



SLOVENIAN PRESIDENCY EMN CONFERENCE

EU Preparedness on future migration flows

05-06 October 2021

This report summarises discussions from the conference “EU Preparedness on future migration flows”, organised under the Slovenian Presidency of the Council of the European Union by the Slovenian National Contact Point (NCP) of the European Migration Network (EMN). Support materials, including the event’s concept note, PowerPoint presentations delivered during the day are available on the emm.si.

Summary of the event

The “**EU Preparedness on future migration flows**” conference took place 5-6 October 2021 in Ljubljana, Slovenia, and aimed to share knowledge, experience and views among representatives from EU Member States, EU institutions and international organisations on EU preparedness in relation to asylum and irregular migration flows. The conference brought together relevant European and national stakeholders to discuss current developments, existing and possible future forecasting tools to predict migratory flows, as well as the role of the EU Agencies in this area. The event was chaired by the National Coordinator of EMN NCP Slovenia, **Ms. Sabina Hrovatin** while panel discussions were moderated by **Ms. Dominika Marolt Maver** from Ministry of Interior of the Republic of Slovenia.

The conference started by welcoming remarks from Ms. Sabina and was followed by keynote speeches by **Slovenian Interior Minister Mr. Aleš Hojs** and **EU Commissioner for Home Affairs Ms. Ylva Johansson**. The discussions were then presented over four panels and followed by closing remarks by **Mr. Magnus Ovilius, Head of Sector European Migration Network (EMN) and Chair of the EMN, European Commission, DG HOME**.

Keynotes speeches

Ms. Dominika Marolt Maver introduced the keynotes speakers and highlighted the importance of the conference in discussing the experience gained in recent years and what can be learned from it. The aim of the conference was to gauge progress in the forecasting

field and to determine whether future migration flows arising from unexpected contexts could be predicted.

Minister Aleš Hojs stressed the importance and timeliness of discussion on EU Preparedness on future migration flows, and the need for focus on the region of the Western Balkans. Mr. Hojs highlighted the need to understand better what has been learned from previous migrant influxes and emphasised the importance of cooperation and building mutual trust between Member States. This requires an integrated border management system, cooperation with third countries, the use of information provided by the relevant EU agencies, avoidance of duplication, prevention of abuse of EU systems, and the effective return of those who do not or no longer have the right to stay in the EU. Responding to the current situations in Afghanistan and Belarus requires cooperation and the availability of reliable, up-to-date data, especially given the potential damage that misinformation can do. The collection of data by the EMN on Afghans evacuated to the EU had been valuable, and could be used in future as a tool to understand better the numbers of displaced persons from Afghanistan.

Ms Ylva Johansson spoke about the moral duty of the EU to protect Afghans at risk, without compromising EU security. The commitment to protect Afghans at risk required a global cooperation with international non-governmental organisations, including the UNHCR. Ms Johansson highlighted the necessity of standing against the exploitation of people and protecting EU borders against smugglers, criminals and terrorists. There is a need for operational partnerships with countries in the Mediterranean and Western Balkans to prevent smuggling. Ms. Johansson referred to the EU Pact on Migration and Asylum and the need to open legal pathways that could help to manage situations similar to recent developments in Belarus and Afghanistan, harnessing digital tools such as the Reintegration Assistance Tool (RIAT) and exploring possibilities to set up a system for migration forecasting, subject to safeguards. The EU Migration Preparedness and Crisis Blueprint (introduced in the EU Pact) was already proving immensely valuable when dealing with the current situation at borders with Belarus, but it was only as valuable as the information that was available. Hence, the provision of information by Member States was essential, as well as relying on the EMN to provide the analysis needed to understand long-term trend and prepare for unexpected situations. Ms Johansson stressed the need to be prepared for the unexpected.

Summary of the keynotes speeches

The keynotes speakers highlighted the timeliness and topicality of the conference and that discussions around preparedness and lessons learnt had a particular resonance in the context of recent events in Belarus and Afghanistan. **Mr Aleš Hojs** noted the relevance of the European Migration Network (EMN) in providing reliable, up-to-date and comparable information to feed into the process of planning and preparing for future migration flows. **Ms Ylva Johansson** emphasised the importance of joint efforts to tackle migrant smuggling while protecting human rights, as well as highlighting the need to use new tools and to harness innovations to help predict migration patterns.

