



Council of the
European Union

093076/EU XXV. GP
Eingelangt am 12/02/16

Brussels, 12 February 2016
(OR. en)

6056/16
ADD 1

JAI 94
ASIM 14
RELEX 101
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CADREFIN 8
ENFOPOL 33
PROCIV 5
VISA 35
JUR 73

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	10 February 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 85 final ANNEX 1
Subject:	ANNEX to the Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration EU-Turkey Joint Action Plan - Implementation Report

Delegations will find attached the Commission document COM(2016) 85 final ANNEX 1.

Encl.: COM(2016) 85 final ANNEX 1



EUROPEAN
COMMISSION

Brussels, 10.2.2016
COM(2016) 85 final

ANNEX 1

ANNEX

to the

**Communication from the Commission to the European Parliament and the Council on
the State of Play of Implementation of the Priority Actions under the European Agenda
on Migration**

EU-Turkey Joint Action Plan - Implementation Report

EU-Turkey Joint Action Plan: Implementation Report

Period: 17 December 2015 to 31 January 2016

Introduction

On 29 November 2015, at the EU-Turkey summit, Turkey and the EU activated the Joint Action Plan (JAP) that had been agreed ad referendum on 15 October 2015. The aim of the JAP is to step up cooperation for the support of Syrian refugees under temporary protection and their host communities in Turkey and to strengthen cooperation to prevent irregular migration flows to the EU. The implementation of the JAP should thus bring order into migratory flows and help to stem irregular migration.

The aim of this second JAP implementation report, two months after its activation, is to inform on the effective follow up given by Turkey and the EU to their respective commitments since the first report issued on 17 December 2015. These reports are part of an overall effort to monitor the situation closely.

1. Part 1

1.1. Statistical data (in the EU)

One of the key objectives of the JAP is to achieve results in particular in stemming the influx of irregular migrants.

The number of people arriving irregularly to the EU from Turkey is still high for this period of the year when winter weather conditions were expected to contribute to a decrease in the number of arrivals. More specifically, in the *46 days of the reporting period* (i.e. from 17 December to 31 January):

- The total number of irregular migrants who have reached the EU by sea and land (i.e. via Greece and Bulgaria) was 110,211. Most of them i.e. 109,336 or 99.2% crossed the Aegean Sea.
- The daily average of irregular crossings via Greece was 2,377, via Bulgaria 19 and the total 2,396.
- On a weekly basis arrivals via Greece were on average 16,437.

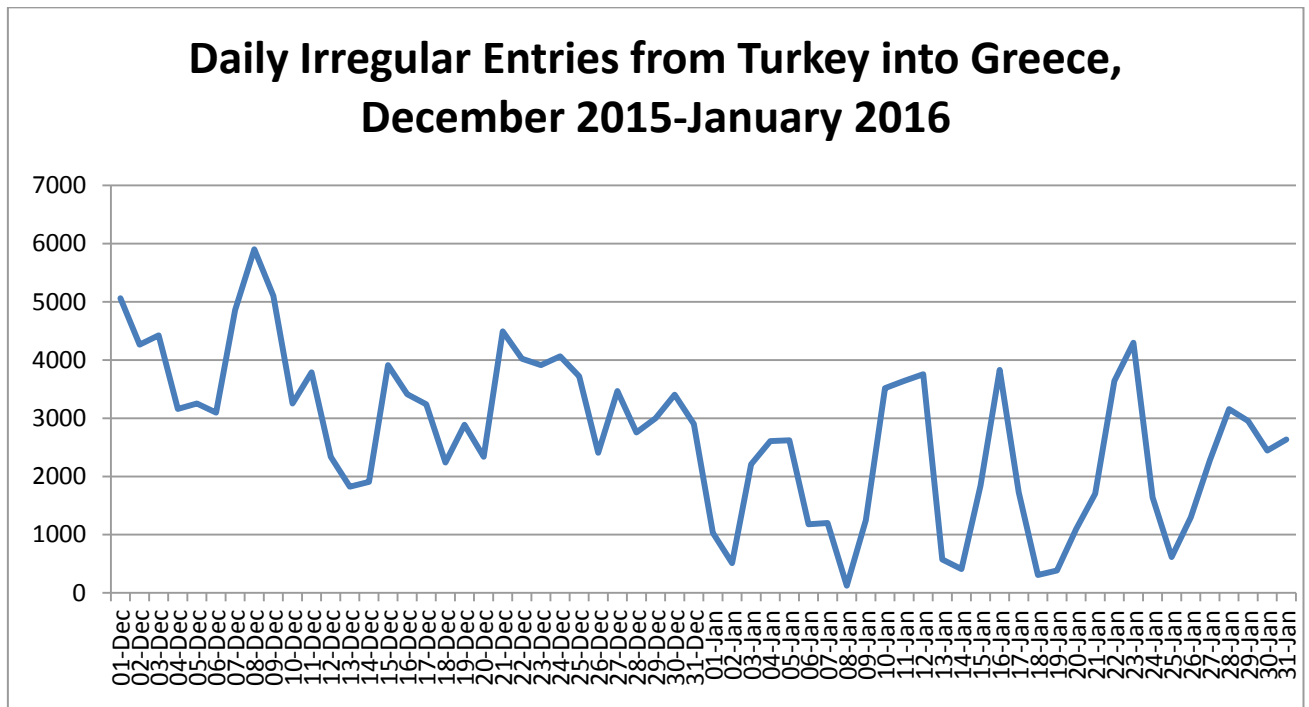
For the sake of comparison with previous months:

