



Policy brief: The Mobility Partnership

Migration policy brief: No. 1



Ministry of Foreign Affairs



Introduction

Since the inclusion of migration and asylum as a community competence by the Amsterdam Treaty in 1997, the European Union has been working towards a common migration policy. In 2005, the Global Approach to Migration was launched, which highlighted the “urgent need in the short term for broad-ranging concrete actions, which form part of ongoing work to ensure that migration works to the benefit of all countries concerned”. In 2007, the Commission issued a communication proposing such a ‘concrete action’, namely the Mobility Partnerships. This policy brief will explain the nature of the Mobility Partnerships and outline the opportunities which this new policy tool brings for the Netherlands.

The Mobility Partnerships as a tool of the Global Approach to Migration

The Mobility Partnerships should be understood within the broader framework of the tools available under the EU’s **Global Approach to Migration**. The Stockholm programme (which sets the policy priorities for the EU in justice and home affairs for 2009-2014) mentions four instruments for cooperation with third countries:

- Migration profiles for developing countries (containing information about the migration situation and related issues, such as the policy framework in place)
- Cooperation platforms (bringing together representatives of third countries and the EU to manage migration more effectively)
- Migration missions to developing countries (to strengthen the dialogue on migration issues)
- **Mobility Partnerships** (which may incorporate any or all of the above measures).

Aims of the Mobility Partnerships

The aim of the Mobility Partnerships is to “**identify novel approaches to improve the management of legal movements of people**”. The partnerships will be differentiated according to the partner country concerned, its relations with the EU, and the level of its commitment towards tackling illegal migration.

Commitments which would be expected from partner countries could include:

- Initiatives to discourage illegal migration through targeted information campaigns
- Efforts to improve border control including through



operational cooperation with EU member states and/or Frontex¹

- Efforts to improve the security of travel documents against fraud or forgery
- Commitments to promote employment and decent work

To those countries which are willing to make significant efforts to fight illegal migration, agree to readmit their own and third country nationals, and facilitate the reintegration of returnees, the **Mobility Partnerships offer assistance in the fields of combating illegal migration, promoting legal migration and strengthening the positive contribution of migration to development. Assistance could take the form of:**

- assistance to help develop their capacity to manage legal migration flows (for instance through twinning)
- improved opportunities for legal migration for their nationals
- measures to address the risk of brain drain and to promote circular migration or return migration
- and improvement and/or easing of the procedures for issuing short-stay visas to their nationals
- assistance to facilitate the return and reintegration of migrants

Selecting partner countries for Mobility Partnerships

The Commission's communication specifically builds on the Global Approach to Migration which initially focussed on Africa and the Mediterranean, but was extended in 2007 to cover the eastern and south-eastern regions neighbouring the EU. No regions are specifically mentioned in the communication on Mobility Partnerships, however in 2008 the Council stated that the implementation of the Global Approach should be aimed at

the south, east and south-east of the EU. The Commission's 2009 evaluation of the Mobility Partnerships states that the following **criteria** have been applied in selecting partner countries:

- geographical balance between Eastern Europe and Africa
- importance of migration flows from/through the country to the EU
- readiness to cooperate on readmission and the fight against illegal migration
- interest of EU member states to cooperate with the country
- interest of the partner country to enter into a Mobility Partnership

The Commission and member states together decide on partner countries - member states indicate which countries they would be interested in cooperating with, and the Commission holds exploratory talks in order to establish whether there is interest on the side of the partner country. On the basis of agreement in the High Level Working Group on Migration and Asylum (involving representatives of the member states from the capitals and in Brussels), the Council then issues conclusions in which it invites the Commission to open negotiations with that country.

Legal nature of the Mobility Partnerships

The Commission communication acknowledges that **Mobility Partnerships "will necessarily have a complex legal nature, as they will involve a series of components, some of which will fall in the Community's remit, and others in the Member States"**. While the Amsterdam treaty transferred many areas of migration and asylum policy to the community pillar of the EU, legal migration (decisions about whom to admit to the national territory) remains a national competence. In addition, the Mobility Partnerships will not be binding on all member states, but will only include those member states who are interested in participating. The communication also emphasises that the Mobility Partnerships must be consistent with the existing legal and political framework governing relations between the third country in question and the EU and its member states.

