



EASO External Action Strategy

“There is an increasing demand by Third Countries of cooperation with EU agencies.”

Commissioner Cecilia Malmström, Letter to JHA Agencies, June 2012

1. Introduction

This strategy defines the approach and general framework within which EASO will develop its work related to the external dimension of the Common European Asylum System (CEAS), hereinafter called EASO External Action.

Migration and asylum are central to the political debate in the European Union (EU) and have increasingly gained importance as strategic priorities in EU external relations. The Lisbon Treaty offered new possibilities for the EU to act more efficiently in external relations.

The successful implementation of the CEAS primarily depends on Member States (MS) and on their asylum and reception systems, which EASO continuously supports. However, it is common understanding that the external dimension of CEAS is vital. Only if the EU works with Third Countries (TCs), can the CEAS be effective in enhancing worldwide the protection of people in need and in showing solidarity with TCs in managing migration flows.

The integration of concerns related to migration and asylum within the external policy and EU programmes forms part of a comprehensive effort to address migration issues in a coherent and efficient way at EU level. Partnership with TCs on these issues also aims to strengthen the rule of law and to promote respect for human rights and international obligations. Finally, being transnational, the internal and external dimensions of migration and asylum policies are clearly interconnected and the link should therefore be strengthened by measures which can support both dimensions.

2. EASO's role in the external dimension of the CEAS

The political and legal framework for EASO's External Action is already in place. First, the EU external policy for the Justice Freedom and Security (JFS) area has migration and asylum within its priorities. Second, the

priorities set in the Global Approach to Migration and Mobility (GAMM)¹ present an explicit requirement for the EU to act. Third, one of the three pillars of the CEAS has, as an objective to increase solidarity and sense of responsibility among MS, and between MS and TCs.

To implement these political priorities, the unambiguous Article 7 of the EASO Regulation² (hereinafter called the Regulation) gives the Agency the mandate to coordinate the exchange of information and other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the CEAS. Pursuant to its mandate, and in accordance with Article 49, EASO in agreement with the European Commission (COM) seeks cooperation with competent authorities of TCs in technical matters, in particular with a view to promoting and assisting capacity building in the TCs' own asylum and reception systems and implementing Regional Protection Programmes (RPPs), and other actions relevant to durable solutions.

Finally, EU Justice and Home Affairs (JHA) Agencies are playing a significant role by supporting the implementation of the EU's external actions in the JFS field.

Bearing in mind that the main objective remains to protect those in need, EASO's overarching aim for its external action could be defined as "to strengthen asylum and reception capacity in TC in order to better protect asylum seekers, to facilitate the resettlement by MS of refugees from TCs to the EU and to cooperate with TCs in matters connected with EASO's duties and activities".

3. Underlying principles of EASO's External Action

In line with its Regulation, EASO's External Action will be guided by the following principles:

¹ COM (2001) 743 final

² (EU) 439/2010 of 19 May 2010

1. EASO External Action shall be in line with the overall EU external relations policies and priorities, the Global Approach to Migration and Mobility (GAMM), the European Neighbourhood Policy (ENP), the EU enlargement strategy and shall be implemented within the framework of the EASO Regulation;
2. EASO External Actions shall contribute to increased solidarity and sense of responsibility among MS, and between the EU and TCs;
3. EASO External Action will be based on partnership with TCs to tackle common challenges and ensure sustainability of assistance;
4. The primary aim shall be to improve asylum and reception capacity in TCs in order to better protect asylum seekers and refugees;
5. EASO shall develop appropriate strategies for delivering tailor made support to specific situations of TCs concerned;
6. EASO External Action shall provide added value and shall not duplicate efforts carried out by other partners and stakeholders;
7. EASO shall engage in actions within the external dimension of the CEAS when it is best placed to bring added value in line with its role as a centre of expertise on asylum and reception;
8. EASO shall act in agreement with the COM and in accordance with the institutional set up foreseen in the EASO Regulation when defining the priorities for its operational activities in line with the overarching EU external policy needs;
9. EASO shall work in close cooperation with MS, the European External Action Service (EEAS), the EU JHA Agencies, and where relevant, in partnership with UNHCR, IOM and other relevant actors whose contribution can improve the outcome of the specific support measures;
10. EASO shall use and further develop existing tools and methodologies by MS, COM, the EEAS, the EU JHA Agencies, IOs, and civil society, and endeavour to take them a step further, adjusting them to fit country specific needs and situations;
11. EASO External Action shall be monitored and evaluated to assess progress made in the TCs concerned and to assess the relevance of the action for its overall objective;
12. EASO External Action in the first years shall mainly focus on the enlargement countries and the Western Balkans as well as the European Neighbourhood partners, the Russian Federation, and countries included in RPPs.