- The total numbers of irregular arrivals from Turkey to Greece in September, October, November, December 2015 and January 2016 were respectively 147,639, 214,792, 154,381, 110,835 and 67,756.
- For the same months the corresponding daily averages were 4,921, 6,929, 5,146, 3,575 and 2,186 persons.

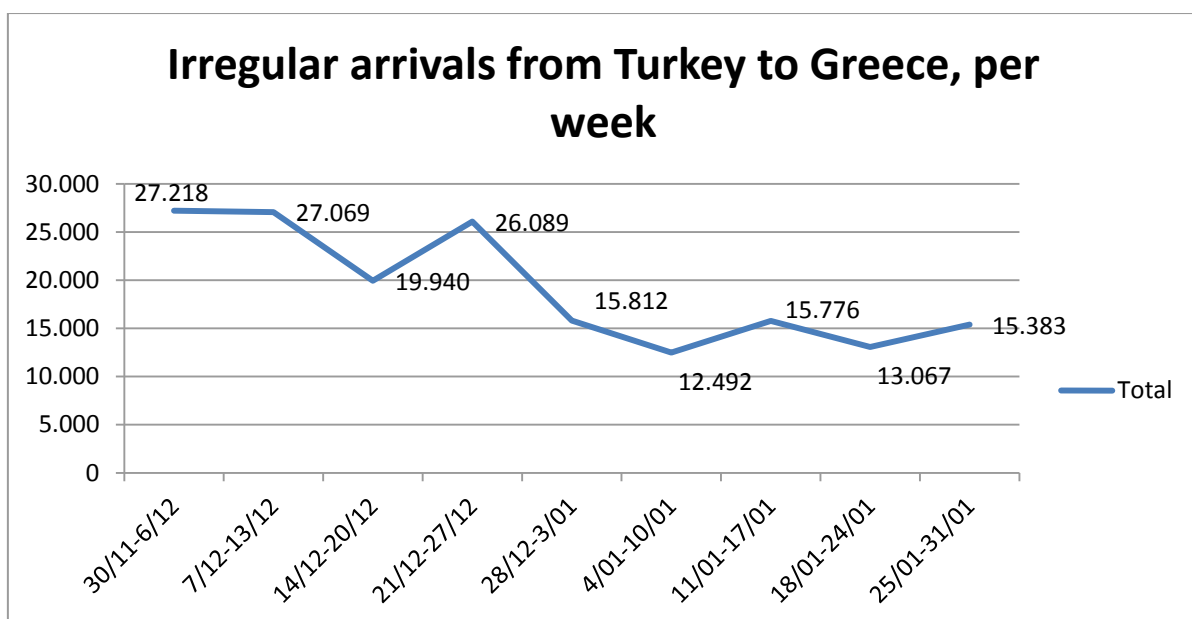
The irregular entries from Turkey to Greece (via sea) in *December and January* are presented in the following graphs: graph 1 illustrates the number of irregular arrivals per day and graph 2 presents the irregular arrivals per week¹.

¹ As done in the first JAP implementation report, these graphs present only the entries from Turkey to Greece as these represent more than 99% of the total entries.

