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NOTE

From:	Presidency
To:	Working Party on External Aspects of Asylum and Migration (EMWP)
Subject:	Presidency Paper on new and innovative solutions to prevent and counter irregular migration: Place of Safety Arrangements

Introduction

The need for new ways to prevent and counter irregular migration has been stated by the highest political level on several occasions, amongst others in the European Council conclusions of 20 March 2025¹ and the Commission President's political guidelines for 2024-2029².

At the informal Justice and Home Affairs Council meeting on 22 July 2025, the home affairs ministers discussed how the EU can operationalize new and innovative solutions to prevent and counter irregular migration. Furthermore, at the informal meeting of the Strategic Committee for Immigration, Frontiers and Asylum (SCIFA) on 17 September 2025, Member States held a strategic discussion on the next steps needed to establish pilot schemes that can serve as proof of concept.

¹ <https://www.consilium.europa.eu/media/viyhc2m4/20250320-european-council-conclusions-en.pdf>

² https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf

Most of the concepts discussed during these meetings are part of the legislative proposals currently being negotiated in the Council: 1) a new regulation on a common system for return, including the possibility to establish 'return hubs' in third countries³ and 2) the revision of the safe third country concept.⁴ In addition to the legislative proposals, the discussions also focused on the so-called place-of-safety arrangements, which fall outside EU *acquis* and therefore does not require any change to the EU *acquis*. Essential for the operationalisation of these concepts is cooperation with key third countries through balanced, comprehensive and mutually-beneficial partnerships.

The purpose of this agenda item is to get a better understanding of the principles behind a place-of-safety arrangement, and to discuss how this model can be operationalised, potentially on a pilot basis, bearing in mind its reliance on comprehensive cooperation and partnerships with key third countries.

New and innovative solutions - Place-of-safety arrangements

The Pact on Migration and Asylum is an important step for a more effective and coherent asylum and migration management system in the EU, and is currently being implemented. In parallel to the Pact, there is a political call to explore new and innovative solutions with the aim of removing the incentive to embark on irregular and dangerous journeys to the EU. This will prevent people from migrating irregularly, reducing the risk of becoming a victim of trafficking and ultimately prevent the loss of human lives along the migratory routes. Such approach will also contribute to the fight against migrant smugglers who profit from the incentive for migrants to embark on dangerous journeys to the EU.

³ Proposal of 11.3.2025 for a Regulation of the European Parliament and of the Council on establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC.

⁴ Proposal of 20.5.2025 for a regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1348 as regards the application of the 'safe third country' concept.

Although the irregular border crossings to the EU decreased in 2024 following the highest numbers since 2016 in 2023⁵, 32 872 migrants have died or gone missing on the Mediterranean Sea since 2014, which makes it the deadliest known migration route in the world, according to IOM⁶. While drivers behind the migratory movements to the EU remain diverse and the decision-making process is complex and multi-faceted, ‘economic opportunities’ is cited as the main reason to migrate towards the EU⁷.

One of the potential solutions is the concept of a place-of-safety arrangement. This solution entails maritime operations to detect, intercept or in cases of distress, rescue refugees and migrants in sea areas under the legitimate control of a coastal state outside the EU, in line with international maritime law. To the extent possible, irregular migrants and refugees would be brought to a predetermined place of safety in a port of a coastal state outside the EU. A mechanism would have to be established for the temporary reception and screening of the persons disembarked in the coastal state in facilities providing adequate, safe and dignified reception conditions. To reduce the burden on the coastal state and limit the stay of the disembarked migrants after disembarkation, the model could also entail that another partner country outside the EU could process the asylum seekers or migrant's case further after receiving them. Likewise, the coastal State could carry out returns for those who do not apply for asylum, either to their country of origin or to third countries with which it has agreements. The design should be flexible, with possible models likely to vary depending on the context and capacities of the partner countries. Therefore, disembarkation and processing may take place in the same or different locations, including different partner countries, provided safe passage is ensured. Also, various durable solutions for the third-country nationals concerned could possibly be explored, such as resettlement, as well as return and reintegration to their countries of origin, work permits, local integration, and family reunification, including in third countries where processing takes place. Other complementary pathways, such as labour mobility, could also be considered.

⁵ <https://www.frontex.europa.eu/media-centre/news/news-release/significant-rise-in-irregular-border-crossings-in-2023-highest-since-2016-C0gGpm>

⁶ <https://missingmigrants.iom.int/data>

⁷ <https://mixedmigration.org/wp-content/uploads/2024/11/Mixed-Migration-Review-2024.pdf>

The place-of-safety arrangement would require operational capacities: 1) effective Search-and-Rescue (SAR) operations, with properly trained staff and equipped assets, in the sea region in line with international law; 2) a mechanism for the temporary reception and screening of asylum seekers and migrants at the place of safety in the port of the coastal state outside the EU; and 3) if relevant, capacities to receive and process asylum applications and migrant cases in another partner country (could also be in the coastal state outside the EU hosting the port of safety).

