be used to this end.
- **Asylum procedures must be further shortened**, minimalizing the possibilities to appeal decisions and/or to introduce new procedures and widening the possibilities for detention. To this end a reform of the Asylum Procedures Directive is essential.
- Moreover, additional efforts are needed to further **combat the informal economy** in the EU.
- Increases co-operation between executive agencies to prevent and **combat trafficking and smuggling** within and outside the EU, via more Europol coordination, use of the regional joint operational platforms and training of the judiciary system in third countries.
- **Monitor and disrupt secondary movements** through enhanced use of modern technologies such as camera systems and reinforced operational police cooperation between neighbouring Member States based on existing frameworks.

- **Asylum and Schengen** are clearly interlinked. Lack of mutual trust in respective asylum systems of Member States is an obstacle in getting 'back to Schengen'. Solid asylum policy in line with the acquis should become an explicit consideration. Key components in this regard are targeted EU assistance and capacity building where needed, strong monitoring by EASO and strong Commission enforcement.

Increasing Returns

Return is the Achilles heel of an effective EU asylum and migration policy. This does not only depend on the willingness of third countries, much can still be done within the EU:

- More **data on those who need to be returned** need to be gathered, for example via IRMA.
- A **reinforced Eurodac and the full implementation of the new SIS and ECRIS-TCN** are needed to share information about these returnees to tackle the problem together. Prioritising those who disturb **public order** through petty and serious crimes or become victims of human trafficking due to their vulnerable position.
- Frontex should **broaden its return capacity**, encourage Member States to further **pool their return efforts** under their co-ordination and support member states in returning migrants and improving their return organisations and systems.
- Opportunities to prevent return by **last minute appeals** or **new asylum procedures** should be minimalized where possible via the reform of the Return Directive and the Asylum Procedures Directive.
- Further **harmonization of (in)voluntary return programmes**, via e.g. ERRIN, would decrease incentives for rejected asylum seekers to shop between Member States.
- Strengthen return co-operation with third countries through **tailor-made partnerships** (see below).

Increased mobility, smart borders

The vast majority of migration flows towards and within the EU takes place in a regular, safe and legal manner. In the coming years, a further increase in the number of legal travellers can be expected. At the same time the threat of terrorism and organized crime is as relevant as ever. Therefore the increase in passenger growth needs to be handled with minimal disruption and without compromising on security.

- The Commission, Member States and agencies should focus on the **quick and full implementation** of all the agreed **databases**, EES, ETIAS, SIS II and the EU VIS recast, and in the interoperability between them.
- Taking into account the paramount importance of full implementation of the aforementioned legislation, an **analysis should be made to identify possible information gaps**, both on gathering and exchanging data.

Inclusion through Integration

The **socio-economic integration of beneficiaries of international protection should be an integral part of asylum and migration policy**. Many member states face challenges in the area of integration, which is key to both the economic and social stability and cohesion in the EU.

- Therefore migration - including **integration** - should be a priority within the new Multiannual Financial Framework.
- In order to strengthen the link between EU funding and integration, a specific percentage of spending should be earmarked within the **ESF+ budget** for the social inclusion of third-country nationals.

Better linking internal and external migration policy and action

Cooperation with third countries, neighbouring regions and other international partners is essential to implement our common European Migration Agenda.

- As a credible international partner the EU must continue to provide **large scale humanitarian support** to victims of natural disasters or man-made disasters such as war or other armed conflict. In case of protracted crises, countries hosting large refugee communities should be supported for their generosity.
- Close cooperation in migration management with the EU's neighbourhood countries as well as countries of origin and transit, is essential, for example, through support of UNHCR and IOM in building their own **asylum, migration and border management capacities**.
- As the largest economy and donor in the world, the EU should **better yield its combined influence** in order to achieve our ambitions in the field of asylum and migration, particularly in the area of returns. Bilateral efforts may understandably yield individual results. However, the continuous secondary movements resulting from a lack of returns demonstrate, it is a common EU interest that needs to be matched with a truly common approach.

- Trade, economic growth, development and governance support should be part of the toolkit of the EU in **tailor-made and inclusive partnerships** with third countries. The EU must be able to deliver in the form of providing access to the EU market by negotiating trade agreements or modernizing existing agreements.
- **Positive or negative conditionality** in relation to our migration ambitions should not be a taboo when shaping our relationships with third-countries. The EU should make use of all possible instruments, for example with regards to visa facilitation making inter alia full use of the reformed Visa code, including the option of setting stricter conditions for processing visas. The European Council has already called for 'reassessing visa policy towards third countries, as needed' as a means of achieving real progress in return and readmission policy.

Governance: towards a dedicated Commissioner for the entire migration agenda

- To effectively implement the EU's comprehensive approach to migration, **internal and external migration policies** must be seamlessly interwoven, including the deployment of instruments and resources.
- Pressing onwards with the cluster model introduced in 2014 can be helpful in implementing such a comprehensive working method.
- A next dedicated **Commissioner for the entire migration agenda**, placed at FVP level, should be able to mobilize all means necessary to deliver on the EU's policy goals, whether this involves crisis response or regular coordination of asylum and migration policy.
- This also includes coordination within the Commission of DG DEVCO, DG HOME and EEAS, including the **relevant external funds** for migration cooperation with third countries.