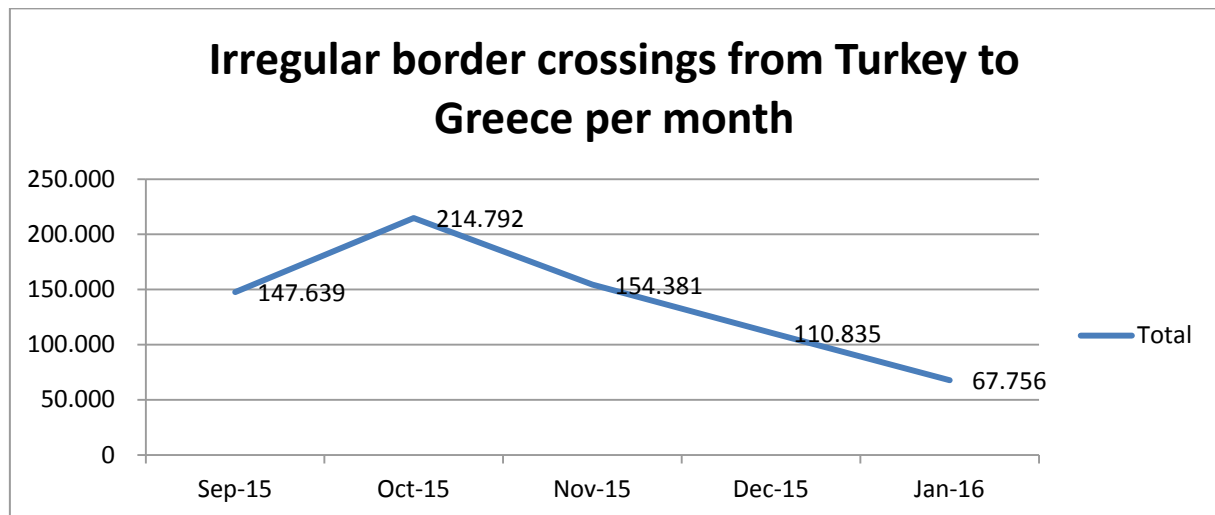
Graph 3 illustrates the number of irregular arrivals per month from Turkey to Greece from September 2015 to January 2016. Graph 4 shows the irregular arrivals in the same period i.e. from September 2015 to January 2016, broken down by the predominant nationalities (based on the declaration of migrants upon their arrival) i.e. Syrians followed by Afghanis and Iraqis. The broken down figures reveal a diminishing percentage - as compared to the total - of Syrians (from 69 to 38%) and an increasing percentage of Afghanis (from 18% to 24%) and Iraqis (from 8% to 15%).



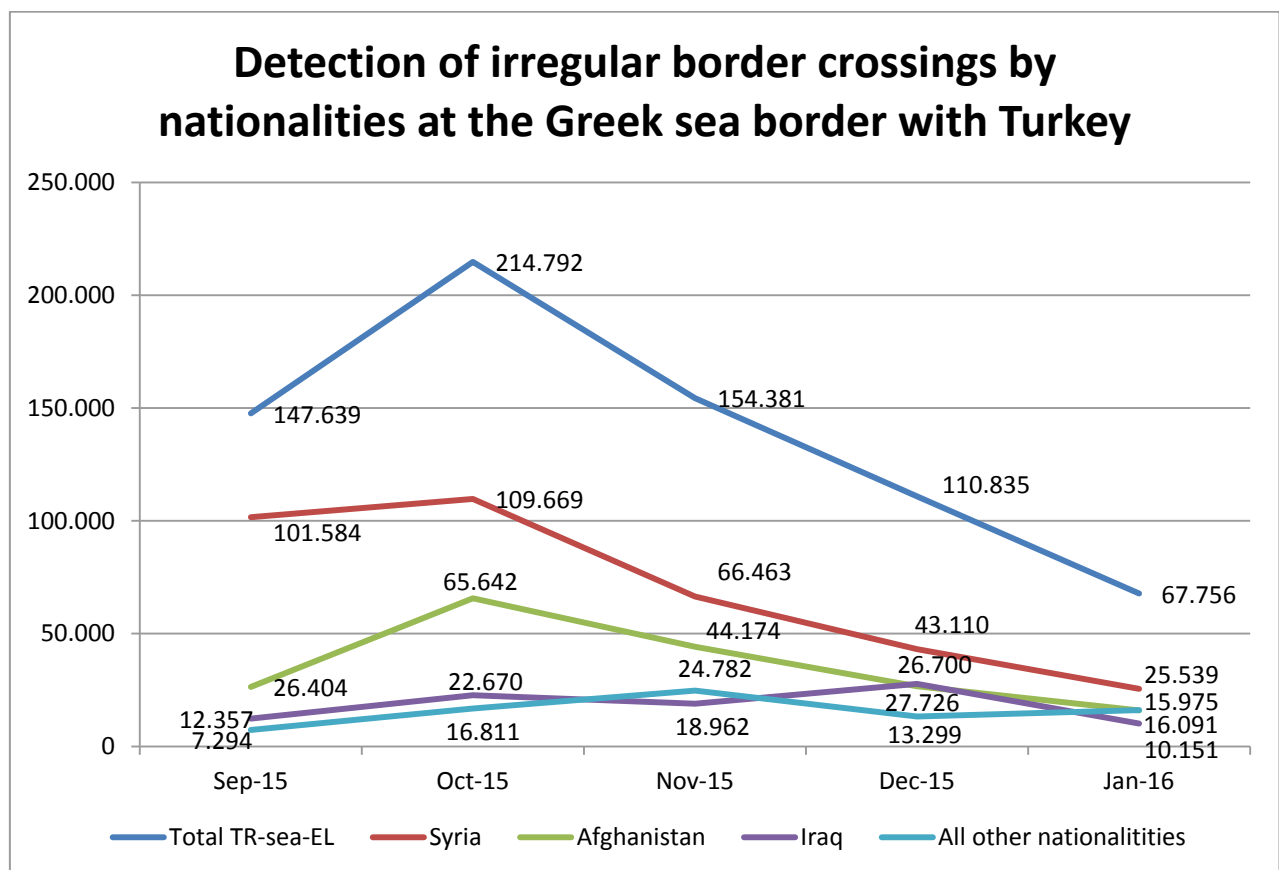
Graph 1: Daily irregular arrivals from Turkey to Greece – December 2015 and January 2016
– Source: Frontex