4. The Framework of EASO's External Action: the Global Approach to Migration and Mobility (GAMM) and the European Neighbourhood Policy (ENP)

4.1. Global Approach to Migration and Mobility (GAMM)

The main framework for addressing the external dimension of migration and asylum at EU level is the Global Approach to Migration and Mobility (GAMM). The GAMM designs a consistent, systematic and strategic policy framework for the EU relations with all relevant TCs and sets the priorities for the EU action in this field.

The GAMM includes 4 pillars:

1. Organising and facilitating legal migration and mobility.
2. Preventing and reducing irregular migration and trafficking in human beings.
3. Promoting international protection and enhancing the external dimension of asylum policy.
4. Maximising the development impact of migration and mobility.

The third pillar exclusively refers to the promotion of international protection and enhancement of the external dimension of asylum policy, which EASO has been mandated to support.

4.2. The European Neighbourhood Policy (ENP)

Migration and asylum are part of the bigger policy framework of the European Neighbourhood Policy (ENP), through which the EU seeks to reinforce relations with neighbouring countries to the east and south in order to promote prosperity, stability and security at its borders.

5. Geographical priorities for EASO External Action

EASO External Action will focus on key EU partners. Below follows a non-exhaustive list of countries with which EASO could engage in external action:

- the Enlargement Countries and the Western Balkans,
- the European Neighbourhood partners,
- the Russian Federation,
- countries included in RPPs,
- countries with which the EU is negotiating or has concluded a Mobility Partnership on Migration, Mobility and Security,
- countries of the Prague Process, Rabat Process and Budapest Process,

Specific attention will be given to countries mentioned above that are countries of origin, transit and return.

Prioritisation of EASO's External Action will be carried out on the basis of the priorities set at EU level. In this context, EASO will establish a series of relevant criteria to determine priority countries for its external operations.

EASO will contemplate external actions outside these priority areas in exceptional circumstances.

6. Forms of EASO External Action

In line with the Regulation, EASO External Action may take one or more of the following forms. This list is not exhaustive:

1. supporting implementation of RPPs currently coordinated by COM, and other actions relevant to durable solutions in TCs;
2. providing EASO training (EASO Training Curriculum and ad hoc training) to competent authorities in TCs;
3. exercising a coordination role by developing practical cooperation actions, in cooperation with COM and relevant partners, on resettlement activities undertaken by MS with a view to meeting the international protection needs of refugees in TCs and showing solidarity with their host countries. Resettlement is one of the key measures for internal and external solidarity that EASO is mandated to coordinate;
4. supporting capacity building in TCs' asylum and reception systems, in particular their capacity to provide effective protection, through access to tailor made solutions;
5. Providing policy related input and advice to MS, COM and EEAS on the asylum situation and needs in TCs.

7. Methodology for the implementation of EASO's External Action

In delivering external support, EASO will use methodologies and tools similar to those that are usually applied in delivering EASO support to EU MS.

EASO External Action can be initiated for various reasons. The implementation will follow a number of key steps during which EASO will consult, work and communicate with relevant partners and stakeholders.

