

BUILDING MIGRATION PARTNERSHIPS

PRAGUE MINISTERIAL CONFERENCE

DRAFT JOINT DECLARATION

We, the Ministers responsible for migration and other representatives from: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kosovo/UNSCR 1244/1999, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, the United Kingdom, Uzbekistan and the European Commissioner responsible for Migration,

Gathered, at the invitation of the Czech Republic, in Prague on 27 and 28 April 2009, within the framework of the Ministerial Conference on “Building Migration Partnerships”,

Thank the Czech Republic, as host country, for the excellent organisation of the Conference and for its hospitality, as well as for its timely initiative,

Thank the Republic of Turkey and Romania for the excellent organisation of preparatory meetings in Antalya and Bucharest,

Thank Hungary, Poland, the Republic of Moldova, Romania, Serbia, Slovakia and Ukraine for their active commitment, and in particular for facilitating discussion at the preparatory meetings,

Aware that in a globalised world, developments in our countries are intrinsically linked with those in other parts of the globe and that only the development of effective and targeted partnership allows for sustainable and successful planning and implementation of migration policies,

Taking note of the European Union’s comprehensive approach to migration policy as defined in the European Pact on Immigration and Asylum and the Global Approach to Migration based on the three pillars and the instruments developed for its implementation, as well as the

European Neighbourhood Policy, and Stabilisation and Association Process, Black Sea Synergy and European Union Strategy for Central Asia,

Taking note of the strategies and the legal basis established and the affirmative measures taken within the frameworks of the Commonwealth of Independent States (in a format of the interested states), the Euroasian Economic Community, the Collective Security Treaty Organisation and the Shanghai Cooperation Organisation in migration management, the fight against illegal migration and other issues relating to joint consideration and decision in this area,

Committed to deepening cooperation on migration between our countries in a comprehensive and balanced way, in regional, subregional and bilateral formats, according to priorities of the partners, addressing the issues of legal migration, fighting illegal migration, and fostering synergies between migration and development,

Bearing in mind the existing frameworks for cooperation between our countries on migration issues, and taking into account existing practices with regard to cooperation, established by regional and subregional consultative processes and formats such as the Budapest Process, to ensure coherence, to make use of synergies, and to avoid duplications between these processes,

Convinced that well-designed and coordinated migration policies are beneficial to all parties involved, including individual migrants, not only in response to demographic developments, but also in contributing to social and economic development,

Conscious that sustainable management of migratory flows and a comprehensive response to emergency situations, sudden and large-scale migration flows and humanitarian crises cannot be achieved through national policies alone, but require comprehensive policies and actions that are coordinated between countries linked by these flows,

Bearing in mind that the further development of migration management along the relevant migratory routes needs to take into account the specific situation of transit countries as well as the challenges posed by intra-regional migration, and needs to strengthen existing intra-regional cooperation to address these challenges,

Aware of the existing diversity in migratory flows according to their respective origins, the need to approach these flows in a constructive and pro-active way and to develop tailor-made approaches in responding to the respective challenges and opportunities according to the migration priorities and interests among our countries,

Observing that the current international economic crisis is having an impact not only on the size and structure of migratory flows but also on the level of remittances,

Recognising the joint responsibility not only in terms of comprehensive and cooperative migration management on the part of countries of destination, countries of origin and transit countries, but also towards the people migrating between these countries, and bearing in mind that migration management must be in full compliance with the fundamental rights and human dignity of migrants, while taking into account the specific needs of the most vulnerable categories of migrants such as women and children, and give particular attention to integration policies and to decent work for migrants,

Aware of the need to provide international protection to those seeking asylum in accordance with international law and humanitarian obligations and bearing in mind the need to constantly observe the binding standards of international law concerning human rights, fundamental freedoms and human dignity,

Reaffirming the commitment to promote gender equality and women's empowerment in migration policies,

Convinced that well-managed labour migration can represent not only one of the sources of economic and social prosperity not only in countries of destination, particularly when labour migration policies are implemented in full compliance with the labour market needs, reception capacities and priorities of countries of destination, but also a force for economic, cultural and social development in countries of origin,

Aware of the need to take better advantage of the potential of migrants as a powerful resource for the development, modernisation and innovation of our societies in the countries of origin and destination through adequate social policies, particularly in the fields of education, health, employment, social assistance and integration,

Aware of the need to further develop policies in a partnership approach, promoting mobility and "brain circulation" between countries of origin and destination, avoiding the loss of skills and know-how in the countries of origin ("brain drain") as well as the loss of the added value of migrants' skills and know-how for countries of destination ("brain waste"),

Recognising that the further development of policies on return, readmission and reintegration in a spirit of partnership among the countries involved forms a subject of common interest and is a fundamental part of well-functioning migration policies, including fight against illegal migration,

