



European Commission



Swedish Migration  
Board



United Nations  
High Commissioner for  
Refugees



International Organization  
for Migration

Cross-Border Co-operation / Söderköping Process

### **Senior Level Review Meeting**

*Söderköping, 12-13 May 2005*

### **Concluding Document**

#### **Background**

On 12-13 May 2005, the European Commission (EC), the Swedish Migration Board (SMB), the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM) with the support of the Cross-Border Co-operation/Söderköping Process (CBCP) Secretariat convened the Senior Level Review Meeting of the Söderköping Process in Söderköping, Sweden. Ministerial level asylum, migration and border guard officials from 10 countries of the Söderköping Process (Belarus, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, and Ukraine) as well as representatives of the EC, IOM, the SMB and UNHCR participated in the meeting. The meeting was attended by observers from Austria, the UK, Check Republic, Netherlands, ICMPD, the Odysseus Network. The Ambassador from the Swedish Ministry for Foreign Affairs chaired the meeting.

#### **Purpose of the Meeting**

The meeting aimed to:

- Evaluate the results of the various activities of the Söderköping Process conducted in 2004/2005;
- Deepen the Process vertically and horizontally: a) through stronger political commitment, and b) with linking migration and asylum specialists ,especially between governments of the three main beneficiary countries and new EU MS;
- Provide an update on the most recent developments in the EU asylum and migration legislation;
- Present catalogue of planned activities within the Söderköping Process for 2005-2007 (Road Map);
- Bring together ideas for future co-operation within the Söderköping process and consider proposals for joint actions at the operational level (mainly for three beneficiary countries).

#### **Opening Remarks**

**Ms. Janna Valik, Director General of the Swedish Migration Board; Mr. Ralph Genetzke, Programme Officer, EuropeAid Cooperation Office; Mr. Bo Schack, Senior Policy Adviser, UNHCR HQ; Mr. Jeffrey Labovitz, Chief of Mission, IOM Mission in Ukraine,** welcomed the participants.

In her opening remarks, **Ms. Janna Valik** noted that the Söderköping/CBCP Process provides effective support in the efforts to safeguard human rights across the border, as well as addressing irregular migration – as a challenge to all countries on each border of the EU. Ms. Valik stressed that the process is also seen as a tool to implement specific parts related to migration and asylum provided for in the European Neighbourhood Policy.

**Mr. Ralph Genetzke** noted that the EC has supported the process over the last two years, mainly financially and thereby helped establish this initiative as a regional dialogue on migration, asylum and border management issues along the new Eastern border of the EU. Mr. Genetzke stressed that the EC considers the Söderköping process as an innovative initiative.

## **Presentations**

**An update on the most recent developments in the Söderköping process and the activities of the CBCP Secretariat since the last Senior Level Review Meeting (9-10 September 2004)** was presented by **Mr. Gaspar Bergman, Head of CBCP Secretariat.**

The activities carried out within the project in 2004-2005 include two cluster meetings and steering committee meeting; first thematic workshop on Reception and Detention Regimes; briefings for embassies and international organisations; research and public information activities. Through them, the Söderköping process promoted the countries in improving their asylum, migration and border management using best standards of international refugee and human rights law.

The Secretariat was actively promoting the process through its information activities, which included, 4 quarterly newsletters and other publications aimed at collecting and streamlining the relevant information and creating a “database” of the Söderköping process. In the beginning of 2005 a website of the Secretariat, English and Russian version, became operational. The Secretariat has also been maintaining a network of experts and has carried out research activities in asylum and migration field.

The Secretariat started gathering information on the following research topics identified by the participants of Söderköping Process meetings – 'Definition of Asylum Seekers and Irregular Migrants: International Law in context', 'Registration systems - good practices', 'The Role of NGOs in Asylum, Migration and Border Management Processes', 'Overview of Reception Detention Regimes' and 'Overview of Return and Readmission Policies and Practices'. The Secretariat drafted and distributed a questionnaire for the inventory of research activities undertaken by the project partners, as well as an inventory of on-going training activities in Belarus, Moldova and Ukraine.

Subject to budget revision, the activities planned within the project for 2005 include:

- 1) A follow-up meeting for the three beneficiary countries (Ukraine, Belarus and Moldova);
- 2) Second thematic workshop on registration system;
- 3) Third thematic workshop on Return and re-admission.

The Road Map is presented and the dead line for comments on the Road Map was set on June 17<sup>th</sup>.

**The framework for the Söderköping Process: European Neighbourhood Policy and “The Hague Programme”** was presented by **Mr. Ralph Genetzke, Programme Officer, European Commission, EuropeAid Cooperation Office.**

1. *The European Neighbourhood Policy (ENP)* is a new policy that invites neighbouring countries in the East and to the South to share in the peace, stability and prosperity that are the core stones in the European Union.