Panel 1: Migration situation in 2021 in the Western Balkans

Mr. Stefano Failla (Head of Strategic Analysis Sector, Frontex) highlighted the importance of situational awareness as a basis to discuss how we can progress forward and what we can anticipate. Mr. Failla spoke about the important role of EU neighbours along key migration routes impacting the Western Balkans and ultimately the EU. While seasonal variations in

migration flows are common, there was a notable dip caused by the COVID-19 pandemic as of April 2020, followed by a gradual increase as pandemic counter-measures gradually eased and international travel resumed to an extent. Mr. Failla drew attention to the on-going pressure caused by migrants' presence along the Eastern Mediterranean and Western Balkan routes, and the role of seasonal factors in influencing migratory flows. Information exchange remains key understanding the situation and to produce ever more qualitative analysis.

Ms. Nataša Potočnik (Director-General of Migration Directorate, Ministry of the Interior, Republic of Slovenia) stated that managing mixed migration is a priority and that Slovenia has been affected by migration flow in the Western Balkan as a result of the increasing number of illegal crossings since 2015. She explained that the significant increase of Afghans applying for international protection is affected by secondary movements through countries on the route from Greece in particular, with statistics showing that 50% of those who applied for international protection have illegally crossed borders. Ms. Potočnik further noted that this situation is directly linked to events in 2015 and called for better EU migration management, especially during the COVID 19 pandemic. As a result, The Republic of Slovenia has introduced immediate measures, including legislative proposals to address migration and asylum policy and making return procedures more efficient for those who do not fulfil the requirements. Ms. Potočnik discussed the importance of the EU Pact on Migration as a new framework, which included, for example, identity and health checks, fair border procedures for asylum and return, strong crisis preparedness and response, mutually beneficial partnerships with third countries of origin and transit and combatting trafficking of human beings. Ms. Potočnik, concluded by emphasising the need to balance responsibility and solidarity which is crucial to achieve significant progress.

Mr. Vladimir Cucič (Head of Commissariat for Refugees and Migration of the Republic of Serbia) began by reflecting on recent events in Afghanistan, an unexpected event that unfolded in less than two weeks, in reference to the difficulty in predicting migration flows. Mr. Cucič explained that the Western Balkan route passed through poorer countries, acting as receiving countries, countries of asylum, and of transit, all at the same time. Each angle required different information and a different approach. In Serbia, the numbers of migrants who passed through the country or were registered in the centres have increased this year, especially Afghans, who were previously considered as economic migrants. Mr. Cucič highlighted the importance of utilising the capacities of migrants to meet skills needs in European labour markets, to which he hypothesised could reduce the numbers of voluntary returns. The 'pull' factors attracting migrants were the same everywhere. In Serbia, there was no budget to deal with the influx of migrants, however their approach was to respect human rights and provide for the basic need of vulnerable groups (food, no arrest, education). Mr. Cucič noted that migration policy alone is less effective without the involvement in the conversations to find a solution of the countries most affected by changing migration flows. Mr. Cucič concluded by noting that Serbia wants to be part of the solution and that changing the demographic needs of Europe would mean that there would always be a need for migrants. Opening up legal migration channels would be crucial otherwise the problem of unplanned migrant flows will be bigger than it is now.

Ms. Malin Larsson Grave (Head of External Dimension Unit a.i, EASO) discussed migratory pressures from 2015 onwards and the regional impacts, in the context of EASO's cooperation with the Western Balkan region, including cooperation with Serbia and North Macedonia

