

**RESTREINT UE/EU RESTRICTED**



**Council of the  
European Union**

**Brussels, 31 March 2016  
(OR. en)**

**7408/16**

**RESTREINT UE/EU RESTRICTED**

**MIGR 71  
COAFR 95  
TU 7**

**NOTE**

---

<b>From:</b>	European Commission and European External Action Service
<b>To:</b>	Delegations
<b>Subject:</b>	Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Tunisia

---

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

---



EUROPEAN COMMISSION

Brussels, 29 March 2016

Ares (2016)1486980

<b>FROM:</b>	<b>European Commission and the High Representative</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 Tunisia.</b>

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

## **MIGRATION COUNTRY FICHE – Tunisia**

### **1. Key Migration Features of Tunisia**

#### ***Tunisian nationals as migrants in the EU***

Currently, around 357,000 Tunisian nationals are legally residing in the EU (most of them in FR and IT). **Remittances** represent an estimated 4.32% of GDP and remain stable despite the global economic crisis.

In 2014, 152,038 Tunisian nationals applied for **Schengen visas** and 133,353 visas were issued, including 52,862 multiple-entry visas. The refusal rate was at 12.3%. The majority of applications and issued visas were in France (some 90,100 visas issued, with refusal rate of 11.2%), followed by Italy (some 11,648 visas issued, with refusal rate of 9.3%) and Germany (some 11,346 visas issued, with refusal rate of 8.9%).

In 2015, 2,260 Tunisian nationals applied for **asylum** in the EU28. Out of the 1,185 first instance asylum decisions made, 145 were positive.

**Returns:** in 2014, 13,500 Tunisian nationals were ordered to leave the EU (most concerned Member States: FR - 7,440, IT - 3,855), with 4,245 persons effectively returned (FR - 2,465, IT-

1,205), corresponding to an overall return rate of 31.4% (below EU average of 40%). In 2013, the overall return rate was of 32.8%.

**Illegal border crossings:** In total, Frontex reports 1,077 illegal border crossings of Tunisian nationals in 2015, as compared to 1,740 in 2014 (provisional data)..

### ***Migration situation in Tunisia***

With 1194 km of land border with Algeria, 490 km with Libya, 1300 km of sea border, and only 140 km from Europe at its closest point, Tunisia is located in a geopolitically sensitive point that is prone to the effects of regional instability, particularly in Libya, and events, making border management an increasingly important issue for this country.

*Push/pull factors:* Lack of job and economic prospects, underdevelopment persisting in some regions, high levels of unemployment (30% among university graduates) are key factors pushing young Tunisians into legal or irregular migration towards the EU.

Tunisia has been facing **emigration** since the 1970s. The annual emigration rate increased by 6.2% per year between 2001 and 2009, with 10.6% of the Tunisian population living abroad in 2009, 80% of whom in Europe. After 2011, the country experienced a doubling of emigration to the European Union compared to the period 2005-2010. Irregular migration peaked in 2011 with nearly 28,000 arrivals in Italy alone.

Tunisia is a country of origin, but also of destination and, to a limited extent, of transit. Up to 2 million Libyans have moved or fled to Tunisia since 2011. Although reliable numbers are hard to come by, the Tunisian authorities indicate that more than 1 million Libyans are currently in Tunisia. The Tunisian authorities have recently expressed concern over a potential deterioration of the situation in Libya, which could provoke an additional influx of refugees.

Tunisia also remains a country of transit, especially for migrants from sub-Saharan Africa attempting to cross the Mediterranean towards Europe. Due to the effective cooperation between Tunisia and the Italian authorities, the route through Italy has lost its appeal amongst migrants, with the consequence that migrants attempt to cross the border to Libya, where migrant smuggling networks facilitate more effectively the sea crossing.