Affirming that continuous joint action must be taken against illegal migration and the criminal networks behind human trafficking and smuggling, while respecting the fundamental rights and human dignity of migrants and offering protection and rehabilitation to the victims of trafficking by implementing the relevant protocols of the UN Convention on transnational organised crime of 15 November 2000,

To this end we agree to strengthen co-operation in migration management, to explore and develop agreed principles and elements for close **migration partnerships** between our countries, following a comprehensive, balanced, pragmatic and operational approach, and respecting the rights and human dignity of migrants and their family members, as well as of refugees:

(a) This approach is based on the strong conviction that the management of migration in the regions concerned is facilitated by genuine and balanced partnerships, designed to promote sustainable economic and social development while ensuring security and social cohesion.

(b) These partnerships between countries of origin, transit and destination aim to ensure that migration policies offer concrete and comprehensive responses to migration challenges, in order to promote effective management of migratory flows and to explore the implementation of the measures outlined below, on a voluntary basis and according to the specific nature of the partners' migratory situation and their ensuing national priorities.

(c) These partnerships should contribute to fulfilling the obligations towards refugees resulting from international documents by which countries are bound, such as the Convention relating to the Status of Refugees of 1951 as amended by the Protocol of 1967, in particular with full respect for the principle of *non-refoulement*, and of the obligations towards other persons in need of international protection resulting *inter alia* from the European Convention for the Protection of Human Rights and Fundamental Freedoms, and promote protection, assistance and durable solutions for these persons.

(d) These partnerships will take different forms according to migration challenges, migratory routes and priorities of the partners. They will address the following **objectives**: to prevent and fight illegal migration, to promote readmission, voluntary return and sustainable reintegration, to address legal migration with a special emphasis on labour migration, to further promote the integration of legally residing migrants in their host societies, and to make migration and mobility positive forces for development.

(e) New forms of cooperation, developed under the Global Approach to Migration, may be used for the further promotion of these partnerships.

(f) These partnerships will address the issue of **preventing and fighting illegal migration**, in particular by:

1. intensifying cooperation at operational level and fostering multi-agency approaches and comprehensive responses to the challenge of illegal migration,
2. intensifying cooperation on investigating and countering cross-border crime,
3. further strengthening border and immigration control and cooperation in the context of integrated border management, fostering the use of modern technologies for detecting irregular migrants and the organisers of illegal migration movements (smugglers and traffickers) and for detecting forged and falsified travel documents, while at the same time facilitating border crossing procedures for travellers who fulfil the conditions of entry,
4. jointly promoting the further introduction of biometrics in travel documents with full respect for privacy and human dignity,
5. improving information exchange and enhancing operational cooperation with institutions such as Frontex and Europol or with other structures operating in the relevant fields,
6. improving information exchange between responsible authorities on migration flows and fostering the development of common standards between countries on information collection and information sharing in full respect for data protection legislation,
7. improving consular and visa cooperation and cooperation with migration authorities in countries of origin, including cooperation and coordination between Immigration Liaison Officers and the host country,
8. fighting the smuggling of migrants and trafficking in human beings and combating the criminal networks behind these and other types of migration-related crime as well as ensuring action against corruption while promoting assistance and protection for victims of trafficking,
9. raising awareness among potential migrants on the requirements for legal entry and stay as well as on the dangers and consequences of illegal migration and human trafficking,
10. addressing the issue of overstaying and other forms of visa and residence permit misuse and developing targeted and joint action to tackle this significant type of illegal migration,

11. placing particular emphasis on the further coherent implementation of already existing commitments and agreements between the partners, such as visa facilitation and readmission agreements.

(g) These partnerships will address the issue of promoting **readmission, voluntary return and sustainable reintegration, in particular** by:

1. prioritising voluntary return as an effective, appropriate and humane instrument in the field of return and readmission and further promoting targeted reintegration measures and possibility of reintegration assistance in countries of origin,

2. pursuing, at the same time, policies to ensure the return of irregular migrants to their home countries, and to ensure the obligation of countries of origin to effectively readmit their nationals, especially by negotiating and concluding readmission agreements covering both their own and third country nationals and by ensuring the implementation of agreements already in existence,

3. deepening cooperation between countries of destination, transit and origin along migratory routes by developing and implementing joint programmes for capacity building in migration management and promoting operational cooperation on return and readmission,

4. guaranteeing return in a humane manner and with full respect for the fundamental rights and human dignity of returnees,

5. developing, at the same time, programmes to support and improve the administrative capacities of countries of origin to receive, accommodate and reintegrate returned migrants in a sustainable manner,

6. improving cooperation on migrants' identification issues,

7. enhancing cooperation between countries of origin and destination on policies fostering sustainable return and reintegration,

8. promoting, where appropriate, cooperation with competent international organisations in effecting return policies.