(under the second generation of roadmaps), as well as cooperation with Albania and Bosnia & Herzegovina (first roadmaps in place since end of 2020), and noted efforts to maintain the high level of cooperation and be present on the ground despite the COVID-19 pandemic. Ms. Larsson-Grave highlighted how co-partnerships, enabling co-ownership and buy-in, is crucial to collaboration, and a part of what EASO is trying to do. Additionally, EASO is trying to bring the agency's expertise and that of EU Member States together. A network within EASO (the Third Country Cooperation Network) is looking at third-country collaboration, where EU Member States can come together to exchange on cooperation with, and support to, third countries, and EASO facilitates the coordination and collaboration. In the general debate, there has been a focus on border management and security; but it is important also to prioritise asylum and reception measures including: identification and referral of vulnerable groups, such as unaccompanied minors; strengthening the reception capacities and management capabilities; professional development of case officers and reception staff and ensuring effective collaboration; professional development opportunities for judiciary staff; contingency planning; and ensuring the effectiveness and efficacy of asylum procedures that can adapt to varying needs. Ms. Larsson-Grave concluded by explaining that this year EASO will become the EU Agency for Asylum (EUAA) and that by becoming an agency, EASO will have a broadened mandate, and will be able to deploy liaison officers and have working arrangements in place with third countries. This could deepen cooperation, with EASO having a mandate to be more action-oriented in third countries. EASO is also seeking to establish a more practical and hands-on approach to support national administrations in enhancing protection space for asylum seekers and refugees in the Western Balkans. Finally, Ms Larsson-Grave added that legal pathways for international protection, with EASO focusing on resettlement and complementary pathways, are an important part of ensuring that the most vulnerable in need for protection are able to access it.

Summary of the panel

The panel discussed some of the tools and measures that could be used to prepare for future migration flows which require collaboration and joining the efforts and capabilities of all EU agencies while ensuring respect for human rights. **Mr. Failla** highlighted the importance of situational awareness and sharing optimum data from third countries in order to be able to predict migration flows to the EU. This was also reflected in **Ms. Larsson-Grave** presentation, which highlighted the role that EASO will play in collaboration with third countries after becoming an agency with a broadened mandate. Furthermore, **Ms. Potočnik** spoke about the importance of using the EU Pact on Migration as a new framework to manage migration flows and ensure cooperation between EU countries. **Mr. Cucič** added that Western Balkan countries need to be part of the solution and need to be involved more in any future planning/preparation for migration flows.

Panel 2: Forecasting migration flows

Ms. Ramona Toader (Deputy Head of Situational Awareness Unit, European Commission, DG HOME) spoke about the importance of timely and adequate situational awareness for decision making and learning from experience. Unforeseen circumstances do occur, therefore the need to adjust expectations and tactics is essential. Ms. Toader explained that forecasting it is essential both for policymaking and for operational responses. She added that results will only be as good as the quality of the data that main actors provide (i.e. Member States, EC, EEAS, EU agencies, IOs, EMN, and third-countries). Ms. Toader briefly reviewed the EU developments in situational awareness and preparedness since the 2015's unprecedented

flows of migrants including IPCR arrangements, the weekly ISAA report produced in this context, Revised migration statistics legislation (2020/851), new data collection and systems, forecasting tools of agencies (EASO, Frontex, eu-LISA), and EU common information systems (VIS, EES, ETIAS, Eurodac). She added that the importance of having a basis to move from reactive mode to readiness and anticipation was fully acknowledged by the new proposal within the EU Pact and Migration (Migration Preparedness and Crisis Blueprint). The aim of the Blueprint was to bring together all existing crisis management tools operational measures and tools to ensure preparedness at EU and national level through two stages: monitoring and preparedness; and crisis management. This requires contributions from all actors to share information in this system for it to be able to predict situations in an early manner. In 2021, the Blueprint proved its added value for situational awareness through regular plenary meetings bringing together all Member States, EU institutions and agencies but also the weekly meetings which look at specific situations such as those in Belarus and Afghanistan, which present two different situations with different level on migration impact on the EU. For Belarus, the system worked on monitoring developments, facilitating swift decision making, looking at all aspect of migration management, arranging topical meetings to discuss topics in depth (return, smuggling, secondary movements). On the other hand, Afghanistan's situation required different type of monitoring in the region, looking at the escalating humanitarian situation and internal displacement, which will push people to flee, as well as looking at the neighbouring countries, and how this will affect the flow in the EU. Looking at future tools, Ms. Toader referred to a feasibility study conducted by the Commission which shows that an AI backed forecasting system could provide analysts and policy makers with prediction on irregular border crossings into the EU and on possible critical situations in third countries. The Commission is carefully considering potential legislative changes, stakeholders, potential hosts and complementarity to existing efforts. In her conclusion Ms Toader referred to President von der Leyen statement that situational awareness as foundation for better decision making, brings together joint knowledge from all sources. She encouraged EMN to contribute to these efforts.

