



EUROPEAN COMMISSION

Ursula von der Leyen
The President

Brussels, 26 January 2023

Dear colleagues,

Migration is a European challenge for which we must provide a European response. Last year saw heightened demands on our migration management. Geopolitical instability, demographic trends and climate change intensify pressures further. The EU saw a major rise in irregular arrivals on routes across the Mediterranean and the Western Balkans, the highest figures since 2016. Migration management is also high on the list of issues where citizens expect a strong EU response.

Russia's war of aggression against Ukraine caused the largest forced displacement of people in Europe since the Second World War. The triggering of temporary protection for those fleeing Ukraine was as unprecedented as it was decisive. Nevertheless, the hosting of some four million people fleeing Ukraine continues to ask huge efforts from communities across the EU, first and foremost those closest to Ukraine, and the Commission will continue supporting them as a matter of priority.

The persistence of migration as a critical concern shows that only a major renewal of our legal framework can offer a strong and sustainable foundation for EU action – and that only common EU action can meet these challenges with European solutions. The risk of our response falling short will always remain until we have the New Pact on Migration and Asylum in place. The Pact will shift the dynamic from one where gaps and shortcomings hinder what we can do, to one where different workstreams are mutually reinforcing. Alongside the Pact, the Commission has made proposals to step up the EU's capacity to counter instrumentalisation, for new rules on transport operators engaged in smuggling and to strengthen our borders through a modernised Schengen Borders Code.

The Joint Roadmap of the European Parliament and Council Presidencies was a key recognition of the urgency of progress towards an agreement. Good progress has been made on the legislative work, and the Swedish and Spanish Presidencies should have our full support in driving forward to agreement before the end of this legislature.

But the imperative of agreeing a structural solution does not mean that we cannot act now. On the contrary, in recent years we have already deepened our border management and migration toolbox, with stronger agencies, greater resources, more targeted work on migration with key partners. We have been able to respond to sudden demands: with political interventions to tackle the instrumentalisation of migrants by Belarus and to drive visa alignment in the Western Balkans, with better coordination through the

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Solidarity Platform on Ukraine and the Voluntary Solidarity Mechanism, or with EU funding for Member States and key partners.

Work is ongoing on the implementation of the Action Plans on the Western Balkans and the Central Mediterranean, addressing the specificities of each of these routes. We will work on a more coordinated approach to search and rescue, with a view to facilitating better cooperation between Member States and vessels owned or operated by private entities. Migratory pressure on other routes such as the Western and Eastern Mediterranean will continue to be addressed. We will pursue efforts to ensure the full implementation of the EU-Turkey Statement. At the same time, compliance with current rules and standards must be ensured for the system to function well. To that end, the Commission and EU agencies will continue supporting Member States.

In the annex to this letter, I set out four areas where we can make a real difference in the immediate term. These operational measures would allow us to address recent pressures, help us be better prepared for developments this year and would lay the groundwork for the New Pact:

- ***Strengthening external borders** with the coordinated deployment of EU resources at strategic points, taking into account the differences between land and sea borders, as well as backing up our work with better intelligence and early warning. Key to this is also to work in a more targeted way with partners in the Mediterranean and the Western Balkans, to allow issues to be addressed closer to their source.*
- *Addressing the reality that delays and gaps in **border and return procedures** bear a real cost for the effectiveness of those policies. We can already look at ways to speed up border procedures, applying more systematically the safe third country concepts and use EU cooperation to help national efforts to boost return, including by recognising each other's return decisions.*
- *Linked to this is the need to **address secondary movement and ensure effective solidarity**. Focusing on the implementation of the Dublin Roadmap will help reduce the incentives for secondary movement allowing Member States to work better together. Moreover, support to Member States under the most pressure should be intensified, including through effective relocation using the Voluntary Solidarity Mechanism, which should act as precursor for a permanent mechanism.*
- *Stepping up work with **partners to improve migration and return management**. In our external funding, we are significantly exceeding the target of 10% for migration-related spending. This year border management and anti-smuggling projects in North Africa and Western Balkans will exceed half a billion euros. Bringing together the various aspects of EU relations will allow us to leverage progress on migration as a central part of broader relations with key partners. Setting the right incentives with a whole-of-government approach across different policy areas is crucial to underpin engagement with partner countries, with an important focus on Africa.*

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These operational measures have a shared thread: their effectiveness depends on how well we work together. That can mean sharing personnel and equipment, providing solidarity, and speaking with one voice to our partners. A readiness to collaborate and share information will help us all to have a good picture of the situation, ensure a coordinated response and increase our effectiveness in preventing irregular migration. Recognising that working together to ensure faster asylum and return procedures, raise standards of reception, and improve solidarity measures benefits us all.

This approach will be fully embedded once the New Pact on Migration and Asylum is in force. But we can send a strong message from the European Council: that this year, we can already make huge strides towards mutual trust and mutual support, the foundations for a dynamic and successful common EU approach on migration.

I look forward to our discussion.

Yours sincerely,

A handwritten signature in blue ink, reading 'Ursula v. d. L.' with a stylized flourish at the end.

Ursula von der Leyen

OPERATIONAL MEASURES

I. External borders

The EU has a common interest in strong external borders. This requires ensuring early warning and deploying all means for constant and effective border management, while being able to adapt and react to targeted pressure. Registration of third country nationals arriving irregularly at the EU's external borders is necessary for an orderly system and for the EU's security.