Foreign investment is still the main driver of employment **immigration** (mainly graduates and skilled migrants) towards Tunisia. The largest numbers in 2013 were coming from Algeria (24%), France (24%), Morocco (12%) and Italy (8%). The other sources of immigration are unskilled and often irregular migrants from sub-Saharan Africa using Tunisia as a transit country to Europe. During the 2011 revolution, hundreds of thousands of people fleeing Libya came to Tunisia (almost 10% of the overall Tunisian population). Despite the already

very challenging situation in the country (political transition and socio-economic situation), the authorities and society adequately managed these unprecedented circumstances.

**Asylum:** Tunisia is signatory to the 1951 Geneva Convention and its 1967 Protocol. In 2011, the new Tunisian authorities took the decision to establish a national legislative framework for the protection of refugees which was further formalised by the adoption of the Constitution in February 2014, providing for the adoption of national legislation for the protection of refugees and against their expulsion (Art. 26). As a result, the adoption of a national law on asylum and the establishment of a national protection framework in Tunisia are now public policy objectives, which should be implemented incrementally, taking into account the specificities of the Tunisian context.

Tunisia has not enacted any national legislation implementing the UN Protocol against the Smuggling of Migrants by Land, Sea and Air. It has also not implemented anti-trafficking legislation consistent with the UN Trafficking in Persons Protocol.

According to UNHCR's latest Tunisia factsheet (March 2016), the population of concern (refugees and asylum seekers in Tunisia) totals 731 persons, 496 from Syria, 21 from Ivory Coast, 57 from Sudan and 157 from 23 different countries.

## **2. EU-Tunisia relations and cooperation on migration**

### ***General framework of the EU-Tunisia relations on migration***

Migration is one of the political priorities of the EU, and the EU relies on cooperation with Tunisia and other African partners to better manage the current migration flows and prevent irregular migration. Tunisia plays an active role in the Rabat Process (but not in the Khartoum process, even if it is formally part of it), and played a relatively active role at the Valetta Summit of November 2015.

In November 2012, the European Union and Tunisia signed an **Action Plan** (2013-2017) in the framework of a **Privileged Partnership**, reflecting a shared ambition to develop relations across the board, including through economic and trade integration as well as effective mobility. The two sides agreed to a regular dialogue on migration with the objective to conclude a Mobility Partnership. Tunisia concluded the Mobility Partnership with the EU and ten of its Member States (Belgium, Denmark, Germany, Spain, France, Italy, Poland, Portugal, Sweden and the United Kingdom) in March 2014. It provides a comprehensive and structured framework for policy dialogue and also aims at better coordinating operational and financial support provided to Tunisia in the migration area. The Mobility Partnership identifies a broad set of priorities in the field of migration management, mobility, legal migration and

integration, fight against irregular migration and trafficking in human beings, readmission, security of identity and travel documents, border management, migration and development, asylum and international protection.

**There is no readmission agreement with Tunisia at EU level.** The reciprocal commitments under the Mobility Partnership foresee the opening of negotiations on visa facilitation and readmission agreements with Tunisia. A mandate for parallel negotiations on both was adopted by the Council in December 2014 but negotiations have not started despite repeated requests from the EU.

**Dialogue** and cooperation with Tunisia in the field of migration is taking place through regular exchanges:

- High level dialogues (visit of Commissioner Avramopoulos to Tunis in May 2015)
- Sub-committee on Social affairs and migration in the framework of the Association Agreement (on a yearly basis)
- High level and local coordination meetings in the framework of the Mobility Partnership (on a yearly basis)
- Regular policy dialogue and more technical cooperation as part of the preparation and implementation of programmes and projects financed by the EU.