Graph 2: Irregular arrivals from Turkey to Greece per month – December 2015 and January 2016 – Source: Frontex



Commission Graph 3: Irregular arrivals from Turkey to Greece per month – September 2015 to January 2016 – Source: Frontex FRAN data (2015) and JORA data (January 2016) as of 8 February 2016. JORA data are preliminary operational data that are subject to change.



Commission Graph 4: Irregular arrivals from Turkey to Greece by nationalities (i.e. Syrians, Afghans and Iraqis) - September 2015 to January 2016 – Source: Frontex FRAN data (2015) and JORA data (January 2016) as of 8 February 2016. JORA data are preliminary operational data that are subject to change.

The total irregular arrivals from Turkey to Greece present a changing pattern although the numbers are declining (see graphs 2 and 3). However, this declining trend has been within the range that might already be expected due to winter conditions. Taking into account the winter season, figures remain high for this period of the year.

The legislative and operational measures taken by the Turkish authorities to stem irregular migration appear to have had some first – if limited – impact on the migratory flows. We are not yet able to quantify their precise short-term impact.

It has also to be noted that, due to deteriorating weather conditions, the number of people who perished while irregularly crossing to Greece is on the rise².

1.2. Statistical data (in Turkey)

Turkey is currently hosting 2,582,600 Syrian refugees³ to whom it is granting temporary protection status as a group. This status provides access to public services such as education and health care. Since 15 January 2016 it also provides – under certain conditions (see below for more details) – access to the labour market. On 22 January, 269,207 Syrians were hosted in refugee camps where they are provided with a wide range of support.

Since the issuance of the first JAP implementation report on 17 December 2015, the EU decided to collect EU and Turkish data on the JAP implementation in the framework of the Integrated Political Crisis Response (IPCR) process. In this context and following discussions with Turkey, on 22 January, Turkey agreed to provide data for a set of indicators regarding the implementation of the EU-Turkey JAP on the basis of an agreed template. In this regard, on 22 January the Turkish authorities provided the following information:

- 350,000 Syrian children under temporary protection were enrolled to school.
- 151,746 babies were born (to 22 January).
- As of 18 January, Turkey had registered 217,952 non-Syrians while registration was pending for another 138,912 persons.
- For the period 1 to 15 January, 42,936 Syrians entered regularly Turkey and 13,887 exited Turkey. The corresponding regular entries and exits for Iranians were 24,896 and 32,268; for Iraqis 12,525 and 16,300; for Lebanese 2,778 and 5,449 and for Jordanians 2,032 and 2,527. Depending on visa duration, foreigners can stay in Turkey from 30 to 90 days. Foreigners who are entitled to enter Turkey without visa can stay in the country up to 90 days within a period of 180 days.
- In the period from 1 to 15 January, Greece submitted to Turkey 322 readmission requests. Bulgaria did not submit any. Turkey is currently assessing the Greek requests⁴.
- In the same period from 1 to 15 January, the Turkish law enforcement border agencies prevented 2,541 migrants from sea borders and 4,671 from land borders from irregularly exiting from the Turkish territory towards the EU.

² According to IOM, 244 migrants died in the period from 1 to 28 January 2016 in the Aegean.

