

**MIGRATION
STRATEGY GROUP**
ON GLOBAL COMPETITIVENESS



Policy Brief

**EU MOBILITY PARTNERSHIPS:
THE “MOST INNOVATIVE
AND SOPHISTICATED TOOL”
OF EUROPEAN MIGRATION POLICY?**

Steffen Angenendt, June 2014

ABOUT THE MIGRATION STRATEGY GROUP

The **Migration Strategy Group on Global Competitiveness** (MSG) was launched by the German Marshall Fund of the United States (GMF) and the Robert Bosch Stiftung in 2013. The Migration Strategy Group brings together key policy-stakeholders and decision-makers from the public and private sector, across different ministries and political departments from migrant-sending and receiving countries on both sides of the Atlantic. The aim is to develop a common understanding of designing and implementing coherent policies that unlock the full potential of migration. It is based on the premise that demographic change, growing global competition for an increasingly mobile workforce, and development of migrant-sending countries demand holistic and attractive migration and integration policies that create triple win situations (for the receiving country, the sending country, and the migrant). In 2013-2014, the activities of the Migration Strategy Group will focus on a case study for potential triple win labor migration frameworks between Germany and Morocco.

Activities include **regular interdisciplinary working group meetings** for policymakers, issue experts, and private sector representatives assessing current labor migration frameworks, and the strengths, weaknesses, and transferability of concrete triple win policy models and case studies; **study tours for relevant stakeholders** to gain first-hand experience of migration and development issues in migrant sending countries; **publication of policy briefs** by senior advisors to provide an analytical framework for policy experts and decision-makers; and a **plenary workshop** to summarize findings and share insights more broadly and feed into other policy fora like the Global Forum on Migration and Development.

In its first year, the Migration Strategy Group is chaired by **Tobias Billström**, minister for migration and asylum policy in Sweden and current chair of the Global Forum on Migration and Development (GFMD). Senior advisors are **Steffen Angenendt**, senior associate at the German Institute for International and Security Affairs, and **Tamar Jacoby**, president and CEO of ImmigrationWorks USA. Associated Advisors are **Manjula Luthria** and **Yann Pouget** at The World Bank, Center for Mediterranean Integration (CMI) and **Michael Clemens** at the Center for Global Development.

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1. EXECUTIVE SUMMARY

In 2005, the EU launched the Global Approach to Migration as an overarching framework to foster a common and comprehensive European migration policy. Within this framework, Mobility Partnerships between EU member states and third countries are supposed to better link migration and development and to foster a more efficient and coherent EU policy. The European Commission considers Mobility Partnerships to be the most comprehensive instrument for managing migration relations between the EU and third countries in its neighborhood. This brief describes this instrument and its background, critically reviews the experiences with currently running pilot partnerships, draws conclusions, and provides recommendations for further political action.

2. INTRODUCTION

In 2005, the Council of the European Union launched the Global Approach on Migration (GAM) as both an overarching framework for the external dimension of EU migration policy and to foster a common and comprehensive policy among EU member states. Its aim was not only to reduce irregular migration, but also to strengthen durable solutions for refugees, and build capacities to better manage legal migration. In 2011, development aspects were included, and the approach became the Global Approach to Migration and Mobility (gamm). This extended concept is designed to support a coherent EU migration policy in four main areas: 1) management of legal migration, 2) reduction of irregular migration, 3) strengthening of the migration-development nexus, and 4) support of the international system of refugee protection.

In May 2007, the European Commission introduced the concept of Mobility Partnerships as “the most innovative and sophisticated tool” of the Global Approach. Accord-

ing to the Commission, these flexible partnerships will play a key role in future EU migration policy. They are intended to ensure greater policy coherence, to strengthen the external dimension of migration policy, and to create “triple-win” situations by offering legal opportunities to migrants, supporting the development of countries of origin, and supplying EU member states with much needed skilled labor. Mobility partnerships have thus far been established with Cape Verde, Moldova, Georgia, Armenia, Morocco, Azerbaijan, and Tunisia, and new partnerships are currently under negotiation.

The growing use of these partnerships provides an opportunity to take a critical look at this instrument. Are the EU Commission’s high hopes and expectations justified? Which objectives do these partnerships seek to achieve? And what lessons can be drawn from assessing the existing pilot partnerships for future Mobility Partnerships?

