## Basic information

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|---|---|
| **2004/2137(INI)**<br>INI - Own-initiative procedure | Procedure completed |
| Links between legal and illegal migration and integration of migrants<br>**Subject**<br>7.10.08 Migration policy | |

## Key players

European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | GAUBERT Patrick (PPE-DE) | 13/09/2004 |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| AFET Foreign Affairs | The committee decided not to give an opinion. | |
| DEVE Development | HUTCHINSON Alain (PSE) | 06/10/2004 |
| EMPL Employment and Social Affairs | The committee decided not to give an opinion. | |
| CULT Culture and Education | The committee decided not to give an opinion. | |
| FEMM Women's Rights and Gender Equality | KRATSA-TSAGAROPOULOU Rodi (PPE-DE) | 25/11/2004 |

Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| Justice and Home Affairs (JHA) | 2618 | 2004-11-19 |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 04/06/2004 | Non-legislative basic document published | COM(2004)0412 | Summary |

| | | | |
|---|---|---|---|
| 28/10/2004 | Committee referral announced in Parliament | | |
| 19/11/2004 | Resolution/conclusions adopted by Council | | Summary |
| 26/04/2005 | Vote in committee | | Summary |
| 04/05/2005 | Committee report tabled for plenary | A6-0136/2005 | |
| 07/06/2005 | Debate in Parliament | | |
| 09/06/2005 | Decision by Parliament | T6-0235/2005 | Summary |
| 09/06/2005 | Results of vote in Parliament | | |
| 09/06/2005 | End of procedure in Parliament | | |

## Technical information

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|---|---|
| **Procedure reference** | 2004/2137(INI) |
| **Procedure type** | INI - Own-initiative procedure |
| **Procedure subtype** | Initiative |
| **Legal basis** | Rules of Procedure EP 55 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/6/23504 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee opinion | FEMM | PE355.677 | 18/03/2005 | |
| Committee opinion | DEVE | PE350.243 | 21/03/2005 | |
| Committee report tabled for plenary, single reading | | A6-0136/2005 | 04/05/2005 | |
| Text adopted by Parliament, single reading | | T6-0235/2005<br>OJ C 124 25.05.2006, p. 0421-0535 E | 09/06/2005 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Non-legislative basic document | COM(2004)0412 | 04/06/2004 | Summary |
| Document attached to the procedure | COM(2004)0508 | 16/07/2004 | Summary |
| Commission response to text adopted in plenary | SP(2005)2882 | 13/07/2005 | |

**Other institutions and bodies**

| | | | | |
|---|---|---|---|---|

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES1642/2004<br>OJ C 157 28.06.2005, p. 0086-0091 | 15/12/2004 | |

# 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.

# Links between legal and illegal migration and integration of migrants

2004/2137(INI) - 16/07/2004 - Document attached to the procedure

PURPOSE : to present the first annual report on migration and integration.

CONTENT : in June 2003 the Thessaloniki European Council invited the Commission "to present an Annual Report on Migration and Integration in Europe, in order to map EU-wide migration data, immigration and integration policies and practices. This Report, which should contain an accurate and objective analysis of the above issues, will help develop and promote policy initiatives for more effective management of migration in Europe". This Communication initiates the reporting process.

This report gives an overview of migration trends in Europe, analyses and discusses the changes in immigration and describes actions taken regarding the admission and integration of immigrants at national and European level. The report constitutes a new instrument to review the development of the common immigration policy.

Analysis : this report confirms that immigration continues to play an important role in the economic and social development of the European Union. In the context of an ageing and shrinking working-age population, increased immigration flows are likely and increasingly necessary to meet the needs of the enlarged EU. Europe must prepare for this. In this respect, there is a need for a level-playing field in terms of admission policies for economic migrants across the EU to be able to respond to labour gaps successfully and in a more transparent and coherent manner. While bearing in mind the inability of the Council to agree on the directive on economic immigration, the Commission hopes that the launch shortly of a Green Paper will pave the way for a new European legal instrument on this matter.

According to the report, admission and integration policies are inseparable and should mutually reinforce each other. With respect to integration in the labour market, it will be important, at Member States' level, to reflect further on the structures and instruments in place, in particular on the capacities to identify skills and labour shortages and to ensure higher participation of immigrants in the labour market. The Commission will support the exchange of experiences on these issues within the framework of the European Employment Strategy. In this respect the Commission has proposed a new and ambitious programme of exchange of experiences in the context of the Employment Committee, which can address these issues. The Community Programme for Employment Incentive Measures will also be used to improve the knowledge base concerning integration in the labour market. This report has shown that the assessment of skills and professional qualifications of immigrants remains important to make better use of their full potential. Facilitating the recognition of immigrants' qualifications by applying to immigrants the same criteria for the recognition of foreign qualifications as applied to nationals, would be an important step.