Mr. Christoph Curchod (Head of Migration Analysis, State Secretariat for Migration -SEM Switzerland) stated that migration is complex issue, and cannot be fully foreseen, due to many unexpected changes that can influence flows (i.e. COVID-19 reduced the amount of the influx/ flow). He added that mistakes could happen and that prognosis might be sometimes wrong. Therefore, it is important that we understand the mechanisms of migration. This enables us to provide the right information to decision makers on how unexpected changes will affect migration flows in order to be able to make the right decision. Mr. Curchod spoke about the importance of working with different scenarios on the number of people coming into the EU. Obviously, for each scenario the probability should be indicated. He added that the main drivers of migration do not change very quickly, thus, it is necessary to look at 'game-changers'; i.e. looking at data from countries of origin and transit, and countries of destination as well as understanding what is happening in individual countries. Situational awareness in countries of origin can help in predicating migration flows. This helps as well to understand events along the migration routes (i.e., how smugglers are operating. Moreover, in the destination countries, there is a need to understand the 'pull' factors; i.e. the acceptance rates for refugees, welfare systems, having family members already settled in the destination country, and the risk of being returned. Mr Curchod concluded that it is important to understand the mechanics of migration and connect the behaviour of migrants to the actions of Member States in order to be able to predict migration flow in advance. This requires constant adaptation of the model and work with different scenarios.

Dr. Frank Laczko (Director of IOM's Global Migration Data Centre) spoke about migration forecasting and linked to recent publication from January 2021 on the different ways to conduct migration forecasting. He added that COVID 19 pandemic had an unpredicted impact on the migration flow by halting global mobility, therefore, predictions/forecasts that were done before the pandemic became less relevant and should be updated to look ahead. Dr. Laczko distinguished between the different language and 'jargon' that is being used in relation to this topic, including scenario building, migration forecast, and early warning systems, which mean different things in term of data input and timeframe. Early warning systems tend to focus on the short-term (in next few years) and focus on humanitarian situations, and migration forecasting tends to focus on mid-term, statistical evidence on migration flows, while scenario building is more qualitative, including brain-storming exercises, taking into account the types of factors that might shape migration developments in the future. Dr. Laczko concluded by emphasising that without access to good information on the current state of migration and migration flows, it is difficult to look ahead and predict what is going to happen in the future. He highlighted that the IOM migration portal contains a specific part on migration forecasting, studies in this area, use of different techniques (surveys), together with the use of digital technologies, and invited Member States to make use of these resources.

Summary of the panel

The panel discussed migration forecasting and tools that have been developed and used to predict migration flows including data collections, analysis of situations, and the use of different terms and what they mean. **Ms. Toader** spoke about the situational awareness centre and new proposal within the EU Pact on Migration (including Migration Preparedness and Crisis Blueprint and gave examples on Afghanistan and Belarus. **Mr. Curchod** spoke about the importance of scenarios and differentiated between data collected from different countries including countries of origin, transit and destination. **Mr. Laczko** distinguished between the different terms that are being used in relation to this topic including scenario building, migration forecast, and early warning systems.