3. BACKGROUND

In order to better understand the game and the Mobility Partnerships, it is necessary to review the driving forces behind these new approaches. Overall, three main drivers can be identified:

- › **First, the size and structure of international migration has shifted.** EU countries have to cope with an increase in temporary and circular migration at the expense of permanent migration, a further increase of South-North migration flows, and a continued mixing of voluntary and forced migration, making migration policy and refugee policy even more complicated than in the past. These trends in international migration impose new or altered policy challenges.
- › **Second, the political and public debate on migration and development has changed.** For many decades the assessment of the migration/development nexus—and the development policy debate in general—has repeatedly oscillated between optimism and pessimism, whereby critical prognoses generally outweighed the optimistic ones, stressing the risks of migration, for example with regard to brain drain. The contribution of migration to development was considered low to negligible, and migrants were not perceived as important development agents in their own right. As knowledge on this issue has improved, assessments have changed. Today, a more nuanced understanding of the impact of migration prevails, and appreciation of migration as a development tool has increased.

- › **Third, as far as migration policies are concerned, EU member states are increasingly facing a deadlock.** The current cooperation with source and transit countries seems to have reached its limits, because partner countries are less willing than in the past to primarily serve the migration policy interests of the EU states. Over the past decade, the EU countries mainly sought to involve third countries in order to better restrict immigration. Without greater attention to the migration policy interests of the partner countries, such as mobility facilitation and the benefits of migration cooperation for their domestic development, effective migration cooperation will not be possible. Therefore, new and more comprehensive forms of migration cooperation must be developed.

All in all, these migration trends, political challenges, and institutional settings can be expected to further boost EU member states' interest in Mobility Partnerships as they promise a chance to better cope with the highly disparate national migration policy agendas in EU member states. There are still significant differences in national migration patterns, size and structure of flows, the economic and demographic demand of migrants, and policy approaches, especially in the field of social and economic integration of immigrants. Hence, a flexible instrument could be increasingly attractive to EU member states. But does the current concept of Mobility Partnerships measure up to the high expectations expressed by the EU, especially with regard to developing a more coherent migration and asylum policy?

4. THE CONCEPT AND POTENTIAL OF MOBILITY PARTNERSHIPS

In general, the concept of EU Mobility Partnerships foresees obligations for both the respective partner countries as well as for participating EU member states. The partner country's government is expected to undertake substantial efforts to prevent irregular migration to the EU. It is supposed to readmit its own nationals as well as third-country nationals who have used the partner country as a transit country (so called readmission clauses).

The partner country is expected to carry out information campaigns to discourage irregular migration and to improve border controls, particularly through closer cooperation with Frontex, the European border agency. It is further expected to improve the security of travel documents, fight smuggling and human trafficking, and to actively reduce migration push-factors by improving the country's economic and social conditions.

With regard to EU member states and the European Union, the catalogue of possible obligations and contributions is even more differentiated and covers four areas.

The first area is that of legal migration, which includes both labor migration and migration for study and training purposes. With regard to labor migration, member states must prioritize workers from other EU countries. In this context, Mobility Partnerships result in two specific avenues for legal immigration: First, a number of member states can submit a joint-offer for employment-related immigration from a particular partner country. This may involve a consolidated EU offer of national employment quotas for migrants from this country, but also a coordination of labor demand and supply (“matching”). Second, the Mobility Partnership can provide favorable entry conditions for labor migrants from that country. However, existing agreements, such as the Association Agreement between the EU and Turkey, which prioritizes Turkish workers, must also be observed.

The second area is migration management: With respect to immigration to the EU, the member states and the Commission can provide government or non-government agencies in the partner countries with information about the labor demand of participating EU countries. In this regard, they can for example establish a joint “cross-border job placement service”, foster the reintegration of returning migrants and reduce the costs of remittances. In addition, EU countries can assist the partner countries in better managing their own inflows. Many potential Mobility Partnership countries record considerable immigration themselves, and their governments and administrations are often overwhelmed with managing these flows. As this also affects the ability of these countries to implement a Mobility Partnership, assistance in managing these inflows can be offered.

The third area concerns preventing brain drain. As this is considered one of the Mobility Partnership’s main development goals, the EU Commission suggests that migrants with occupations for which there is a shortage in the partner country should not be actively recruited. In addition, the Commission proposes that EU governments should establish incentives for voluntary return or support immigrants who intend to return to their home countries. To fully promote the development impacts of migration, the EU Commission proposes to foster circular migration schemes. The 2007 EU Commission’s

communication on circular migration made particularly clear how important this type of migration is considered. The underlying assumption is that migration schemes that allow for a certain degree of legal mobility (return) between two countries—which is the Commission’s understanding of circular migration—would offer an opportunity to use the knowledge and the networks of migrants to foster domestic development. A legal framework for circular migration has already been set, especially through the EU Commission’s 2005 “Policy Plan on Legal Migration”, introducing a common residence and work permit and prescribed equal treatment of foreign workers on labor, social, and education matters.

