

MARRI Workshop on Migration Management Systems
Ulcinj, Montenegro, 5-6 October 2006

RECOMMENDATIONS

The migration governance, management and its regulation is prerogative of state sovereignty. This sovereignty is limited by legal obligations of the State deriving from binding international law and agreements concluded with other States.

One of the basic preconditions for successful model of migration management system is good understanding of country-specific migration related questions and migration itself. The MARRI Member States need to establish and develop a comprehensive, integrated migration management systems tailored to their specific needs. The task of these systems (covering immigration and emigration as well) is to provide answers to new forms of migration challenges. Integrated system in migration (regular/irregular), visa policy, admission policy, border management, asylum, trafficking, readmission, return/integration policy and document security has the responsibility for development, coordination and implementation of the legislation, capacity building and the procedures within and between each of the elements of the migration system.

Recognising the need to develop comprehensive, integrated migration management systems in the MARRI Region, the participants agreed on the following *RECOMMENDATIONS*:

- The MARRI Member States' national legislation regulating migration needs to be based on and harmonised with relevant instruments of international law. The adopted legislation must, in a clear and unambiguous way, state the obligations and rights for the authorities implementing the legislation. The regulatory framework must be written in a simple, clear, coherent and effective common way so that it can be understood, applied and enforced by the staff. In order to apply the law in co-ordinated and correct way, legislation must be supplemented by by-laws, instructions, manuals, etc., providing good and effective service.
- It is essential to adopt comprehensive migration policy that shall provide basic principles and governmental inter-agency working group tasked for ensuring joint and properly structured co-operation in the area of migration for preparation of the measures that are necessary for accomplishing principles and objectives of migration policy.
- Migration policy should, *inter alia*, provide guidance on timely co-ordinated response of state institutions about migration related challenges in the area of other policies: economic policy (labour emigration/immigration), social and health policy, taxation policy, demographic policy, education policy, security and defence policy and other policies as appropriate.
- The tasks of governmental inter-agency working group are to:
 - a) Monitor migration flows on national, regional and international level on permanent basis;
 - b) Evaluate situation in the field of migration;
 - c) Analyse push and pull factors in the field of migration;
 - d) On the basis of evaluation of situation, to propose appropriate measures, change or amendment of existing material legislation, monitor and evaluate the implementation of the right to appeal as one of fundamental human rights standards
 - e) Follow EU legislation in the field of migration and to propose measures for harmonising domestic legislation;
 - f) Co-ordinate inter-agency activities in the field of migration;
 - g) Co-operate with research and educational institutions, NGOs which are dealing with migration;,
 - h) Development of efficient integration policy.

- The establishment/development of governmental agencies/institutions dealing with all areas of migration is an important element of integrated migration management system; It is a precondition for coordination and cooperation on national level per se. National MARRI Member States' integrated system in migration (regular/irregular) must provide horizontal inter-agency co-operation covering visa policy, admission policy, border management, asylum, trafficking/smuggling, readmission, return/integration policy, document security and provide well functioning intra-service co-operation based on the following objectives:
 - a) Vertical co-operation with each agency/institution responsible for specific area;
 - b) Clear and coherent regulatory framework;
 - c) Transparency of responsibility concerning management, task report and follow-up with top-down and bottom-up communication procedures;
 - d) Well established administrative/working procedures;
 - e) Transparent flow of information to beneficiaries of services including their rights and obligations as well as information about the agency/institution's working procedures.

In order to accomplish the above mentioned objectives, participants agreed that it is essential to establish a **Central Migration Authority** tasked primarily to provide good and effective inter-agency co-operation. The principle functions of Central Migration Authority should be:

- a) Coordinate operative actions of the implementing bodies;
 - b) Continuous monitoring of implementation of migration policy with task to report to the executive and legislative ruling powers;
 - c) Monitor and analyze implementation of the objectives of the migration policy;
 - d) Prepare expert basis for change or amendment of the legislation;
 - e) Decide on appeals against first level decisions;
 - f) Co-ordinate the initiatives with other ministries and agencies, other countries and international organisations/institutions;
 - g) Co-ordinate dialogue with local authorities and civil society;
 - h) Provide training and education of the staff;
 - i) Provide the research of migration in cooperation with research institutions.
- In order to enhance control over the migration, MARRI Member States need to develop an **information management support IT mechanisms** (e.g. BH Information Migration System - ISM) in order to have the ability to collect data which will enable the States to perform operational procedures more effectively, continue assessment, monitoring and evaluation in all elements of the migration management system. Preventive measures for the privacy of data and data protection contained in these databases need to be implemented in accordance with national and international legal standards. **Regionally harmonised and coherent data collection methods** are essential for gathering valid statistical data that would enable MARRI Member States to control and manage their migration, co-operate and exchange information bilaterally and multilaterally. Therefore, a **sustainable harmonised system of data gathering mechanisms** in migration should be developed. Also, circulation of information and awareness-raising on information through the media on national and international level needs to be ensured.
 - **Capacity building for development of permanent training systems** specific for each profession category of the staff dealing with migration issues (law enforcement, policy units, units for aliens matters, asylum units, units for naturalization, for civil status, consular departments, labour agencies etc) needs to be established or enhanced. Training should be updated and continuous throughout professional careers of the civil servants.
 - **Regional cooperation** is imperative and of particular importance. It represents an efficient tool to exchange best practices and information, supports regional ownership, combat illegal migration and better copes with mixed migration flows as well as to harmonise/approximate existing legislation. For co-operation in the MARRI Region, the following tools could be utilised:

- a) Bilateral/multilateral agreements
 - b) Readmission agreements
 - c) Inter ministerial meetings with regular joint meetings between services and agencies on operational level
 - d) Designation of authorized contact persons, exchange of liaison officers
 - e) MARRI Regional Forum and MARRI Regional Centre
- The exchange of information and experiences between the countries in the region and their cooperation on the local level is an important part of the regional cooperation. It is recommended to establish a model of early warning system using the liaison migration officers as well as MARRI framework to facilitate the process (Portuguese experience in this field should be explored in more detail).
 - The presentations of highly qualified experts from two EU countries have been appreciated by all the participants. The joint conclusion was that MARRI Regional Centre, when organizing future workshops should provide as many EU experts with rich practice as possible. Furthermore, the participants reiterated an interest for workshop/meeting where they can exchange experiences and best practices with EU experts who have participated in drafting of their national legislation regulating irregular migration as well as its implementation (As it has been already proposed during Workshop on Management of Irregular Transit Migration held in Sarajevo in June 2006 along with Budapest Process Working Group on South Eastern Europe). To this end participants from Albania proposed to take into consideration the possibility to include and reflect the EU Directive on Status of Long Term Residents in national legislation of MARRI Member States.
 - Furthermore, the Participants expressed the necessity to carry out evaluation and follow up of achieved objectives from MARRI Member States national reports, strategies and action plans that were the result of Regional CARDS Programme, especially its Regional Guidelines on Integrated Asylum, Migration and Visa Management in the Western Balkans with particular emphasis on the progress made in the development/approximation of the national legislation.
 - Participants also agreed that only sound budget lines in national budgets provide the basis for increase in migration related activities and sufficient capacity building in human resources which must be reflected in national action plans related to migration. To this end, only sufficiently numbered and trained staff may accomplish the objectives set in national action plans in the area of migration. Therefore it is agreed to propose that MARRI Regional Centre disseminates a Questionnaire to all Member States national institutions managing activities within MARRI scope of work containing the questions on current numbers skilled staff and the state of training capacities in the area of migration.
 - Recognizing the relevance of raising the awareness of migration related issues among the parliamentarians, it was recommended that MARRI Regional Centre should support the workshop thematically dedicated to the dialogue between Parliaments and Governments on the relevance of migration policy for the development of the countries and partly organized by Stability Pact Interparliamentarian Initiative and Committee on Migration from the Parliamentary Assembly of Council of Europe with the support of MARRI Regional Centre.
 - MARRI Regional Centre should explore and identify relevant EC Budget Lines as well as individual interests of EU countries for financing migration related projects with strong emphasis on regional cooperation and explore modalities for assisting MARRI Member States national institutions to draft project proposals for such Budget Lines as well.
 - Development of policies of migrant integration into society, based on EU policy for not less favourable treatment of migrants than own nationals and right to cultural identity and mutual participation in society (social care, employment, education, health care etc.)

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