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LEGAL PATHWAYS FOR MIGRATION:
Setting the right priorities for a sustainable EU-Africa partnership

CONTRIBUTING
ORGANISATIONS

OUTLINE

1. INTRODUCTION

On the foreign policy agenda of the European Union, 2020 should start a decade of increasing and improving relations between Africa and the EU, in which a "mature friendship"[1] would represent the basis for the search for mutually convenient solutions that work for Africa and Europe alike.

The EU-AU summit initially scheduled for the end of November 2020 in Brussels and postponed by the COVID-19 crisis to 2021, should conclude with a new strategy for both continents. In preparation for this summit, the European Commission and the European External Action Service, in the joint communication *'Towards a Comprehensive Strategy with Africa',*[2] set the basis for the discussion. The Communication puts forward five proposed partnerships, one of which on migration and mobility.

Half a year later, on 29 September 2020, the long-awaited proposal for a new European Pact on Migration and Asylum was revealed. The document sets up the European approach to migration and asylum: a hard-line policy against irregular migration – including the reinforcement of border control, the streamlining of the

return policy, and the establishment of a new 'solidarity mechanism' among Member States, the latter being based not on quotas, but rather on 'return sponsorship'. Together with this document, the Commission presented Member States with a proposal to offer legal pathways for migration to the EU, through resettlement mechanisms, humanitarian admission, and other complementary pathways.[3] This proposal formalises existing ad hoc resettlements schemes and addresses complementary pathways to obtaining protection within the EU.

Decisions on the volume of admissions of people coming from third countries to seek work is the exclusive competence of each individual Member State. Yet, the Commission can promote, facilitate, and support the creation of new legal migration pathways across Europe.

In this paper, SOLIDAR and its member organisations propose some concrete recommendations on how to ensure legal and safe pathways into the EU building on the shortfalls of the existing mechanisms and on existing good practises.

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1 U. Von der Leyen and M. Faki Mahamat, A pivotal year for relations between Europe and Africa, 2020,
https://eeas.europa.eu/delegations/south-sudan_en/75487/2020,%20a%20pivotal%20year%20for%20relations%20between%20Europe%20and%20Africa.
2 European Commission, Towards a comprehensive Strategy with Africa, 2020,
https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0004&from=EN.
3 European Commission, Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways, 2020,
https://ec.europa.eu/info/files/commission-recommendation-legal-pathways-protection-eu-promoting-resettlement-humanitarian-admission-and-other-complementary-pathways_en.

Overview of the paper

The introductory chapter, curated by the *Foundation Max van der Stoel (FMS),* aims to give an overview on the current state of play of EU migration policy and of the root causes of Africa-EU migration. It highlights that, despite the increasing recognition of the importance of legal pathways, both on the EU and UN agenda, legal pathways to enter Europe for Africans are very limited, and regional agreements and action plans regarding migration and mobility between the EU and Africa as well as the UN's Global Compact on Migration have not shown any concrete positive outcomes to provide more regular and legal migration channels.

In the second chapter, *NEXUS Emilia Romagna* especially highlights that the European migration approach has so far focused on securitisation, border externalisation and return of irregular migrants, a series of policies that have had profound negative effects on migrants and their rights, as well as on movement within ECOWAS and on transit countries like Niger. The latter is in fact used as a case study in this chapter to analyse more in detail the impacts of current European migration policies, as Niger became one of the main territories of experimentation of the 2015 European Agenda for Migration due to its strategic position in the West African and Sahel Region.

In the third chapter, the organisation *Red Sem Fronteras* draws attention to the lack of

Source: MVDL

European solidarity in the context of migration even in the face of current crises such as the COVID-19 health emergency, which has led to the closure of European ports to rescue ships in the Mediterranean, and the recent fire in the Moria refugee camp, that has revealed the inhumane situations in which more than 13,000 people lived. Its analysis concludes with a call for a European response that ensures the protection of the most vulnerable and of people in need, in accordance with respect for human rights.

In this regard, the *Sant'Egidio Community's* initiative launched in 2015 and reproduced also in other European countries due to its success – that is, the establishment of Humanitarian Corridors for African migrants – is presented in the next chapter as an example of good practice which could be recommended by the EU as one solution for Member States to establish legal, safe and humane pathways for migration, which would be able to guarantee both the protection of migrants and the security of the recipient countries.

Finally, in the penultimate chapter the NGO FOS pinpoints to the fact that migration has an interdisciplinary nature, and that this should be taken into account when formulating migration policies. The chapter focuses on the intersection between migration and gender, arguing that while migration can contribute to women's capabilities and freedoms, including economic freedom, it can also expose them to more significant risks compared to men in pre-migration, transit and post-migration. Looking at South African migration policies and drawing on the testimonies of North African migrant women to Malta, FOS thus highlights the importance of applying the gender perspective when formulating migration and return policies, something that has so far been largely missing from both the African and European migration legal frameworks, as well as the need to carry out more research and gather more data to understand and meet the intersectional challenges of female and other vulnerable migrants.

The paper eventually concludes with a series of recommendations from the *SOLIDAR Network* as a whole, aimed at informing and contributing in the debate on Africa-EU migration policy, and encouraging the two continents to see that a different kind of migration is possible, and that legal pathways are an essential precondition to combat irregular and unsafe migration while guaranteeing migrants protection and respect of their human rights.

2. ROOT CAUSES OF MIGRATION AND LEGAL PATHWAYS TO EUROPE: an overview of the current European approach to migration from Africa

Anne van der Meer & Meriem Hammami, Foundation Max van der Stoel (FMS)

Current EU migration policies focus on preventing irregular migration, specifically from African countries, by addressing the root causes of migration in the countries of origin. In general, the presumption is that by creating better future prospects for potential migrants at home, people will feel less compelled to leave. Since 2015, with the EU Trust Fund for Africa (EUTF), the EU has spent billions of Euros, mainly coming from the development budget, targeting these root causes of migration. However, research questions the underlying assumption that development in countries of origin contributes towards reducing the number of migrants.[4]

Also, the EU has not always been specific when it comes to the definition of the root causes of migration. The EUTF mentions that it "was created to address the root causes of instability, forced displacement and irregular migration and to contribute to better migration management."[5] In 2017, Federica Mogherini, then High Representative of the EU, added that "we need to act on what we usually define as the root causes: poverty, climate change, lack of democratic spaces, violations of human rights, opportunities for life."[6]

In 2018-2019, the Foundation Max van der Stoel researched drivers of migration in Ghana and Tunisia.[7] Lack of future prospects was indeed identified as a key reason for potential migrants to migrate: in both countries, it is very hard for the youth, including those with higher education, to find jobs. Besides, many people do not trust their governments to take decisive action to improve living circumstances in their country.