Panel 3: EU Preparedness around reception and return of migrants

Mr. Alexander Smits (Policy Officer, Irregular Migration and Return Policy Unit, European Commission, DG HOME) spoke about developments in the area of return and reintegration, in the context of the EU strategy on voluntary return and reintegration¹. Mr. Smits highlighted two legal initiatives in relation to addressing irregular migration: the first is the Employers Sanctions Directive² which aims to address the irregular employment of illegally staying third-country nationals by imposing stricter inspections and higher penalties on employers. The second is the renewed EU action plan against migrant smuggling. Mr Smits focused his presentation on the EU strategy on voluntary return and reintegration and the specific role of the EMN Return Expert Group (EMN-REG), return counselling, and the reintegration tool (RIAT) in providing valuable information in facilitating the return process. Mr. Smits highlighted Assisted Voluntary Return and Reintegration (AVRR), which offers a cost-effective and dignified approach to return for those people with no right to stay. The EU strategy is a codification of

¹ The EU strategy on voluntary return and reintegration, COM/2021/120 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0120> last accessed 25 October 2021

² Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009L0052>, last accessed 26 October 2021

what some Member States and intergovernmental organisations are already doing and acknowledges the existence of a complex environment of stakeholders and responded to commonly identified challenges. Challenges identified included: the fragmentation of approaches; insufficient data collection; the lack of a coherent framework for return counselling; as well as the viability of reintegration upon return. Mr. Smits recalled the centrality of return counselling in the efficient implementation of voluntary (and forced) return. To this end, the strategy proposed a framework to support national authorities to set-up counselling services. The strategy also upheld the value of RIAT as a case management tool and its potential to be used as a tool for data collection on the performance of the return and reintegration process, helping the development of future programming.

Ms. Lotje van der Made (Head of the Pre-Return Unit of the European Centre for Returns-Frontex) highlighted that return was progressively being recognised as an essential element of a migration management system. The challenges that the EU is facing are not new and are mainly challenges in the capacities of Member States and in cooperation with countries of return. Opportunities existed however to further align and work together and cooperate with countries of origin on implementation of returns on a practical level i.e. to organise identification missions. Ms. van der Made explained that Frontex has established a dedicated division focusing on return, which coordinates and plans the full pre-return process (working in close collaboration with third-countries through the EU Liaison Officer Network), organises returns (through charter or scheduled flights) and assists after arrival (through capacity building and counselling). She added that the Member States will be able to apply for return support through Frontex, choosing from the pool of available service providers, and highlighted post-return as a new area where Frontex will be active from mid-2022, specifically on reintegration services (i.e. to contract services in countries of return on behalf of Member States for the purpose of reintegration). Frontex was also building capacity for return counselling services, as well as providing return escorts and support officers. One of the newest tools is the digitalised return process, to improve the management of the entire return process, by integrating different information systems at national and EU levels. Ms. van der Made noted that the discrepancies in the definition and data collection approaches across Member States was a main challenge. Looking at the number of returns implemented; these had dropped in 2020 due to COVID-19 pandemic but were recovering to 2019 levels now in 2021. Ms. van der Made explained that the majority of returns implemented by Frontex were forced returns, yet Frontex was working to increase the number of voluntary returns in absolute and relative terms, reiterating that voluntary return remained the preferred solution.

In conclusion, Ms. van der Made highlighting key elements of preparedness in the area of return, including: the importance of having an holistic approach (acknowledging that return is increasingly integrated in the overall debate on migration); improving return data collection and digitalisation in order to compare different Member States' data and to identify gaps; fostering cooperation with countries of return; and increasing the need for Member States to be more flexible in sharing and cooperation (in terms of economies of scale and procedures that can be aligned).

Mr. Geert Knockaert (Head of Asylum Thematic Cooperation Sector- EASO) elaborated on EASO's approach to preparedness and the reception of migrants. He introduced EASO's reception strategy, which consists of building blocks based on different scenarios: capacity building for reception authorities and staff; technical and operational support; and emergency support which could result in more direct operational, logistical and management support

(i.e. for emergencies such as after the fire in Moria reception facility in Lesbos Greece in 2020). EASO has been, and will continue working closely with national institutions as well as international partners IOM and UNHCR to develop /revise / update contingency plans and is developing a number of practical tools. These include the vulnerability toolkit (identification of vulnerabilities, assessment of special needs and referral to service providers), as well as guidance on setting up and managing reception centres and processes in arrival centres. Mr. Knockaert concluded by mentioning that EASO developed a practical guide on contingency planning and was looking at developing practical tools and a template to help national authorities to review their contingency plans.