1. Strengthening key external borders through targeted Union measures, combining Frontex deployments of personnel and equipment, mobilisation of EU funds to support Member States in reinforcing border control capabilities and infrastructure, means of surveillance and equipment and bilateral funding (including through the voluntary solidarity mechanism). The Bulgaria-Türkiye border to be a priority, open to the involvement of other interested Member States.
2. Reinforcing support for border management in partner countries:
 - Reinforced regional cooperation in the Mediterranean to strengthen coordination of search and rescue capacities and border surveillance at sea and land borders of Tunisia, Egypt, and Libya. Increased support for equipment and training will be provided. This will complement continued support to UNHCR and IOM to assist these countries to build their capacity for asylum and reception of those in need of international protection. Work with North African countries and IOM to return people with no right to stay.
 - Deployment of border guards from Frontex and joint patrols to support border management in the Western Balkans through the conclusion of updated status agreements with Albania, Montenegro, Serbia and Bosnia and Herzegovina. This should be complemented by specific support from Frontex and Member States on return.
3. Achieving 100% registration of irregular arrivals of third country nationals at external borders through an assessment by the Commission, in cooperation with Member States, of the state of registration, identifying key measures to reach that objective.
4. The Commission will work with Member States and agencies to develop a common EU situational awareness and improve early warning and operational response, by combining information from sources to include intelligence services and an accelerated deployment of the European border surveillance system.

II. Border procedure and expedited returns

The effectiveness of the current legal framework is hampered by delays in the asylum and return procedures. Fast and fair handling of asylum claims, including at the border, and expedited returns support the efficiency and the credibility of migration and asylum rules. The EU Return Coordinator and the High-Level Network will coordinate Member States'

operational actions and ensure the implementation of the operational strategy on returns to bring improvements in the return rates.

5. Pilot scheme, in the first half of 2023, with interested Member States, focusing for instance on external land borders, to apply an accelerated border procedure to cover screening (identification), fast asylum procedure (safe third country/first country of asylum, safe country of origin, and security grounds) and immediate return. This would be supported by Frontex, the EU Asylum Agency and Europol.
6. Mutual recognition of return decisions and expedited return procedures: a recommendation by Spring 2023 to use a new feature in the Schengen Information System to identify where someone has already received a return decision by a Member State and to recognise that decision, and to make full use of the existing legal framework to expedite returns.
7. The EU should have common lists of Safe Third Countries and Safe Countries of Origin. The Commission and the EU Asylum Agency will support the co-legislators to establish such lists. In the meantime, to support Member States in using existing options on safe third countries and safe countries of origin more efficiently, the EU Asylum Agency will conduct a mapping of the state of play and provide guidance to increase the use of these principles.

III. Addressing secondary movements and ensuring effective solidarity

An orderly system that guarantees effective protection for those in need across the EU relies on convergence between reception, asylum and return systems of the Member States. At the same time, Member States confronted with immediate pressure should be supported operationally, financially and through relocation using the voluntary solidarity mechanism. The Commission and EU Agencies will continue stepping up support to Member States under pressure.

8. The EU Asylum Agency will develop an overview by mid-2023 and report regularly on the reception conditions for asylum seekers, including on detention, in all Member States. The Commission and the Agency will also provide technical assistance to Member States to ensure compliance with reception standards and social assistance requirements.
9. To ensure implementation of the Voluntary Solidarity Mechanism, participating Member States – based on the improvements identified by the Commission – should agree on a significant simplification of the existing relocation processes in the first quarter of 2023 and accelerate pledging, including alternatives to relocation such as financial contributions. The Commission will use the Solidarity Platform to coordinate the matching of pledges with the needs of Member States.
10. Work on the full implementation of the Dublin Roadmap, with the support of the EU Asylum Agency, will be taken forward as a priority to address bottlenecks in the implementation of Dublin transfers. The Commission will monitor this work closely.

IV. Working with partners to improve migration and return management

Migration should be built in as a core issue in a comprehensive approach to the EU's relations with partner countries. Overall, relations with partners need to reflect a balance which includes results in reducing irregular departures and stepping up return, while recognising the interests of partner countries and addressing root causes of irregular migration through strategic engagement and investment to support education, create business opportunities and foster job creation. Leverages from different policy areas including visas, trade, investment, funds to incentivise cooperation and legal migration opportunities send clear signals to partners about the benefits of cooperating with the EU and should be used to the full.

11. Central to the EU's work of deepening overall relations with key partners such as Bangladesh, Pakistan, Egypt, Morocco, Tunisia, and Nigeria is to put in place specific initiatives on migration management, in particular to improve returns and readmission, including by increasing returns from the third countries along the route, and to prevent departures. These will include ambitious legal migration pathways, such as Talent Partnerships, boosting international mobility and the development of skills in a mutually beneficial way.
12. The Commission will launch new anti-smuggling partnerships with Tunisia and Egypt in 2023, building on those in place with Morocco, Niger, and the Western Balkans, with the support of Europol and Eurojust. Regional initiatives should include joint operational teams with prosecutors and law enforcement authorities of Member States and partners. The Commission will also advance Frontex agreements with Mauritania and Senegal.
13. The Commission will complete work in the first half of 2023 on a targeted toolbox of measures to ensure that transport operators do not facilitate irregular migration, including through targeted outreach to transport operators.
14. The Commission will work with Member States to ensure a targeted use of resettlement and complementary pathways along the main migratory routes and provide new funding to expand safe and legal avenues for protection.
15. To attract skilled workers to the EU, particularly in new technologies, and to facilitate the recruitment process including through easier recognition of skills and qualifications, the Commission will present new initiatives by the end of 2023, and it will develop a new online platform to support employers in finding talent that matches labour market needs.