³ Number of registered Syrian refugees as communicated by the Turkish Ministry of Foreign Affairs on 3 February

⁴ According to the Greece-Turkey bilateral protocol on readmission, the requested state has 75 days at the most to reply to a readmission request. Upon agreement, return should be carried out within a maximum of 15 days. The same readmission protocol provides for a simplified procedure whereby the requested state should readmit a person arrested in a frontier zone within one week from the notification of the arrest.

- In 2015, 64,109 asylum requests were registered in Turkey (of which 11,383 were introduced by Afghan citizens and 42,105 by Iraqi citizens)⁵. In the same year, only 459 asylum procedures were concluded, either by granting a refugee status or with a clear rejection of the asylum request. The remaining requests remain pending.
- Between 1 and 15 January, the Turkish Coast Guard, Police and Gendarmerie carried out seven specific joint operations aimed at arresting irregular migrants, facilitators/smugglers and preventing irregular departures. This resulted in the apprehension of 230 smugglers.

In addition, Turkey has indicated that its law enforcement agencies have stepped up efforts to prevent irregular departures, arrest smugglers and rescue migrants at sea. In particular, Turkey reported that in December 2015 it apprehended an average of 514 illegal migrants a day as compared with 450 in November 2015. The total number of smugglers arrested in 2015 was 3,700. The Turkish Coast Guard, the Gendarmerie and all other law enforcement agencies play a key role in the apprehension of irregular migrants and smugglers.

Turkey promised to provide more information on the basis of the agreed template in February.

Part 2:

Implementation of Turkey's commitments under the EU-Turkey Joint Action Plan

On 8 January, Turkey introduced visa obligations for Syrians travelling to a Turkish airport or seaport coming from a third country with the aim to reduce transit migration directed towards the EU. The measure produced an immediate effect as the number of Syrians that eventually were admitted into Turkey from Lebanon and Jordan dropped sharply after the introduction of the measure, passing from 41,781 in the last eight days (i.e. 1-8 January) before the introduction of the visa to 1,155 in the ten days (i.e. 9-18 January) that followed. This represents a reduction of more than 40,000 persons.

On 15 January, Turkey adopted a regulation giving the Syrians under temporary protection effective access to the labour market, although under some conditions and limitations fulfilling thus a key commitment of the JAP. The aim of the measure is to make Turkey a more attractive asylum country for Syrians addressing thus one of the main factors pushing Syrians to cross irregularly to the EU in search of better perspectives. According to the regulation, a Syrian can introduce a work permit application only six months following the acceptance of his temporary protection status. Work permits can be granted only within the provinces where the refugee under temporary protection is allowed to dwell. The regulation foresees no limitations to economic sectors although it provides for a 10% limit for Syrian refugees with the exception of the sectors of agriculture and animal husbandry. The regulation is immediately applicable but its general nature may require further implementing rules. The adoption of the regulation is undoubtedly a very positive step; however, its real impact will depend on quick and effective enforcement.

Turkey prepared and submitted to the Parliament draft legislation on personal data protection. If compatible with European standards, such legislation would enable Turkey to cooperate more closely with Europol, Eurojust and Member States enforcement agencies. The current draft law still needs to be improved mainly with regard to the independence of the data

⁵ According to Turkish legislation, only those persons having fled Syria obtain automatically upon registration international protection as a group. Citizens of other nationalities must introduce individual applications and obtain refugee status after a screening and decision by the Directorate General for Migration Management.

protection authority and the exclusion of law enforcement authorities and intelligence activities from the scope of the law. The EU shared its concerns with Turkey in the hope that these shortcomings may still be addressed in the parliamentary process.

On 8 January, the Turkish government submitted the Turkey-Bulgaria-Greece tripartite agreement to the Parliament for ratification.

Turkey expressed readiness to improve the implementation of the Turkey-Greece readmission obligations and open more readmission points in addition to Dikili. The main problem for the implementation of this bilateral agreement remains the long delays for processing the Greek readmission applications. In late December 2015 and end January 2016, Turkish officials visited Athens and discussed with the Greek authorities means and ways to improve the implementation of the bilateral readmission agreement.

In January, Turkish Police organised an information campaign in the country's southern resort town of Bodrum. Leaflets were prepared by the Directorate of Provincial Police to discourage migrants from taking dangerous journeys to Europe. Some 5,000 leaflets were printed in Turkish, Arabic and English and handed over for distribution to the Gendarmerie.