Towards a further integration : in parallel, Member States are also increasingly concerned about the integration of the newly arrived in particular ensuring that immigrants understand and respect the fundamental norms and values of the host society and with respect to language abilities, which are major barriers to integration. Inevitably Member States will be reluctant to open up for further economic migration, unless they are able to integrate newcomers well into all aspects of society. The need for specific integration measures is also a concern raised by third countries during discussion of migration issues. This highlights the need to strengthen and develop policy instruments to address the integration of third country nationals, in connection with progress on admission policies. The INTI Preparatory Actions are a further step to promoting specific integration measures for third country nationals by providing new ideas, exchanging good practice and identifying priorities.

Efforts are needed to boost the integration of existing immigrants. This calls for comprehensive integration policies, combining both mainstreaming and specific programmes. Mainstreaming immigration means actively and openly taking into account immigrant issues in all relevant policies and measures at EU and national level. One of the aims of the Annual Report on Migration and Integration is to ensure that the needs of immigrants are properly streamlined in all EU policies affecting them and to inform the Council on progress made. This first report shows that in some major policy fields the mainstreaming of immigration issues remains slow and that further efforts are needed to develop effective policies.

A number of commitments have, however, been taken at EU level since the adoption of the Communication on immigration, integration and employment, within the European Employment Strategy and the Social Inclusion Process in particular, and some positive trends are noticeable at national level. However, most commitments still need to be translated into action; recourse to targets is limited and developing a more systematic and comparable collection of information and data at Community level is crucial to allow for better monitoring of the impact policies have on immigrants. The Commission will pay particular attention to monitoring the progress achieved by the Member States in the next National Action Plans for employment and those for social inclusion. Moreover, exchange of experiences within the National Contact Points on Integration will also be of help to ensure mainstreaming of immigration concerns at national and EU level and the development of good practice which addresses the specificities of the target groups. In the light of the rising importance of and of the priority given to migrants' integration in Community funding, it is important that information on the use of such funds to promote migrants integration is improved.

To make progress, it is important to increase dialogue with migrant organisations. Dialogue between different communities built on mutual confidence is a crucial condition for supporting migrants' integration and maintaining social cohesion. At EU level the Commission encourages immigrants to take an active part in the debate. This report has shown that integration policies and religious and cultural issues continue to be major challenges in most Member States. With a view to enhancing the dialogue with migrant organisations and as a mean to overcome prejudices, ignorance and intolerance as well as religious extremism within the EU, the Commission will give priority to the creation of networks and co-operation under the INTI preparatory actions for 2005.

Another major issue is the growing diversity of populations in European cities which remains a challenge for many Member States. It will be important to strengthen efforts to exchange experiences and best practices at EU level, in particular in the context of the Social Inclusion Strategy. The Commission will also propose to the national contact points on integration to include this subject in its work programme.

The establishment of a common legal framework setting out the rights and obligations of third country nationals, underpins the EU approach to the integration of immigrants. The first EU directives have now been adopted and the Commission will closely monitor their transposition into national legislation. The Commission will also review the level of political rights granted to third country nationals during this process.

Conclusion : the legislative framework and the policy instruments described above constitute important components in the practical implementation of integration measures. There is a need, however, for greater coherence with respect to the objectives which such measures seek to fulfil. In addition the Thessaloniki European Council stressed the need for developing a common European framework within which national policies should develop and envisaged the definition of common basic principles with a view to intensify the development of such a framework. The Commission will make the necessary proposals to define a set of common principles which could become the basis for the adoption of specific objectives to be pursued in the relevant policy fields.

The national contact points on integration can play an important role in this process. In light of these developments and with a view to strengthening the European framework for integration ahead of the new constitutional Treaty, the Commission will consider the need for setting up a more formal basis within which exchange of information on integration could take place in the future without prejudices to the European Employment Strategy and the European Inclusion Strategy.