**Expected contentious issues** in migration dialogues and negotiations:

- (i) The third country national's clause according to which Tunisia would have to readmit third country nationals having transited through its territory before entering the EU, was already indicated by Tunisia as problematic.
- (ii) Tunisia does not cooperate on the readmission of its nationals. Reinforced cooperation from the Tunisian side on the readmission of its own nationals will be another major issue in the negotiations. The return rate for Tunisia (as part of the implementation of the existing bilateral agreements) is still lower than the average EU rate.
- (iii) Tunisia expects the visa facilitation agreement offer to be attractive enough. This has to be seen in the context of the pending Commission proposal on Visa Code recast, which includes broader visa facilitation for all third countries (however, the proposal is encountering some resistance in the Council and may therefore not lead to the originally foreseen provision of visa facilitation elements).

**EU financial assistance:** The on-going migration portfolio for Tunisia amounts to EUR 9 million. This amount refers to country specific and regional programmes.

Main projects include: a EUR 5 million programme supporting the implementation of the Mobility Partnership funded by GPGC/DCI funds; a EUR 3 million programme funded by ENI funds focusing on border management (ICMPD) and international protection (UNHCR); and a

project under the MIEUX facility to support the national observatory for migration.

Two projects with a specific focus on migration issues have been selected in the 2015 EIDHR call for proposals, and two more will be proposed under the 2016 call for proposals (to address the needs of vulnerable groups and on information provision and assisted voluntary return).

Regional migration related activities include an IOM project (financed under the Return Fund, 2013) aiming at enhancing the sustainability of reintegration schemes for migrants returning to Tunisia, Morocco and Senegal from the EU.

Two projects have been submitted for funding so far under the Regional Development Protection Programme (RDPP) for North Africa' (co-financed under the Asylum, Migration and Integration Fund (AMIF), and implemented by a consortium of EU Member States (led by Italy), UNHCR and IOM).

Furthermore, Tunisia participates in Euromed migration, the EASO/FRONTEX South Med programme and Mediterranean City-to-City Migration Profiles and Dialogue.

Potential funding opportunities: Tunisia is eligible to benefit from the RDPP (EUR 14 million for the five North of Africa countries from ENI and AMIF funds as well as a contribution from Italy) and will benefit from the EU Trust Fund Africa (EUR 200 million for the five North Africa countries over five years) under ENI funds. Tunisia is also a potential beneficiary under the Mobility Partnership Facility (financed under AMIF-ISF 2014 and implemented by ICMPD) and the Readmission Capacity Building Facility (financed under AMIF 2015 and implemented by IOM).

Tunisia is amongst the 13 identified countries where a European Migration Liaison Officer is due to be deployed in 2016.

### ***Migration relations between Tunisia and EU Member States***

Several Member States have bilateral agreements already in force on migration or police cooperation, touching upon readmission aspects with Tunisia (Austria, France, Italy) as well as Switzerland, or are under negotiation (Bulgaria, Greece, Malta, United Kingdom).

In practice Member States report rather difficult cooperation with Tunisian authorities on return and readmission of their illegally staying nationals. Main issue is a case by case approach by consulates when issuing travel documents: consulates often assess from their own perspective the legitimacy of the return decision and do not issue a travel document when the person has not exhausted all legal remedies (including when appeals have no suspensive effects), in case of family claims, when a person has been residing for some time in a Member state, etc. leading to slow procedures or difficult returns.

**Italy** reports good cooperation with the Tunisian authorities to prevent irregular migration (including of third country nationals), but less efficiency on the cooperation on the readmission of Tunisian nationals already irregularly staying in Italy.

**France** has signed a bilateral agreement on concerted management of migratory flows with Tunisia. As part of this agreement, France provides financial assistance to Tunisia, i.a. on projects related to border management and civil registries. Despite this financial support, the level of cooperation on readmission from Tunisia with France remains unsatisfactory.

Donor coordination is assured in Tunisia by a migration working group chaired by the EU Delegation that includes relevant donors, international organisations and CSOs. In addition a G7+3 coordination group on CT includes a working group dedicated to border management cooperation.