Part 3:

Implementation of EU commitments under the EU-Turkey Joint Action Plan

On 24 November 2015, the Commission adopted a decision creating the Facility for Refugees in Turkey and setting up a coordination mechanism of the actions of the Union and of the Member States supporting the efforts of Turkey in hosting over 2 million of Syrian refugees. The Commission and the Member States are committed to provide an initial €3 billion over the years 2016 and 2017 that will be channelled through the Facility. Member States welcomed the setting up of the Facility, while underlining the link between the implementation by Turkey of its commitments under the Joint Action Plan and the delivery of the assistance. It was subsequently decided that the EU budget will contribute €1 billion to the Facility while Member States will provide the remaining €2 billion, according to their GNI share. A political agreement was reached between Member States on 3 February on funding sources and operating modalities for the Facility. The Commission subsequently amended its decision to reflect the agreement with Member States. The Commission is responsible for the implementation of the resources coordinated through the Facility using the external assistance financial instruments fitting best the type of assistance to be delivered. The Facility is managed by a steering committee, chaired by the Commission. Member States are members of the steering committee, in which Turkey has an observer status. The Steering Committee will convene for the first time on 17 February. The Facility will deliver assistance as soon as possible with the prime objective to provide assistance in order to address, in a dignified manner, the basic needs of the most vulnerable refugee population living in Turkey, including food, shelter, health in emergency and protection. Informal education will also be covered in order to avoid a lost generation of Syrian children, in complementarity with the long-term actions provided. Today, about 400,000 Syrian children cannot go to school. This is an important push factor jeopardizing not only their immediate well-being but also their chance to build a future.

At the end of 2015, in cooperation with the Turkish authorities the Commission launched a needs assessment for Syrians under temporary protection in Turkey. A first overview of the needs assessment is expected by mid-February while completion of the study is foreseen in

early spring. The needs assessment will help identify projects to be funded through the Facility. In the meantime, the Commission has already identified education, improvement of the employability of Syrian refugees and resettlement as priority areas for immediate support (see annex with priority areas of intervention). The current provisional estimate is that humanitarian needs could cover a third of the assistance, while two thirds could support access to education (big focus), local infrastructures and job opportunities.

On 11 January, Commission First Vice-President Timmermans visited Turkey and discussed with Turkish interlocutors about the effective implementation of the JAP.

On 25 January, High Representative/Vice-President Mogherini and Commissioner Hahn held discussions about JAP implementation in the framework of high-level political dialogue.

On 28 January an EU delegation met the Turkish authorities in Ankara to discuss and agree concrete ways to improve the implementation and effectiveness of the JAP and reduce the migratory flows. They identified twelve priority actions which should be further explored as a matter of urgency. The list of actions includes *inter alia* the following:

- To strengthen Turkey's capacity to implement the EU-Turkey readmission agreement as of 1 June 2016;
- Turkey to conclude readmission agreements with countries that are sources of irregular migration to Turkey and the EU;
- To improve the implementation of the Greece-Turkey bilateral agreement;
- To adopt a personal data protection legislation in line with European standards which is necessary for closer cooperation of Turkey with Europol, Eurojust and Member States enforcement agencies;
- To reinforce the interception capacity of the Turkish Coast Guard;
- To strengthen Turkey's legislation, action and cooperation with EU Member States in the fight against smuggling and smugglers;
- To support Turkey to better manage its eastern borders;
- To step up information campaigns for migrants discouraging them from taking perilous journeys to the EU;
- To support Turkey in better identifying forged and/or falsified travel and other supporting documents.

The EU is already providing assistance in several of the above-mentioned areas, in particular through the Instrument for Pre-Accession Assistance (IPA) and the Instrument Contributing to Stability and Peace (IcSP), the delivery of which may need to be accelerated.

On 2 February, the two sides conducted a first follow-up discussion on the above list of actions.

The Commission and Turkey continued discussions on the priorities for the 2016 programme under the IPA assistance, with a clear focus on increasing the financial assistance to support Turkey in meeting the requirement of the Visa Liberalisation Dialogue (Programming mission of DG NEAR on 9-11 December).

In the meantime, the EU continued to provide immediate assistance in Turkey. Since the beginning of the crisis, an overall amount of €365 million from the EU budget has been

provided to directly support Syrian refugees and Turkish host communities. Out of this amount, €71 million has been contracted so far for humanitarian aid purposes via relevant humanitarian organisations to primarily assist refugees in Turkey. A first response programme worth €18 million from IPA was approved in May 2015 by the Board of the EU Trust Fund in response to the Syrian crisis to address immediate educational and food security needs of Syrian refugees in Turkey. Agreements with UNICEF and the World Food Programme (WFP) were signed in September 2015. All in all, some €173 million from IPA have been channelled through the EU Trust Fund in 2015. On 1 December 2015 the board of the EU Trust Fund for Syria adopted new financial decisions for actions in Turkey for a volume of up to €150 million. At the end of 2015, €165 million from the Instrument for Pre-Accession (IPA) 2012 funds at risk of de-commitment, including €25 million of Turkish co-financing, have been allocated to the Trust Fund for projects in Turkey. A project pipeline of 21 projects for a value of €83 million is currently under assessment. The identification of further actions in Turkey will be done on the basis of the needs analysis currently under way (see above).