Pilot Mobility Partnerships

At the time of writing, **pilot Mobility Partnerships exist with Moldova, Cape Verde and Georgia.**

The agreements with Moldova and Cape Verde were agreed in May 2008 and signed in September 2008, and the agreement with Georgia was signed in November 2009. Each agreement consists of a political declaration and an annex of proposed projects. 16 member states signed the agreement with

¹ Frontex is the EU's border agency.

Georgia, 15 signed the agreement with Moldova, and four signed the agreement with Cape Verde. The **declarations** are structured around three central themes: mobility, legal migration and integration; migration and development; and border management, identity and travel documents, fight against illegal migration and trafficking in human beings.

Projects included in the Mobility Partnerships

Projects are proposed by EU member states, the Commission, or the partner country, or a combination of these actors. The **projects so far proposed** within the framework of the Mobility Partnerships have been divided into the following categories:

- monitoring migration flows
- consolidation of the partner country's national migration management system
- employment, management and facilitation of legal migration and integration
- information on legal migration and assistance for returning migrants
- labour migration schemes
- voluntary return and reintegration schemes
- mobility and short-stay visas
- visa and readmission
- links between migration and development, diasporas, money transfers, co-development
- asylum and immigration
- cooperation on border management, identity and travel documents and the fight against illegal migration and trafficking in human beings
- social protection of migrants and their families
- development of the labour market of the partner country

The agreement with **Moldova** includes 64 proposed projects. Examples of such projects include

- a proposal from Greece to organise a technical training workshop on residence permit and work permit legislation for civil servants from Moldova
- a proposal by the Commission to provide assistance on biometric passports
- a proposal by Moldova to consider strengthening the activities of the information centres for Moldovan migrants in the Moldovan diplomatic missions

The agreement with **Cape Verde** contains 31 proposed projects. These include:

- a proposal by Portugal to set up a common visa application centre for short-term visas in Cape Verde
- a proposal by the Commission to submit a recommendation to the Council of the EU for a mandate to negotiate an agreement on readmission with Cape Verde



- a proposal by Cape Verde and the participating member states to foster cooperation and partnerships between their hospital and research institutions, particularly with a view to strengthening the capacities of the Cape Verdean institutions

The agreement with **Georgia** contains 17 proposed projects. These include:

- a proposal by France to offer circular migration for students and young professionals
- a proposal by Bulgaria for a bilateral agreement on social security
- a proposal by Belgium to support the reintegration of vulnerable groups of migrants

Implementation of the Mobility Partnerships

The **Commission** coordinates the implementation of the Mobility Partnerships. Periodically, it produces a scoreboard for each Mobility Partnership indicating the initiatives being implemented and the responsible partners and implementation period. It also draws up fiches for the projects in order to determine the use of financial means. For each Mobility Partnership, one member state takes the lead in implementing the flagship initiative. For the Mobility Partnership with Moldova this is Sweden, for Cape Verde it is Portugal, and for Georgia it is the Czech Republic.

The communication clearly foresees a **role for governmental institutions in the EU member states** in implementing the Mobility Partnerships - these could, for example, be involved in twinning agreements with institutions in the partner country. The IND, for instance, is a partner in the Mobility Partnerships with Cape Verde, and DTV is a partner in the Mobility Partnership with Georgia.

The Commission's communication highlights that other organisations can also play a role, for example as implementing partners of the projects suggested. Although the communication refers to intergovernmental organisations or local/regional governments, it is not hard to imagine a role for **development or diaspora organisations**, among others, for instance in schemes to facilitate the economic and social reintegration of returning migrants. The Commission's 2005 communication on Migration and Development highlights the role of diaspora organisations. The 2009 evaluation of the Mobility Partnerships by the Commission foresees a role in coordination for NGOs and international organisations also active on migration in the partner countries.



Monitoring is ensured at EU level by a **taskforce** for each Mobility Partnership, consisting of the Commission and officials of member states - these taskforces ensure internal EU coordination. In order to implement the agreements at an operational level, each Mobility Partnership has a **local cooperation platform**. For Moldova, this was created specifically for the Mobility Partnership, and in Cape Verde the Groupe Local du Suivi (the local monitoring group of the Special Partnership between the EU and Cape Verde) performs this function (it is not yet known which body will perform this task in Georgia). These platforms bring together the relevant actors of the Mobility Partnerships to ensure complementarity and synergies between the various projects.