### **3. Key interests of the country and the EU**

#### **3.1. Tunisia's interests / priorities**

- Tunisia values its recognition as a privileged EU partner. An important positive incentive would therefore be the EU recognition of a 'special status' to Tunisia among the partners in the Southern neighbourhood. In the context of the privileged partnership with the EU, Tunisia is, in particular, very keen on receiving more EU support to tackle its socio-economic crisis (unemployment, crisis in tourism sector, FDI) and security problems.
- Tunisia has a fundamental interest in ensuring that its nationals that are **legally residing** in the EU and often well integrated (currently, around 357,000 people) are not stigmatised due to uncontrolled migration flows and the increasingly frequent association/perception of migration with the terrorist attacks.
- **Migration** is a priority issue for Tunisia, a country with high rates of emigration (almost 10% of the total national population, around 1,200,000 people live abroad). In the face of ever increasing unemployment rates, migratory pressure figures prominently in the political agenda of the dialogues between Tunisia and its partners.
- **Regional insecurity and the related migratory flows** are top priorities for Tunisia, especially in view of the continuing crisis in Libya.
- Tunisia is also interested in reinforcing **legal migration and mobility** of Tunisians to Europe. Tunisia considers that the facilitations offered in the visa facilitation agreement negotiations are only a timid top-up if compared to the across-the-board facilitation that the Commission proposal for a visa recast code would have offered indistinctly to all countries. In the meantime, the Council is poised to drop these

across the board facilitations, the negotiations are ongoing and are also considering the possibility of conditioning some horizontal facilitations on the visa code to cooperation on readmission (this would increase the attractiveness of the EU offer for visa facilitation agreement).

### **3.2. EU's interests / priorities**

- **The EU has a key interest to provide support to the fragile Tunisia's democratic transition in all its dimensions, including socio-economic development – legal migration/mobility, and counter-terrorism/security – and the fight against irregular migration);**
- The EU wants to have closer cooperation with Tunisia on **security and counter-terrorism**. A dialogue on these issues is taking place since 2012 and an important programme in support of the security sector reform was adopted in 2015. The EU reaffirms that security measures must go hand in hand with respect for the rule of law, human rights, fundamental freedoms and democracy.
- **Return of irregularly staying nationals** to their country of origin is a priority for the EU, in relation to the current migration crisis. There is a need to significantly step up engagement and cooperation with Tunisia in this domain.
- The EU aims at promptly launching negotiations on **visa facilitation/readmission agreements**, in parallel to the efforts to improve practical cooperation on readmission at both EU level and bilaterally with Member States.
- It aims at reinforcing the prevention and control of **irregular migration** (including addressing the push and pull factors) from Tunisia to the EU.
- The EU intends to have an effective cooperation with Tunisia to maximise the impact of migration on **development** and also through a coordinated and reinforced organisation of **legal migration** and mobility schemes.

## **4. Possible components of an EU incentive package**

### **4.1 Possible positive incentives**

#### **a) Migration**

##### **✓ Migration integration and protection**

- Support (also through financial cooperation) Tunisia to progress in the establishment of a national policy on migration, including in relation to asylum.

## **RESTREINT UE/EU RESTRICTED**

- Support the Tunisian authorities involved in migration policies, including the National Statistics Institute and the recently created Tunisia Observatory on Migration, through institutional support and capacity building actions.
  - Explore opportunities to promote the engagement of the Tunisian diaspora in Tunisia, as they constitute an important source of remittances, and could represent a potential source of investment through mechanisms to facilitate increased participation into the Tunisian economy from abroad.
- ✓ **Legal migration channels towards the EU**
- In line with the Valletta Action Plan and due to its exceptional position in the region as the sole successful democratic revolution, Tunisia could be a possible candidate for a pilot project aimed at facilitating recognition of professional qualifications/skills or, if feasible, offering a bigger package consisting of pooled offers for legal migration from several Member States (e.g. increased number national and Erasmus + scholarships, support for pre-departure measures, public employment services and improved portability of social rights).
  - Ongoing review of the Blue Card Directive with the aim of setting more attractive conditions for non-EU workers considering taking up highly skilled employment in the EU states.
  - The recently agreed Directive on the conditions of entry and residence of students and researchers, trainees and volunteers, which should make it easier for foreign students, researchers and trainees to get a visa to come to the EU and to move across EU Member States. The new rules will also improve the mobility within the EU of third country-researchers or students.