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4 For further reading: H. de Haas, *Migration theory: Quo Vadis?, DEMIG Working Paper 2, International Migration Institute, University of Oxford, 2011*; and, https://english.iob-evaluatie.nl/publications/publications/2018/10/01/427-%E2%80%93-iob-%E2%80%93-development-and-migration-%E2%80%93-literature-study.
5 EU Emergency Trust Fund for Africa, https://ec.europa.eu/trustfundforafrica/index_en.
6 Speech by HR/VP Federica Mogherini at the European Parliament plenary session on the recent developments in migration, 2020, https://eeas.europa.eu/headquarters/headquarters-homepage/32002/speech-hrvp-federica-mogherini-european-parliament-plenary-session-recent-developments_en.
7 Foundation Max van der Stoel and Foundation for European Progressive Studies, *Migration: African Perspectives, 2020,* https://www.foundationmaxvanderstoel.nl/uploads/publicaties/feps_fms_migration_def_web.pdf.

The research also looked specifically at the drivers for irregular migration from Africa towards the EU. Restrictive visa policies, and thus the lack of legal pathways, were found to be key here.[8] The latter not only make regular migration harder, but they also create an image of Europe as being perfect, because "otherwise, why would you try so hard to protect it?"[9] Furthermore, restrictiveness increases the likelihood that people will overstay. Many visa requests get denied, so when someone finally receives a visa, they find it sometimes harder to return, because "you know how big of an effort it will take to get one again."[10]

Effectively, it is not easy for Africans to travel legally to the EU. For now, they only have a few legal pathways available, including those for university students and staff exchange, high-skilled labour schemes and family reunification. For instance, African university students can apply for one of the Erasmus scholarship schemes,[11] or apply for tertiary education in one of the Member States directly. However, the first option only has limited availability and the alternative is financially impossible for the vast majority.

Higher-skilled workers are able to work in the EU with the EU Blue Card. In order to be approved, the migrant has to either have a contract or binding job offer for at least one year. Furthermore, a salary of certain height has to be earned. These thresholds are normally higher than the Member States' average and are therefore not feasible for many Africans. In some instances, temporary employer-driven labour schemes exist, but these are not successful due to the high financial costs for the employer as well as the difficulty in finding a good match for the job position.[12]

Family reunification is also a legal pathway for migration. Africans already residing legally in the EU are allowed to bring their spouses and children over. Each Member State has their own rules when it comes to the reunification, regarding age of partners and children, the salary threshold of the receiving partner or parent, and certain living and insurance conditions.[13]

Source: MPDL

If moving to Europe is challenging, Africans who want to migrate legally within the African continent also face increasing difficulties. The visa-free travel schemes are still very few and there is an increased reporting of smuggling, corruption and abuses when people try to cross the borders, even when this is theoretically allowed by Community agreements (e.g. ECOWAS etc). There is evidence that the European policies of borders externalisation are playing a very negative role in this regard, as they are leading countries - under the promise of financial assistance and subventions - to harden their entry and stay requirements.

All in all, Africans thus have very limited legal pathways to migrate. The mobility schemes that do exist between Africa and Europe oftentimes have salary thresholds that people cannot meet. In addition, regional agreements and action plans regarding migration and mobility between the EU and Africa as well as the UN's Global Compact on Migration have not shown any concrete positive outcomes to provide more regular migration channels. Without offering more legal pathways to migrate, it cannot be expected that Africans will not take the irregular route when they really aspire to leave their

8 Other key factors include the already mentioned lack of future prospects, but also in general the large inequalities in the world.
9 Interview with Mohamed Haruna, Executive Director of Returnees Diaspora Integrated Development Organisation (RIDEO), November 2018, Ghana.
10 Interview with Emmanuel Ametepey, organiser African Youth SDGs Summit, November 2018, Ghana.
11 The African EU-Partnership, Erasmus+: EU boosts participation of African students and staff in 2019, 2019, https://africa-eu-partnership.org/en/stay-informed/news/erasmus-eu-boosts-participation-african-students-and-staff-2019; and, European Commission, Erasmus Mundus Joint Master Degrees, https://ec.europa.eu/programmes/erasmus-plus/opportunities/individuals/students/erasmus-mundus-joint-master-degrees_en.
12 S. Bertozzi, Opening Europe's doors to unskilled and low-skilled workers: A practical handbook, Bureau of European Policy Advisers, http://publications.europa.eu/resource/cellar/9f6bf74f-59ed-4c86-83c7-f876b1006d13.0001.03/DOC_2.
13 European Commission, EMN Synthesis Report for the EMN Focussed Study 2016, Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices, 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_synthesis_report_final_en_print_ready_0.pdf; and, https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/family-reunification_en.

countries. Cooperation from African countries in regulating migration in general will also be hindered, since remittances account for a big part of their GDP. The consequence of this is that irregular migration from Africa to the EU will continue to be a problem leading to the loss of innocent lives during the journey, abuse by traffickers and smugglers and exploitation in the countries of destination.

In order to be successful in preventing irregular migration, and in reducing the number of deaths and the horrible struggles faced by many irregular migrants, it is important that EU policies are in line with what is really needed in African countries of origin. In this way, a long-term solution can be created. We also need to look at the role of Europe itself in terms of major inequalities in the world. By making all policies coherent with development objectives and preventing negative impact on countries of origin, an important contribution will be made to reducing inequality worldwide.

Reinforcing democracy and the rule of law, defending human rights, building peace, preventing and addressing natural disasters and calamities connected to the increasingly negative effects of climate change though reinforced partnerships and cooperation is key to addressing the aggravating situation of asylum seekers, refugees and displaced people. The refugee issue is a humanitarian emergency and a geo-political challenge that the EU and African countries will be able to address successfully only through enhanced bilateral and multilateral cooperation, keeping the respect of human rights at the core of any of their actions in this realm. This is why increasing and expanding legal pathways for refugees is crucial.

The EU should thus act, and develop a real, long term partnership with the African continent, which considers both continents as equal actors. Increased legal pathways has been promised by the EU many times. The time for real action is now.