The ENP's objective is to share the benefits of the EU's 2004 enlargement with neighbouring countries in strengthening stability, security and well-being for all concerned. It is designed to prevent the emergence of new dividing lines between the enlarged EU and its neighbours and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation. The ENP is a general offer to the neighbouring countries which has been

conditioned in the case of Belarus as laid out in all EC Communications on ENP and the relevant Council Conclusions. Action plans with Ukraine and Moldova have been signed in order to translate ENP into practice and will be the main tool for implementation. Thus the adoption of the action plans in February 2005 means that agreement on priorities was achieved.

In ENP strategy paper of May 2005 justice and home affairs (JHA) issues are addressed comprehensively ranging from border management to terrorism and asylum. The strategy underlines that the issues to be addressed would have to be focussed on each individual partner country and agreed upon in an action plan. This concerns national measures.

The Action Plans are country specific - for Ukraine and Moldova. Whereas the Moldovan one is very detailed (assessments of migration flows, visa issues, implementation of national action plan, border issues with regard to Transnistria, Söderköping process, etc.), the Ukrainian Action Plan basically refers to the EU-Ukraine JHA action plan and its scoreboard. These priorities are mutually agreed priorities.

The Strategy Paper also emphasises the need for regional cooperation. The Söderköping Process is mentioned as an example of good practice with regard to JHA. The Strategy Paper also highlights that "the European Union is not seeking to establish new bodies or organisations, but rather to support existing entities and encourage their further development; the importance of local ownership is one of the most pertinent lessons that can be drawn from the Northern Dimension."

With respect to financial means, a European Neighbourhood and Partnership Instrument (ENPI) will be set up which means that one single legal basis ('regulation') will replace the existing TACIS and MEDA instruments as of 2007. At present it is still difficult to report on the future ENPI since the negotiations on the future so called financial perspectives are ongoing. However, it is clear that JHA issues are a prominent feature of the ENP and the ENP is one of the most important initiatives within the EU's external relations, which should be translated into budgetary terms.

## 2. *The Hague Programme* approved by the Council of Ministers in November 2004

The Hague programme follows on from the Tampere programme adopted in 1999. The Hague programme is a five-year programme for closer co-operation in justice and home affairs at EU level from 2005 to 2010. It aims to make Europe an area of freedom, security and justice. The programme's main focus is on setting up a common immigration and asylum policy for the 25 EU member states.

The introductory chapter of the Hague Programme highlights *inter alia* three major points. First, it calls for a balance between respect for fundamental freedom and rights and the tackling of legitimate security concerns of citizens. Second, it calls for joint approaches between policy areas and underlines the importance of cross-border approaches. Third, it draws attention to the need for coherence between the internal and external dimension of security.

The Programme's chapter on 'Strengthening Freedom' includes the following priorities under its heading 'Asylum, Migration and border policy'.

- Development of the second stage of an asylum system, which would essentially see the light of an EU common procedure.
- The link between legal migration and the fight against illegal employment (link to Lisbon strategy)
- Integration of third country nationals
- Border checks and fights against illegal immigration (border agency, SIS II)
- Biometrics and information systems: interoperability of SIS II, Eurodac and VIS
- Visa policy (*inter alia* VIS, on a case by case basis visa facilitation)

EC assistance in the WNIS has never really addressed the link between migration and employment strategies. Neither integration of third country nationals nor refugees have been really addressed despite e.g. a Ukrainian national strategy on integration. With respect to information systems and biometrics the key concern for the future has to be how to avoid new development gaps between intra

and extra-EU. To that end a current Tacis migration project in Ukraine includes already a study on biometrics.

The separate heading on the external dimension of asylum and migration underlines the core principle which is the partnership with third countries. This entails the inclusion of migration clauses into EC strategies and bilateral agreements; partnership with countries and regions of origin; partnership with countries and regions of transit; return and readmission.

More specifically on the partnership with countries and regions of transit and origin, the EC came forward with the concept of so called 'Regional Protection Programmes' (RPPs) in its Communication on durable solutions of 2004. Whereas initially the concept mainly focussed on countries of origin, the ensuing discussion among Member States put also countries of transit to the forefront. Pilot activities would be protection oriented measures. However, it will be essential that future RPPs are firmly built upon already ongoing projects or existing consultation mechanisms. In connection with the RPPs the EC will also come forward with a concept on how to further develop an EU resettlement scheme.

It was stressed by the EC that stronger effort should be made to define what role the Söderköping process can play on asylum, migration and border management issues within the overall EU framework.