In addition, the EU continued providing significant assistance to Syrian refugees hosted in Lebanon, Jordan and Iraq as well as to Syrians displaced within Syria. In its second board meeting on 1 December 2015, the EU Trust Fund in response to the Syrian crisis committed €350 million for urgently needed aid to 1.5 million refugees and overstretched host communities in Lebanon, Turkey, Jordan and Iraq.

On 7 December, the EU adopted the Annual Action Programme 2015 for Turkey under IPA II providing further support to Turkey to strengthen its capacity to combat migrant smuggling, notably by reinforcing the Turkish Coast Guard patrolling and surveillance capacity with the purchase of 20 inflatable boats and six mobile radars, as well as other relevant Turkish authorities. The programme also provides for supplies to enhance the capacity of the Turkish Coast Guard Command to fight against irregular immigration and organised crime by sea aiming at increasing the number of rescued/apprehended irregular migrants. A project is currently being designed under IPA to support Turkey provide secure biometrical passports.

The EU has completed the selection procedure for the deployment of a FRONTEX liaison officer in Turkey.

Part 4

Conclusions and recommendations

The overall numbers of irregular migrants entering the EU from Turkey are in a decreasing trend since October 2015. However, they remain high for this period of the year. To address this worrying phenomenon Turkey needs as a matter of urgency to make significant progress in preventing irregular departures of migrants and refugees from its territory. Particularly crucial is stepping up land based operations to prevent irregular departures.

The share of non-Syrians (e.g. Afghanis, Iraqis, Pakistanis, Iranians, Moroccans, Bangladeshis) among the arriving irregular migrants is increasing since October. To address this phenomenon, Turkey needs to urgently take further steps to progressively align their visa policy with that of the EU prioritising those countries that are a source of irregular migration to the EU. Turkey needs to ensure that applicable procedures are concluded swiftly as foreseen by its national legislation, either with a clear granting of a refugee status or with a rejection. Turkey needs also to ensure that irregular migrants, who have been found not to be

in need of international protection, are prevented from making irregular movements towards the EU.

Turkey is requested to review its draft law on personal data protection – which is now in the Parliament – and fully align it with European standards. Swift adoption of an appropriate personal data protection law would allow closer operational cooperation of Turkey with Europol, Eurojust and Member States law enforcement agencies.

Turkey and Greece need to step up their bilateral cooperation in border surveillance, fight against migrants smuggling and better implementation of the bilateral TR-EL readmission obligations.

Turkey is also invited to prepare for the implementation of the EU-Turkey readmission agreement for third country nationals as of 1 June 2016.

Turkey is urged to strengthen its action against migrants smuggling in coastal areas, including in cooperation with interested EU Member States.

Following agreement on the Facility for Refugees in Turkey, the EU on its side needs to start delivering assistance and addressing the needs of refugees under the Facility as soon as possible. In addition, the Commission and Turkey should stand ready to re-prioritise existing assistance programmes to Turkey in the area of migration to respond rapidly to newly emerging needs. As indicated in the Annex, the identified priority sectors for financial assistance to refugees in Turkey are humanitarian aid, education, labour market integration, health care and social inclusion, municipal infrastructure and the management of refugee flows. The needs assessment which is on-going will provide a detailed funding gap analysis and serve to prioritise funding needs in all sectors. The Facility Steering Committee will provide strategic guidance and will decide on specific actions, amounts and best financial instruments to be used. The first Steering Committee meeting will take place on 17 February 2016.

Turkey and the EU need to continue and operationalise their work on the 12 actions agreed on 28 January that support the effective implementation of the Joint Action Plan.

To conclude, Turkey is urged to continue and indeed reinforce its steps towards full and effective implementation of the Joint Action Plan. It is important that the impact of the EU-Turkey coordinated efforts is rapidly reflected in results, in particular in stemming the influx of irregular migrants.

The Commission will continue its efforts to ensure speedy and effective implementation of the EU-Turkey Joint Action Plan. The Commission will monitor the implementation of the JAP closely and will report regularly on it.

APPENDIX

List of currently foreseen Priorities and possible projects under the Facility for Refugees in Turkey

Priority 1: Responding to basic needs
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1.1. Humanitarian assistance

All humanitarian assistance will be administered and provided for in full respect of humanitarian principles and the European Consensus on Humanitarian Aid.

