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From:	General Secretariat of the Council
To:	Delegations
Subject:	EU-Afghanistan Joint Way Forward on return, readmission and reintegration

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Delegations will find attached the text of the draft Joint Way Forward, presented by the Commission services and supported by delegations at the meeting of the JHA Counsellors held on 5 April 2016.

The attached text constitutes the EU proposal in view of the negotiations of the Joint Way Forward to be held in the framework of the Senior Official Meeting EU-Afghanistan, which is expected to take place in Brussels on 12-13 April 2016.

The Commission will regularly provide information on the progress in the negotiations of the Joint Way Forward. Prior to its endorsement at the meeting of the High-Level Dialogue EU-Afghanistan expected to be organised end of spring/early summer. On the EU side, the text of the Joint Way Forward will be agreed by the High-Level Group on Asylum and Migration in due time and thereafter submitted to COREPER and Council for final approval.

**EU-Afghanistan Joint Way Forward on return, readmission and reintegration****Introduction**

The European Union (EU) and the Islamic Republic of Afghanistan face unprecedented migration challenges. Addressing them requires solidarity and determination.

This Joint Way Forward (JWF) reflects the joint commitment of the EU and Afghanistan to step up their cooperation on preventing and addressing irregular migration, and on return of irregular migrants, as part of the overall partnership between Afghanistan, the EU and its Member States, through coordinated efforts. It builds on the meeting between the High Representative/Vice President Mogherini and the Foreign Minister of the Islamic Republic of Afghanistan Rabbani on 1 December 2015, in which they agreed to launch a High-Level Dialogue on Migration, and the visit of EU senior officials to Afghanistan on 27-29 January 2016.

The JWF identifies a series of actions to be implemented as a matter of urgency by the EU and Afghanistan with the objective to establish a rapid and effective process for a safe and orderly return of Afghans who do not fulfil the conditions for entry or presence in the EU, and to facilitate their reintegration in Afghanistan in a spirit of cooperation.

The EU and Afghanistan remain committed to:

- respect the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 New York Protocol;
- uphold the rights and freedoms guaranteed in the International Covenant on Civil and Political rights and the EU Charter on Fundamental Rights;
- respect the safety, dignity and human rights of irregular migrants subject to a return and readmission procedure.

The JWF paves the way for a structural dialogue and cooperation on migration, based on a commitment to identify effective ways to address the needs of both sides.

## **Part I: Cooperation on readmission**

The EU and Afghanistan intend to cooperate closely in order to organise the dignified, safe and orderly return to Afghanistan of Afghans who do not fulfil the conditions for entry into or regular presence in the EU.

In line with its obligations under international law, Afghanistan reaffirms its commitment to readmit its citizens who entered into the EU or are staying on the EU territory irregularly.

Prior to returning Afghans, the EU side intends that fair consideration is given to humanitarian aspects, with specific attention to children, family, elderly people and sick people. Special measures will be taken to ensure that vulnerable groups receive adequate protection, assistance and care throughout the return and reintegration process.

In particular, measures will be taken to ensure that unaccompanied minors are not returned prior to successful tracing of family members or without adequate reception and care-taking arrangements having been put in place in Afghanistan. In accordance with the principle of family unity, the EU side intends, in cases where all members of a family, who are all Afghans, return to Afghanistan, to make every effort to ensure that families are returned together and that involuntary separation will not occur.

## **Part II: Facilitating the return process**

To facilitate the return process, the EU side will ensure that every Afghan returning to Afghanistan in a voluntary or non-voluntary way is in possession of a valid travel document, such as a passport or the EU travel document for return (EU laissez-passer).

To facilitate the return and readmission of Afghans, EU Member States will make use of charter flights to the Kabul airport, including joint charter flights returning Afghans from several EU Member States organised and coordinated by Frontex.

The EU side intends to make sure that any person readmitted by Afghanistan who, it later emerges, is not of Afghan nationality, is taken back by the Member State concerned.

### **Part III: Information and awareness-raising**

The EU side and Afghanistan will cooperate closely to ensure, with the assistance if necessary of relevant non-governmental and inter-governmental organisations, that Afghans present in the EU are provided with objective and accurate information regarding their return and reintegration in Afghanistan, to allow for decisions to return to be taken in full knowledge of the facts. To this effect, the EU and its Member States, together with relevant inter-governmental or non-governmental organisations, will carry out information campaigns targeted at Afghan communities in the EU.

To prevent further irregular migration from Afghanistan and to create conditions conducive to the sustainable reintegration of Afghan returnees, Afghanistan will take the necessary measures to sensitize the population to the dangers of irregular migration, including through information and awareness raising campaigns. The EU will contribute to finance such information campaigns.

### **Part IV: Return Programmes and Reintegration Assistance**

The EU side intends to meet the costs of travel for Afghans up to the final destination in Afghanistan and of their luggage, in accordance with international flight weight, including administrative costs to arrange for travel.

This is separate from and irrespective of the development assistance aid provided to Afghanistan, which seeks to address many of the root causes of irregular migration to Europe, including through job creation.

In order to facilitate reintegration, the EU side intends to develop and fund programmes providing support for Afghans returning to Afghanistan voluntarily. Special consideration will be given to the needs of women, children and other vulnerable groups in the development and implementation of the reintegration programmes.

A specific proposal on a new reintegration programme for migrants who have returned to Afghanistan from EU Member States will follow soon after the signature of the JWF.

To facilitate the re-establishment of returnees' livelihoods in Afghanistan and considering the broader reconstruction and rehabilitation needs of Afghanistan, the EU side will consider favorably the provision of support to ongoing reconstruction and rehabilitation projects in areas where irregular migrants from the EU return.

#### **Part V: Fight against Smuggling and Trafficking in Human Beings**

The EU will enhance its efforts to support Afghanistan tackle trafficking in human beings and migrant smuggling. Such assistance should include capacity-building for law enforcement agencies, as well as specific support for drafting and enacting effective legislation on migrant smuggling.

Concrete proposals will be jointly developed by the EU and the Afghan side soon after the signature of the JWF.

#### **Part VI: Implementation**

The EU and Afghan sides are committed to sharing information, coordinating and consulting closely with each other in implementing this JWF.

The implementation of the JWF will be jointly steered by the European Commission and the Government of Afghanistan. A Working Group involving senior representatives from both sides, meeting regularly and at least every three months, will monitor implementation, to help achieve concrete results. This Working Group will report on progress to the High-Level Dialogue on Migration EU-Afghanistan.

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