**The most recent developments in EU policies and practices on asylum and migration were presented by Ms. Anabelle Roig, Liaison Officer, UNHCR Representation for Belgium.**

#### **1. The most recent developments in the EU migration policy concern:**

1.1. November 2003, the Council adopted a programme of measures to combat illegal migration across the maritime borders of the Member States (MS);

1.2 February 2004, the Council adopted a Regulation creating an Immigration Liaison Officers Networks;

1.3 **[etc.. change accordingly]** Council decision in October 2004 to set up a European Agency for Border Management by 1 May 2005. The seat will be in Poland. The Agency will assist in the co-ordination of MS' actions in the implementation of return measures and will be responsible for horizontal matters such as training for border guards and risks analysis, providing technical support to MS in organizing joint return operations.

1.3. The Constitutional Treaty adopted in June 2004 (not yet ratified / entered into force). The text enshrines (article 265) the concept of an *"integrated system of external border management"* for enhancing future co-operation at both the legislative and the operational level, with the possibility of creating common border-guard units to support actions taken by national authorities. The Treaty empowers the Union to conclude agreements with third countries for the re-admission of third-country nationals residing without authorization in the Union (Article 268). Article 267 envisages that the common immigration policy aims at ensuring the efficient management of migration flows, fair treatment of third-country nationals residing legally in the MS, and the prevention of, and enhanced measures to combat illegal immigration and trafficking in human beings (women and children, in particular).

1.4. EU Return Policy, in particular the Commission Communication of June 2004 on a common readmission and return policy and the June 2004 Council decision to establish a special financial instrument for preparatory actions for the return of "illegal" third country nationals;

1.5. EU Readmission Agreements and readmission clauses in co-operation agreements, in active negotiations with Ukraine, Russia (10 May 2005 Summit) and Morocco;

1.6. AENEAS Programme that succeeds the B7-667 budget line, with the total funding of EURO 250 million for 2004-2008. AENEAS Programme's objective is to give technical and financial aid to third countries in order to promote a more efficient management of migration flows in all their dimensions. Call for proposals was released in December 2004: some 200 projects were submitted. Next call mid 2005 with different geographic priorities.

2. Issued in May 2004, **the European Neighbourhood Policy** (ENP) confirms and reinforces the aims and the strategy of the 2003 "Wider Europe" policy. It covers 14 countries along the external EU

borders: 3 Western NIS and 11 Mediterranean countries. Russia is not directly concerned by the ENP. The policy objectives will be achieved through a jointly elaborated Action Plans, which will set up a number of priority areas, including Justice and Home Affairs issues, such as management of borders and population movements, migration and asylum, visa policies, fight against organized crime, etc.

Comment [U1]:

### **3. EU Immigration Policy developments** include:

- 3.1. The EC July 2004 Communication on the study of the relationship between legal and illegal immigration; in January 2005, a green paper on economic migration;
- 3.2. Policy on integration of migrants – various policy documents with the latest as the outcome of the JHA Council meeting of November 2004 adopting 9 main principles;
- 3.3. Legal instruments, such as Directive on the Right to Family Reunification (September 2003); Directive on Long Term Resident Status (November 2003); Directive on the Right of the EU citizens and their family members to move and reside freely within the EU (March 2004); Directive on the short term residence permit for victims of trafficking who co-operate with the authorities (April 2004); draft instruments on legal admission for economic purposes and on study and vocational training (including volunteering);;
- 3.4. Set out in the European Constitutional Treaty, a common immigration policy that entails the conditions of entry and residence in the EU; the definitions of rights of third country nationals residing legally in a Member State, illegal migration, unauthorized residence, including removal and repatriation; and combating trafficking in persons.

### **4. EU Asylum Policy:**

- 4.1. First phase under the Amsterdam Treaty is seen as completed: (Dublin) Regulation on determining state responsibility (February 2003); Directive on minimum standards for reception conditions of asylum seekers (October 2003); Directive on minimum standards for the qualification of refugees and beneficiaries of subsidiary protection (April 2004); political agreement on minimum standards for asylum procedures (March 2004); Directive on common regime for Temporary Protection (July 2001); Decision on the European Refugee Fund II (2005-2010), June 2004. 1,2 billions Euros are envisaged under the next financial perspective;
- 4.2. The Common European Asylum System (CEAS) comprises 2004 Communications on the assessment of the Tampere programme and future orientations and on resettlement and enhancing protection capacity in regions of origin. The next phase of the CEAS will consist of monitoring of the transposition of the mentioned instruments into national legislation and their implementation.

### **5. The Hague Programme:**

Adopted by the European Council on 5 November 2004, covers a whole range of issues: security, judicial co-operation, and also migration and asylum through 5 specific aspects with regard to the external and internal dimensions of the EU asylum policy.

## **Evaluation and recommendations on the Söderköping process by country representatives**

### **Belarus**

Belarus' presentation on its evaluation of the Söderköping process was mainly directed at issues of illegal migration in Belarus and management of migration flows. To this end, the Migration Department has been created, which among other functions – deals with registration of foreigners, granting permissions for residency, refugee status determination.

