



Council of the
European Union

Brussels, 18 February 2022
(OR. fr)

6135/22

LIMITE

COAFR 47
MIGR 55
JAI 214
RELEX 203
ASIM 14

NOTE

From: Presidency
To: Delegations
Subject: Egypt
– Discussion paper

Delegations will find in Annex a **courtesy translation** of doc. 6135/22 INIT.

The purpose of the discussion at EMWP on 25 February is to exchange views on the cooperation between the EU and Egypt on migration. Delegations will be invited to define priority guidelines for improving this cooperation, with a view to an action plan which the Commission and the EEAS could produce at the request of the Council. The Presidency suggests that Egypt be identified as an additional priority country for an action plan.

1. Egypt is a host country

Egypt is a major country of arrival for many populations fleeing regional crises. This trend, which has been marked since 2013, could become even more pronounced in view of the worsening instability and, in particular, the ongoing deterioration of the situation in Ethiopia. The country is indeed a pole of political stability and attractiveness, particularly in terms of employment and the labour market, which is particularly important in the region. According to the IOM, 6.3 million foreign nationals are present on Egyptian territory, including more than 280,000 refugees and asylum seekers registered with the UNHCR. Half of these are Sudanese nationals, some of whom have been present for several generations, but there are also Syrians (800,000 to 900,000, of whom nearly 140,000 are registered with the UNHCR-Egypt, making them the leading nationality), Libyans (700,000 to 900,000), Yemenis (500,000 to 1 million) as well as Iraqis, Ethiopians, Somalis, Filipinos and Nigerians. They are mainly settled in Cairo and its periphery (Qalyubia, Giza), as well as in Alexandria. Although refugees and asylum seekers (38% of whom are minors) have the same rights as Egyptians, in reality they have difficulty accessing basic services and are particularly exposed to socio-economic risks (84% of refugees and asylum seekers live below the poverty line; around 30% of the Egyptian population) but also, for the most vulnerable among them, to human trafficking and numerous forms of smuggling. This situation has worsened in the context of the health crisis, which has led the Egyptian authorities to impose partial confinement since 2020.

Egypt is party to the 1951 Geneva Convention and makes significant efforts to receive and integrate refugees and asylum seekers. However, it has no specific asylum legislation and is relatively dependent on support from international organisations and donors. Several initiatives have been implemented, including, recently, a joint platform to strengthen coordination and resource mobilisation with UNHCR¹ to improve the integration of migrants and refugees in host communities. The EU is also deploying several actions through the Regional Protection and Development Programme for North Africa led by the European Commission and Italy in conjunction with the European Asylum Agency (EUAA), which is mainly involved in the protection pillar.

Since February 2021, the EUAA has had a roadmap for Egypt which is currently being implemented. It includes different activities to support the drafting of national asylum legislation as well as capacity building for access to asylum procedures for vulnerable working parties (unaccompanied minors and victims of human trafficking). In 2020, 519 potential victims were identified and at least 47% were minors, the majority of whom were boys. Regional projects, funded under the North Africa window of the EU-Africa Emergency Trust Fund (EUTF), are also being implemented, mainly by IOM and UNHCR.

1 Officially launched in Cairo on 5 November 2021.

2. Egypt is also a transit country

While the majority of foreign nationals present in Egypt remain there, some also reach Libya by taking advantage of the multiple land links between the two countries. The particularly close surveillance carried out by Egyptian forces at the Libyan border leads them to resort to smuggling networks. Egypt has been strongly committed to the fight against this phenomenon for several years by developing its institutional, judicial and operational arsenal: A national coordination committee for the fight and prevention of irregular migration and migrant smuggling was created in 2014 under the supervision of the Prime Minister; a law heavily penalising smugglers and traffickers was adopted in 2016 (Law No. 82 of 7 September 2016)²; a national strategy 2016-2026 on the protection of vulnerable migrants exposed to smugglers was launched³ and the third national action plan (2021-2023), which should ensure its operationalisation, is currently being implemented. However, the concrete effects of these different measures are difficult to assess, even if departures from the Egyptian coast are very low.

