

**CONFERENCE OF MINISTERS**  
**ON THE PREVENTION OF IRREGULAR MIGRATION**  
**IN THE WIDER EUROPEAN REGION,**  
**HELD IN RHODES ON 25-26 JUNE 2003**  
**IN THE FRAMEWORK OF THE**  
**BUDAPEST PROCESS**

**RECOMMENDATIONS**

Meeting in Rhodes on 25-26 June 2003 at the invitation of the Government of Greece, Ministers, Deputy Ministers, or their representatives of the Governments of Albania, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Liechtenstein, Lithuania, Former Yugoslav Republic of Macedonia, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America; and, representatives of the Council of Europe, European Commission, Europol, International Centre for Migration Policy Development, Intergovernmental Consultations, International Organisation for Migration, South East European Co-operation Initiative Regional Centre for Combating Transborder Crime, Stability Pact and United Nations High Commissioner for Refugees;

Reconfirming the recommendations of the previous Conferences of Ministers responsible for matters relating to irregular migration, held in Berlin on 30-31 October 1991, in Budapest on 15-16 February 1993 and in Prague on 14-15 October 1997, and recalling the unique role of the Budapest process in bringing States together in an informal and flexible co-operation framework to prevent irregular migration in the wider European region;

Being aware that international migration has contributed positively to social and economic development and cultural richness, and that, if properly managed, also future migratory movements will have beneficial effects for States and individuals;

Recalling that the causes of migration are multifaceted and that international mobility is on the increase as a result of globalisation and internationalisation of labour markets, and of differences in living standards between regions, demographic trends and ecological pressures, natural disasters, violations of human rights, armed conflicts, and other major factors;

Noting that migratory flows may consist of a mix of persons moving with the aim of achieving economic and social betterment and of persons in search of protection against persecution and ill-treatment, and being committed to ensure that measures aimed at preventing irregular migration safeguard the rights of asylum-seekers and refugees, and recalling in this regard the relevant

international instruments with respect to refugees and human rights, including in particular the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol;

Recognising that the prevention of irregular migration requires a comprehensive approach based on human rights and on a better integration of policies for the management of migratory flows into foreign policies, promoting sustainable development in countries of origin, conflict prevention and good governance;

Acknowledging that future migration policy challenges require a high degree of international co-operation and that in recent years innovative approaches for the management of migration have been developed, based on the notion of partnership and co-operation between countries of origin, transit and destination;

Welcoming the adoption of the Protocols on Smuggling of Migrants and Trafficking in Persons, supplementing the 2000 UN Convention against Transnational Organised Crime, and confirming that the Protocols and their distinction between smuggling of migrants and trafficking in persons will be promoted and applied in the Budapest process;

Acknowledging the considerable impact of the European Union activities on the prevention of irregular migration, notably through the inclusion of immigration and asylum policies as well as parts of the Schengen co-operation under Community competence, and through the enlargement process and related funding programmes, which considerably have upgraded the abilities of States in Europe to ensure proper entry control according to harmonised rules; and appreciating the initiatives by the European Council to adopt comprehensive work programmes for asylum and immigration at its meetings in Tampere in 1999, in Seville in 2002 and Thessalonica 2003;

Also appreciating the effects of a variety of other multilateral activities, which in recent years have positively contributed to the prevention of irregular migration in a pan-European perspective, and underlining that several States participating in the Budapest process are neither members of the European Union nor Accession or Candidate States;

Underlining the need for co-operation also at the global level with a view to ensuring orderly migration and preventing irregular migration, and appreciating in this regard the Berne Initiative launched by Switzerland;

Being aware that the linkages between irregular migration and organised crime are expanding, and being highly concerned that, in spite of considerable improvements made in migration management, irregular migration to Europe is still of a considerable magnitude and indicates a tendency to increase, and constitutes a challenge to the co-operation between States, and a risk to individuals involved, and that under certain circumstances it can affect public security and social stability;

Emphasising the need for a renewed collective goal-oriented effort to curb irregular migration into our societies, and being convinced that the Budapest process has a very important role to play also in the future with a view to preventing such migration and to promoting a harmonised migration policy approach among all countries in the wider European region to ensure orderly movements and to ultimately facilitate the freedom of travel;