As of 1 May, 2004 Belarus acquired new status: EU neighboring country, becoming a transit country as well suffering from high migration flows of illegal migrants, human trafficking, drug smuggling. For 2004 over 26,000 foreigners were sentenced to administrative sanctions because of violation of residence rules in the territory of Belarus. 2324 cases who severely violated residence rules were deported out of the country, 1229 out of them were convoyed.

In 2004, 166 cases applied for refugee status, all cases have been registered and pending decision. In 2005, 36 persons were granted refugee status. Temporary residence was granted to 57 persons

who needed humanitarian protection and were not qualified for applying to refugee status. Another acute problem related with illegal migration is human trafficking. Combating human trafficking was set on the national agenda as a priority issue to be resolved.

Annually, some 13,000 foreign citizens get residency permit in Belarus. Main countries of origin of illegal migrants are from the Central Asia, Caucuses and Russia. Absences of controlled and guarded border in the south of Russia enables hundreds of illegal migrants come in to Russia and further migrate to Belarus. Once the situation is stabilized in countries of origin, and Russian Southern border is properly guarded, the situation with migrants will be significantly stabilized in Belarus, as was reported by governmental officials.

Belarusian delegation stressed the necessity to make the Söderköping process effective and well functioning in responding such acute migration issues. Russia needs to be invited to participate as a observer or participating country in the process. The Söderköping process would be very helpful in halting irregular migration at Belarusian/Russian borders and in assisting the return of illegal migrants to their countries of origin.

### **Hungary**

Hungary provided comprehensive information on the number of asylum seekers and refugees throughout the country, breakdown by nationalities and location of reception centers managed by state institutions. Hungary cooperates with Spain and Turkey on bilateral basis in the migration field. It's vitally important to promote and continue cooperation with Ukraine as it's at the external border of the EU and at Hungarian border to address challenges in fight against illegal migration, smuggling of goods and human trafficking. Strong interest was expressed to find mutual cooperation areas in which Hungary may transfer its experience.

### **Slovakia**

Slovakia has undergone tremendous changes in its process of building appropriate administrative structures of border control, establishing and developing cooperative institutions with all neighbouring countries in the region (Poland, the Czech Republic, Hungary and, in particular, Ukraine).

In building a new modern border police service, Slovakia had to make progress in many fields. Under the auspices of EU, Slovakia managed to achieve harmonisation of measures, mainly in the field of borders and the free movement, in the interest of stability and common political aims.

In August 2002 the Slovak Government approved "Strategy for Further Completion of Schengen-Type State Border Protection" (hereafter referred to as "the Strategy"). The Strategy covers the broad spectrum of requirements ensuing from the integration process for accession to the EU and the necessity of ensuring and implementing the necessary legislative, staffing, economic and material-technical measures in the border and the foreign sector police service for the years 2002 – 2003, 2004 – 2006 to 2010.

The Authority of Border and Foreign Section Police is involved in the Action Plan for 2005 in the framework of quadrilateral cooperation of the Slovak Republic – Hungary – Poland – Ukraine. The interest to be effectively engaged in the activities of border guards, in particular those with Ukraine, with which several member states have a common external Schengen border. The "Programme of Measures" was drawn up on this basis, containing specific cooperation tasks.

White Paper on Migration Policy is a core document on migration issue, passed by the Government, the main aim of which is to prepare detailed white papers at key ministries concerning migrants. The White Paper defines the political will to establish an Immigration Authority with competence in the field of residence permit, visas, citizenship and asylum. This document gives a sufficiently broad room for development of future cooperation with non-member countries of the EU which are participating countries of the Söderköping Process.

The Slovak Republic, in cooperation with other countries, is attempting to promote activities supporting cooperation with the countries in the framework of this process also in the European Commission. It was highlighted that efforts of Sweden, Slovakia, the Czech Republic, Austria and Germany to promote Ukraine, in the framework of HLWG negotiations, as a transit country for migrants, where the EC plans to have a project in the framework of re-settlement schemes.

Slovak Republic focuses on Ukraine as a strategic partner in the field of migration in present and for future. Slovaks plan to implement with Ukraine a two-year twinning project focusing on the field of asylum.

### **Estonia**

The Estonian delegation expressed utmost support to building and expanding cooperation beyond EU borders which is seen as very important tool to constructive dialogue in securing effective border management. Very fruitful relations at the operational level are supported with Ukraine. Cooperation with Belarus has been recently marked with signing of agreement on legal matters. Meanwhile, Moldovan-Estonian relations needed to be promoted, network of experts should be expanded. Estonia has accumulated progressive experience in harmonizing its legislation with the EU, while joining the EU, so now Estonia is ready to share its know-how and modern approaches with other countries in joint activities/projects. The Government of Estonia is ready to start forum to discuss issues of concern to border management, asylum and migration issues both at expert and political levels.