Source: MPDL

2.1 CASE STUDY - Border externalisation, repatriations and (missing) resettlements: insights from Niger

Fabio De Blasis, Nexus Emilia-Romagna, Italy

The findings below are mainly the result of a cooperation between the USTN (Union Syndicale des Travailleurs du Niger) and CGIL (Italian General Confederation of Labour) and Nexus Emilia Romagna. This cooperation has been established in the wider framework of the RSMMS (Mediterranean and Subsaharan Trade Union Migration Network): a network of trade unions from across three regions heavily affected by the consequences of migration. The objective of the network is – amongst others – offering a vision and narrative around the too often highly politicised debate on migration, which overcomes pure national/continental biases and interests, building on shared fundamental values leading to enhanced cooperation in the interest of improving better living and working conditions for migrants.

If it is true that current EU migration policies focus on preventing irregular migration from African countries more than they do on promoting legal pathways to Europe, then Niger is definitely an ideal country to analyse

Author: David Mark, Unsplash.com

to be able to assess the effects that such policies produced on migrants and transit countries. This is because, following the so-called migration crisis proclaimed by the EU, Niger has become a territory of experimentation of the 2015 European Agenda for Migration. The country is also currently one of the main beneficiaries of EUTF with €250 million and 12 projects, many of which are on migration;[14] in addition, the 11th European Development Fund (EDF) National Indicative Programme (NIP) allocated €686 million to the country for the 2014-2020 funding period.

The recent EU's interest in Niger arises from the reconfiguration of the country in the wider dynamics of human mobility in the West African and Sahel region. Since the early 2000s, Niger has in fact assumed a crucial role as a transit country in the trans-Saharan route linking West and Central Africa to North Africa and (eventually) Europe. According to the IOM, the peak was reached in 2016, when 333,891 migrants transited through northern Niger towards Libya (and to some degree to Algeria);[15] about three quarters of the migrants arrived on the Italian coasts between 2015 (154,000) and 2016 (181,000) crossed Niger, according to Frontex.[16] At the same time, Niger has become a transit country for returnees, most of them expelled or forced to return, from Algeria and Libya: between 2016 and 2020, over 40.000 'irregular' migrants were deported in Niger by Algerian authorities, including non-Nigerien citizens.[17] Last but not least, Niger has recently began to host an increasing number of forcibly-displaced people and refugees from Mali, Nigeria and Burkina Faso because of the jihadists conflicts: as of 18 September 2020, there were over 220.000 refugees in the regions of Maradi, Tillaberi, Diffa and Tahoua.[18]

A growing body of literature highlights that these processes have led to the externalisation of the EU border to the Nigerien territory and to an externalisation of migration management in Niger through International Organisations.[19]

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14 EU Emergency Fund for Africa, Niger, https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger.

15 IOM, Statistical Report -Overview NIGER Flow Monitoring Points (FMP), https://reliefweb.int/sites/reliefweb.int/files/resources/NIGER_IOM_FMP_December_2016_EN.pdf.

16 Frontex, Central Mediterranean Route, https://frontex.europa.eu/along-eu-borders/migratory-routes/central-mediterranean-route/.

17 Interview with IOM Head of Programmes, 4/02/2020, Niamey.

18 UNHCR, Niger: Operational Update, September 2020, https://reliefweb.int/report/niger/niger-operational-update-september-2020.

19 See P. Tinti, and T. Westcott, The Niger-Libya Corridor: Smugglers' Perspectives, ISS Paper 299, Institute for Security Studies, International Initiative Against Transnational Organized Crime, 2016; J. Tubiana, C. Warin, and G.M. Saeneen, Multilateral Damage, The impact of EU migration policies on central Saharan routes, CRU Report, Netherlands Institute of International Relations 'Clingendael', 2018; F. Molenaar, and N. Ezzedine, Southbound Mixed Movement to Niger: An Analysis of Changing Dynamics and Policy Responses, CRU Report. Den Hague: Clingendael and Mixed Migration Centre, 2019, http://www.mixedmigration.org/resource/southbound-mixed-movement-to-niger/; and, L. Jegen, The Political Economy of Migration Governance in Niger, Freiburg: Arnold-Bergstraesser Institute (ABI), 2020.

EU pressure on the Nigerien government to crack-down on irregular migration and human smuggling brought about an increased cooperation to improve irregular migration control and border management, and resulted in the adoption of the law 36/2015. The latter criminalised smugglers, increased prison sentences and monetary fines for transporters (including the seizure of their vehicles and properties) and allowed for the detention of migrants subjected to illicit smuggling, without clarifying the grounds for such detention.

Numerous concerns have been raised on the effects of such policy, most notably on mobility rights, regional cohesion, and human security on migratory routes. According to the UN Special Rapporteur on the Human Rights of Migrants, the implementation of the law has resulted "in a de facto ban of all travel north of Agadez, e.g. in violation of the freedom of movement of ECOWAS nationals" and in the criminalisation "of all migration upwards, pushing them into hiding, which renders them more vulnerable to abuse and human rights violations."[20] Even if 'traditional' routes towards Libya and Algeria have recorded an impressive decline (from 333,891 migrants recorded in 2016 to 43,380 in 2018, according to IOM data based on monitoring trends in Arlit and Seguedine), recent studies show that human smuggling keeps being "part of a state-sponsored protection racket, which has proved extremely resilient",[21] and new alternative routes have been developed, much more expensive, longer and riskier, where fewer "professionalised" smugglers operate under more pressure of being arrested.[22]

Our research findings suggest that CSOs are also increasingly concerned by the role of International Organisation for Migration (IOM) in the EU policy of border externalisation and the management of irregular migration.[23] To provide assistance to transit migrants that were either deported from

Algeria or stuck as a result of the implementation of the 2015 law, so-called IOM-run transit centres have been erected with EU support. **According to some activists,[24] through 'humanitarian' mechanisms such as the Assisted Voluntary Return and Reintegration (AVRR) program,** co-funded by the EUTF in the frame of EU-IOM Joint Initiative for Migrant Protection and Reintegration, **the IOM is encouraging the return to the countries of origin in order to hinder the flow of migrants to Europe.** According to the IOM, the AVRR is "an indispensable part of a comprehensive approach to migration management aiming at orderly and humane return and reintegration of migrants who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin."[25] The AVRR program in Niger was launched in 2014 and it is addressed to migrants who "need to return home but lack the means to do so", financing their return journey and a (small) reintegration project with an in-kind contribution of (only) 300 dollars.[26] Over the last five years, the number of assisted returns from Niger has grown dramatically: in 2015 it was 1,322, rising to 6,467 in 2017 and reaching 16,319 in 2019. Between 2015 and 2019, more than 43,000

Author: Teresa Cotrim, Pixabay.com

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20 See: End of mission statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, on his visit to Niger (1-8 October 2018), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23698&LangID=E.