The place-of-safety arrangement should respect applicable legal standards, including the principle of *non-refoulement*. Any such arrangements with third countries should be established in compliance with relevant international law of the sea, international protection law, human rights obligations and in view to avoid protracted refugee situations.

Way forward

The operationalisation of the place-of-safety arrangement, as well as other new and innovative solutions, relies heavily on the willingness of key third countries to engage in such approaches and, when this is the case, on their cooperation and partnerships. To this end, it will need to build on the already existing comprehensive partnerships containing a migration component, and new comprehensive partnerships could take into account the capacity requirements for operationalising such models.

At least the following steps are considered to be required to achieve the operationalisation of the place-of-safety arrangement potentially on a pilot basis:

- 1) *Cooperation with key third countries:* To provide incentives for key third countries to cooperate on a place-of-safety arrangement, partnerships should be comprehensive and mutually beneficial with a strong focus on responsibility sharing. Key third countries can reasonably be expected to require financial burden sharing. Cooperation on complementary pathways to the EU, such as labour mobility for citizens of the partner country and resettlement for other groups of refugees staying in the partner country, could also be considered as part of the cooperation with the partner state(s) outside the EU. Such discussions, when and where appropriate, would need to be fully embedded in comprehensive partnerships;

- 2) *Communication:* As part of the cooperation with key third countries, it would be necessary to ensure the right communication strategy of the place-of-safety arrangement in line with the needs and advice of third countries, in order to guarantee government and public support in the third country, in particular in order to prevent anti-European sentiments, of which there have been recent examples in relation to third countries' migration cooperation with the EU. There should be clear communication on a common aim between the partners involved to prevent the loss of lives at sea.
- 3) *Risk assessments:* To ensure compliance with relevant international law, the operationalisation of a place-of-safety arrangement with concrete partner countries should comprise a comprehensive and thorough risk assessment related to the various international obligations throughout the entire process. To this end, international organisations, such as the UNHCR, IOM, ICMPD and IMO, could play an essential role with their expertise in cooperating with third countries in areas such as reception conditions, non-refoulement, resettlement, assisted voluntary return and reintegration, as well as processing standards and monitoring.
- 4) *Capacity development:* A place-of-safety arrangement would, depending on the key third country in question, require development and acquisition of SAR capacities in the coastal state outside the EU, reception and screening capacities in the coastal state outside the EU, as well as reception conditions and asylum and migrant case processing in the third country(ies) involved. In addition to UNHCR, IOM and ICMPD, the EU agencies (EUAA and Frontex) could play an important role in capacity building of third countries' national authorities in the areas concerned. Training and cooperation with third countries are already part of the agencies' mandates, but it could be explored how they could be further strengthened to this end. Furthermore, the national authorities of Member States could also contribute with important expertise and, where appropriate, direct financial contribution as part of the capacity development process, in line with the Team Europe approach.

When further developing the operationalisation of the place-of-safety arrangement, **the recent Pact for the Mediterranean could provide a reference** for the overall context and a potential pilot project, in particular bearing in mind its aim of transforming “borders into safer areas and gateways for prosperity and security of the people”.⁸ Furthermore, all of the above outlined steps would in broad terms be covered in the actions described in the Pact for the Mediterranean, including: strengthening institutional and operational border management capacities while ensuring compliance with human rights standards; strengthening the capacities to adequately manage migration, and enhancing the protection space for vulnerable migrants, asylum seekers and refugees; stepping up dignified returns and the reintegration of migrants from southern Mediterranean partners to their countries of origin; and selecting small- to medium-scale pilots for implementation. The Danish Presidency believes that it would be in the interest of both the EU and the southern Mediterranean partners to establish a clear mutual concerted effort to prevent deaths on our one common Sea and show our citizens that we will work together to create a Mediterranean that will no longer be known as the deadliest migration route in the world.

Questions for discussion

Based on the principles of the place-of-safety arrangement and the steps required to achieve its operationalisation, delegations are invited to make their interventions with the following questions in mind:

- 1) How can we put together a partnership entailing a place-of-safety arrangement that is in line with international law of the sea, international protection law and human rights standards, and which is sufficiently beneficial for relevant partner countries and enables responsibility-sharing rather than responsibility shifting?

⁸ https://north-africa-middle-east-gulf.ec.europa.eu/document/download/11646283-cc32-49ae-9639-744d0d6d7da8_en?filename=Joint%20communication%20on%20the%20Pact%20for%20the%20Mediterranean.pdf

- 2) How can we ensure effective, sufficient, and correct communication of mutual interests in such an arrangement between the EU and/or its Member States and relevant partner countries (i.e. common interest in saving lives at sea, releasing substantial financial resources to development and humanitarian aid, and breaking the business model of migrant smugglers), **in order to mitigate the risk of misinterpretation by governments and the public in third countries?**
 - 3) How could comprehensive partnerships with key third countries be engaged by the EU and its Members States for the broad discussion on a possibility of considering cooperation on new and innovative solutions?
 - 4) Could a common interest in countering irregular migration and saving lives at sea be considered in the context of the Pact for the Mediterranean, including a shared commitment among the States to cooperate on concrete measures to this end?
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