Objective: respond to the most urgent humanitarian needs in the five priority sectors, namely: food and non-food items, health, protection, shelter, water, sanitation and hygiene and enabling education.

Potential projects

- The EU current humanitarian actions consist notably in resources- transfers schemes, implemented via a relatively large number of partners and focused on food and non-food needs, protection, health and actions enabling education in Turkey. These resource transfer schemes could be scaled up to reach up to 1 million people.
- Move towards the implementation of an **Emergency Safety Net**: a multi-purpose resource transfer scheme, with a basic needs approach (including food, non-food items, shelter) to decrease the push-factors forcing refugees' secondary displacement. This system will allow refugees to sustain their basic needs, including food and items for daily use in a dignified manner.
- Continue implementing in-kind assistance and a far-reaching **protection system** (Special Need Funds, case management, legal assistance, referral, outreach as well as child protection and gender-based violence programmes), and **Linking Relief, Rehabilitation and Development** (LRRD).

Target group: A significant number of the most vulnerable refugees in Turkey, mostly Syrian, are targeted. The estimated number of refugees to be reached via humanitarian assistance could go up to 1 million.

Priority 2: Socio-Economic support

2.1 Education

Despite current efforts there is still a gap of up to 400,000 children to be brought back to school in the school years 2015/16 and 2016/17. In addition, very little support is provided to facilitate access to upper secondary education, in particular to vocational education and training, and nearly none to tertiary education enrolment of young refugees.

Objectives: Access to primary education for all Syrian children (400,000 children to be brought back to school in the school years 2015/16 and 2016/17); access to secondary education, in particular vocational education and training; access to tertiary education.

Potential projects:

- Support access of all children to education

- Support access to secondary education, including vocational education and training and apprenticeship
- Support education enrolment and prevent early school leaving, including through language training when appropriate
- Support access to tertiary education
- Support enhancement of responsiveness of education and training to labour market needs
- Provision of education and training infrastructures in regions affected by significant demographic changes induced by the refugees' inflow

Target group: Children and young refugees, with a special focus on girls

2.2: Access to labour market

Assistance should be provided to help refugees seize the job opportunities opened by the new legislation on access to the labour market for refugees, including through competence and skills upgrading and adaptation. This should create effective incentives for them to work and at the same time become an asset for the Turkish economy.

Objectives: Access to employment; self-employment and business creation, in particular micro-enterprises.

Potential projects:

- Support to labour market needs analysis
- Provision of individualised orientation and counselling
- Support of skills and competences upgrading, notably through training and retraining
- Development of qualification equivalence systems
- Support of entrepreneurship, including through micro-credit schemes

Target group: Adult refugees, with a special focus on the less qualified

2.3: Health care and social inclusion

Primary health, physical rehabilitation/post-operative care for war-wounded, as well as reproductive health and mental health, are acutely under-served areas. Community centres allow for an effective support system on legal advice, protection and administrative guidance, training courses for women, non-formal and early childhood education for children, medical counselling and referrals to doctors and hospitals for treatment.

Objectives: Access to health care; access to basic social services

Potential projects:

- Provision of health care
- Provision of psycho-psychological support
- Support access to basic social services, including administrative and legal counselling
- Provision of health and social infrastructures

Target group: Refugees, people from host communities, with a focus on the most vulnerable

2.4: Municipal infrastructures

The vast majority of the refugees (85%) live out of the existing 25 camps, which accommodate approximately 250,000 people. These inflows of people in the least developed parts of the country have put the local infrastructures of some villages under great pressure, notably in terms of access roads, water supply, sewage and treatment as well as solid waste management. In addition, the provision of social services to refugees should be, where relevant, also provided to local communities, to mitigate already emerging hostility.

Objectives: Mitigate impact of refugees' inflow on local infrastructures

Potential projects:

- Support the refurbishing, upgrading or construction of local municipal infrastructures, notably in relation to water management, waste management, urban transport and municipal services.

Target group: Refugees and people from host communities

Priority 3: Support to the national and local authorities to address the consequences of the presence of refugees in Turkey
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3.1: Management of migration flows

The regional and local authorities, who retain the administrative responsibility of hosting the out-of-camp refugees, will also need capacity building and operational support. In addition, the national authorities responsible for registration of the refugees and migration management are also facing capacity issues that need to be addressed.

Objectives: Improve capacity of local, regional and national authorities to manage refugees/migrants

Potential projects:

- Capacity building on migration management
- Supply of relevant equipment

Target group: Local, regional and national authorities