Underlining that the future activities of the Budapest process should pay special attention to those countries in the wider European region, which have not yet been involved in appropriate international

co-operation with a view to preventing irregular movements and providing channels for orderly migration;

Welcoming the initiative of Greece to include this Ministerial Conference into its European Union Presidency programme;

Highly appreciating the proposals developed by the Budapest Group, led by Hungary, in view of this Ministerial Conference and having thoroughly assessed them;

Being aware that relevant measures can only be implemented according to the constitutional provisions and the basic legal principles of each State;

And being fully committed to a further innovative joint effort to prevent irregular migration, combining additional measures to ensure the implementation of still valid recommendations of earlier Ministerial Conferences in the Budapest process, with new forceful initiatives;

Have adopted the following recommendations:

#### **I. The goal: a substantial reduction of irregular migration**

Recognising that a substantial reduction of irregular migration presupposes among others political and development co-operation, partnership dialogue between countries of destination, origin and transit, common concepts and practices with regard to admission, voluntary and forced return, readmission, as well as of integrated border management, harmonised visa policies and common legal standards to penalise those who assist in the smuggling of migrants and trafficking in persons, and to deter the entry and employment of illegal migrants through carrier and employer sanctions;

Also recognising that an integral part of a comprehensive approach with regard to the reduction of irregular migration is the existence of fair and efficient asylum systems in all participating States, which are in conformity with international standards, and which ensure that persons who require international protection may enjoy such protection;

Acknowledging that certain countries, such as countries of transit, shoulder a particular obligation and responsibility in the fight against irregular migration, which should be shared by other countries through increased co-operation, or otherwise, in the interest of all participating States;

Noting, on the one hand, that States participating in the Budapest process now have achieved a high degree of common legal standards, and that in recent years a large number of States have adopted various legal measures recommended by the Prague Ministerial Conference, such as harsher penalisation of those who are involved in smuggling of migrants and trafficking in persons;

Noting, on the other hand, that trends towards irregular migration, smuggling of migrants and trafficking in persons persist and worsen in many participating States, as judged by trends in apprehensions by border control authorities, the abuse of asylum systems and numbers of readmissions and forced returns;

Appreciating recent initiatives by the European Union to prevent and combat irregular migration, such as those included in the 2002 Seville Summit Conclusions, the Comprehensive Plan to Combat Illegal Immigration and Trafficking in Persons, the Management Plan for the External Borders, the Return

Action Programme and the Communication on Integrating Migration Issues in the European Union's Relations with Third Countries;

1. **Recommend that participating States intensify their activities in the coming years to substantially reduce irregular migration through the adoption of plans, or other appropriate measures, for the effective and efficient implementation of these recommendations;**
2. **Recommend that participating States undertake further measures to fully implement the still relevant 1993 Budapest and 1997 Prague recommendations, including those relating to legal harmonisation and to the accession to relevant international instruments enumerated in recommendation 12 of the Prague document;**
3. **Recommend that participating States consider, as appropriate, the possibility to harmonise the penalty scales with regard to the crime of smuggling of migrants and of trafficking in persons in line with relevant EU instruments<sup>1</sup>;**
4. **Recommend that participating States, which have not yet done so, sign and ratify the UN Protocols on smuggling of migrants and on trafficking in persons as soon as possible; and to call on parties to the Protocols to implement them;**
5. **Recommend that participating States extend their full co-operation to each other with a view to intensifying their joint combat of irregular migration, in particular as regards exchange of information and experiences, early warning, common training of staff and programmes for the exchange of personnel;**
6. **Recommend that contacts between countries of destination, origin and transit be intensified so as to establish partnerships in the joint interest of preventing irregular migration;**

## **II. Promotion of harmonised pre-entry and entry policies**

Emphasising that the approximation of pre-entry and entry policies and practices between participating States is a prerequisite for the establishment of freedom of travel;

Underlining that the harmonisation of visa policies and procedures contribute to a more efficient prevention of irregular migration and that, in addition to foreign policy and security considerations, aspects relating to irregular migration and readmission are of significance when examining the need for visa obligations;

Noting the considerable progress made by participating States in aligning their visa policies and procedures to European Union standards, and appreciating the role of Slovenia as lead country for visa harmonisation within the Budapest process;