Finally, a fourth area of Mobility Partnerships concerns the issuing of visas. Even if often regarded as a mere technical process with little political importance, the EU Commission has become aware of the political character of this consular process and has pushed for a common European visa policy. In this respect, the EU policy has made considerable progress since the 1985 Schengen Agreement and the abolishment of border controls within the Schengen area. In addition to the Schengen visa, which is valid for most EU countries, the EU Visa Code has been in force since April 2010, with binding provisions for issuing visas. It also contains rules on how to determine which member state is in charge of a visa application and how to process such an application. It is expected that this harmonization of visa policies and practices will promote greater transparency. For example, member states now have to justify why an application is rejected, and applicants can appeal against negative decisions. Within Mobility Partnerships, EU member states can offer visa facilitation, as well as an improvement of consular services. Waiting times can be shortened and access to the respective consulate improved. Opening times of the consulates can be extended, staff capacity strengthened and consular cooperation deepened. In addition, visa facilitation for certain occupations or skills can be agreed upon. In contrast to the EU Commission, the EU Council has repeatedly emphasised that visa facilitation should be conditional upon concluded readmission agreements (“conditionality”) — although it is now also convinced that certain “incentives” such as legal migration opportunities must be offered to the partner countries to secure a proper implementation of the readmission agreements. Nevertheless, the issue of conditionality is still controversial in the EU member states. Currently, there is no consensus whether such conditionality is appropriate and whether it should relate to labor migration or visa issuing.

These four policy fields (labor migration, migration management, brain drain, and visa issuing) are at the core of the Mobility Partnerships. In technical terms, a task force of representatives from the member states and the Commission is responsible for the coordination and evaluation of the Partnerships. Embassies and EU delegations work within the framework of so-called “collaborative platforms” together with partner countries, thus ensuring the implementation on the ground. The concept of Mobility Partnerships foresees that the partnerships will be supported by a system of indicators. This “scoreboard” will contain permanently updated information on the initiatives, partners, contact points, evaluation indicators, deadlines, and the funding available. In this

manner, Mobility Partnerships can also be considered as institutionalized dialogue processes in which objectives, methods, and reviews must be constantly renegotiated.

Particularly in view of the upheavals in the Arab world, the Commission emphasized in May 2011 the urgency of a comprehensive and coherent migration policy and the establishment of additional Mobility Partnerships, which led to the partnerships with Morocco and Tunisia as well as to negotiations with some other countries like Egypt. But what are the experiences with previous Mobility Partnerships, and what can be concluded for future partnerships?

5. RECENT EXPERIENCES AND CHALLENGES

A critical review of the experiences with the existing pilot Mobility Partnerships (especially with Armenia, Cape Verde, Georgia, and Moldova) reveals four main fields where the EU Commission’s strictly positive assessment of the instrument must be questioned: 1) the selection of partner countries, 2) the hierarchy of political targets, 3) the content of the partnerships, and 4) monitoring and evaluation.

1. UNINFORMED SELECTION OF PARTNER COUNTRIES

According to the Commission, at least three (not exclusive or exhaustive) criteria should be crucial for identifying additional Mobility Partnership countries:

- › The countries must be a relevant source of migration to the EU.
- › They should undertake active cooperation with the EU.
- › The participating EU countries must have a genuine interest and willingness to cooperate with these countries.

In addition, and depending on political realities, there should be a geographical balance between Southern and Eastern EU neighboring countries. If any of these criteria are missing, the Mobility Partnership is not considered very promising.

In the pilot Mobility Partnerships, these criteria were only partially fulfilled. For example, Cape Verde was surely not

a main source country of migration to the EU, and countries like Ghana were not too interested in establishing a close migration cooperation with EU member states. A future selection of partner countries should better comply with these criteria, and additional criteria should be considered. Special attention, for instance, could be given to development aspects by selecting partner countries with a particularly high proportion of young adults with a good formal education but no prospect of decent employment in their country.

2. UNCLEAR HIERARCHY OF GOALS

Another problem has been the frequent lack of clarity in policy goals on both sides. As far as the partner countries are concerned, the EU Council decided on Cape Verde, Georgia, and Moldova without a written declaration of interest from these countries, and Moldova declared candidacy only in a non-paper addressed to the Commission. The Moroccan case was different as that government submitted a detailed official statement of interest to the EU Commission. Obviously, the interests of potential partner countries were as different as their capabilities to present a clear statement of interest. Moldova was mainly interested in development assistance and in getting support for the return of their citizens living in the EU, whereas Cape Verde’s main interest was to achieve greater mobility for its citizens, in particular through visa facilitation. Nevertheless, it might be difficult for a government to define a clear hierarchy of goals especially if national migration policies are undergoing general

redefinition. Morocco, for example, is currently trying to develop a comprehensive migration and asylum policy as it experiences a rapid transition from an emigration country to a country of transit and immigration.