2 This law specifies the definitions of transnational crime, criminal organisation and migrant smuggling. It affirms the status of migrants as victims and defines the penalties and their aggravating factors, which can lead to sentences of up to life imprisonment for those responsible for migrant smuggling

3 This strategy focuses on creating jobs and facilitating the creation of economic activities to discourage departures, particularly of young people.

3. Egypt is again a country of origin

Irregular migration pressure directly from the Egyptian coast remains modest. Thus, although the number of departures from Egypt to Italy increased in 2021 (454 in 2021; 0 in 2020 and 4 in 2019), they represented only 0.7% of arrivals in Italy. The Egyptian authorities regularly highlight the efforts made in terms of border management and control, outside of any transactional logic, in order to control irregular flows and prevent any mass movement to the EU⁴.

On the other hand, the year 2021 was marked by a strong resurgence of flows of Egyptian nationals, mainly from the Libyan coast to Italy: according to the ISAA reports, they are among the three main nationalities that increased the most during the year 2021 and are now among the top 10 nationalities (8th place) irregularly crossing the EU's external borders, all entry routes taken together. They represent the second most important nationality of arrivals on the Italian coast (8 352 arrivals; 12.4% of the total number of arrivals in Italy), an increase of 560% compared to 2020 (1 264 arrivals). This dynamic seems to continue in the first month of 2022 (405 arrivals in January 2022, 2nd nationality of arrivals). The Egyptian authorities claim that the nationals concerned had been established for several years in Libya, and that it is therefore not a question of flows coming directly from Egypt. However, according to the IOM, while this phenomenon initially affected seasonal Egyptian workers working in Libya, more and more young people from urban areas of Egypt who have jobs are trying to reach the EU via Libyan territory. Moreover, departures from Libyan shores are not the only ones revived: in 2021, the number of Egyptian nationals who reached Italy from Turkish coasts almost reaches the total number of arrivals in Italy in 2020 (1,112, in the context of a 209% increase on this route)⁵.

4 This commitment was particularly strong in 2016 following the sinking of a ship off the Egyptian coast carrying 450 migrants.

5 Rapport JO Themis 2021, IPCR analytical report, ref. 340/2022.

Deprivation of freedom, overrepresentation of the security apparatus, corruption of local administrations and lack of prospects are the main factors cited by the migrants and asylum seekers interviewed. Between January and September 2021, Egyptian nationals filed 3,920 asylum applications in the EU, 51% more than in the same period of 2020. In the same period, the recognition rate was 14% (including humanitarian status). While Egypt enjoys relatively dynamic economic growth compared to its neighbours, the labour market is unable to compensate for the very high demographic growth (100 million inhabitants in 2020) and poverty continues to worsen, widening the gap between the different strata of the population (29.7% of Egyptians are expected to be living below the poverty line in 2019/2020 - set at around \$1.7 per day by the authorities - compared to 16.7% twenty years earlier). Several programmes are implemented in the field of employment (especially seasonal), training and circular labour migration by the Member States and the EU, such as the THAMM project ("Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa")⁶. Some components of the Enhancing the response to migration challenges in Egypt⁷ (EMRCE) programme are also involved in this area.

4. Cooperation with the EU on migration

Since 2017, a high-level migration dialogue between the EU and Egypt has been established. The third session of this dialogue was held on 16 November 2021 in the context of Commissioner Johansson's high-level visit to Cairo: it provided an opportunity to note the excellent dynamics of the partnership in the field of migration and to have a constructive exchange of views on all areas of cooperation.

6 Adopted in December 2018 with an amount of €15M, of which €7M co-financed by Germany.

7 Adopted in May 2017 in the framework of the EUTF with an amount of 60M euros.

Egypt's expectations, expressed on this occasion, mainly concern the strengthening of support programmes implemented in the regions of departure, particularly in the field of employment and training, student mobility, support in the field of border management capacity and assistance to host communities. The Egyptian authorities have also presented a list of border management equipment to the European Commission in July 2021, which was to be technically discussed following the above-mentioned visit of Commissioner Johansson, and are awaiting a return.