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<sup>1</sup> 1. EU Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence;  
 2. EU Council Framework Decision of 19 July 2002 on combating trafficking in human beings;  
 3. EU Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

Recognising that such harmonisation has had an important impact upon the control of irregular migration, and that further measures therefore are needed to achieve a higher degree of harmonisation of visa policies and practices among all participating States;

Acknowledging the need for increased technical co-operation to enhance border control, including co-operation along sea borders, and appreciating recent developments within the European Union in terms of reinforcing border management co-operation by way of exploring the possibility of joint training of staff and the establishment of a system for common risk analysis; noting the progress achieved among Accession and Candidate countries in adapting to Schengen standards; welcoming the European Commission funding in this regard as well as recent international initiatives for integrated border management in South-Eastern Europe through CARDS funding; and underlining the importance of relevant TACIS funding in related areas on a country by country basis;

Referring to existing provisions on the obligations of carriers and on sanctions to be imposed on carriers which fail to meet control obligations, and their commitment to apply such penalties with due regard to 1951 Refugee Convention and its 1967 Protocol;

Recalling the Conclusions of the Budapest Group on the need for a reinforcement of the co-operation of the border management services in the wider European region and on the linkage between the Budapest process and the Siófok process of the border services;

Reaffirming the need for effective and deterrent sanctions on employers to suppress the employment of illegal migrants;

Inviting countries of destination to assess the impact of current labour market policies with regard to the prevention of irregular migration;

Underlining that participating States should develop their admission policies so as to favour orderly versus irregular migration and that admission rules have to be consistent and transparent;

Noting that the European Union is in a process of harmonising the rules of Member States for the admission of various categories of third country nationals and is discussing the notion of an active policy for the immigration of labour based on common standards;

Recognising that also countries in Central, Eastern and South-Eastern Europe are increasingly becoming countries of destination and that they would benefit from a dialogue on the harmonisation of admission rules;

- 7. Recommend that a special co-operative effort is undertaken within the Budapest process to agree on the main common challenges with regard to irregular migration, including issues relating to the demarcation of state borders, which are confronting Members of the Commonwealth of Independent States, in particular the Russian Federation, Belarus, Ukraine, Moldova as well as Armenia, Azerbaijan and Georgia;**
- 8. Recommend that the co-operation between participating States on the harmonisation of visa policy and practices concentrate on: (i) common criteria for the granting of visas; and (ii) efforts aiming at harmonising visa obligations among participating States which have not yet been involved in extensive international co-operation in this regard;**

9. **Recommend that the informal pan-European co-operation between border management services, which is ensured through Hungary, be utilised as a forum for the development of further co-operation and of training between the services of Members of the Commonwealth of Independent States, of States involved in the Stabilisation and Association Process in South-Eastern Europe, and the European Union Member, Accession and Candidate States;**
10. **Recommend that the Working Group on Moldova of the Budapest process, as a pilot project exercise, is provided with the necessary support to develop and implement a National Action Plan on a comprehensive migration management system;**
11. **Recommend that the activities of the Working Group on South-Eastern Europe of the Budapest process be strengthened, as a pilot project exercise, in the interest of reinforcing the co-operation between relevant Ministries in this region in preventing irregular migration, as a contribution both to the Stability Pact for South-Eastern Europe and to the Stabilisation and Association Process;**
12. **Recommend that within the Budapest process a dialogue is initiated among Central and Eastern European participating States on the harmonisation of rules for the admission of various categories (such as family members, employed and self-employed persons, students and other non-employed persons), in harmony with ongoing consultations within various European fora;**

### **III. Safeguarding the rights of refugees and reducing the abuse of asylum procedures**

Noting with appreciation the development of high-standard asylum legislation and practice in a considerable number of participating States in Central, Eastern and South-Eastern Europe in recent years;

Commending the efforts of countries and international organisations, in particular the European Commission, the Council of Europe and UNHCR, to support asylum institution and capacity building in these countries, and also welcoming in this regard the UNHCR Global Consultations on International Protection and the Agenda for Protection;

Recognising that the inflow of asylum-seekers in and through Central, Eastern and South-Eastern Europe has taken on a considerable dimension and that numerous claims are manifestly unfounded;