21 L. Raineri, Human Smuggling across Niger: State-Sponsored Protection Rackets and Contradictory Security Imperatives, The Journal of Modern African Studies 56 (1), 2018: 63–86.

22 J. Tubiana, C. Warin, and G.M. Saeneen, Multilateral Damage, The impact of EU migration policies on central Saharan routes, CRU Report, Netherlands Institute of International Relations 'Clingendael', 2018; E.M. Stambøl, 'The EU's Fight Against Transnational Crime in the Sahel, Policy Brief 2019/04. Institute for European Studies, VUB, 2019, https://www.ies.be/policybrief/eu%E2%80%99s-fight-against-transnational-crime-sahel; and, L. Jegen, The Political Economy of Migration Governance in Niger, Freiburg: Arnold-Bergstraesser Institute (ABI), 2020.

23 F. Amato, F. De Blasis, and S. Pitzalis, Il Niger e la sfida delle migrazioni internazionali: una ricerca sul campo su mobilità umana, sindacato e società civile, Editrice Socialmente, Bologna, 2020.

24 Interview with members of Alarm Phone Sahara, Alternative Espaces Citoyens e Observatoire Migrants en Détresse, 7/02/2020, 10/02/2020, 19/02/2020, Niamey.

25 IOM, Assisted Voluntary Return and Reintegration, https://www.iom.int/assisted-voluntary-return-and-reintegration.

26 Interview with IOM Head of Programmes, 4/02/2020, Niamey.

returns took place from Niger[27] and in 2019 it became the first country in the world in terms of voluntary assisted returns.

Civil society organisations cast doubts on the aim of AVRR and on the way the program is managed: questions arise as to the genuine voluntary nature of such returns. Deportees from Algeria, for instance, are left by Algerian authorities in the middle of the desert and are forced to walk 20 km at night, until they reach the Nigerien border: shortly after they have been rescued by the IOM, they have "no choice but to accept the AVRR program since it is the only way to access the assistance [food, shelter, medical aid] provided by the Agency in its transit centres."[28] As also reported by the UN Special Rapporteur on the Human Rights of Migrants, assistance in the centres is conditional upon signing up for AVRR, and "no other real alternative is provided for those who do not want to sign up for it, including those who are in vulnerable situations and have been victims of multiple human rights violations."[29] Concerns are rising on the lack of human-rights based individual assessments as very few are referred for asylum/refugee status determination, despite the Memorandum of Understanding signed between IOM and UNHCR for managing such cases. During our fieldwork, we also found in IOM's transit centre in Niamey several

Source: MPDL

'irregular' migrants intercepted by the police forces while transiting in Niger and addressed to the UN Agency for (in)voluntary return: many clearly stated that "we do not want to go back home…we were forced because the police told us we had no choice but the IOM."[30] Some of these migrants were Central African citizens and were about to be repatriated by the IOM despite the still-ongoing long-standing conflicts in the country.[31] Unsurprisingly, while the EU-IOM partnership is emblematic of the link between humanitarian discourse and a migration control agenda,[32] the overall 'official' objective of the AVRR (the reintegration in the country of origin) is however not materialising, as most of the repatriated from Niger seem to leave again their country after a shot time.[33]

All the great efforts undertaken in Niger in order to curb irregular migration and to encourage returns of migrants to their country of origin are not found when it comes to ensuring legal pathways to Europe. Despite the impressive number of deported, forced returned, refugees and displaced people from Algeria, Libya, Nigeria, Mali and Burkina Faso, the political commitment of EU Member States to ensure legal, safe and rapid mechanisms of relocation and resettlement from Niger seem to be very weak. Humanitarian Corridors and Resettlement programmes are reserved "to the most vulnerable among the vulnerable because the countries that agreed to the resettlement schemes are very few and they accept a very limited number of people."[34] From 1 September 2017 to 11 November 2019, less than 2,700 refugees have departed for resettlement, most of which (over 2,000) under the EU-funded Emergency Evacuation Transit Mechanism (ETM) to Belgium, Canada, Finland, France, Germany, Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the United States.[35] With this programme, since November 2017 the UNHCR has been evacuating vulnerable refugees and asylum seekers trapped in detention in Libya, so they can access protection and resettlement from Niger to third countries.

27 Authors' elaboration based on IOM annual reports. The reports are available at https://www.iom.int/assisted-voluntary-return-and-reintegration.
28 Interview with member of Alternative Espaces Citoyens, 10/02/2020, Niamey.
29 See: End of mission statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales, on his visit to Niger (1-8 October 2018), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23698&LangID=E.
30 Central African migrant waiting for IOM's repatriation, focus group discussion, 22/02/2020, Niamey.
31 European Civil Protection and Humanitarian Aid Operations, Central African Republic, 2020, https://ec.europa.eu/echo/where/africa/central-african-republic_en.
32 J. Brachet, Manufacturing Smugglers: From Irregular to Clandestine Mobility in the Sahara, The Annals of the American Academy of Political and Social Science 676 (1), 2018: 16–35.
33 F. Amato, F. De Blasis, and S. Pitzalis, Il Niger e la sfida delle migrazioni internazionali: una ricerca sul campo su mobilità umana, sindacato e società civile, Editrice Socialmente, Bologna, 2020.
34 Interview with UNHCR Representative in Niger, 05/02/2020, Niamey.
35 UNHCR - Libya - Niger Situation / Resettlement Update #86, 2019, https://data2.unhcr.org/en/documents/details/72298.

According to the Memorandum of Understanding (MoU) signed between UNHCR and the Nigerien government, however, a maximum of 600 evacuees are permitted to reside on Nigerien territory at the same time. Thus, the quicker evacuees are relocated from Niger to third countries, the quicker others can be released from detention centers in Libya. Because of the hosting countries' hesitancy in relocation processes, throughout the implementation of the ETM evacuations seem to have occurred at a faster pace than resettlement: in early 2018, there were about 1,400 evacuees in Niamey, well above the threshold set with the MoU.[36] Because of the slow resettlement pace which has not kept up with the number of arrivals, the ETM was suspended from March to May 2018 and the government of Niger even threatened to close the entire programme.[37] As a result of the slow resettlement pace, there have also been refugee protests outside the UNHCR headquarters in Niamey. **The European Commission has continuously called upon EU Member States to speed up the procedures and increase resettlement spots from Niger.**[38] However, as of 18 September 2020, a total of (only) 3,208 persons have been evacuated to Niger through the ETM, of which 776 are still in Niamey and 2,491 have been resettled to third counties.[39]