(h) These partnerships will address the issue of **legal migration, with a special emphasis on labour migration, in particular** by:

1. acknowledging the competence of states to determine the volume of persons to be admitted to their labour markets for work purposes,

2. making more effective use of the potential of labour migration and its beneficial effects on the development of countries of origin and countries of destination, while taking into account different labour market needs and priorities,
3. promoting policies which foster circular and temporary labour migration and improving the exchange of know-how, “best practices” and “lessons learnt” regarding current labour migration programmes,
4. supporting mobility of students and researchers, and providing for fair and transparent tools to exercise the right for family reunification in accordance with the applicable legislation,
5. improving the dissemination of information and awareness-raising among potential labour migrants on existing labour migration opportunities as well as on the risks involved in illegal migration and exploitation,
6. improving the capacity of employment services and other relevant stakeholders to provide better advice to prospective migrants on legal employment opportunities abroad and better assistance to return migrants to reintegrate into their domestic labour markets,
7. promoting the matching of the labour market offers and skills between countries of origin and countries of destination and further developing policies on the mutual recognition of professional skills and qualifications,
8. examining ways to develop targeted administrative admission procedures in full compliance with the labour market needs and priorities in countries of destination,
9. taking firm action against all forms of exploitative employment and undeclared work of both legal and irregular migrants, also by implementing effective sanctions for employers of illegal foreign workers.

(i) These partnerships will address the issue of promoting the **integration of legally residing migrants** in host societies, in particular by:

1. emphasising pro-active integration policies for legally residing migrants and combating all forms of exclusion and discrimination, as well as xenophobia, racism and related intolerance against migrants,
2. emphasising, at the same time, that integration is to be understood as a mutual process, requiring the involvement of both migrants and host societies and based on balance between migrants' rights and duties,

3. enhancing the opportunities for legally residing migrants to develop appropriate skills,
4. further promoting “pre-departure” integration training in countries of origin, complementing society introduction courses in countries of destination, such as language training, orientation courses, knowledge of the fundamental values in the country of destination, and training on migrants’ rights and obligations,
5. enhancing the involvement of social actors such as migrant diasporas, associations, and civil society organisations in the development and implementation of integration policies, taking into account the cultural diversity of migrants.

(j) These partnerships will address the issue of **making migration and mobility positive forces for development, in particular** by:

1. ensuring coherence between development and migration policies,
2. exploring ways to foster circular migration, skills matching and educational exchange between countries of origin and destination,
3. taking into account the objectives of development policies in migration policies and initiatives related to migration management,
4. exploring possibilities for increasing the "brain gain" effects of return in countries of origin,
5. promoting policies which create productive job opportunities in countries of origin in order to tackle the root causes of emigration flows more effectively,
6. promoting policies which foster labour rights, social welfare and social dialogue,
7. encouraging financial, political and other support for migrants and their family members to invest remittances in countries of origin, including infrastructure and the economy, with full respect for the private nature of remittances, and utilising cooperation programmes as appropriate,
8. exploring ways to strengthen the financial and banking sectors in countries of origin, to build the basis for targeted migrants’ investment and to promote the link between remittances and micro-finance,
9. fostering the use of new technologies for facilitating safe and expeditious transfer of remittances with minimum restrictions in conformity with applicable legislation, notably with respect to the fight against money laundering,

10. acknowledging the important role of diasporas, and strengthening the dialogue with migrant communities in countries of destination on the further promotion of functioning policies on migration and development,

11. encouraging the involvement of diasporas in development by promoting the transfer of knowledge and skills to their countries of origin, by various means including setting up temporary return programmes.

(k) These partnerships will be pragmatic and operational. To this end the component elements of the partnerships will be jointly drawn up and analysed with a view to facilitating their integration in future joint cooperation.

(l) The development of partnerships will be based on the implementation of this Joint Declaration, according to priorities of the partners, comprehensive mapping and an inventory of the Best Practices of successful partnership policies, as well as on an impact assessment of the concrete effects of these policies.

(m) The development of partnerships will be based on the concept of “migratory routes”, will examine trends and developments along the relevant migratory routes and will analyse and present related data in the form of an IT-based information gathering and exchange tool.

(n) In full awareness of our shared responsibilities in ensuring the implementation of migration partnerships, we commit ourselves to addressing the challenges and opportunities of international migration and to integrating the elements of migration partnerships into our strategies, policies and actions, while preserving the comprehensive and balanced nature of the approach.

With regard to this and to the follow-up, we mandate our senior officials to further elaborate the agreed principles and elements for our migration partnerships, including an impact assessment for those elements which have already been implemented, and we propose to organise a second Ministerial Conference in due time.