### **Latvia**

In Latvia, after joining the EU, the Office of Citizenship and Migration Affairs has taken over new functions including the implementation of the Dublin Regulation. The structure of the State Border Guard Service has been changed to include the re-organization of the immigration services. Personnel are being moved from what is now an internal EU border to Latvia's external borders. An expert service has been created to guarantee qualified experts for the provision of consultations in the investigation of border incidents and to take part in operative and procedural actions. Latvia has expressed strong support for the Söderköping Process and initiatives taken within its framework, though the most feasible format of cooperation which Latvia wants to pursue is bilateral format in forms of various joint/bilateral projects.

### **Ukraine**

In Ukraine the Border Guard Service deals with issues of state border protection on land, sea, lakes, rivers and other water reservoirs to prevent illegal changes of border line. The Law on Border Guard Service of Ukraine and the Law on amendments to legislative Acts followed the creation of the Border Guard (BG) Service on 1 August, 2003. The sphere of functions given to the BG include wide range of responsibilities among others are:

- Carry out border control and authorize people, vehicles, cargoes and property to cross the border of Ukraine, detect and prevent their illegal transportation;
- Carry out intelligence, information-analytic, operating and search activities to protect Ukrainian border;
- Struggle against organized crime and illegal migration counteraction on the border;
- Decision on deportation of foreigners and persons without citizenship legal status from Ukraine.

Among main security threats facing the BG are international terrorism, proliferation of weapons of mass distraction, radioactive and explosive weapons, illegal migration.

In its work the BG rely on interagency information system "Arkan" which includes such components:

1. Registration of foreigners who crossed the border.
2. Data base inquiries.
3. Data base for detecting foreigners – state border legislation violators.

Good relationship has been maintained on exchange of information with executive authorities, Ministry of Internal Affairs, Ministry for Foreign Affairs, Security Service of Ukraine, State Custom Service, State Committee for Nationalities and Migration.

Though check points of Border Guards are well equipped and manned the number of illegal migrants coming to Ukraine in 2004 has increased to some 10 000 persons, in comparison to 5 800 in 2003. The Ukrainian delegation expressed their interest and support to the Söderköping Process. Suggestion was put forward to invite the German border guards into cooperation as those being very effective in their work.

### **Lithuania**

Before joining the EU, the Lithuanian Government made a lot of work in accepting the EU requirements in the areas of asylum, migration and border management. Lithuania has made progress in the abovementioned fields and now became a country, which provides assistance to other non-EU countries in the fields of asylum and migration, border management.

In 2004 the Law on legal status of aliens and implementing by-laws were adopted. These legislative and administrative developments significantly changed the Lithuanian asylum and migration system.

Latest Lithuanian intergovernmental agreements include:

- In February 2004, the Agreement of the Governments of Lithuania and Moldova concerning abolishment the visa regime for holders of diplomatic passports came into force.
- The readmission agreement between Lithuania and Moldova came into force in February 2004.
- The Governments of Lithuania and Moldova signed the Agreement on mutual travel of citizens. It is provided, that Lithuanians will be allowed to travel to Moldova without visas and the Moldavians will get visas on simplified procedure.
- In May 2004, the Agreement of the Governments of Lithuania and Romania concerning abolishment the visa regime came into force.
- In November 2004 the readmission agreement between Lithuania and Romania came into force.
- In July 2004 the Agreement of the Governments of Lithuania and Ukraine on mutual travel of citizens came into force. The Agreement stipulates rules of issuing visas for Ukrainian citizens according to simplified procedure and Lithuanian citizens were allowed to travel to Ukraine without visas.

The most important event in the asylum field is the Austrian – Lithuanian – Ukrainian project “The assistance to the legal and administrative reforms in Ukraine in the sphere of migration and refugees’ protection according to the norms and standards of the European Union”, which is funded by TACIS. The partners of this project are Ukrainian State Committee for Nationalities and Migration, as the beneficiary institution on one side and the Austrian Ludwig Boltzmann Institute of Human Rights, as leading partner together with the Migration department under the Lithuanian Ministry of the Interior, as junior partner.

From the Lithuanian point of view, the Söderköping process needs to be more specified in the asylum and migration areas. Idea on having some kind of “road maps” or national action plans in the area of asylum and migration for Ukraine, Moldova and Belarus was supported as a result of the activity within Söderköping process.

Gaps in legislative, administrative practice, organization of management and training of staff has to be identified and included to the “road maps” according to the needs expressed by the authorities of beneficiaries and the results of the discussions of interested countries, which are participating in the Söderköping process. After finalizing and approving “road maps”, the countries of Söderköping process could assist in finding funds for implementation measures included to “road maps” and, of course, to take part in the implementation stage.