The migration dialogue with Egypt also has a regional dimension insofar as, as an active and stable member of the Steering Committee of the Khartoum Process, the country is mobilised for cooperation between countries of origin, transit and destination along the migratory route between the Horn of Africa and the EU.

Finally, Egypt is a key partner of the EU in North Africa and plays a leading role at regional level in the field of migration, which could be further strengthened in view of the particularly worrying situation in several countries in the region.

5. Cooperation priorities

Therefore, the intensification of EU-Egypt cooperation seems to be explored, taking into account the road map approach, including in particular the following three axes

- **Strengthening Egyptian capacities in migration management.** In the field of asylum and protection, cooperation between the European Asylum Agency and the Egyptian authorities has paved the way for the drafting and adoption of asylum legislation. In parallel, the Agency is expected to launch a regional peer-to-peer platform to which Egypt is invited and which will allow for an exchange of good practice. Egypt is also strongly committed to the fight against human trafficking and smuggling at regional level: it is an active member of the Khartoum Process Steering Committee and participates in the Regional Operational Centre in Khartoum (ROCK) project⁸. While a positive dynamic seems to have been set in motion with CEPOL, Egypt does not currently cooperate with FRONTEX and EUROPOL. The EU is programming a package of actions for the benefit of Egypt on the management and governance of migration and forced displacement in the framework of the NDICI Southern Neighbourhood multi-country programming for the period 2021-2024. It will be complemented by programmes addressing root causes directly related to migration management and governance implemented through country programming.

⁸ Adopted in 2018 in the framework of EUTF with an amount of €5M.

- **Enhanced cooperation on return and readmission, including voluntary return and reintegration.** Although the EU-Egypt Association Agreement signed in June 2004 refers to the international obligation to return and readmit its nationals, there is no specific mechanism in this area at European level with Egypt. Indeed, at the last High Level Migration Dialogue, the Egyptian authorities indicated that they prefer to conclude agreements or arrangements with Member States (Germany, Italy and the Netherlands already have such bilateral arrangements). The rate of timely issuance of travel documents (9%) and the rate of return (11%) are relatively low in 2020. The level of cooperation and practices vary greatly from one Member State to another and the main difficulties observed are the identification process for presumed Egyptian nationals, particularly those who are not documented (almost systematic consular hearings), and the time taken to issue travel documents required for expulsion. Ways of strengthening European action in the field of voluntary return and reintegration assistance, both for Egyptian nationals illegally present in the EU and for third-country nationals in Egypt, must be explored. To this end, a regional programme (Morocco, Algeria, Libya, Tunisia and Egypt) on protection, return and reintegration in North Africa was adopted at the end of last year under the NDICI for an amount of EUR 60 million.

- **Accompanying legal student, professional and talent migration.** During Commissioner Johansson's visit to Cairo last November, the talent partnerships were presented to the Egyptian authorities. Taking into account the interests of the Member States and the Egyptian authorities and building on the work of the legal migration pilot projects, in particular THAMM⁹ and HOMERe¹⁰, these arrangements could be expanded: for example, the Egyptian authorities have repeatedly emphasised during the high-level migration dialogue their full satisfaction with THAMM, including the Egypt/Germany initiative of centres for employment, migration and reintegration

On the basis of these elements, the Presidency would like to invite delegations to answer the following questions:

- Do the three axes mentioned above seem relevant to you and, if so, what European or national means, in addition to those already deployed, could be mobilised to achieve concrete results? How could EU agencies contribute to this?
- Should other areas of cooperation be considered, and if so, which ones?
- Taking into account all these elements for discussion, do you consider it desirable to develop an action plan for Egypt?

9 Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa.

10 High Opportunity for Mediterranean Executive Recruitment.