As for EU countries, they also have had significant difficulties developing a clear common hierarchy of policy goals. In addition to significant differences of economic structures, labor demand, and migration experiences, the member states have been differently affected by the economic crisis. While some countries have to cope with high unemployment rates, others are facing growing labor shortages. Although all EU member states have placed particular emphasis on the prevention of irregular migration, it has remained unclear what importance this goal should have in comparison with other policy goals such as labor market and development goals.

3. WEAK CONTENT

In addition, the pilot Partnerships are weak in terms of content. One of the most obvious advantages of the Partnerships is their flexibility. For example, emphasis may be placed on programs for legal labor migration as well as on the reintegration of returning experts. But this flexibility bears the risk that already established cooperation projects are simply “relabelled” and introduced as supposedly new activities. This was partly the case in the pilot Partnerships with Cape Verde and Moldova, leading to the overall impression that the partnerships did not offer substantially new opportunities for migration cooperation.

4. DEFICITS IN COORDINATION, MONITORING AND EVALUATION

Right from the beginning, a dual coordination process was foreseen for all Mobility Partnerships: first, internal EU coordination by member states and the Commission in the framework of specific “task forces”; second, coordination with the partner countries within “cooperation platforms.” European embassies and EU delegations

were expected to participate. The work was to be based on indicators, and outcomes were to be documented in the form of a scoreboard. This document was to be updated regularly, with information on the projects, partner organizations, success indicators, timelines, and funding instruments. All in all, the scoreboard and the cooperation schemes are supposed to allow a permanent and critical review of all activities related to the respective partnership.

Experience has shown that weaknesses exist in both spheres of the coordination process. Often, local EU representatives did not have sufficient information on the projects, at least at the beginning of the Mobility Partnerships. Moreover, not all EU member states had appropriate personnel in the respective partner country. Therefore, a lesson learned is that local-level coordination is easier if existing structures can be used. If such structures first have to be set up, additional time and resources are needed, and it must be ensured that these resources are provided. Nevertheless, the setting up of a task force in Moldova is an example that the creation of new structures can indeed be fostered through a Mobility Partnership.

This critical assessment of the previous pilot Partnerships was confirmed through an internal and public consultation process, initiated by the EU Commission in 2011, and a conference of pilot and potential partner countries in June 2012. In addition, these consultations indicated a certain fear of the partner governments that Mobility Partnerships would arouse considerable expectations among their citizens. Therefore, another major lesson learned from this assessment is that the partnerships must have positive and visible outcomes for their citizens. In this regard, many governments see visa facilitation, legal opportunities for migration, and freedom of movement as essential features of any Mobility Partnership.

6. MOVING FORWARD: SUGGESTIONS FOR IMPROVEMENT

Despite all criticism, the consultations clearly indicated an overall positive assessment of the Partnerships. All pilot project countries emphasized that the partnerships were helpful to prepare their association to the EU. In addition, the Eastern European partner countries Moldova, Armenia, Georgia, and Azerbaijan highlighted that the Mobil-

ity Partnership had improved contacts and exchanges with the EU, deepened knowledge about the functioning of the Union, and accelerated reforms of national administration and political institutions. Moreover, the Mobility Partnerships had strengthened regional cooperation and increased awareness of the importance of migration for

development. All pilot countries were particularly positive about the flexibility and the adaptability of this instrument to their specific needs. In this respect, it was regarded as very helpful that Mobility Partnerships are not rigid instruments, but rather “living documents”.

It must be concluded that the Partnerships—despite all deficits—have strengthened cooperation in migration and development affairs at least in a three-fold respect. First, they have improved the co-operation among EU countries, in particular through the establishment of contact points in all relevant institutions, regular progress reports, and a review of the political priorities of the member states. Second, forming the EU Task Force and central points of contact has fostered the cooperation between the member states and the EU Commission. Third, the establishment of local cooperation platforms and annual Mobility Partnership meetings has intensified exchanges between the EU Commission and the partner countries.

Undoubtedly, Mobility Partnerships are an important element of the external dimension of the European Union’s migration policy. However, to cope with the concept’s overall policy goals and to make the instrument the key element of future EU migration policy, the development impact of the Partnerships in particular must be

strengthened further. In addition, more attention must be paid to the selection of future partner countries. It is necessary that these countries have a sufficient and sustained interest in the partnership.