Lithuanian delegation reassured that they are ready to share experience and through practical cooperation - increase capacity of the partnership countries to better manage migration flows and provide international protection. Lithuania fully supports the idea to continue activities within the Söderköping process in the next three years.

### **Moldova**

Field of asylum, migration and border management is comparatively new for Moldova, these issues were not properly addressed before. Only in 2003 Law on Refugees was adopted. Migration Department was created to deal with functions of granting refugee status (earlier done by UNHCR, Moldova) and temporary protection. Under the Presidential Decree of 31 May, 2003 the procedure of granting political asylum was set forth, giving this responsibility to the President of Moldova. National legislative framework in the field of asylum is still in drafting stage. Thus, Law on Humanitarian protection has been passed in the 1<sup>st</sup> reading in the Parliament. Though, after thorough analysis, inconsistency with some international norms were found. It was emphasized that Moldova will be more than welcomed to get experiences from legislation of other countries in this field, so that the Law on Humanitarian protection corresponds to the best legal practices.

Moldova has highlighted its need in field of looking for solutions for persons who are long time in refugee status determination procedures, how to organize voluntary return and repatriation of rejected cases to their country of origin. Registration system of foreigners needs to be created for proper tracing of those people, issuance of residence permit, ensuring their social and economic rights.

Staff who are responsible for handling refugee claims, judges, persons providing legal assistance to asylum seekers and refugees need to be trained how to proceed with those claims, how to differentiate between asylum seekers and migrants. Thus, in this area co-operation would be of utmost importance within the Söderköping Process on how to obtain the best practices from other countries in responding to Moldovan needs.

### **Poland**

Latest developments in Polish law and practice in relation to asylum and migration, which were introduced after the 1 May 2004, the date of accession to the EU, include:

- 1) On 22 April, 2005 the Parliament passed an Act amending Act on Aliens and Act on granting protection to aliens within the territory of the Republic of Poland (both of 13 June 2003). The new law will come into force on 1 October 2005. The purpose of the amendment was to introduce into the Polish law the directives adopted recently by the Council of the EU (family reunification; status of third-country nationals who are long-term residents; on assistance in cases of transit for the purposes of removal by air, and some others;
- 2) On 1 May, 2004, the Border Guard finished its preparation to perform the responsibilities resulting from EU Eurodac and Dublin II regulations. The equipment set of the live-scanner type have been put operational in order to be applied for the purpose of electronic dactyloscopy. Regarding implementation of the Dublin II Regulation, special unit, so called "Dublin Unit", was established and became operational within the structure of the Office for Repatriation and Aliens.
- 3) Amendments of the Act on the Border Guard aimed at re-structuring this institution to make it more responsive for traffic control, application of the Schengen legislation in order to control persons at interior borders.
- 4) International agreements concluded in 2004:
  - Agreement on cooperation in fighting terrorism, organized crime and other crimes between the Government of Republic of Poland and Government of Republic of Estonia;
  - Agreement between Commander in Chief of Border Guards of Republic of Poland and State Border Guard Service of Ukraine concerning the rules of creating and functioning consultative points;
  - Agreement between Commander in Chief of Border Guards of Republic of Poland and State Border Guard Service of Ukraine concerning combating illegal trafficking in human beings;
  - Agreement between the Republic of Poland and International Organization of Migration on the cooperation in the field of voluntary return of aliens leaving the territory of the Republic of Poland.
- 5) In October 2004, Parliament ratified the Dublin Convention.
- 6) In 2004 two contact points on the border with Ukraine were established. The points serve as a platform to exchange information needed for effective realization of the Agreement on cooperation in controlling of the persons, goods and means of transport crossing Polish – Ukrainian border, signed in Kiev on 25 June, 2001. These contact points are situated in border crossing points: Dorohusk – Jagodzin and Korczowa – Krakowiec.

It was emphasized that good cooperation with Ukraine is in place in handing over aliens within the frame of the Polish-Ukrainian readmission agreement.

Concerning the future of the Söderköping Process, Poland suggested it should focus on strengthening of mutual cooperation between all states involved. This cooperation should be based on exchange of experience and best practices. Poland would like to share its experiences related to recent changes in asylum and migration law and policy in the way of exchanging of necessary information, study visits and trainings of experts.

## **Romania**

Romanian delegation stressed usefulness and importance of activities, organized under the auspices of the Söderköping Process, in particular for the cross-border co-operation, serving a place to exchange useful data and information among the participant states. The CBCP has proven to be an efficient mechanism to generate a cooperation framework among the states from the region, with a view to identify suitable solutions for the asylum and migration management. At present, Romania is part of the Central and Southern Cluster, together with Hungary, Slovakia, Ukraine and Moldova.