Ms. Lidija Pentavac (Head of Section in Service for Illegal Migration, Ministry of the Interior, Republic of Croatia) highlighted that Croatia has the longest land border among all of the EU Member States, and is responsible for its protection. According to the IOM research, Croatia is perceived by migrants almost exclusively as a country of transit, as the research found that only 1% of the migrants in Bosnia and Herzegovina (BiH) considered Croatia their country of destination. The migration wave in 2015 placed unprecedented pressure on Croatia's border and migration authorities. Since then, Croatia has increased its capacity by procuring equipment and improving reception and accommodation facilities; adapting them in line with changing migration flows, seeking to improve contingency measures in case scenario of unexpected increase in the number of entries. Croatia also invested in developing capacities and control mechanisms to ensure the protection of human rights during the border and migration procedures, notably through setting up an human rights monitoring body, in cooperation with international organisation and civil society.

Ms. Chloe Thanopoulou (Project Assistant at the IOM Mission in Greece) outlined the development of Greece's reception capacities over the past five years, since the 2015 migration flow that impacted the country, shedding light on the operational and institutional capacities of Greece to manage high number of arrivals and process their asylum applications. Ms Thanopoulou explained that Greece had been a considered a transit country, however, after the agreement between the EU and Turkey, the dynamics changed. Due to the closure of the Western Balkan route, camps were set up across Greece, where conditions were quite precarious, making use in some cases of temporary and converted accommodation. The main challenge at the time was the protracted stay of migrants in the camps whilst the lengthy process of assessing asylum applications took place, as well as the living conditions. The improved operational capacity of the Greek authorities of the past two years was outlined, as well as the support provided by IOM and other organizations in terms of improving the reception system and the living conditions in the sites. In terms of the Site Management Support project, IOM has worked on the harmonization of services in all camps in mainland Greece, through the establishment of three pillars: Site Management Support (distribution of food/non-food items, information management and population verification, transportation from the sites, community engagement and support, etc.), protection (vulnerability assessment, psychosocial and legal support, safe zones for unaccompanied minors with 24 hours' support of staff), and education (language support etc.), while increased focus is put on integration through the HELIOS project focusing on accommodation, integration and employability support.

Summary of the panel

The panel discussed different elements that need to be considered when preparing to deal with migration flows and highlighted the need to improve resilience, and to prevent migrant smuggling and trafficking of human beings. **Mr. Smits** spoke about voluntary return and sustainable reintegration and the role of the EU strategy when dealing with return. **Ms. van der Made** added that cooperation with third countries of origin is key – to achieve efficient return and reintegration and highlighted how Frontex has been supporting the Member States in the return process. **Ms. Pentavac** spoke about the position of Croatia as a transit country and measures introduced to increase capacity at the border, improve reception and accommodation facilities and monitor human rights commitments. **Ms. Thanopoulou** spoke about developments in Greece in its response to the migrant flows since 2015, and their fruitful cooperation with IOM in this regard.

Panel 4: Governance schemes for migration management across borders

Mr. Jean-Christophe Dumont (Head of International Migration Division in the Directorate for Employment, Labour and Social Affairs- OECD) spoke about how COVID-19 transformed the migration landscape and how forced and voluntary returns have been radically reduced. He added that migrants played an important role in the labour market (for example, healthcare, agriculture, technologies), and how new needs that were emerging in the EU required the Member States to facilitate attracting them (especially seasonal workers). Countries such as France and Germany facilitated the entry of foreign workers during the pandemics. Mr. Dumont highlighted the possibilities that digitalisation had presented, and the structural transformation that the pandemic had accelerated. New technologies for distance learning and tele-working will have implications for education and the labour market that are not yet fully understood but could contribute to development of new jobs. To meet national labour market needs, EU Member States should consider working on attracting international students and talents. A feasibility study looking into talent partnerships as foreseen within the EU Pact had been development. Talent partnerships will require working closely with some countries for the reform of labour management systems and will need to better link labour mobility and skills policies (to address the problem of skills-mismatch). There is a unique opportunity to move in this direction and opened the door for the EU to create dialogue for partnership with the private sector. There was a clear need to properly evaluate ongoing projects and policies, which is necessary to scale up these pilot actions and transpose them to other countries. Mr. Dumont spoke about the attractiveness of EU countries and how 42% of workers in Europe are lower-skilled compared to the 24% of higher-skilled workers. Revision of the EU Blue Card was also an essential step forward, as well as the development of an EU talent pool.