7.1. Triggers for possible EASO External Action

In line with the growing importance of asylum on the international agenda, EASO External Action could be initiated as a result of one or more of the following triggers:

- A specific COM request;
- A request by the EASO Management Board;
- A request by the Council of Ministers of the EU;
- A specific request by the European Parliament (EP);
- A request from individual MS;
- A request from a TC identified in the EASO list of priority countries.

The EASO Early warning and Preparedness System (EPS) could provide EASO timely and effective information that would allow the identification of specific needs in TCs. In this case, the EPS would inform EASO's consideration about a possible action in a TC.

Furthermore, Country of Origin Information (COI) could also represent an important source of information. Accurate, balanced, relevant and up-to-date information on asylum seekers' countries of origin and countries of transit could facilitate determining priority countries for EASO cooperation.

Relevant reports by MS, EU institutions, IOs and civil society could be used to substantiate the need for an EASO External Action.

EASO will always act in agreement with the COM before engaging in External Action within the framework of its Regulation.

7.2. Implementation of EASO's External Actions

- For each external action, where relevant, EASO will draft a specific External Action Plan in cooperation with the TC concerned;

- EASO will agree with COM on the objectives of the plan and will inform the EASO Management Board accordingly. COM might decide to associate also the EEAS, given its specific mandate and expertise;
- The implementation of the External Action Plan will be constantly monitored and evaluated;
- EASO Centres will provide their input to the specific external actions under the coordination of the Centre for Operational Support to ensure that individual actions are coherent and consistent with the scope and framework of the specific External Action Plan and the overall EASO External Dimension Strategy;
- EASO shall use both its staff and MS experts when delivering support to TCs;
- Where necessary, EASO will seek the support of the COM, EEAS, other relevant EU JHA Agencies, and IOs on its External Action;
- EASO will organise regular briefings to the MS, COM, EEAS, relevant EU JHA Agencies and IOs on the progress made concerning each External Action carried out by EASO.

7.3. EASO External Action network

EASO will set up a network for communication with MS, COM, EEAS, relevant EU JHA Agencies, and where relevant, IOs concerning matters related to EASO's External Action. EASO will in principle aim to organise two meetings per year for this network.

The activities of the network will be reported to the EASO Management Board.

8. Funding for EASO External Action

EASO's External Action could be funded by:

1. EU contribution to EASO budget (amount allocated to external dimension decided by EASO in its annual work programme)
2. MS' voluntary contribution to EASO
3. Contribution to EASO by Associate Countries (Norway, Lichtenstein, Switzerland, Iceland)
Special funds from the Asylum and Migration Fund or other sources for specific ad hoc purposes,
5. The EU External Aid Instruments are the main sources of funding to support TCs' capacity building including in the areas of migration and asylum.

9. Cooperation between EASO and the COM

DG Home Affairs naturally constitutes a key partner for EASO in its work on the external dimension of the CEAS. Prior to engaging in any external action, EASO will act in agreement with its partner DG both to ensure that the action is in line with EU external priorities and to avoid duplication. EASO will also cooperate with DG Home on RPPs, which are currently under the responsibility of DG Home Affairs and on resettlement. DG DEVCO and ECHO (European Commission Humanitarian Aid and Civil Protection) will also be involved as appropriate in the definition and implementation of EASO External Action.

The main partners for EASO in implementing its External Action will be the MS, COM, in particular DG Development and Cooperation (DEVCO) and DG Home Affairs, and the EEAS together with the EU Delegations in TCs, EU JHA Agencies, and IOs.

10. Cooperation between EASO and MS, the EEAS, EU JHA Agencies, and partnership with UNHCR, IOM and other relevant stakeholders in the implementation of the external dimension of the CEAS

10.1. Member States (MS)

EU MS in line with their external policies, within the framework of the CEAS, have on-going cooperation with TCs in the field of asylum. For some MS the cooperation with TCs may be triggered by immediate needs and sometime by historical and political reasons. Usually MS actions are complementary to the EU action in the field of asylum and may take the various forms such as bilateral agreement, twinning programme, and technical assistance to TCs.