# Links between legal and illegal migration and integration of migrants

2004/2137(INI) - 09/06/2005 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report by Patrick GAUBERT (EPP-ED, FR) on the link between legal and illegal migration and the integration of immigrants. (Please see the summary of 26/04/2005.) The report was adopted by 431 votes to 124 with 49 abstentions. Parliament agreed with the Commission that the mass regularisation of illegal immigrants is not a solution to the problem of illegal immigration. In the absence of a common immigration and asylum system, it should be a one-off event, since such measures do not resolve the real underlying problems. It called upon the Commission to study the Member States' good practices, to be developed in the framework of an information-sharing and early-warning system.

Parliament rejected the idea whereby camps in which immigrants without papers or asylum seekers would be accommodated or detained might be set up outside the EU's borders, in regions in which immigration originates. It was worried by the setting up in the Mediterranean countries, at the request of certain Member States, of 'preliminary reception centres' for immigrants heading for the Union's territory, which do not offer minimum guarantees to the people concerned in terms of fundamental rights. Parliament recalled that management of migratory movements must not be approached exclusively in security terms, but also on the basis of managing sustainable social development.

It regretted that action taken thus far by the Council and the Member States to control migration flows has taken the form of repressive measures, rather than positive, proactive measures. Strategies designed to reduce poverty, improve living and working conditions, create jobs and develop training in migrants' countries of origin help in the long term to normalise migration flows. Parliament felt that for demographic and economic reasons as well as with regard to a possible contribution to the reduction of illegal immigration, legal immigration channels should be created in the Member States on the basis of their absorption capacity. It noted that Europe needs legal, controlled economic migration, because, as several studies have shown, the decline in its active population will mean a drop of around 20 million in the number of workers between 2005 and 2030.

Member States should be encouraged to sign bilateral agreements with major countries of emigration with a view to meeting European labour needs or opening new legal migration channels in order to make the migratory process better organised and to foster relations with third countries in the context of a close partnership. Also, concluding bilateral migration-management agreements with countries of origin will enable a proper partnership with those countries to be established in combined efforts to combat illegal immigration and trafficking in human beings (involving in particular more vulnerable groups such as women and children).

Parliament also encouraged the integration of the migration issue into EU external policy. It called on the Member States to tackle the root causes of immigration by setting up partnerships with the developing countries based on genuine dialogue. It stressed, however, that recourse to development aid and the EU's economic partnerships will not suffice as a way of tackling the root causes of emigration. However, it is important for the EU to include clauses on the common management of migration flows and obligatory readmission in cases of illegal immigration in all the association and cooperation agreements to which it subscribes;

Parliament pointed out that many female migrants were involved in the areas of domestic work and family care, and it felt that a new formula must be devised which will allow the families who employ them to find a legal solution which allows these workers to have social security cover.

Finally, Parliament felt that the international community had not yet realised what the potential is of immigrants' remittances to their country of origin as a means of supporting their development policies. It called upon the Commission to propose practical ways of facilitating the voluntary transfer of part of an immigrant's earnings to his or her country of origin at minimum cost.

# Links between legal and illegal migration and integration of migrants

2004/2137(INI) - 19/11/2004

Recalling previous European Council conclusions, the Council adopted its conclusions aiming to establish common basic principles concerning immigrant integration policy in the EU.

The common basic principles aim to achieve the following objectives a) assist Member States in formulating integration policies by offering them a simple non-binding but thoughtful guide of basic principles against which they can judge and assess their own efforts. They also can use these basic principles to set priorities and further develop their own measurable goals. It is up to the individual Member States to determine whether these principles assist them in formulation policies for other target groups for integration. The principles will be relevant both for Member States with considerable experience of substantial immigration as well as for those that more recently have become destinations for significant numbers of immigrants; b) serve as a basis for Member States to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies. Furthermore, the common basic principles can also help determine how these policies can best engage other actors involved in integration (for example, social partners, NGOs, women's and migrants' organisations, businesses, and other private institutions); c) serve to be complementary and in full synergy with existing legislative frameworks, including the international instruments on Human Rights, Community instruments containing integration provisions, EU objectives on gender equality and non-discrimination and other EU policies; d) assist in structuring the regular dialogue between governments and all other relevant institutions and stakeholders at the EU-level; e) serve as a basis for and assist the EU to explore how existing EU-instruments related to integration can be developed further; and f) assist the Council to reflect upon and, over time, agree on EU-level mechanisms and policies needed to support national and local-level integration policy efforts, particularly through EU-wide learning and knowledge-sharing.

On the basis of these objectives, the Council has laid down the following common basic principles :

- Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

- Integration implies respect for the basic values of the European Union.

- Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.

- Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.

- Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society.

- Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.

- Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.

- The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.

- The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.

- Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public-policy formation and implementation.

- Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.