In terms of financial instruments, in 2007 the EU's Aeneas programme (which aimed to assist third countries in managing migration flows) was replaced by the **Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum**. Overall, the objectives of the thematic programme are (1) to foster the links between migration and development; (2) to promote well-managed labour migration; (3) the fight illegal immigration and facilitate the readmission of illegal immigrants; (4) to protect migrants' rights; and (5) to promote asylum and the international

protection of refugees. The Commission adopts an annual action programme for the Thematic Programme and issues a call for proposals on this basis. For 2009-2010, the budgetary allocation for the Thematic Programme is €70 million.

The **Netherlands** did not join the Mobility Partnership with Cape Verde from the outset, but joined later in 2008 (the Netherlands does not participate in the Mobility Partnership with Moldova). The Netherlands financed a needs assessment for Cape Verde (carried out by the International Centre for Migration Policy Development) in order to determine what Cape Verde's needs are in terms of migration policy. On this basis, the Netherlands is now financing a consultant to draw up the foundations of a Cape Verdean migration policy. The Netherlands is also taking part in the following proposed projects in the Mobility Partnership with Georgia:

- Offering free legal advice and psycho-social support to Georgian migrants returning to Georgia
- Supporting the Georgian authorities to design and implement a return and reintegration programme
- Supporting the temporary return of qualified nationals in the private sector
- Supporting the Georgian Civil Registry Agency
- Offering study visits for Georgian officials in the field of readmission and return policy

Evaluating the Mobility Partnerships

In September 2009, the Commission issued an **evaluation** of the Mobility Partnerships. This evaluation acknowledges that experiences with this new tool are limited in number as there are only a few partnerships being developed and these are still in the early stages of implementation. Therefore the evaluation focuses more on process than results.

In terms of selecting partner countries for Mobility Partnerships, there should be, first, a strategic reflection at EU level on priorities in the field of migration, and second, a clear stated interest from the potential partner countries in participating in a Mobility Partnership.

The Commission argues that the Mobility Partnerships are a promising tool which should be further developed - they have an appropriate legal framework and division of competences between the Commission, member states and EU agencies; they reflect the broad range of objectives and tools of the Global Approach; they offer a framework for coordinating migration issues, joint planning and synergies; and the existing partnerships have accommodated the priorities of both partner countries and the EU. On this basis, the Commission recommends extending the Mobility Partnership tool by applying it to two or three more countries. However, the

evaluation also emphasises that partnerships risk being a collation of new and already planned activities - instead, more effort should be made to ensure that the package offered to partner countries is an effective and coordinated offer, bringing added value to existing cooperation.

Opportunities for the Netherlands

The Commission's evaluation of the Mobility Partnerships highlights that EU member states are responsible for the implementation of current initiatives and proposing new projects. The Netherlands so far participates in the Mobility Partnerships with Cape Verde and Georgia.

- Migration has over the past few decades becoming an increasingly salient political issue, both internationally (as evidenced, for example, by international initiatives such as the United Nations High Level Dialogue on Migration and Development and the Global Forum on Migration and Development) and domestically here in the Netherlands. Mobility Partnerships are therefore particularly relevant as an **innovative tool for migration policy** that brings together a broad range of migration-related issues - legal migration, illegal migration and migration and development. The Netherlands has also adopted this broad view of migration - for instance the 2008 policy memorandum on International Migration and Development² emphasises that cooperation with third countries is an integral part of migration and asylum policy and makes a connection to the Millennium Development Goals. The priorities identified by this policy note (such as strengthening the relationship between remittances and development) are reflected in the aims of the Mobility Partnerships (for instance the Mobility Partnerships with Moldova and Cape Verde both have the facilitation of migrants' remittances as a general aim). This is thus an instance where **acting in cooperation with EU partners can contribute to Dutch policy aims** in a highly salient issue area.
- The Commission's evaluation of the Mobility Partnerships states that they have fostered **cooperation between different ministries** at the member-state level. Given that Mobility Partnerships are comprehensive tools covering illegal migration, legal migration and migration and development, they can incorporate projects which would fall under the remit of different ministries in the Netherlands - justice, foreign affairs, social affairs and employment etc. In the Mobility Partnership with Georgia, for instance, one project (co-financed by the Netherlands) aims to strengthen the institutional capacity of the Georgian authorities in the field of migration management. This falls under migration and development, and is therefore part of Dutch development cooperation; however, practical expertise will be provided

by the IND and DTV. The Mobility Partnerships therefore represent an opportunity for close cooperation between different Dutch ministries and greater coherence between their actions.

