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### The African Union's principled positions on migration issues

1. The migration related issues are dealt with in Partnership N° 7 of the Africa-EU Joint Strategy entitled « Partnership on Migration, Mobility and Employment » (MME). The related part in the 2011-2013 Plan of Action refers to a **comprehensive approach to migration and emphasizes the « migration and development » dimension**, as agreed at the 1st Euro-African Ministerial Meeting on Migration and Development held in Syrte in November 2006. The Plan of Action focuses on a number of projects including one on the establishment of an African Institute of Remittances. It also refers to the Millenium Development Goals (MDGs). Furthermore, the Ouagadougou Plan of Action to Combat Human Trafficking, especially Women and Children, adopted by the above mentioned Ministerial Conference on Migration and Development is again one of the AU reference documents for its cooperation with the EU in the field of migration. There is in addition, the «African Common Position on Migration and Development » adopted by the Ministerial Conference held on the subject in Algiers in April 2006.
2. It is therefore necessary to refer to the general commitments and principles enshrined in the documents (Plans of Action and Declarations) adopted in the framework of such meetings to articulate the African positions to be adopted on specific migration related issues such as for instance, the issuing of visas (mobility), readmission, integration, employment, etc.
  - a) **The Africa-EU Joint Strategy and the Ouagadougou Plan of Action to Combat Human Trafficking especially Women and Children**
3. The foundation of the Migration, Mobility and Employment Partnership rests on two pillars: **the Joint Africa-EU Declaration on Migration and Development and the Ouagadougou Plan of Action to Combat Human Trafficking, especially Women and Children** adopted by the Euro-African Conference on Migration and Development held in Syrte in November 2006. Both documents commit the two parties ,i.e the EU and Africa, to respect the following general principles governing migration and asylum:
  - Respect for the human rights of all migrants, especially women and children, through the non-discriminatory implementation of the main human rights instruments;
  - Acknowledge the need for measures to combat racism and xenophobia and ensure respect of dignity and protection of the recognized rights of migrants enshrined in the relevant international law and more particularly the right to equal treatment based on the principle of non-discrimination;



- Enhance cooperation on issues relating to reciprocal integration of legal migrants and acknowledge the role of national and local authorities in the promotion of integration activities and exchange of good practices;
- Develop preventive measures against abusive practices and promote decent and productive work for migrants;
- **Discuss simplified entry procedures for some categories of people to facilitate more flexible regular migration flows;**
- **Enhance cooperation** in all areas relating to the fight against illegal or irregular migration, including through the conclusion of agreements on the question of **return or readmission of illegal migrants in their countries** of origin or through existing agreements, instruments or understandings;

#### **b) Managing illegal immigration**

4. On this issue, the African common position on migration and Development adopted by the Algiers ministerial meeting in April 2006 reiterates the need to constantly bear in mind the need to respect human fundamental rights and dignity:

« Management of illegal or irregular migration should not jeopardize the human rights of refugees and the principle of non-discrimination should be adhered to the fight against illegal or irregular migration must be waged within the context of strict observance of human rights and human dignity, of regional and international cooperation and shared responsibility among the countries of origin, transit and destination. This can be achieved, through among others, working together to secure the dignified return of their bona fide nationals who no longer have the right to remain or enter the territory of the other party (returnees) and whose in-country legal appeal rights have been exhausted.»

5. Similarly, the fight against illegal migration should not overlook its objective root causes including mainly the particularly difficult procedures and conditions for getting visas which at times leave no other option to migrants than the illegal networks. The above mentioned African Common Position hence calls for:

- The easing of the movement of persons through more flexible visa procedures ; in order to reduce illegal and irregular migration and thereby also the role of syndicates dealing in the trafficking of human beings;
- The creation of an environment conducive to circular migration (brain circulation) ;
- Relaxing entry requirements for service providers;
- Ensuring non-discriminatory treatment in the terms and conditions of service ;
- Elimination of the economic needs tests in recruitment ;
- Recognition of academic and professional qualifications obtained and awarded in Africa's training institutions.

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