Appreciating the initiative of the Czech Republic to establish a Working Group on irregular movements and asylum within the Budapest process, and noting the considerable progress made in this context in establishing a consultative mechanism among Central, Eastern and South-Eastern European states, with the support of Western European states, to reduce abuse of asylum procedures;

Being committed to ensure that measures aimed at the prevention of irregular migration have due regard to the need to ensure that persons in need of international protection may enjoy such protection;

Appreciating the practices of many participating States in providing alternatives for persons in transit countries in need of international protection, whereby they are allowed to proceed in a regular manner to countries where they will enjoy protection;

Recalling the recommendation of the Prague Ministerial Conference on a coherent European system for determining the responsibility for the examination of an asylum application, on the basis of the principles of international law, including the relevant EU legislation; and noting progress made at the European level in applying the principles of safe third country and of first country of asylum;

Welcoming the entering into force of the Dublin II regulation and the Eurodac system among EU Member States;

13. **Recommend that measures for the prevention and combat of irregular migration adopted by participating States must include appropriate safeguards for asylum-seekers and refugees;**
14. **Recommend that, as an integral part of their strategies to reduce irregular migration, all participating States develop fair and efficient asylum systems which are in full conformity with international standards, and which ensure that persons who require international protection may enjoy such protection;**
15. **Recommend that the Working Group on irregular movements and asylum within the Budapest process be given necessary assistance, as a pilot project exercise, to carry out its important task of exchanging information and experiences in order to reduce the abuse of asylum systems and enforcing return;**
16. **Recommend that special efforts be undertaken to promote the establishment of harmonised principles and arrangements among participating States for: (i) the registration of asylum applicants; (ii) the identification of applicants through fingerprinting; (iii) the exchange of information on asylum applications among participating States, in accordance with data protection legislation and the European Convention for the Protection of Individuals with regard to Automatic Processing of Data; and (iv) determining the responsibility for the examination of an asylum application;**
17. **Recommend that participating States further the development and the gradual application, among themselves, of policies and practices with regard to the concepts of safe third country and first country of asylum on the basis of established international criteria;**

#### **IV. Facilitating return and readmission**

Re-emphasising the importance of migration policies being linked to foreign and development co-operation policies, and recognising the necessity of efficient return and readmission policies becoming an integral part of the migration control systems of participating States, and that such policies constitute an essential element in the combat of irregular migration;

Recalling that the lack of efficient return policies and procedures for those who are not in need of international protection jeopardises the credibility of asylum systems;

Confirming the responsibility of all States to readmit their own nationals;

Welcoming that a significant number of bilateral readmission agreements have been concluded in recent years between States participating in the Budapest process, and regretting that still only few readmission agreements have been concluded with non-European countries;

Underlining the preventive role of effectively implemented readmission agreements in the process of reducing illegal migration;

Appreciating the efforts of Poland and France to promote the implementation of the 1997 Prague recommendations with regard to readmission, and to enhance relations with countries of origin and transit;

Welcoming that in recent years many participating States have entered into constructive dialogue and negotiations on return and readmission issues with countries of origin and transit;

Appreciating the efforts by the European Union to promote coherent policies to enforce the return of asylum-seekers who have been rejected after full and fair procedures, and recognising the value of these policies also for non-Member States;

18. **Recommend that action be initiated among participating States to develop modalities for the co-operation between countries of destination, origin and transit, with a view to promoting and ensuring the voluntary and, when necessary, the forced return of irregular migrants to countries of origin, including asylum-seekers who have been rejected after full and fair procedures, in the context of an overall policy on return;**
19. **Recommend that participating States take necessary measures to more effectively implement existing readmission agreements, and make further efforts to conclude co-operation and readmission agreements especially with non-European countries;**
20. **Recommend that participating States extend their full co-operation between themselves with regard to the conclusion of readmission agreements;**
21. **Recommend that participating States take all steps to enable the confirmation of the identity of persons to be readmitted;**
22. **Recommend that the Working Group on return and readmission of the Budapest process, as a pilot project exercise, continues its innovative work to promote the return and readmission of irregular migrants, in consultation also with countries of origin;**
23. **Recommend that participating States develop voluntary return programmes at the national level, or make use of existing international programmes for the voluntary return, including the sharing of experiences with countries of origin and transit with regard to counselling, identification, documentation and reintegration measures;**

