

# Fight against illegal immigration of third-country nationals. Policy priorities

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The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report drawn up by Javier **MORENO SÁNCHEZ** (PES, ES) and welcomed the Commission's general approach in its communication on policy priorities in the fight against illegal immigration of third-country nationals.

The report began by welcoming the institutional implications of the draft Reform Treaty, in particular the extension of co-decision and qualified majority voting to all immigration policies. It called on the Member States and the Commission, together with Eurostat, to take steps to correct the existing lack of coherent and reliable data.

Members believed that immigration was a challenge at European level and global level and considered it inappropriate to take hasty action to deal with migration flows, given that there had been a constant flow of immigrants for some years now. A medium and long-term approach was needed. The Union must carry out coherent actions both within and outside its borders (the double dimension, internal and external). The Committee stressed the importance of development cooperation as a means of acting on the root causes of migration, and as an instrument that was not an alternative to but complementary to the Union's policies on integration and migration. In particular, the EU must strengthen its cooperation with all Mediterranean partner countries as regards the management of migration flows.

Members emphasised that irregular migrants must not be treated like criminals. It was the responsibility of politicians to implement an effective policy to fight illegal immigration, whilst taking into account the fundamental rights of the individual, while at the same time reminding the public of the contribution made by legal immigration to economic growth and demographic patterns in Europe. All measures to fight clandestine immigration and step up external border controls must be consistent with the existing guarantees and the fundamental rights of individuals, in line with the Charter of Fundamental Rights of the EU and the European Convention on the Protection of Human Rights and Fundamental Freedoms. Temporary reception centres for irregular migrants both within and outside the Union must be run on a basis compatible with the protection of fundamental rights. The Committee stated that it was shocked by the inhumane conditions prevailing in various detention centres for migrants and asylum seekers which its members had visited. It reiterated its firm opposition to the idea of setting up reception or holding centres for illegal immigrants or asylum seekers outside the Union's borders and in immigrants' regions of origin. Member States were asked to include in their respective migration policies a high level of health protection of immigrants by providing preventive care and medical treatment.

The report makes a number of comments on the priorities set out in the Commission communication:

**Cooperation with third countries:** the multidimensional character of immigration called for close cooperation with all the third countries concerned. The Committee makes several recommendations. The Rabat and Tripoli ministerial conferences in 2006 and the UN Global Migration Forum in Brussels in July 2007 marked the start of the dialogue between the countries of origin and transit and the European countries receiving immigration. This dialogue must lay the bases of a full-scale partnership grounded in co-development. With regard to illegal immigration, it must aim to introduce readmission agreements or improve the workings of such agreements. The Committee also discussed the development of the Regional Protection Programmes in cooperation with countries of origin and transit; the launching of an EU Programme on Migration and Development in Africa of an initial amount of EUR 40 million, with the objective of creating new jobs in Africa; the signing of the cooperation agreement with Mali with a view

to the opening of the first Migration Information and Management Centre, to be created with funding from that Programme. More generally, the Committee called for questions concerning illegal immigration to have priority in the EU's relations with third countries, especially the countries of origin and/or transit of illegal immigrants. In particular, the Union should pursue a coherent external policy, especially in terms of the compatibility and convergence of the objectives of the common commercial policy and development policy. An "EU Development Plan for Africa" should be considered, where financial support and trade agreements are linked to democracy, human rights development and migration so as to offer an alternative to people to leaving their country of origin. Every ACP State is required to agree to the return and readmission of its own nationals illegally present on the territory a Member State. Members recalled that the countries of origin and transit must assume their responsibilities and fulfil their obligations to control illegal immigration.

**Security and integrated management of the external borders:** Members stressed the importance of border control and believed that FRONTEX must have the resources that are necessary for its actions. The report welcomed the adoption of the regulation on Rapid Border Intervention Teams and called on the Council to take action for the swift establishment of the European patrol network and the implementation of the European monitoring system for the southern sea borders. In the face of the migratory flow from the African continent towards Europe, Southern Member States on the external frontiers of the Union, notably smaller Member States, such as Malta and Cyprus, are currently shouldered with a disproportionate burden which calls for the strengthening of measures for the joint management of the Union's external borders. The Commission should increase, in the framework of the ENP, concrete measures aimed at providing support to neighbouring countries as concerns both the securing of their borders with the EU and their other borders.

**Security of travel and identity documents:** the report recalled that the development of biometric tools makes border crossing easier for bona fide travellers and that it must take place on a basis of respect for data protection pursuant to Directive 95/46/EC for activities falling under the first pillar. For those covered by the third pillar, it awaited the adoption of a specific framework decision, and in this context supports the action of the German Presidency.

**The fight against trafficking in people:** combating trafficking in human beings, particularly trafficking in women and children, was an EU priority, and adequate financial resources must be allocated to that activity. It was high time to establish clear targets, for example that of halving the number of victims of trafficking in people in the next ten-year period. Nonetheless, the overriding goal must of course be to eliminate this form of crime entirely as soon as possible. The report recalled that illegal immigration involved the transfer of large amounts of money into the hands of the mafias who control the human trafficking rings. It expressed deep shock at the sheer organisation of criminal networks responsible for boat crossings from Africa to Europe and at Europe's inability to stop them.

**The regularisation issue:** the Committee recalled that numerous Member States had carried out regularisations or said they would do so. These decisions are a matter for Member States but quite often a signal of lack of appropriate measures in place to deal with a phenomenon which forms a part of societies in most Member States. It believed that en masse regularisation of illegal immigrants should be a one-off event since such a measure did not resolve the real underlying problems. It was aware that changes to immigration policy in a Member State could influence migratory movements in others. Member States should operate a mutual information system for national measures on migration and asylum that are liable to affect other Member States or the Community.

**Illegal employment:** the report welcomed the Commission's submission of a proposal for a directive providing for sanctions against employers of illegally staying third-country nationals, providing essentially for administrative penalties, and, for the worst offences, criminal penalties. However, it felt

that the adoption of measures against illegal employment had come late in the day, even though it is one of the main factors of attraction for illegal immigrants. The different Councils competent in the matter must redouble their coordination efforts in the discussion of this directive.

**Policy on return:** the report called on the Commission to undertake an evaluation of policy on return and wanted the development of European agreements with the third countries concerned.

**Improving the exchange of information:** all the players concerned must step up their exchanges of information, including, whenever necessary, FRONTEX and Europol. Members also believed that cooperation between immigration liaison officers should be a priority. Parliament should be kept regularly informed on the development and results of the ICONet network.