Ms Leja Jevšnik (Advisor at Ministry of Interior, Directorate for Migration- Slovenia) presented a summary of the Australian immigration programme. She explained that Australia has a highly developed external management system, legal pathways and visa process that happens outside of Australia in order to fight human smuggling and enhance security. About 30% of Australia's resident population was born overseas, the level is much higher than in other OECD countries. She added that Australia has a targeted visa programme, including temporary visitor students or permanent work visas, refugee and humanitarian visa etc. Entry into Australia can be gained only with a visa; unauthorised entry by boat is turned back to the

starting point or to the country of origin. Those who arrive to Australia by plane can only ask for a temporary protection visa or a safe haven enterprise visa. She explained that the Australian refugee programme is part of international efforts in response to global humanitarian needs. Resettlement is used strategically to reduce the prospect of irregular arrivals. Three categories for protection were highlighted: the refugee visa, the special humanitarian programme pathway (where the applicant is required to stay outside of Australia and outside of their country of origin/ permanent residence and where an organisation based in Australia has to propose the applicant for a visa); and Community support visas. Furthermore, Australia has special programmes for protection of unaccompanied minors.

Ms. Sara Sighinolfi (Programme Officer, Asylum and Migration, Technical Assistance and Capacity Building Unit- FRA) spoke about the large-scale IT systems established by the EU in the area of freedom, security and justice as a governance tool for migration management and their impact on fundamental rights. Ms Sighinolfi presented both the benefits and the challenges to fundamental rights when processing personal data through the EU large-scale IT systems, including issues of sharing data with third countries. She explained that three large-scale databases are currently operational in the EU (Eurodac, SIS and VIS), and three more are under development (EES, ETIAS and ECRIS-TCN). These IT systems provide support to manage migration, asylum and borders, enhance judicial cooperation and contribute to strengthening internal security within the EU. In the future, they will communicate with each other by way of interoperability. Interoperability will enable authorised officers to make a single search for an individual across the different IT systems, and see the personal data they are authorised to access in one go.³ Ms Sighinolfi highlighted that almost all large-scale databases (except ETIAS) rely on biometric data, notably fingerprints and in the future the facial image of a person. This can enhance fundamental rights protection, for example, by preventing identity fraud and identity theft, or by offering new opportunities to detect and trace missing children. Biometric technology also poses specific fundamental rights risks, which often result from the weak position of the individual whose data are stored. FRA research finds that third-country nationals do not always understand how the systems work and for which purposes their data is collected. Even when they do, they do not always know how to request access to their data, which authority should be addressed and what to do if they think there is a mistake. The regulatory frameworks of the large-scale IT systems strengthen fundamental rights safeguards, for example, with respect to protection of personal data, non-discrimination and access to remedies. Nonetheless, as interoperability will make access to the data easier, safeguards need to be duly complied with to prevent unauthorised or unlawful access or sharing of data, as FRA research has shown. For example, when it comes to personal data of asylum applicants, transfer of their data to countries of origin should be avoided. She also highlighted that the quality of the data is of paramount importance, to avoid wrong decisions being taken due to inaccurate data stored, ultimately affecting fundamental rights of the person concerned. Risks of discrimination could arise when algorithms are used; for example, if the quality of the data used for developing algorithms for facial recognition technologies do not reflect different groups of people, such as diversity of skin colour, age, gender, etc. Hence,

³ For an overview of the EU Large-scale IT systems, their interoperability and the fundamental rights safeguards therein, see: FRA Handbook on European law relating to asylum, borders and immigration - Edition 2020, Chapter 2, at : [Handbook on European law relating to asylum, borders and immigration - Edition 2020 | European Union Agency for Fundamental Rights \(europa.eu\)](#)

it is crucial that the safeguards provided in the systems' legal frameworks are properly implemented.

