

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

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**PURPOSE:** the presentation of policy priorities in the fight against illegal immigration of third country nationals.

**CONTENT:** the term “illegal immigrant” covers a wide variety of persons. It can refer to: i) a third-country national who has entered the territory of a Member State illegally either by land, sea or air through the use of fake documents or with the help of organised criminal networks (people smugglers); ii) a third-country national who has entered the county under a valid visa or who entered under a visa-free regime but who “overstayed” or changed the purpose of stay without the approval of the authorities; and iii) unsuccessful asylum seekers who fail to return to their country of origin following a negative ruling on their application to stay.

The EU has sought to fight illegal immigration on a number of fronts: stepped up border security; fighting illegal employment; supporting a policy of return; and developing co-operation policies with third countries. In light of mounting migratory pressures the purpose of this Commission report is to set out new policy priorities as well as to present a number of practical, action-orientated measures.

One of the EU’s key elements to tackling illegal immigration is the need for solidarity, mutual trust and shared responsibility between the Member States. Illegal immigration can pose a particular burden on those Member States who control an external border.

As far as the policy priorities are concerned the Commission argues for a multi-faceted approach capable of targeting measures at all stages of the migration process. This report examines nine different priority areas. They are:

*1) Third country co-operation:* Dialogue on co-operation between EU countries, countries of origin and countries of transit are crucial and therefore need to be strengthened. Such co-operation has been developed with, for example, the EU’s southern and eastern neighbours as well as with Libya. Illegal immigration is also rising from Latin America and certain Asian countries. The EU will continue to address the “push-factors” for illegal immigration most notably poverty, unemployment, conflict, environmental degradation, bad governance, lack of access to education and lack of access to good health services.

*2) Secure Borders through an Integrated Management of External Borders:* The Community Borders Code, the Regulation on local border traffic and the FRONTEX Regulation, represent a legal and operational framework through which border controls can be further developed. The Community will continue exploiting modern biometric technology systems to control the EU’s external borders. In other areas the “e-borders” initiative will be included in the fight against illegal immigration as well as streamlining the technology used for entering or exiting the EU. The Visa Information System (VIS) will play a vital role in fulfilling these intentions.

*3) Fighting human trafficking:* The Community will continue to fund measures that address the primary cause of illegal migration namely, poverty, discrimination and lack of access to basic and higher education. Community initiatives will be channelled through its Action Plan to fight human trafficking.

4) *Making travel and ID documents secure*: Document security not only plays a vital role in controlling the borders but also plays an important role in post entry measures. Common guidelines should therefore be developed on minimum security standards particularly with regard to issue procedures.

5) *Addressing the matter of regularisation*: Current Community law does not contain any provisions on regularisation (the discretionary decision to grant a third-country national the right to stay). Regularisation is a matter for the Member States and some have embarked upon large-scale regularisation programmes in recent years. Such measures do, however, impact upon other Member States. As well as agreeing to a new mutual information system on national measures in the areas of migration and asylum which may have an impact on other Member States or on the Community as a whole, the Commission is launching a study on current practices, effects and impacts of regularisation measures in the Member States. This study will constitute the basis for future discussion on whether there is a need, or not, for a common legal framework on regularisation at an EU level.

6) *Tackling illegal employment*: The possibility of finding work in the EU is a strong “pull” factor for illegal immigration. Illegal employment, seriously undermines the credibility of legal migration channels and erodes Member States’ tax revenues. It can also lead to serious exploitation. This is not always limited to organised crime. The Commission, therefore, proposes to target the employment of illegally present third-country nationals or persons who work in violation of their residence status.

7) *Establishing a policy of Return*: Returning illegal immigrants remains a key policy initiative. An effective return policy is deemed key to ensuring public support for elements such as legal migration and asylum.

8) *Improving information exchange through existing instruments*: Operational co-operation between the Member States can only be successful if they are able to share information of a technical and strategic nature. ICONets is now operational and Frontex and Europol access to the net should increase its effectiveness.

9) *Making carriers liable*: An assessment of measures set out in Directive 2001/51/EC and 2004/82/EC, the Carriers Liability Directive, will be undertaken with a view to addressing any shortcoming or gaps.