Recently, through the Migration and Asylum Pact, **the Commission has adopted new recommendations to not only speed up the resettlement process and make more places available, but also to allow for more legal pathways such as opportunities for refugees to study in the EU.**[40] Even though it would be good for these changes to be implemented, **there is still a large group of non-refugees that will not fall within this framework**. And because these people normally do not have the opportunity to use the already existing pathways to reside regularly in the EU, **Member States should make more opportunities available to this group as well.**

36 Interview with UNHCR Representative in Niger, 05/02/2020, Niamey.
37 L. Jegen, The Political Economy of Migration Governance in Niger, Freiburg: Arnold-Bergstraesser Institute (ABI), 2020.
38 See European Commission, Progress Report on the Implementation of the European Agenda on Migration, May 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-Migration_en.pdf.
39 UNHCR, Niger: Operational Update, September 2020, https://reliefweb.int/report/niger/niger-operational-update-september-2020.
40 European Commission, Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways, September 2020, https://ec.europa.eu/info/sites/info/files/commission_recommendation_on_legal_pathways_to_protection_in_the_eu_promoting_resettlement_humanitarian_admission_and_other_complementary_pathways.pdf.

Source: MPDL

3. VULNERABILITY OF AFRICAN MIGRANTS AND THE NEED FOR MIGRATION WITH RIGHTS

Rede Sem Fronteiras (RSF)

Even with the EU-Africa Summit postponed to 2021, migration remains of the highest priority on the political agenda of the two continents. This is especially true due to, among others, the consequences that the current COVID-19 pandemic is predicted to have on African economies and the migratory phenomenon.

In June 2020, the International Monetary Fund predicted a world GDP drop of around 4.9% which will affect especially African countries, that are already suffering from a debt burden crisis.[41] The IMF also expects their recovery to be slower than that of the rest of the world in 2021.[42] The impact on people's lives will be disastrous, as the economic situation will lead to a severe risk of food security in the African continent. As many African countries import most commodities – around 85% according to UN data[43] – the shrinking of their economies will likely result in

mass hunger. Moreover, the IMF is alerted of the impact of other epidemics on these countries' economies, as was the case in Sierra Leone, that never recovered from the Ebola outbreak.[44] This severe situation will suffocate African countries, condemning the youth to lack of opportunities and forcing them to seek better life conditions abroad. **The COVID-19 pandemic may thus increase migration to Europe, which requires European leaders to respond adequately to the needs of those who seek to reach the continent.**

Furthermore, the African continent was and still is fustigated by natural disasters. The recent Nile river floods in Khartoum (Sudan) of September 2020 killed 99 people and injured dozens of others.[45] This catastrophe left thousands homeless and unprotected.

41 J. H. Murray, Africa's debt burden and the COVID-19 economic crisis, Accord, June 2020, https://www.accord.org.za/analysis/africas-debt-burden-and-the-covid-19-economic-crisis/.
42 World Economic Outlook, A Crisis Like No Other, An Uncertain Recovery, June 2020, https://www.imf.org/en/Publications/WEO/Issues/2020/06/24/WEOUpdateJune2020.
43 P. Akiwumi, COVID-19: A threat to food security in Africa, UNCTAD, August 2020, https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=2450.
44 D. Gurara, S. Fabrizio and J. Wiegand, COVID-19: Without Help, Low-Income Developing Countries Risk a Lost Decade, IMF Blog, August 2020, https://blogs.imf.org/2020/08/27/covid-19-without-help-low-income-developing-countries-risk-a-lost-decade/.
45 Al Jazeera, Sudan declares 3-month state of emergency over deadly floods, 7 September 2020, https://www.aljazeera.com/news/2020/09/sudan-declares-3-month-state-emergency-deadly-floods-200905093808859.html.

Climate change also has a severe impact on the continent as it destroys agriculture, affecting the lives of millions. In addition, the extremist groups in several parts of Africa, for example in Nigeria, Somalia, Sahel and more recently in Mozambique, also force people to flee in order to save their lives, with Human Rights NGOs often denouncing abuses of governmental forces who fight the rebels.[46]

The 1969 'Convention Governing the Specific Aspects of Refugee Problems in Africa' stresses the necessity to protect those who are forced to leave their homes due to persecutions or armed conflict. The African Union (AU), since its early years, had a clear perception of the imperative of migration in people's lives, both inside and outside of the continent. The right to movement and the right to seek asylum is recognised under the article 12 of the African Charter on Human and Peoples' Rights. The AU adopted and implemented several policies regarding migrations. The 'Migration Policy Framework for Africa', adopted in 2006, constitutes an institutional response for these challenges.[47] The vital role of the right to movement was also enshrined in the most important policy for the development of the continent, namely the 'Agenda 2063 – The Africa We Want '(2015).[48]

According to the data published by the UNHCR in 2019, 79.5 million people have been forced to move from their homes.[49] The vast majority of them are internally displaced people, which means that they did not cross the border of their home country. For those who seek asylum in other countries inside the African continent, Sudan (1.2 million), Libya (818,000) and Egypt (504,000) have been the top three receiving countries.[50] Also in 2019, the European Commission reported 676,250 asylum seekers.[51] The recent data, updated on 14th September 2020, points to 52,337 arrivals to Europe, 47,500 of them by sea.[52] The majority of these people enter the continent through the Mediterranean Sea, after the EU-Turkey statement of 2016 that closed the land borders.

The COVID-19 health crisis is now being used as a divergent tool for states to close ports to rescue ships in the Mediterranean Sea. The publication in the media of the Italian practice of boarding migrants in quarantine boats raises several questions about whether the sanitary crisis is being exploited as an excuse to violate fundamental rights and the dignity of migrants.[53] Greece is also under pressure, after the New York Times revealed that the country expelled and abandoned around 1,000 asylum seekers in the Aegean Sea.[54] This degrading and inhumane treatment constitutes a violation of International Law. The fire in Moria refugee camp is another demonstration of the life-threatening situation that migrants and asylum seekers live in when they arrive to European shores. Women and children, especially unaccompanied children, are vulnerable to violence, human traffic and other human rights violations. There is no safe harbour for migrants in those refugee camps.

In view of this context, the *Rede Sem Fronteiras (RSF),* as part of the civil society groups working for the promotion of the rights of migrants, refugees and asylum seekers, urges the European Union to respond adequately to migration, acting accordingly with humane principles and respect for human rights. In particular, the EU needs to ensure that women and children are protected from violence and abuses. For migrant children, the EU Member States must ensure that they have the right to an appropriate shelter and access to education. The *RSF* also calls on all EU States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), improving protection for all migrants.

