

**RESTREINT UE/EU RESTRICTED**



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**NOTE**

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**From:** European Commission and European External Action Service (EEAS)  
**To:** Permanent Representatives Committee

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**Subject:** Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Nigeria

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Delegations will find attached the above joint Commission-EEAS non-paper.



EUROPEAN COMMISSION

Brussels, 24 February 2016

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<b>FROM:</b>	<b>European Commission and European External Action Service (EEAS)</b>
<b>TO:</b>	<b>COREPER Ambassadors</b>
<b>SUBJECT:</b>	<b>Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Nigeria</b>

## **Country Fiche proposing possible leverages across Commission-EEAS policy areas to enhance returns and effectively implement readmission commitments.**

### **1 - Key migration features**

#### *Nigeria nationals as migrants to the EU*

- As Africa's most populated country (180 million), Nigeria is the country where the highest number of irregular migrants from West Africa originates. After Eritrea, it is the second country of origin of irregular migration from Africa to the EU<sup>1</sup>. Nigeria is also known for being a major hub for obtaining falsified and altered passports and identity documents. In 2015 as many as 23 598 irregular border crossings of Nigerian nationals were registered which is an over 270% increase in comparison to 2014<sup>2</sup>. In 2015 12,470 Nigerian nationals were found irregularly present in the EU which was an increase from 7659 in 2014. There is an important Nigerian diaspora in Europe (> 200 000 regular residents). Regarding remittances, Nigeria ranked 6<sup>th</sup> among receiving countries in 2013 with USD 21 billion, representing around 4 % of GDP.
- Nigeria cooperates to some extent on return and readmission but the return rate dropped from 48,5 % in 2013 to 32 % in 2014. In 2014 only 4 430 effective returns took place out of 13 830 decisions issued.<sup>3</sup>

<sup>1</sup> UK is the country with the highest number of Nigerians found to be illegally present, followed by Germany.

<sup>2</sup> Frontex data

<sup>3</sup> Eurostat data

- Nigeria remains the top country of origin of non-EU victims of trafficking in the EU (mostly young women and children). Most frequently, women are forced into prostitution and domestic servitude, boys into forced labour. At the same time, Nigerian traffickers are the most reported traffickers in the EU from non EU countries.

### ***Migrant situation in Nigeria***

- Violence and insecurity linked to Boko Haram does not appear as major push factors for emigration and rather results in massive internal displacement (> 2 million people). On the other hand, population growth, employment and social conditions could become a major push factor.
- A National Migration Policy (NMP), developed with the support of the European Union, was adopted in 2015 and provides a promising framework to improve the management of migration.
- In 2014 the Government adopted the National Policy on Labour Migration. The country has a dynamic economy with huge potential and investment opportunities and employment generation, notably in the agri-food sector. However, Nigeria's economic growth is seriously constrained by the lack of access to electrical power.

## **2 - Relations with the EU**

### ***General***

- Nigeria is a middle income county with the largest economy and the largest population on the African continent. Following the 2015 presidential elections, the first democratic change of power, President Buhari committed to improving the economy, governance and to fighting corruption.
- Relations with Nigeria are good. The overall political dialogue between Nigeria and the EU takes place within the framework of the 'EU-Nigeria Joint Way Forward', complementing the arrangements from the Cotonou Agreement. Annual Ministerial Dialogues are held according to the Joint Way Forward. Until recently, top level contacts took place on an irregular basis.
- IT PM Renzi recently visited Nigeria.

### ***Migration relations Nigeria-EU***

- Nigeria is the first country with which the EU has entered into a Common Agenda for Migration and Mobility (CAMM) signed in March 2015. The first dialogue under the CAMM took place in July 2015 in Abuja. Nigerian feedback to the proposed conclusions of the meeting is still awaited.

- Nigeria was identified as a priority country for bilateral meetings to enhance practical cooperation on readmission in the EU Action Plan on Return, and is eligible to the EU Emergency Trust Fund. A technical mission to identify possible EU Emergency Trust Fund projects took place in January 2016.
- At the Valletta Summit, Nigeria did not play an active role. Nigeria was also absent at the last Rabat Process Senior Officials' Meeting and thematic meeting on smuggling of migrants and trafficking in human beings as well as at the EU Emergency Trust Fund Operational Committee for Sahel and Lake Chad Window in January 2016.
- There is a 'Working Arrangement' in place between Frontex and Nigeria since January 2012, complemented by a set of 'Best Practices for the organisation of joint return operations to Nigeria', agreed upon in December 2013. Nigeria is the number one destination of Frontex joint return flights. In line with the CAMM discussions of July 2015, Frontex has recently proposed a Cooperation Framework 2016-2017 which is with the Nigerian Immigration Service for consideration.
- Nigeria is part of the EU-ACP Dialogue on Migration and Development. This dialogue has so far covered the issues of visas, remittances, readmission and more recently smuggling of migrants and trafficking in human beings.
- The participation of Nigerian universities, academics and students in the Erasmus+ and Horizon 2020 remains much below its potential.