Romania hosted two events in which representatives from Migration authorities from Hungary, Slovenia and Republic of Moldova took part:

- May 2004, regional conference on asylum and migration at the regional level;
- May 2005, regional conference for Dublin and Eurodac implementation.

National Refugee Office maintained good relations with Moldovan Migration Department raising issues of common concern such as data exchange regarding the asylum practices and activities performed on the proceeding of determining the statute of refugee.

The opportunity was taken with IOM to discuss possibility to develop a project for ensuring transfer of expertise in the area of migration and asylum from the responsible Romanian authorities to the similar ones in the Republic of Moldova, which would be an important step forward towards closer regional co-operation.

Romanian authorities are permanently preoccupied in developing of a migration management system according to Romania's future status as EU member and also according to the EU acquis in this field. Measures have been taken to improve efficiency of the management of migration between states at inter-agency level. Thus, the Authority for Aliens (AfA), as part of the Ministry of Administration and Interior responsible in this area has been fully supported by EU member states, support materialized through technical assistance from experts within EU structures and also through a substantial financial assistance. Both components of this co-operation proved to be an incentive which accelerated the institutional development of the Authority for Aliens.

In relation to Moldova and Ukraine in state border management close partnership was sustained through periodic meetings, conclusion of bilateral agreements with Ukrainian border authorities, establishment of the contact point at the Romanian-Ukrainian border.

Considering the participation in the future at the activities of the Söderköping Process, Romania will continue to provide its experiences in the field and international relations with the states involved. Romania's proposals for future activities within the Söderköping Process are related to:

- availability of structures with competences in the field of asylum and migration to offer expertise in the field;
- availability for participation in bilateral activities at regional level, where accumulated experience would be used;
- offer Romanian solutions for the preparations and application on the projects at cross border level.

## Evaluation of the Söderköping Process by future cooperation and challenges:

### EU

Three core points with regard to the process – two stem from the past and one describes the present situation:

- **To keep a balanced approach: protection and control; work with all involved actors:** This has been one of the core principles of the process and reflects the EC's approach on asylum/ migration issues in its external assistance.
- **The Secretariat continues to play a facilitator role:** The Secretariat will continue to perform an operational facilitator role but will not become any independent body in itself.
- **To move from a geographic to a thematic approach:** The current intensification of the process is mainly happening through the move towards thematic meetings rather than geographic ones. The thematic meetings should become the cornerstone of the processes other activities which would best be centred around the subjects of the thematic meetings.

With regard to the future developments the EC sees several points:

- **Increase networking:** one prerequisite is the clear designation of contact points, which manage to assume this role in addition to their normal workload. The Secretariat has developed the tools e.g. the website, networking has to be actively pursued. Contact points in administrations/ organisations should have instructions that they have to actively contribute in the networks
- **Make the thematic meetings the cornerstone of activities:** Follow-up activities include: national follow-up meetings; expert advice if necessary and not covered by bilateral activities; newsletter issues focussing on the subject of the thematic meeting or specific research preparing the workshop.
- **Exchange of information between bilateral and multi-lateral initiatives:** each country set up a work programme for relevant bilateral exchanges.
- **Innovative approaches** linked to the Söderköping process: by targeting the administrations, academia and civil society by linking them to existing networks in the EU such as the Odysseus network on legal studies on asylum and migration issues.

Though the commitment to the process remains by participating states, **but that there is still potential to be developed with regard to the political profile of the process and its operational functioning.** This year's attendance of other EU Member States as observers showed the widening interest for this initiative.

### Swedish Migration Board

- The aim of the Söderköping Process was to establish a sustained regional network on cross border issues, which was evaluated as such to be established. Thus now the aim is to sustain and support these regional networks.
- Follow-up activities after thematic workshops could serve as an effective tool in raising local ownership of the process.
- Effective tool for interactive dialogue among CBCP countries and external partners was established by launching the CBCP web-site.

### UNHCR

- CBCP is an effective vehicle for dialogue among states which can't alone solve migration problems. The strengthening of asylum system beyond the border of the EU is a key priority; it's also in the interest of the EU to increase support for the development of migration/asylum system and CBCP is very important mechanism for achieving this.

- To preserve the strength of asylum across Europe – UNHCR strongly encourages Europe to develop system of responsibility and burden sharing with WNIS, develop asylum system in border states, thus aiming at less irregular movement within the EU. The CBCP is the only process that has a particular focus on WNIS and the only one that provides comprehensive information on regular basis concerning developments in the EU and in the WNIS at the national level.

- UNHCR is convinced of need to strengthen national asylum systems through regional and sub-regional co-operation mechanisms such as CBCP. UNHCR attaches great importance to the sub-regional and regional dialogue between states in the CBCP process.