#### **V. An enhanced role of institutions responsible for immigration and border control in the combat of terrorism**

Expressing the utmost condemnation at the spread of terrorist acts, some of which are committed by aliens who misuse the provisions of entry and residence regulations;



Recognising that there is no inherent link between terrorism and immigration, but that certain measures properly undertaken in the context of pre-entry and entry screening, border control and personal identification will contribute to the fight against terrorism;

Welcoming the results of the Special Session on the role of immigration services and border control in the combat of terrorism, which was organised by Hungary in the framework of the Budapest process following the 2001 September 11 attacks in the USA;

Noting the call, on the occasion of the 2001 Ministerial meeting of States Parties to the 1951 Refugee Convention, to carefully apply Article 1F on exclusion, in particular in light of terrorist challenges;

24. **Recommend that participating States, in accordance with data protection legislation and the European Convention for the Protection of Individuals with regard to Automatic Processing of Data, reinforce their measures related to: (i) visa screening and issuing standards, including computerised information exchange with other countries; (ii) document fraud, so as to be in tune with the rapid technological advancement of identity documents and checks, including the introduction of biometric features on personal documents; (iii) information exchange, in particular between institutions responsible for asylum/immigration/ border management and security/intelligence agencies, at national as well as international level; and (iv) special training for relevant staff;**
25. **Recommend that participating States carefully apply Article 1F of the 1951 Convention concerning exclusion from refugee status and to this effect: (i) consider setting up special units for cases where there is a reasonable possibility that exclusion may arise in the case of an individual pursuing an asylum claim; and (ii) exchange information with other participating States on such cases, in accordance with data protection legislation and the European Convention for the Protection of Individuals with regard to Automatic Processing of Data;**

## **VI. Monitoring and follow-up co-ordination**

Reiterating that the previous Ministerial Conferences in the Budapest process and the follow-up activities have had a considerable impact on the pan-European harmonisation of concepts, legislation and standards in the prevention of irregular migration;

Appreciating in this regard the annual implementation monitoring, which has been carried out under the leadership of Norway;

Recognising that the enlargement process of the European Union has led to a significant harmonisation among Accession and Candidate States with the Acquis in Justice and Home Affairs;

Affirming the continued need for further harmonisation measures in all participating States in the years to come, and the important role that the Budapest process could play in this regard;

Being aware that the implementation of the recommendations adopted at the Rhodes Ministerial Conference require substantial resources, and that States and international organisations will have to reinforce their co-operation with a view to allocate proper financial and technical assistance;

Observing that regional processes in other parts of the world, also aiming at preventing irregular migration and allowing for orderly movements of people, have emerged, and expressing the wish of increased interaction between such regional processes;

Underlining that the notion of the sharing of costs for the activities of the Budapest process and its Secretariat at ICMPD will have to be respected by participating States so as to promote the proper implementation of the recommendations of this Conference;

26. **Recommend that the Budapest Group of Senior Officials continue its work to co-ordinate follow-up action among all participating States;**
27. **Recommend that the annual monitoring of implementation progress is carried out in an equal manner among all participating States in the overall interest of achieving as high a degree of harmonisation as possible;**
28. **Recommend that the annual monitoring continues to include assessing whether measures to prevent and combat irregular migration in Europe include safeguards for asylum-seekers, refugees and victims of trafficking;**
29. **Recommend that donor States, the European Commission and other funding agencies properly examine the need for the further funding of bilateral and multilateral programmes and activities with the aim of implementing the recommendations adopted at this Conference;**
30. **Recommend that contacts be taken between the Budapest process and similar processes in other regions, including the follow-up of the 1996 CIS-conference, with a view to promote the harmonisation of concepts and joint actions in the interest of preventing irregular migration;**
31. **Recommend that participating States render financial or other contributions to ensure the smooth development of the activities, special projects and Secretariat support of the Budapest process;**

#### **Thanking:**

The Government of Greece for having hosted this Conference;

The Government of Hungary for having chaired the Budapest Group, and the respective European Union Presidencies as well as the European Commission for having assisted in the preparation of this Conference;

The Governments of all States which have led and hosted follow-up meetings after the Prague Ministerial Conference and preparatory meetings for this Conference;

The Governments, which have contributed financially and/or in kind to the Secretariat of the Budapest Group and to the activities of the Budapest process.