46 Al Jazeera, Mozambique committing abuses in fight against rebels: Amnesty, 9 September 2020, https://www.aljazeera.com/news/2020/09/mozambique-committing-abuses-fight-rebels-amnesty-200909175711120.html.
47 African Union Commission, Migration Policy Framework for Africa and Plan of Action (2018 – 2030), 2018, https://au.int/sites/default/files/documents/35956-doc-2018_mpfa_english_version.pdf.
48 African Union Commission, Agenda 2063: The Africa we want, 2013, https://au.int/en/Agenda2063/popular_version.
49 UNHCR data, https://www.unhcr.org/figures-at-a-glance.html.
50 Migration Data in Northern Africa, https://migrationdataportal.org/regional-data-overview/northern-africa.
51 Eurostat Asylum Statistics, https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Number_of_asylum_applicants:_increase_in_2019.
52 See Mediterranean Situation data, https://data2.unhcr.org/en/situations/mediterranean.
53 E. Wallis, Hundreds of migrants board new quarantine ship in Lampedusa, Info Migrants, 5 August 2020, https://www.infomigrants.net/en/post/26455/hundreds-of-migrants-board-new-quarantine-ship-in-lampedusa.
54 P. Kingsley and K. Shoumali, Taking Hard Line, Greece Turns Back Migrants by Abandoning Them at Sea, The New York Times, 14 August 2020, https://www.nytimes.com/2020/08/14/world/europe/greece-migrants-abandoning-sea.html.

3.1 CASE STUDY - Humanitarian corridors: a possible legal pathway - an example of good practice from Italy

Contents by the Sant'Egidio Community, adapted by SOLIDAR Secretariat

Guaranteeing migration with rights can take many forms. At its core, however, lies the idea that endangered migrants should be granted safe and legal passage to Europe in full respect of their human rights. In order for this to happen, legal pathways for migration have to be in place.

In 2015, having witnessed the thousands of deaths at sea of migrants trying to cross the Mediterranean to reach Italy since 2013, and in the absence of existing legal migration routes that could help avoid more deaths, the Italian Sant'Egidio Community decided to take initiative and ally with local and national Italian authorities to establish a legal pathway for African migrants to reach Europe in safety and in respect of the law. Finding a legal opportunity within article 25 of Regulation (EC) 810/2009 of 13 July 2009, which allows singe EU states to issue humanitarian visas with limited territorial validity – that is, valid only for one country - the Sant'Egidio community was able to create the first humanitarian corridors[55] for asylum seekers from the African continent. This was possible thanks to the support of the Italian Protestant Churches and the Italian Episcopal Conference, as well as an agreement reached with the Italian Foreign and Interior ministries.

The corridors, the first of which was opened in 2015 and was then followed by two others in 2017 and 2019, were self-financed through the funds of the union of Methodist and Waldesian churches as well as the Italian Catholic Church and Sant'Egidio's own fundraising. No state funds were involved.

The humanitarian corridors had several objectives, including (i) avoiding that migrants travelled unsafely across the Mediterranean; (ii) contrasting the migrant smuggling and human trafficking businesses; (iii) allowing 'vulnerable' people (e.g. victims of persecutions, torture, violence, families with children, single women, old and sick people, people with disability) to enter legally the Italian territory with a humanitarian visa, and then file an asylum request; and (iv) guaranteeing safe migrant entrance in Italy for everyone, including for migrant hosts, as the granting of a visa depended on the beneficiary's passing of all the relevant checks put in place by the Italian authorities.

The organisations involved in the humanitarian corridors initiative were responsible for most of its implementation. For example, they were in charge of identifying a list of potential visa beneficiaries, based on the information provided by their direct contacts on the ground in relevant countries, including NGOs, international organisations and churches. Each identified profile was first verified by the Italian-based associations themselves, and later by the Italian consular authorities in the countries involved. If all checks were passed, the Italian consulates

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55 St'Egidio, Humanitarian Corridors: https://www.santegidio.org/pageID/30112/langID/en/Humanitarian-Corridors.html.

eventually issued a humanitarian visa with limited territorial validity to the migrants, as per EU regulations. Moreover, the involved organisations also offered visa beneficiaries the legal assistance to apply for international protection, granted them hospitality for the necessary amount of time within families or dedicated structures as well as economic assistance for their move to Italy, and offered them support in their integration process, which included the teaching of Italian language, school enrollment for their children, and assistance in finding employment.

As of 2019, the Italian humanitarian corridors have allowed 2,239 migrants from Lebanon, Ethiopia, Niger and Giordania to reach Italy safely and legally. Of these, 83% of adult migrants have now attended at least 6 months of Italian culture and language courses. Out of the first 1000 refugees who reached Italy (of which 40% were children), 104 are working, 24 have attended professional courses, 36 are trainees in different businesses, and 26 are enrolled in university. After two years of assistance, 151 people reached full autonomy and 304 have reached semi-autonomy - that is, they only receive support for their accommodation.

Given the success of the humanitarian corridors in Italy, this initiative has been replicated in other European countries, namely France, Belgium, Andorra and the Principality of Monaco - the latter also being assisted by the Sant'Egidio community.

The success stories of the humanitarian corridors in different countries in Europe demonstrate that the latter have the potential and legal basis to be reproduced further in other Schengen countries, and should thus be promoted by the EU as an example of good practice with all Member States working to establish legal pathways for migration from Africa to Europe.

4. MAKING WOMEN VISIBLE: GENDER AT THE CENTRE OF LEGAL MIGRATION PATHWAYS

Dawu Sibanda, FOS

Migration[56] is by its very nature interdisciplinary. In the African context, and in the attempt to establish migration policies and legal migration routes that protect the rights and safety of migrants, it is critical to consider the intersections of the migration experience with that of other variables that can affect migrants' journey as well as decision to travel, including elements such as their socio-economic status, and their gender.

