

**COOPERATION
BETWEEN
THE EUROPEAN UNION
AND SOUTH AFRICA**

The Cooperation Council

Brussels, 1 October 2012

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NOTE

Subject: Migration report

Within the framework of the South Africa – EU Strategic Partnership, which provides for the two sides to establish a broad-ranging, in depth and frank political dialogue on migration matters, the South Africa – European Union Migration Dialogue Forum (MDF) was established as a platform to debate and discuss migration matters as outlined in Article 91 of the SA-EU Trade, Development and Cooperation Agreement (TDCA). In the past, the previous meetings held on 22 July 2009 (Brussels); 10 September 2010 (Pretoria); and 13 July 2011 (Brussels) proved to be fruitful and allowed relevant exchange of comprehensive information and best practices.

1. EU Global Approach to Migration and Mobility (GAMM)

First mentioned during the 2011 SA-EU MDF, formally proposed in November 2011 by the Commission and endorsed by EU member states in May 2012, the EU's Global Approach on Migration and Mobility is the overarching framework for the EU external migration policy, aimed at addressing all relevant aspects of migration with non-EU states. In the GAMM communication, the Commission proposes to strengthen the migration/mobility dialogue and operational cooperation with large global/regional economies. South Africa is explicitly identified as a priority country for this purpose. The Commission indicated that the GAMM rests on four thematic pillars: organising and facilitating legal migration; preventing and reducing irregular migration and trafficking in human beings; maximising the development impact of migration and mobility; and lastly, promoting international protection and enhancing the external dimension of asylum policy. The GAMM is, among other instruments, implemented through Mobility Partnerships with a primary focus on the countries in the EU Neighbourhood and Common Agendas on Migration and Mobility (CAMM). The EU explained that the Mobility Partnerships cover the four thematic pillars of the GAMM including visa facilitation and readmission agreements. Mobility Partnerships are tailor-made to the shared interests and concerns of the partner country and EU participants. The renewed Mobility Partnerships offers visa facilitation based on a simultaneously negotiated readmission agreement. CAMM on the other hand is an alternative framework to agree on common recommendations, targets and commitments within the GAMM scope of application to be endorsed at the political level. It implies a structured dialogue and could include a financial dimension. The EU indicated its openness to enhance its cooperation with South Africa in the field of migration and upgrade in quantitative terms the current MDF format.

2. *Visa Facilitation*

The EU presented a broad overview of its Visa Policy. A common visa policy was introduced through legislation, including the Visa Regulation listing the countries whose nationals require a visa and the Visa Code containing the rules related to visa procedures. The Visa policy applies to the 26 countries participating in the Schengen Area and it covers exclusively short stays in the EU (maximum of 90 days in 180 days). Visits to the EU which are longer than three months are often under the remit of national legislation of the EU Member States. The EU side explained the main elements of the visa regulation, the visa code and Visa Information System (VIS) and explained the process whereby states whose nationals currently need visas to the EU, eventually qualify for a visa waiver, either through a unilateral decision of the EU or after a period of negotiations. In the CAMM context the EU indicated that a gradual approach with the objective of visa facilitation could be an achievable objective in the medium term, preparing the ground for visa liberalisation as an ultimate objective in the long-term. The EU explained that visa facilitation (beyond diplomats) is a much more interesting and rewarding goal for the partner countries, which usually encompasses the possibility of issuing multiple entry visas, at lower costs, within shorter deadlines and for longer time periods. It also allows for less documentary evidence when applying for a visa for certain groups of applicants. Granting a general visa exemption through a modification of the lists of countries under Reg. 539/2001 represents, instead, a much more complex political objective that could be considered only at a later stage. It was also clarified that visa facilitation and liberalisation is always done on a reciprocal basis. In the SA case it would go on par (as it is common practice for the EU) with a readmission agreement (also on a reciprocal basis).

3. *Asylum Policies*

It was agreed that a videoconference relating specifically to asylum-related issues would be scheduled, ideally, in September 2012 when all relevant experts are expected to be available. However, the EU did give an update on EU asylum legislation and policies focussing on developments related to the 2nd phase of the EU Common Asylum System. Particular mention was made of the establishment of the EU Asylum Support Office, resettlement of refugees from third countries into the EU; and the internal relocation programme.

4. Trafficking in Persons

South Africa made a presentation on the current legal framework within South Africa relating to the prosecution of trafficking in persons. Significant detail was provided on the Prevention and Combating of Trafficking in Persons Bill (the Bill) which was recently passed in Parliament and will now be processed through the National Council of Provinces before being ready for final implementation. Furthermore, information was provided on how South Africa intends to implement the Bill once it has been approved. Currently, training, capacity-building and development are taking place within various Departments around the country.

5. Migration and Development

The EU indicated that policy areas of focus currently comprise remittances (including investment schemes) and the diaspora policies. Development Cooperation with South Africa on migration is being upgraded and discussions on a possible further support programme are to be initiated between relevant South African Departments and the EU. The EU also mentioned that protection of the human rights of migrants (in transit countries), social consequences of migration and South-South migration flows represent novel areas of work.

6. Conclusions

Both sides acknowledged the usefulness of the ongoing and increasingly rich dialogue noting the opportunity represented by the new EU GAMM as an entry point and overall framework to envisage enhancing the current cooperation between the EU and South Africa in the field of migration and mobility.