***Migration relations Nigeria - EU Member States***

- There are 20 EU Member States represented in Nigeria for whom migration is a very important factor in their bilateral relations. Working relationships are however varied. Ireland, Italy and Austria have bilateral readmission agreements with Nigeria. Spain and UK have signed readmission agreements (or Memoranda of Understanding) but they have not entered into force. France is currently negotiating an agreement. Italy also signed a police cooperation agreement linked to readmission, but it did not enter into force.
- The big majority of return operations to Nigeria are national return operations carried out by the Member States.
- Only Malta has a bilateral agreement with Nigeria waiving the visa obligation for holders of diplomatic passports.

### 3 - Key interests of the country and the EU

#### Nigeria interests

- Nigeria aspires to play a key role on the continent and on the international scene, competing with South Africa in this respect. President Buhari has an ambitious agenda with regard to governance, security (e.g. Boko Haram) and the fight against corruption. His international role was recognised by invitations to the G7 and a meeting with President Obama. He also is expecting additional top level dialogues with European leaders.
- Economic priorities of the government are to stabilise and diversify the economy (drop in oil prices), notably in the agri-food sector, to improve employment opportunities especially in rural areas, and to slow down rural migration,
- President Buhari addressed the European Parliament, and met with Presidents Schulz and Juncker, together with Commissioners Avramopoulos and Stylianides, on 3 February 2016. He referred to the Government's efforts to address the push-factors, by supporting skills acquisition and giving impetus to agriculture and solid minerals exploitation, so to create wealth and employment. He furthermore proposed reciprocal visa waivers for holders of Nigerian Diplomatic and Official Passports attending official Meetings and Conferences in Europe.
- During the first technical dialogue with the EU under the CAMM, in July 2015, Nigeria highlighted its key interests, on which it would like to receive support from the EU, including:
  - A partnership with the EU in strengthening the implementation of the various government policies on migration;
  - Labour migration agreements with the EU, where private employment agencies could promote migration through legal channels;
  - Recognition of qualifications;
  - Projects to strengthen the capacities of training facilities to enable them to provide training and certification useful and recognised both in the EU and Nigeria;
  - Investments in critical infrastructure in Nigeria to create economic opportunities and employment;
  - Measures to ensure dignified movement of regular migrants in the EU (inter alia visa facilitation).

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- Since taking office in May 2015, President Buhari has consistently asked for support from OECD countries to trace, and eventually recover, stolen assets by previous administrations.
- EU support addressing the Boko Haram crisis in the North East and related humanitarian, food, economic and social consequences is welcomed.
- Nigeria is concerned that irregular migration, including trafficking in human beings, is damaging its international image.

### **Interest of the EU**

- Engage Nigeria in its role as a major continental player and key interlocutor in addressing irregular migration and fighting against criminal activities linked to it.
- EU main priority with Nigeria is to curb irregular migratory flows into the EU through:
  - Effective return and readmission of Nigerian citizens irregularly staying in the EU (including support to the development of modern civil registries and biometric identification),
  - Combating smuggling and trafficking in human beings (including support to the development and implementation of national legislation; capacity-building; information and awareness-raising campaigns),
  - Integrated border management, which would benefit both the prevention of irregular migration and the fight against all types of trafficking,
  - Fighting document fraud, which would benefit the cooperation on security and counter-terrorism, and
  - Addressing root causes of irregular migration.
- Protection and assistance (including food security) of Internally Displaced Persons.
- Capacity to collect and analyse migration related information and statistics
- Nigeria is reluctant to sign the regional West African EPA, putting other West African countries (Cote d'Ivoire and Ghana) in potential jeopardy.