When it comes to gender, it should be noted that while migration can contribute to improving women opportunities and freedoms - including economic freedoms - it is also true that it can expose them to significant risks pre-migration, in transit and post migration, and academic scholars further highlight that the "full implications of migration and mobility for women" are "difficult to assess," due primarily to a "dearth of data on women and migration." In general, however, it can be affirmed that current migration policy frameworks both in Africa and

Europe fail to mainstream gendered processes that underlie the migration experience, erroneously treating men and women as a homogenous group.[57]

The case of South Africa

At the present moment, in most of Africa migration policies are largely gender-blind, or gender-neutral. In South Africa, for example, the current policy on international migration is set out in the 1999 White Paper on International Migration, and it is implemented through the Immigration Act, 2002 (Act No. 13 of 2002) and partly through the Refugees Act, 1998 (Act No. 130 of 1998) and the Border Management Act.[58] This policy prioritises punitive measures that do not prevent irregular migration, instead disproportionately impacting migrants [and children]. The 1999 White Paper makes reference to gender and women once only, which is indicative of its failure to mainstream their vulnerable positions and align policy

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56 For the purposes of this chapter, the term migration refers to both irregular/circular migration and migrants refers to regular and irregular migrants, with a bias on the latter.
57 K. Lefko –Everett, 'Voices from the margins: Migrant Women's experiences in Southern Africa', in J. Crush (editor.) Migration Policy Series No. 46, Cape Town: Southern African Migration Project, 2007.
58 http://www.dha.gov.za/WhitePaperonInternationalMigration-20170602.pdf.

frameworks accordingly. This failure persists despite South Africa being signatory to the 1969 OAU Convention regarding Specific Aspects of Refugees in Africa, the 1951 UN Refugee Convention as well as the 2030 Agenda for Sustainable Development (the SDGs), the latter committing members states to, among others, objective 10.7 - to facilitate legal and safe migration routes -[59] and 8.8 - to "protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment."[60]

It is noteworthy that South Africa has implemented six migrant regularisation schemes that have provided legal status to over 500 000 migrants since 1994,[61] the most notable among them being the Lesotho (2009) and Zimbabwe (2019) Dispensation Projects. While the latter were good initiatives, there is however still a lot of room left for improvement, as these projects were in fact gender-blind: for example, a key requirement for the application to obtain the temporary 5 year permanence permit granted by these schemes was proof of employment, business and/or study. This effectively disqualified a lot of migrant women since most are engaged in precarious sectors such as informal trading, sex work and hairdressing, and therefore cannot provide proof of legitimacy of their occupations. The understanding of these realities is critical to grasp the intersectionality between migration, rights and gender and the multiple challenges women migrants face within the context of global inequality, as they point to the existence of everyday as well as structural discrimination and oppression of women as migrants.[62]

This lack of a gender perspective on the formulation of migration policies not only puts women at risk, but it heightens their vulnerabilities and undermines gender equality principles. For this reason, the introduction of such perspectives in migration policy planning and implementation is critical.[63]

The experience of women migrants: insights from Northern Africa

To understand the precarious conditions of migrant women, there needs to be an appreciation of the conditions in which they work and travel as well as their general socio-economic situation. Migrant women often travel under difficult and precarious conditions. Contrary to popular belief, the majority of asylum seekers are women and girls – a reality hidden by the fact that the majority of those who reach their destination are men.[64] Travelling from their home countries to their destination is often risky for the women due to threats of arrest over documentation, attacks by criminals and wild animals. Furthermore, the threats of theft of personal property, payment of bribes, extortion, the risk of health vulnerabilities, sexual violence and rape are always present.[65] It is therefore critical that migration policy takes into account the opportunistic and organised violence experienced by women and often perpetrated by a mix of state and non-state agents.

Source: MPDL

59 UN SDG Target 10.7, https://open.undp.org/sdg/targets/10/7.
60 UN SDG Target 8.8, https://unstats.un.org/sdgs/metadata/?Text=&Goal=8&Target=8.8.
61 J .Crush and B. Dodson, Harnessing migration for inclusive growth and development in Southern Africa, Southern African Migration Programme, International Migration Research Centre, Balsillie School of International Affairs, 2017.
62 See: E. Kofman, A. Phizacklea, P. Raghuram, and R. Sales, Gender and International Migration in Europe: Employment, Welfare and politics, New York: Routledge, 2000; J. Theron, 'Employment is not what it used to be: The Nature and Impact of Work Restructuring in South Africa', in K. von Holt and E. Webster (editors), Beyond the Apartheid Workplace: Studies in Transition, Pietermaritzburg: UKZN Press, 2005; M. Moussouris, 'Saftu: The Tragedy and Hopefully Not the Farce', South African Labour Bulletin, 2 (41), 2017: 25-29; and, M. Hlatshwayo, 'Responses of Precarious Workers to Their Conditions in South Africa's Public Sector', South African Association of Public Administration and Management Journal of Public Administration, 52 (4), 2017: 741-760.
63 United Nations Department of Economic and Social Affairs, Population Division, International migrant stock: 2017 revision, 2017, www.un.org/en/development/desa/population/migration/data/index.shtml.
64 Amnesty International, Living in the Shadows - A primer on the human rights of migrants, 2006, https://www.amnesty.org/download/Documents/80000/pol330062006en.pdf.
65 V. Masenya, K. de Wet, and J.K. Coetzee, 'Narrating Everyday Precarity: Womens Voices from Resource Poor Areas.' Qualitative Sociology Review, 13(1), 2017: 192-209; and, M. Hlatshwayo, 'Responses of Precarious Workers to Their Conditions in South Africa's Public Sector', South African Association of Public Administration and Management Journal of Public Administration, (52) 4, 2017: 741-760.

EU policy has so far remained genderblind to the lived realities of those who seek refuge and protection in the EU, and thus urgently needs to address the structural contradictions exacerbating violence experienced by refugee women in transit. Work by Gerard and Pickering, and Nagai et al.[66] shows the experiences of female migrants. It is an example from the Northern African context, because of the difficulty in finding documented experiences of Southern African women's irregular migration to the EU. This dearth in literature is on its own an indication of how women's irregular migration experiences still fall outside the conventional research field.

The women interviewed by Gerard and Pickering spoke of their journey from Somalia to Malta, and highlighted two main aspects of their transits. First, they talked of the variability of transit, including exposure to violence, conditions of accommodation, incarceration, how long the journey took, access to financial resources, as well as the role of gender. Second, the women spoke about the danger and violence they had to deal with at particular transitory junctures throughout the journey. The three moments specifically mentioned by participants—transit through the desert, through Libya and travel by sea to Malta—provide insights as to the impact of securitisation on women's experiences of transit and how women deal with its consequences.

