

# Links between legal and illegal migration and integration of migrants

2004/2137(INI) - 04/06/2004 - Non-legislative basic document

**PURPOSE :** to present a study on the links between legal and illegal migration.

**CONTENT :** This Communication is the study requested by the European Council on the links between legal and illegal migration. It explores, for the first time at EU level, whether or not legal avenues for the admission of migrants reduce incentives for illegal migration and, more specifically, to what extent policy on legal migration has an impact, first on the flows of illegal migrants and then on cooperation with third countries in fighting against illegal migration.

In the first part, the Communication focuses on the management of existing channels for legal labour migration including the use of bilateral agreements and the possible use of quotas or ceilings in this context. This has been illustrated by identifying some interesting examples of policy in the case-studies. The second part concentrates on the relationship between legal and illegal migration flows with a focus on co-operation agreements with third countries. Finally, the Communication draws some conclusions and recommendations. It should be noted that for the most part reliable statistical data on these issues are largely inexistent at both EU and national level.

The problems of identifying the size and characteristics of migrant populations and recorded flows, both legal and illegal are well documented. By definition, as illegal migrants do not identify themselves to the authorities, it is difficult to establish a clear picture of the scale of illegal migration in the Member States of the EU. Estimates of annual inflows of illegal migration into the EU are thought to reach over six figures. Once in the EU many illegal migrants are able to find work in the hidden economy, demonstrating that there is a clear link between illegal migrants and the unregulated labour market. Within the EU, the shadow economy is estimated to be between 7-16% of EU GDP, although this is by no means entirely made up of illegal migrants. On the question of the link between legal and illegal flows, the paper discusses:

- Impact of bilateral labour agreements on illegal migration flows;
- Impact of visa policy on illegal migration flows;
- Impact of co-operation with Third Countries on illegal migration flows.

The paper makes several suggestions on the way forward on legal migration:

- The findings of the study illustrate the need to make a more intensive and targeted use of consultation and information exchange in specific areas, which have a significant impact on several Member States or on the EU as a whole;
- Some basic questions need to be addressed in order to understand whether or not the admission of economic migrants should be regulated at EU level. Issues which need clarification include the degree of harmonisation to aim at; the scope of the proposal and whether or not the principle of Community preference for the domestic labour market should be maintained.
- The study has shown that wide-scale regularisation measures which have been taken by some Member States have allowed them, in one go, to deal with the presence of significant numbers of illegal migrants in

their territory. Such programmes are not, however, seen to have a long-term effect in reducing the levels of illegal migrants, instead they may serve as an additional pull factor for illegal migrants, as the Belgian case study seems to show. The Commission could propose the development of a common approach to regularisation so

that wide-scale regularisation measures can be avoided or limited to very exceptional situations.

- The study has confirmed that paradoxically at a time when the perspective of shortages in certain sectors of the labour market in Member States reveals the need for a new immigration policy, the unemployment rate of third country nationals already residing in the Member States remains significantly high. Strengthening the integration of third country nationals legally residing in the Member States is an essential objective for EU immigration policy.

- Promoting sustainable integration in the labour market and greater mobility in the EU labour market has been a constant concern within the Employment Strategy in order to sustain labour supply, maximise adaptability and respond to sectoral and regional shortages. Migrant workers could contribute to this objective so it is desirable to make further progress in facilitating the mobility of third country nationals within the European Union.

- The recognition of professional qualifications of third country nationals is another subject which could be tackled. One possibility would be to look for appropriate means to extend to all third country nationals the benefits of the directives on the professional recognition of qualifications.

On illegal migration, the study has shown that some level of illegal migration is likely to take place whatever legal channels are put in place, fighting illegal migration, therefore, must remain an essential part of migration management. The common fight against illegal migration and the development of a Community return policy are priorities amongst the development of other policy instruments necessary to alleviate migratory pressure.

On co-operation with third countries the study has confirmed that stepping up cooperation with countries of origin or transit is an effective means of reducing illegal migration flows. However, our relations with third countries cannot be based on unilateralism. Experience shows that real partnership is the key element if such co-operation is to be successful. The EU needs to have a clear understanding of the situation in the country and the problems it faces so as to promote an open dialogue which takes into account the interests and expectations of both sides. Many countries of origin and transit are now ready to take responsibility and to make greater efforts to prevent illegal immigration. However this needs to be done within an overall approach to migration and, in certain cases, require incentives and financial and technical support from the EU.

The paper concludes that there is a link between legal and illegal migration but the relationship is complex and certainly not a direct one since a variety of different factors has to be taken into consideration. No measure taken on its own can be seen as having a decisive impact. This does not, however, prevent particular actions from having specific impacts. Quotas for instance can be seen as having an impact but they are not acceptable to all Member States. The pooling of offers of legal immigration to third countries could, in this context, be an interesting possibility to develop. In this perspective, the Commission has identified a number of measures which could be further explored. In any case, the implementation of such measures must be based on the strengthening of information exchange, consultation and co-operation between the Member States of the European Union.