Mr. Simon Kelenc (Senior police inspector, border police division- Republic of Slovenia) spoke about the role played by the Law enforcement agency when dealing with irregular migration. He highlighted structures for the exchange of information and cooperation at the EU level in the area of Western Balkans, including the Police Cooperation Agreement with Western Balkans partners that encompasses the exchange of information, making available officers on the ground where needed, financial support, cooperation under the Prüm convention, regional cooperation with Frontex, international organisations that are helping in the Western Balkan, and regional organisations (e.g. MARRI in North Macedonia). There were two failures; the first was during the 2015/2016 migration crisis, where more than six months were needed to establish real cooperation among countries in the region; and the second one during the COVID-19 pandemic, as it wasn't possible to establish uninterrupted transit/transport of regular migrants (different covid-19 measures and periods of vaccination validity etc.). Mr. Kelenc explained that while cooperation exists on paper, in practice, the reality is different and can reveal some limitations. Demand for the exchange of information and the expansion of IT systems is growing, but there was still some need for capacity building in the countries of the Western Balkan (in terms of organisation structure, human resources, IT systems) to fully benefit from developments. Police cooperation services have been developed in the Western Balkans for exchanging data for border police needs and for general policing, and there had been a trial for a Western Balkans 'Dublin' system. In the area of return, there had been some progress in helping the Western Balkans countries to organise the process of returning irregular migrants. Cooperation in the field of exchange of information on criminal matters (for example, extremism and terrorism), a very sensitive issue, has proven to be efficient, but more work was required to make cooperation effective in addressing specific events. On an operational level, there was very good cooperation and information exchange. There were also informal groups for exchange of information organised by police guards, that functioned better than the formal ones, that allow more rapid data sharing, using tools such as 'Whatsapp'. Mr. Kelenc concluded by emphasising the need for Western Balkan countries also to collaborate with each other.

Summary of the panel

The panel discussed different examples of governance in the management of borders and what could be done further in the future. **Mr. Dumont** highlighted the possibilities offered by digitalisation, and the structural transformation that the COVID-19 pandemic had in some cases accelerated, as well as the need for Member States to work on attracting international students and seasonal migrants to work in their countries. **Ms Jevšnik** presented an alternative example from the Australian immigration programme. **Ms. Sighinolfi** spoke about the impact of the large-scale EU IT systems for migration management highlighting the benefits, challenges, and issues of sharing data, also with third countries. And **Mr. Kelenc** spoke about the cooperation between the EU and the Western Balkans countries and the benefits also for these countries to collaborate with each other.

Closing remarks

Mr. Magnus Ovilius (Head of Sector European Migration Network (EMN) and Chair of the EMN, European Commission, DG HOME) reflected on what was discussed in the conference. The discussions had represented a 'gold standard' for moving the agenda forward, using the

lessons learnt to date, and to translate what has been discussed into reality, through exchanging information and harnessing the latest tools to improve efficiency and avoid bureaucracy. Forced migration resulting from events can be unpredictable, hence the need for countries to be better prepared. The ongoing climate change emergency was another critical factor, increasing, for example, migration flows from countries most affected, for example, in Africa. Mr. Ovilus highlighted the possibilities of new tools and technologies enabling the exchange of information, while respecting fundamental rights. The importance of mutually beneficial partnerships (both of formal and informal nature) had never been greater and needed to take into account the interests expressed by third-countries. The EMN is following this approach and is encouraging some of these countries to join the EMN as observers. There is also a need for new tools for legal migration, building on new technologies such as digitalisation and involving of broad spectrum of stakeholders.

The EMN's mandate covers all aspects of migration and international protection policy. Mr Ovilus highlighted the need also for the EMN to adjust its tools to better support the information needs of the future, for example, delivering more timely reports to support situational awareness, demonstrating the added value that the EMN can bring. New governance schemes for migration management (including for policy) were needed to foster improved EU preparedness. Mr. Ovilus stressed that the EMN's platforms and IT tools to exchange information can be developed further to achieve more targeted outputs, and highlighted also the importance of the close cooperation of the EMN with wider stakeholders (for example, OECD, Frontex, EASO etc.) so that EMN can ensure that it caters for all needs.