### **Readmission agreement**

- An approach that provides flexibility with regards to the third country nationals' clause would represent the strongest incentive to convince Tunisia to engage on readmission. In practice, a differentiated approach, taking into account the progress of discussions on readmission with Sub-Saharan countries of origin could be explored. This approach could potentially set a precedent for other readmission agreements or future negotiations with other third countries whose readmission agreements with the EU include a third country nationals' clause. On the other hand, it would be coherent with the principle of differentiation at the basis of the revised ENP. A political assessment of all these aspects needs to be conducted.
- The EU could support a more effective implementation of existing bilateral readmission agreements and improving practical cooperation.
- It could support the reintegration of returnees readmitted by Tunisia.
- The EU could support capacity building on readmission, including its support to

Tunisia to develop its own cooperation on readmission with relevant African countries.

- Support for development of a biometric database (already partly supported by bilateral financing of France). The establishment of modern national civil registries coupled with multipurpose biometric databases has multiple advantages, including: prevention of electoral fraud, issuance of secured travel ID documents, facilitate planning, facilitate the delivery of social benefits, countering crime and terrorism, as well as facilitating the identification of irregular migrants under return operations.

#### **b) Development**

The “EU-Tunisia Action Plan for the implementation of the Privileged Partnership” provides the general framework of our relations and cooperation with Tunisia. The EU has actively supported the Tunisian democratic transition and reform processes by providing assistance to its social sectors (supporting health care, education reforms), the economic sectors (supporting agricultural development, regional development, private sector development or regulatory approximation) as well as in the field of democratic reforms.

- The EU should continue to provide its support to the democratic transition (especially in the implementation of the constitutional roadmap), socio-economic and sustainable development of the country and its stabilisation (good governance). In the future particular focus should be put on youth (education, skills development and vocational training, employability and mobility).

#### **c) Education**

- Promote the full use of the potentials of the Erasmus + programme and additional actions (including creation of a national window for Tunisia) to boost mobility of students and university staff with their European counterparts and the mobility of youth workers, young people and volunteers in the frame of informal education youth projects.
- Develop policy dialogue and support on vocational education, training and skills development to enhance employability, especially of young people.

#### **d) Research and Innovation**

The agreement for the association of Tunisia to the Horizon2020 programme was signed on 1 December 2015. It will offer new important opportunities to researchers and research institutions in this partner country.

- Provide a comprehensive package in support to Tunisia's accession to the Horizon2020 programme, including PMEs and laboratory infrastructure support and explore opportunities under the H2020 Societal challenges sub-section.

#### **e) Trade**

Negotiations for a DCFTA were launched in October 2015. They provide Tunisia with the prospect of benefitting from a closer economic integration with the EU economy. However, several weaknesses and sectoral limitations still exist, and will require to be addressed through domestic reforms. The second round of DCFTA negotiations is planned for April 2016.

- In the context of DCFTA negotiations, identify potential Tunisian export products for which quotas could be increased or lifted.
- In parallel to the DCFTA track and in a manner conducive to the empowerment of the Tunisian economy, progress on the design and implementation of a package of support measures for specific sectors (see in particular agriculture and services).

**f) Security**

Terrorism is a shared challenge, which requires a common answer. Cooperation between Tunisia and the EU has intensified importantly during the last year.

- Capacity building projects on security (provided that the necessary conditions are in place as regards governance and respect of fundamental rights).
- Intensified support/ contribution by the Member States to security measures for tourists, leading to the change of travel advice.