Blota, a 22 years old woman who had been in Malta for 18 months when interviewed, described the journey as highly unpredictable. When asked how long it takes to reach Malta, she responded that:

"It depends; sometimes it takes two weeks, sometimes two months, and sometimes three years. Some stay in prison, some even die in the Sahara. Some are shot. Some people die trying to escape. Sometimes in Malta people are in detention for two years, some for one year, and others for one month, it depends."[67]

Nagai et al.[68] carried a cross sectional household survey of both men and women. Their study, conducted with Sudanese refugees and Ugandan nationals in a district of Uganda, and with Sudanese non-refugees in Sudan, found that while refugees of both sexes experienced a heightened level of violence in transit, sexual violence was most common during routine trips across the border rather than during flights for personal safety. Women faced increased risk of sexual violence compared to men, and the mode of travel influenced exposure to sexual violence, as Miriam explained:

"On the journey here there are a lot of people suffering and people dying. People are running away to safety. The journey is very dangerous. You have a 50/50 chance of losing your life."[69]

Travelling by truck posed significantly less risk of sexual violence for women, compared to walking. Associated with sexual attacks was the theft of personal property, or being threatened or otherwise physically attacked, during migration. The risk was much higher for women than men. Age at the time of the migration, marital status, days of preparation for the travel (a measure of suddenness of departure), and days of travel, were not associated with the experience of being sexually abused or raped.[70]

In conclusion, these experiences are a reflection of how a gendered and intersectional migration policy may address some of the challenges irregular migrants face, and they point to the fact that it is imperative for legal pathways to be established to guarantee safer migration routes as well as better integration of migrants.

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66 It borrows from the work by Gerard and Pickering (2013) and Nagai et al. (2008): A. Gerard and S. Pickering, 'Gender, Securitization and Transit: Refugee Women and the Journey to the EU', Journal of Refugee Studies, 27(3), 2013: 338-359; and, M. Nagai, U. Karunakara, E. Rowley, and G. Burnham, 'Violence against Refugees, Non-refugees and Host Populations in Southern Sudan and Northern Uganda', Global Public Health 3(3), 2008: 249-270.
67 Based on A. Gerard and S. Pickering, 'Gender, Securitization and Transit: Refugee Women and the Journey to the EU', Journal of Refugee Studies, 27(3), 2013: 338-359.
68 M. Nagai, U. Karunakara, E. Rowley, and G. Burnham, 'Violence against Refugees, Non-refugees and Host Populations in Southern Sudan and Northern Uganda', Global Public Health 3(3), 2008: 249-270.
69 Based on M. Nagai, U. Karunakara, E. Rowley, and G. Burnham, 'Violence against Refugees, Non-refugees and Host Populations in Southern Sudan and Northern Uganda', Global Public Health 3(3), 2008: 249-270.
70 M. Nagai, U. Karunakara, E. Rowley, and G. Burnham, 'Violence against Refugees, Non-refugees and Host Populations in Southern Sudan and Northern Uganda', Global Public Health 3(3), 2008: 260.

5. CONCLUSION AND RECOMMENDATIONS

This paper focused on the (lack of) legal pathways for migration from African countries into the EU. Despite the promise of the EU to work on increasing legal pathways for migration, there is still much room for improvement. As the paper shows, this lack of legal pathways applies not only to the situation of migrants in general, but also to refugees.

The paper highlighted different realities that impact the migratory phenomenon from Africa to Europe. This includes current EU policies, that with their focus on securitisation and border externalisation, have produced negative consequences on the lives and experiences of African migrants and on transit countries like Niger; the background and characteristics of different migrants, such as their gender, also shape and determine the level of threat and risks migrants are forced to face before, during and after their journey. In addition, recent and new crises such as the COVID-19 pandemic also pose renewed challenges for migrants as well as for recipient countries.

In this context, and in light of the new EU Migration and Asylum Pact, as well as of the upcoming EU-Africa Summit, it is pivotal that the EU and its Member States agree on a common and humane response to migration, that guarantees the safe passage and the respect of migrants' human rights through the establishment of legal pathways for migration. One such pathway could be established following the blueprint of the Humanitarian Corridors initiative, a successful program enacted in Italy and presented in this paper that has the potential and legal basis to be reproduced in other European countries.

Drawing on the reflections and case studies analysed in the paper, SOLIDAR and its member organisations have developed a set of recommendations and proposals to truly make legal and safe migration work. We are confident that European and African leaders will find these informative and of inspiration, and that they will draw on our Network's expertise and experience to establish more progressive migration policies which guarantee the respect of migrans' human dignity, rights and safety.

Recommendations

- The EU should invest in a **true partnership** with Africa where policy processes are transparent and more stakeholders are involved, and the actual needs of Africans included. It is furthermore important that migration policies by the EU and its Member States are country specific, so as to be able to target actual and real needs of migrants in each country.

- The EU should adequately respond to migration, acting accordingly with humane principles and **respect for human rights.** In particular, the EU should ensure that women and children are protected from violence and abuses, and that migrant children are guaranteed the right to an appropriate shelter and access to education. Moreover, the EU Member States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), improving the protection for all migrants and their families.

- The EU must step up its support to African countries in addressing the **root causes of migration** and providing regular and safe pathways for migration. This has to be done by increasing the number of refugees admitted under existing resettlement schemes as well as by providing new mechanisms for humanitarian admission, humanitarian visas, temporary protection, family reunification, economic admissions at all skills levels, including for job seeking and student mobility.

Source: MPDL

- The European and African governments should promote and support transnational and **transcontinental cooperation** among social partners and civil society actors in order to establish productive cooperation aimed at the improvement of living and working conditions of migrants and in order to build a shared narrative on migration free of national/continental bias representing specific interests rather than the interests of migrants.

- The **return and reintegration programs** must be addressed only to migrants who are genuinely unwilling or unable to remain in host or transit countries. The EU must ensure the transparency, oversight and accountability of returns, facilitate independent monitoring and avoid the use of such programmes for other purposes. Interventions of UN agencies and EU – funds, programs, policies and technical assistance to partner countries- related to migration issues should further the realisation of human rights for all migrants.

- The success stories of the **humanitarian corridors** in different countries in Europe demonstrate that the latter have the potential and legal basis to be reproduced further in other Schengen countries, and should thus be promoted by the EU as an example of good practice with all Member States working to establish legal pathways for migration from Africa to Europe.

- Both European and African countries should implement a thorough **market analysis** to determine what is needed now and in the near future in terms of employment as a basis for increasing legal pathways. This analysis should also show what is needed with regard to education. Moreover, the EU should invest in creating more seasonal and/or temporary visas for African workers.

- The EU should apply a **gendered approach** in its migration policy formulation and implementation, including incorporating a gender equity analysis taking into consideration women's positions and experiences. Specific attention should be paid to including safe and legal migration pathways for women, including offering specific scholarships.

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