Another major lesson learned from the recent pilot Partnership experiences is that the partner country’s interest in cooperation is low if there are no sufficient incentives, e.g. migration programs and mobility schemes. Generally, the partnerships must be so attractive that proper implementation and sufficient compliance can be expected. Up to now, EU member states set major obstacles blocking a comprehensive policy. Since many member states are still fighting high unemployment, they are currently against opening up additional immigration channels. However, this would be necessary to make Mobility Partnerships a tool that links migration and development issues to a coherent, effective, and pro-development policy.

In addition to these fundamental requirements for future Mobility Partnerships, some practical aspects must be considered. The programs must 1) be transparent and clear, 2) have realistic goals and comply with the interests of the project partners, 3) have a strong employment bias, and 4) be planned, monitored, and evaluated with participation of all stakeholders.

7. OUTLOOK AND POLICY RECOMMENDATIONS

All in all, the experiences with the existing Partnerships provide some practical recommendations.

- › **A thorough and on-going evaluation of the existing pilot Partnerships is required.** This evaluation should be conducted by an independent evaluator and should be incorporated into the biennial reporting on the GAMM. A continuous assessment would allow adjusting the Partnerships to shifting economic and political conditions.
- › **Better coordination of the EU countries participating in a given Mobility Partnership is necessary,** particularly including permanent consultation and a scoreboard with updated information. So far, reporting has often been inadequate. The EU Commission has repeatedly complained that they do not have a sufficient overview of the actual course of the various

pilot Partnerships and therefore cannot coordinate them in a proper manner. On the local level, EU delegations should be strengthened in order to be able to cope with the increasing need of coordinating the Mobility Partnership activities of the EU member states.

- › **A better coordination between political stakeholders within the participating EU countries is needed.** Frequent controversies between ministries and government agencies on their respective roles and responsibilities prolong the process of formulating coherent national positions and coordinating at the EU level. However, this internal consultation is necessary, so enough time should be allowed for this when negotiating new Mobility Partnerships. Also, the clear leadership of a national ministry is important for implementing these processes.

- › **It is important to develop more “flagship projects,” that is, visible and compelling projects that can provide inspiration for other Mobility Partnerships.** At the beginning of negotiations with interested potential partner countries it would be useful to compile “wish lists” to make the expectations of stakeholders as clear as possible. These lists should contain proposals for projects and programs. Existing Partnerships often did not adequately develop such lists.
- › **It is necessary that the EU Commission informs the member states about the requirements for participation in a new Mobility Partnership.** Without a strong commitment of the participating EU countries, Mobility Partnerships will not be successful, and the same applies to the participation of the partner states. In addition, when selecting new Partnership countries, it must be clear that the respective government has sufficient interest in the partnership and is willing and able to properly implement the projects. Well-equipped EU delegations could help with this.
- › **Finally, sufficient financing of the Mobility Partnerships must be guaranteed by national and EU funds.** This must be considered when deciding on the size and structure of the EU’s financial instruments.

To conclude, Mobility Partnerships can make a difference toward a more comprehensive European migration policy by ensuring greater policy coherence, strengthening the external dimension of migration policy, supporting the development of the partner countries, and supplying EU member states with skilled labor. However, it will be crucial to create a fair balance of interests between EU member states, partner countries, and migrants. Mobility Partnerships should not be exploited to apply pressure on partner countries to realize readmission agreements, and there should be no conditionality between migration programs and readmission agreements, as this would only reduce the disposition of partner countries to fully implement the partnerships. Most important is that the EU member states become seriously engaged and add concrete and additional projects to the partnerships to fully exploit the potential of the Mobility Partnerships.

The German Marshall Fund of the United States (GMF) strengthens transatlantic cooperation on regional, national, and global challenges and opportunities in the spirit of the Marshall Plan. GMF does this by supporting individuals and institutions working in the transatlantic sphere, by convening leaders and members of the policy and business communities, by contributing research and analysis on transatlantic topics, and by providing exchange opportunities to foster renewed commitment to the transatlantic relationship. In addition, GMF supports a number of initiatives to strengthen democracies. Founded in 1972 as a non-partisan, non-profit organization through a gift from Germany as a permanent memorial to Marshall Plan assistance, GMF maintains a strong presence on both sides of the Atlantic. In addition to its headquarters in Washington, DC, GMF has offices in Berlin, Paris, Brussels, Belgrade, Ankara, Bucharest, Warsaw, and Tunis. GMF also has smaller representations in Bratislava, Turin, and Stockholm.

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