- CBCP has assisted participating countries in making use of sharing knowledge, experience and initiatives as well as facilitated development of border management dialogue and bilateral agreements. CBCP has identified needs and expectations of the participating countries – and adjusted the process accordingly. The CBCP shapes its activities regularly - from general cluster meetings has recently switched to thematic working groups. This change of the format of meetings showed its ability to respond to the needs of the participating states. Process has continuously adjusted to reality on the ground by developing concrete initiatives for networking, training and knowledge sharing.

- The future of the CBCP and the extent to which harmonization and filling gaps is carried out will depend on political commitment of all the participating states as well as finding and direct assistance priority between EU states and WNIS. Because of its focus to play a major role in bringing Belarus, Moldova and Ukraine closer to the EU through European Neighborhood Policy, the Road Map of the CBCP will be of much political support to get the beneficiary countries to implement ENP, to record all the bilateral and trilateral agreements that continue to grow.

## **IOM**

The overall objectives of the process have been met, now bilateral relations need to be facilitated, where the Secretariat should serve as a focal point for collection and distribution of co-operation projects. The experiences of other newly acceded EU countries are welcomed to share with CBCP participating countries in building effective system for managing migration flows, new countries are welcomed to join the CBCP. The CBCP process, having Belarus, Moldova and Ukraine as their three beneficiary countries reinforces the need for closer co-operation within CBCP countries. It was highlighted that a joint meeting with beneficiary countries will be held to closer identify their needs in the migration/asylum and border management field. The CBCP being a regional dialogue on migration issues has good prospects for future development.

## **Working groups**

Active discussions on future co-operation and joint action within the Söderköping process took place in two working groups. Special attention was given to the three beneficiary countries and their needs which can be jointly addressed within the CBCP process by the participating states.

### *Objectives of work in working groups:*

- To identify the needs and how to improve/strengthen capacity of Belarus, Moldova and Ukraine in creating effective asylum system, provide services to asylum seekers, refugees and migrants as well as to build cross-sector cooperation between the governments in order to ensure coordinated regional approach.
- To present Road Map of the Söderköping process.

### *Working group 1. Asylum and border guards issues*

Common needs identified in the working group on asylum and border guard issue include:

- Training of staff of various governmental institutions dealing with whole range of issues of proceeding asylum and refugee applications, judges, lawyers, regional migration services, staff of temporary accommodation centres;
- Development of additional forms of protection – humanitarian, subsidiary protection – using the best countries' legal practices and international norms;
- Development and implementation of voluntary return/repatriation programs;
- Proper registration system of aliens needs to be developed and launched in three countries;
- Find solutions for protracted cases and persons without status residing in three countries, introduce additional forms of protection;
- Introduce effective framework for local integration of refugees at national levels;

### *Working group 2. Migration issues*

Participants of the Workshop reached the following conclusions/needs:

- Need for a separate meeting of Representative of Belarus, Moldova and Ukraine to define their issues of common concern and needs for external assistance;
- Need for Migration legislative reform on national and international level;
- Need for administrative reform which will follow the legislative reform;
- Need for migrants human rights training;
- Need for providing direct cross/sectoral links between the staff from Belarus, Moldova and Ukraine with the rest of the process countries on all levels
- Need to identify what government of three main beneficiaries countries Belarus, Moldova and Ukraine want, what are the priorities of these governments and what the needs are.
- Need for further researches on conditions in reception facilities for irregular migration

The participants from EU countries at each working group reiterated their commitments to assist Belarus, Moldova and Ukraine in addressing their needs and solving their problems through joint partnership, twinning projects and capacity building activities. Local ownership from beneficiary governments of the Söderköping process would highly raise the result of the common actions.

## Conclusions

- I. The participants of the Söderköping Process have recognized that the EU enlargement has energized cooperation among all countries. This is evident within the Söderköping Process where a revitalized discussion has brought about a more focused range of practical activities. The transfer of experience has been identified as a top priority in both newly acceded states and the three beneficiaries. Participating countries have committed themselves to providing expertise to the process and have at the same time made several proposals for projects.
- II. In the interest of creating a sustainable process and ensuring added value, the participants have identified a need to create an inventory of past and future activities created within the framework of the process – both at a bilateral and multilateral level. It was suggested that all participating countries provide all appropriate information regarding bilateral contacts established within the framework of the process to the CBCP Secretariat.
- III. The participating countries acknowledged the increasing interest of other EU countries in the process. Such interest and contributions of others were welcomed, which can be made in different areas of the Söderköping Process, of relevance to the participating countries.
- IV. A shift to a more thematic approach to activities was welcomed and the need for research to be undertaken in line with all guiding themes formulated by the participating countries was highlighted.
- V. Based on the needs and gaps identified in the course of 2003-2005, the participants reiterated the need to articulate common strategies of cooperation. For this purpose the Road Map of the Söderköping Process will serve as a guiding document, once finalized by the participants.