EASO External Action will provide added value and measures will be put in place to avoid duplication of efforts conducted by individual MS, COM, EEAS, other EU JHA Agencies and stakeholders. Where deemed relevant and when synergies can be achieved, EASO could consider partnering with individual MS, COM, EEAS, EU JHA Agencies and/or IOs to provide support to specific TCs. MS have significant political, financial and operational resources that could be used alongside EASO's resources to work towards a common objective.

While being fully committed to its External Dimension Strategy, the commitment of MS and their involvement is imperative to the success of EASO actions undertaken within the context of the external dimension of the CEAS.

10.2. European External Action Service (EEAS)

Another partner for EASO on the external dimension is the EEAS. The strategic cooperation between EASO and the EEAS will be discussed and agreed with DG Home Affairs. Within this framework, EASO will

inform EEAS of its overall planned external activities. Moreover, for programming purposes, the EU delegations in TCs will be valuable sources of information to EASO on political and thematic developments in the relevant TCs and on ongoing EU and MS funded projects in the field of asylum and migration as well as a possible channel to government contacts.

Possible other areas of cooperation between EASO and EEAS could also include data collection and information sharing on Countries of origin, Countries of transit and Countries of return of irregular immigrants. EASO also produces common COI which is a major source of qualitative information used by MS' decision makers in the asylum determination process. Cooperation between EASO and EEAS in both these fields could be mutually beneficial. Moreover, cooperation with EEAS could support EASO in establishing a series of relevant criteria to determine priority countries for its external operations.

10.3. Other EU JHA Agencies

In achieving the EU's objectives in the JFS domain, EU JHA Agencies are collectively playing a significant role by supporting the implementation of the EU's external actions.

Like EASO, other EU JHA Agencies, possess not only the external cooperation legal mandate, but also have the appropriate expertise in some of the key JHA fields since they are permanently pooling from EU MS and international practices, standards and knowledge in order to achieve excellence.

EASO has therefore established an excellent working relationship with Frontex, Fundamental Rights Agency (FRA), and Europol within the interagency network and also on an operational level. EASO has also signed a Working Arrangement with Frontex and FRA.

10.4. International Organisations and other stakeholders

Traditionally, IOs such as UNHCR and the International Organisation for Migration (IOM) and Civil Society Organisations (CSOs)

have been mostly involved as implementing partners in EU funded projects related to migration and asylum in TCs.

Civil society operating in the field of asylum is characterised by a considerable number of active and diverse organisations at local, regional, national, European and International level. These organisations, in their various forms and functions, play a key role in the debate on and implementation of asylum policy and practices at the national as well as at the EU level and international level.

Many organisations working in the field of asylum have specific experience and expertise that is not available to MS and EU institutions.

Where relevant, EASO will endeavour to cooperate with IOs and CSOs on specific external actions with TCs.

11. Considerations prior to EASO External Action engagement

For EASO to be able to engage in a TC, some other elements have to be taken into consideration. A Working Arrangement with a TC could be established for EASO External Action to be implemented. EASO could also work under the general agreements that the EU has with a TC in case for example of an association agreement, Mobility Partnership or common agenda on migration and asylum.

12. Monitoring and Evaluation of EASO External Action

All External Actions performed and/or coordinated by EASO will be monitored and evaluated by EASO to ensure high quality output. Standard procedures will be developed for both monitoring and evaluation. Particular attention will be paid to guarantee quality and consistency of EASO External Action wherever it is delivered.

The content of monitoring exercises and evaluation will be taken into account, lessons learned will be identified and necessary

measures will be taken to improve future EASO External Actions. EASO will also encourage participating experts in its external actions to provide formal and informal feedback to all relevant parties concerning possible areas of improvement.

EASO will develop methodologies to evaluate and assess the impact of its external actions and make an analysis with a view to improving the quality, consistency and effectiveness of its future external actions.