#### 4 - Possible components of an EU incentives package<sup>4</sup>

- Continued engagement with Nigeria at the highest political level.
- Visa waiver for short stays for holders of diplomatic passports can be decided by Member States via bilateral agreements. In exchange for a firm cooperation with EU, an EU-Nigeria visa waiver agreement for holders of diplomatic passports could be considered.
- Increased cooperation with Nigeria on security matters, in particular on Boko Haram. Sharing of intelligence is an area that could be covered by Member States.
- Mobilisation of the EU Emergency Trust Fund to support projects addressing Nigeria's priorities related to addressing root causes, security, smuggling of migrants and trafficking in human beings, border management and ID documents.
- Explore possible options for improvement of legal (including circular) migration (*this mainly depends on Member States*).
- Enhance the mutual recognition of academic qualifications and mobility of students and researchers both with Africa and between Africa and the EU (*Eurasmus+ and Marie Skłodowska Curie Actions*).
- Nigerians could be eligible for the Science for Refugees Programme launched in 2015.
- A structured dialogue in the economic and finance sector could be considered.
- Explore cooperation in the agri-food sector, including policy dialogue, encouraging responsible agribusiness investment, and supporting vocational training.
- Regulatory dialogue, specifically linked to reducing bureaucracy/red-tape and customs procedures, initially in the agri-food sector, that impede investments and trade.
- The possibility of revising the NIP priorities, and making it more aligned with current administration priorities following the 2015 elections, could be reflected upon.
- Enhanced EIB investments, which so far have had successful cooperation with Nigeria in the financial sector, could be further explored.
- EU Member States to support the recovery of stolen Nigerian funds and assets hidden in the EU.
- Possible increases in Foreign Direct Investment in the Nigerian economy fully match with Nigeria's agenda and should provide an area of closer cooperation and dialogue.

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<sup>4</sup> No conditionality can be attached to needs-based humanitarian aid in line with the Humanitarian principles.

- Explore possibilities to support climate change mainstreaming, considering the positive role played by the Nigerian Minister at the COP21 in December 2015.
- Enhance cooperation on energy issues.
- Leverage of Schengen visa issuance, within the boundaries of the Visa Code, to be discussed with the Member States;
- Restrictions in bilateral visa exemption agreements for diplomatic and service passport holders, to be discussed with the Member States
- ODA amounts to less than 1% of the federal GDP and development cooperation provides for limited leverage. The NIP under the 11th EDF foresees an allocation of EUR 512 million but so far there is a significant lack of ownership by the administration. The change of Government might be a good opportunity to reengage, including if necessary reviewing priorities.
- In spite of the fact that the EU is an important trade partner, economic and trade leverage appears to be limited. This is reflected in Nigeria's non-signature of the EPA.

## **5 - Recommendations**

- Nigeria is a strategic partner for the EU, politically and in terms of migration, security, energy supply and trade. The country is not-aid dependent and so far has been reluctant to sign the EPA. Development cooperation, trade and economic leverages are thus of limited scope (the country heavily suffers from current drop in oil prices, though). Consequently, continued high level dialogue and political recognition, as well as support in specific areas of Nigerian interest including security/fight against terrorism can be used as incentives. In the framework of the CAMM dialogue, support for implementation of the legislation on smuggling of migrants and trafficking in human beings, work on options for legal migration and recognition of qualifications, support to reintegration of returnees, cooperation on border management, addressing root causes of migration and assistance to Internally Displaced Persons appears as an effective way of engaging with the country.
- Due to the good relationships of the EU with the country and the influence that it can exert in regional and international fora, the leverages are identified in areas on which the country has regularly expressed interest. To be noted that a considerable part of the positive incentives lie in Member States competence.
- A well balanced approach, combining collective EU messaging with a package of positive incentives seems advisable. However, the EU and its MS should stand equally ready collectively to consider some of the elements outlined in the fiche as negative incentives, having in mind the potential impact this could have on EU interest and other policies' objectives.

## 6 - Proposed next steps

- **Annual Ministerial dialogue**, chaired by HRVP, and including a number of key Ministers/Commissioners meetings, is planned in Brussels for 15 March 2016. It may be preceded by a migration specific Ministerial meeting on 14 March 2016.
  - **Joint EU and Member States mission** to Nigeria on 7-9 March 2016 on return and readmission as an immediate follow-up to the CAMM dialogue.
  - **Highest-level EU participation in planned "Boko Haram Summit" in Abuja** on 14 May 2016: to mark the second anniversary of the Paris "Boko Haram Summit" it is planned to hold a high-level (Heads of State and Government) meeting in Abuja at which the EU should be represented. The Summit should be preceded by a meeting of Defence Ministers on 13 May 2016.
  - High-level engagement between Commission and Agriculture Minister initiated at Berlin on 15 January 2016 could be deepened to guide collaboration in the agro-food sector with a view on tackling root causes of migration.
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