**g) Climate action**

Tunisia submitted an ambitious national contribution (INDC) ahead of COP21, but underlines the challenge of implementing it given the socio-economic difficulties the country faces.

- Intensified support to climate adaptation and mitigation programmes.

**4.2. Possible negative incentives**

**a) Migration**

- Negative leverage through Schengen visa issuance, within the boundaries of the Visa code, to be discussed with the Member States.
- Restriction in existing bilateral visa exemption agreements for diplomatic and service passport holders, to be discussed with the Member States.

**5. Proposed next steps**

This fiche identifies a range of possible incentives and means of pressure that can be used by the EU in order to promote cooperation with Tunisia in the field of migration and in particular on readmission as a matter of urgency.

The package should be conceived in a way that incentives and leverages can be deployed and

calibrated flexibly in accordance with Tunisia's level of constructiveness and engagement.

Tunisia is an exceptional partner country in its genuine determination towards democratic change, so far sustained despite daunting challenges. Our relation is already very broad and several processes are ongoing in the framework of the Privileged Partnership and the EU support to the democratic transition and socio-economic reforms.

Tunisia is therefore very interested in being recognised as a privileged EU partner. An important positive incentive would therefore remain the EU recognition of a 'special status' to Tunisia among the partners in the Southern neighbourhood. In this context, our leverage capacity is then mainly linked to the actual implementation of the priorities to which both sides have committed as part of the privileged partnership.

Tunisia is in particular very keen on receiving a reinforced EU support to tackle its socio-economic crisis (unemployment, crisis in tourism sector, FDI) and terrorism.

Reconsidering the EU's financial support to Tunisia as well as the level of ambition in our relations and cooperation (including in concluding a DCFTA or sectoral agreements) might seem an obvious way to exert more pressure (negative incentive) on Tunisia to reinforce cooperation in the field of migration and readmission in particular. Cooperation on return and readmission is at present unsatisfactory. However decisive arguments urge against a similar approach:

- this would not take into account Tunisia's exceptional situation with regard to democratic transformation and ambition, as well as its largely successful efforts to control its borders and migratory flows from its territory;
- above all, reducing EU support to Tunisia would put at risk the already extremely fragile Tunisian transition, in a context where socio-economic challenges are jeopardising democratic achievements, and where the EU financial support is already considered insufficient;
- 

The need to apply a positive and reinforced approach to support Tunisia's efforts, doubling in particular the EU financial support to this partner country, was reconfirmed by HRVP Mogherini in 2015.

Potential negative incentives should therefore be considered within the field of migration only.

Taking into account these considerations, the EEAS and the Commission services propose that, the package could include:

- more flexibility with regards to the third country nationals' clause, to be discussed in Council, based on different available options and taking into account the progress of discussions on readmission with sub-Saharan countries and bearing in mind the risks (precedent) that such a flexibility should create;

## **RESTREINT UE/EU RESTRICTED**

- support positive incentives like the support to mobility schemes in particular legal mobility and short term mobility of young people and students (through the Erasmus + programme; the use of the Blue card directive; the functioning of existing bilateral schemes, support the accession of Tunisia to the Horizon2020 programme. More generally continue to provide support to the democratic transition, socio-economic development of the country and its stabilisation;
- in the field of migration, support legal migration schemes, the reintegration of returnees to Tunisia and more generally the development of a comprehensive Tunisian policy in the field of migration, including on international protection and asylum and the rights of labour migrants;
- support the Tunisian authorities involved in migration policies through institutional support and capacity building;
- eexplore opportunities to promote the engagement of the Tunisian diaspora in Tunisia;
- negative leverage could be considered through Schengen visa issuance only, within the boundaries of the Visa code.

In parallel, this incentive/leverage package should be completed with elements falling under national competence.

High level visits and meetings could be the opportunity to discuss migration issues and enhanced cooperation on readmission. The next Association Council scheduled for 18 April could also represent a good occasion to further exchange on these questions with the Tunisian authorities.