- However, other actors could also be involved in the implementation of projects under Mobility Partnerships. The Netherlands has already demonstrated this by requesting the International Centre for Migration Policy Development to carry out a needs assessment as part of the Dutch contribution to the Mobility Partnership with Cape Verde. **Non-governmental organisations could also be involved.** The policy memorandum on Civil Society Organisations³ (CSOs) begins by highlighting that "civil society has long been one of the principal channels of Dutch development assistance". Indeed, it goes on to emphasise that cooperation with CSOs is desirable in order to avoid a duplication of structures by the Dutch government and Dutch NGOs. The policy note entitled 'Our common concern: Investing in development in a changing world'⁴ highlights that migrants can be development actors - in 2006, migrants sent \$200 billion in remittances. Within the existing Mobility Partnerships, projects have been proposed which involve migrant organisations - for instance the Cape Verdean organisation Instituto das Comunidades.
- Naturally the Mobility Partnerships offer the opportunity for **joint actions with other EU member states** as well. There are several examples of joint projects in the Mobility Partnerships, for instance by Romania together with the Veneto region of Italy, who propose to design a financial instrument to encourage migrants to invest remittances in their local communities in Moldova. Cooperating in this way will make for **more cost-efficient operations**, and is in line with the Commission's suggestion (made in the evaluation of



² Beleidsnotitie 'Internationale Migratie en Ontwikkeling', 2008

³ Beleidsnotitie Maatschappelijke Organisaties: 'Samenwerken, Maatwerk, Meerwaarde', 2009

⁴ Beleidsbrief 'Een zaak van iedereen: Investeren in ontwikkeling in een veranderende wereld', 2007



Conclusion

As outlined above, the Mobility Partnerships represent an opportunity for the Netherlands to achieve Dutch migration and development policy aims in coordination with intergovernmental organisations, CSOs and other EU member states. Given the increasing political salience of migration as a policy issue, it is desirable to have an innovative tool in this area. The Mobility Partnerships, being balanced agreements between EU member states and partner countries, are precisely such a tool. The Commission has indicated that it wants to expand the use of Mobility Partnerships in the future (particularly to countries in Eastern Europe), and the Netherlands can therefore continue to profit from this new policy tool.

the Mobility Partnerships) that partner countries should be offered an effective and coordinated package of measures.

- In order to carry out projects within the Mobility Partnerships, **funding for projects is available at EU level**. The call for proposals for the Thematic Programme issued on the 31st of August 2009 includes a lot specifically for the development of Mobility Partnerships. The budgetary allocation for this lot for 2009-2010 is €4 million (€2.6 million for 2009 and €1.4 million for 2010). The Commission highlights that “a partnership among a number of organisations is strongly encouraged from the implementation point of view” and this will be a criterion used to judge applications for funding.
- At the Dutch level, **funding is available both from the Ministry of Justice and the Ministry of Foreign Affairs** (the Migration and Development programme, financed from the development cooperation budget). The policy memorandum on migration and development sets the amount available at €5 million per year, but this has since been increased and currently amounts to €9 million. This budget is to be spent in the forty countries with which the Netherlands has a development cooperation relationship, and/or Morocco, Angola and Iraq⁵. Grants should contribute to the policy priorities identified in the policy memorandum: focusing more on migration in the development dialogue and on development in the migration dialogue; fostering institutional development in migration management; promoting circular migration/brain gain, with an emphasis on labour migration; strengthening the involvement of migrant organisations; strengthening the link between remittances and development; and encouraging sustainable return and reintegration. Contributions from the Ministry of Foreign Affairs may be requested by international and non-governmental organisations in order to co-finance projects submitted for EU funding.



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⁵ Iraq replaced Sierra Leone in 2009.