Basic information

2008/2331(INI) INI - Own-initiative procedure	Procedure completed
Common immigration policy for Europe: principles, actions and tools **Subject** 7.10.08 Migration policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	The committee decided not to give an opinion.	
INTA International Trade	The committee decided not to give an opinion.	14/07/2008
EMPL Employment and Social Affairs	MADEIRA Jamila (PSE)	09/09/2008
CULT Culture and Education	PODKAŃSKI Zdzisław Zbigniew (UEN)	14/07/2008
FEMM Women's Rights and Gender Equality	GARCÍA PÉREZ Iratxe (PSE)	16/01/2009

European Commission

Commission DG	Commissioner
Justice and Consumers	BARROT Jacques

Key events

Date	Event	Reference	Summary

17/06/2008	Non-legislative basic document published	COM(2008)0359	Summary
18/12/2008	Committee referral announced in Parliament		
31/03/2009	Vote in committee		Summary
06/04/2009	Committee report tabled for plenary	A6-0251/2009	
21/04/2009	Debate in Parliament		
22/04/2009	Decision by Parliament	T6-0257/2009	Summary
22/04/2009	Results of vote in Parliament		
22/04/2009	End of procedure in Parliament		

Technical information

Procedure reference	2008/2331(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/6/71174

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	CULT	PE416.675	20/01/2009	
Committee draft report		PE419.858	11/02/2009	
Committee opinion	FEMM	PE418.283	12/02/2009	
Committee opinion	EMPL	PE415.219	03/03/2009	
Amendments tabled in committee		PE421.135	03/03/2009	
Committee report tabled for plenary, single reading		A6-0251/2009	06/04/2009	
Text adopted by Parliament, single reading		T6-0257/2009	22/04/2009	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2008)0359	17/06/2008	Summary
Document attached to the procedure	SEC(2008)2026	17/06/2008	
	SEC(2008)2027		

Document attached to the procedure		17/06/2008	
Follow-up document	COM(2009)0266	10/06/2009	Summary
Commission response to text adopted in plenary	SP(2009)3615	27/10/2009	

Common immigration policy for Europe: principles, actions and tools

2008/2331(INI) - 17/06/2008 - Non-legislative basic document

PURPOSE: to present a Communication on a common immigration policy for Europe: principles, actions and tools.

CONTENT: the communication notes that immigrants (nationals of third countries) represent around 3.8% of the total population in the EU. Since 2002, there have been between 1.5 and 2 million net arrivals per year in the EU. On 1 January 2006, there were 18.5 million third-country nationals resident in the EU. In a context of an ageing Europe, the potential contribution of immigration to EU economic performance is significant. Immigration is a reality which needs to be managed effectively. In an open Europe with out internal borders, no Member State can manage immigration on its own. Apart from the economic potential, immigration can also enrich European societies in terms of cultural diversity. However, the positive potential of immigration can only be realised if integration into host societies is successful. The European Council in December 2007 stated that the development of a common immigration policy complementing Member States' policies remains a fundamental priority and asked the Commission to put forward proposals in 2008.

The text proposes **ten common principles** on which the common immigration policy will be articulated, grouped under the **three headings** of prosperity, security and solidarity. After stating each principle the text then indicates, to illustrate their future implementation, examples of concrete actions to be pursued at either EU or Member State level as appropriate and designed to implement the principle in practice.

Prosperity and Immigration:

- clear rules and a level playing field- the common immigration policy should promote legal immigration, which should be governed by clear, transparent and fair rules. Third-country citizens should be provided with the information necessary to understand the requirements for legal entry and stay in the EU. Fair treatment of third country nationals who reside legally on the territory of the Member States should be ensured, with the aim of approximating their legal status to that of EU nationals.

- matching skills and needs - immigration for economic purposes should respond to a common needs-based assessment of EU labour markets addressing all skills levels and sectors in order to enhance the knowledge based economy of Europe, to advance economic growth and to meet labour market requirements. This should be done in full respect of the principle of Community preference, for the right of Member States to determine volumes of admission and of the rights of the immigrants and by actively involving social partners and the regional and local authorities.

- integration is the key to successful immigration - the integration of legal immigrants should be improved by strengthened efforts from host Member States and contribution from immigrants themselves (“two-way process”), in accordance with the Common Basic Principles on Integration adopted in 2004. Immigrants should be provided with opportunities to participate and develop their full potential. European societies should enhance their capacity to manage immigration-related diversity and enhance social cohesion.

Solidarity and Immigration:

- transparency, trust and cooperation - the common immigration policy should be founded on a high level of political and operational solidarity, mutual trust, transparency, shared responsibility and joint efforts from the EU and its Member States.

- effective and coherent use of available means. The solidarity required to enable the common immigration policies to achieve their

strategic goals should comprise a strong financial component that takes into account the specific situation of the external borders of certain Member States and

the specific migratory challenges faced by them

- partnership with third-countries - an effective management of migration flows requires genuine partnership and cooperation with third countries. Migration issues should be fully integrated into the EU's development cooperation and other external policies. The EU should work in close tandem with partner countries on opportunities for legal mobility, capacities for migration management, identification of migratory push factors, protecting fundamental rights, fighting illegal flows and enhancing possibilities to let migration work in service of development.

Security and Immigration:

- **a visa policy** that serves the interests of Europe - the common visa policy should facilitate the entry of bona fide visitors and enhance security. New technologies should be used, where appropriate, to enable differentiated, risk-based checks on visa applicants with extensive sharing of information between Member States, whilst fully respecting data protection and privacy laws;

- **integrated border management** - the integrity of the Schengen area without internal border controls on persons should be preserved. The integrated management of the external borders should be strengthened and policies border controls should develop in coherence with policies on custom controls and on prevention of other safety and security related threats;

- **the fight against illegal immigration** and zero tolerance for trafficking in human beings - the EU and its Member States should develop a coherent policy on fighting illegal immigration and trafficking in human beings. Undeclared work and illegal employment in its different dimensions should be effectively combated via preventive measures, law enforcement and sanctions. Protection and support for victims of human trafficking should be reinforced.

- sustainable and **effective return policies** - effective return measures are an indispensable component of the EU's policy against illegal immigration. Indiscriminate large-scale regularisations of illegally staying persons should be avoided, while leaving open the possibility for individual regularisations based on fair and transparent criteria. The European Council is invited to endorse the common principles proposed by this Communication on which the common immigration policy will build upon. These principles will be implemented through concrete actions, as suggested above, and followed up regularly through a new monitoring and evaluation mechanism including a regular assessment.

Common immigration policy for Europe: principles, actions and tools

2008/2331(INI) - 22/04/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 485 votes to 110, with 19 abstentions, a resolution on a Common Immigration Policy for Europe (principles, actions and tools).

The Parliament **strongly supports the establishment of a common European immigration policy** founded on a high level of political and operational solidarity, mutual trust, transparency, partnership, shared responsibility and joint efforts, as well as on the values enshrined in the Charter of Fundamental Rights of the European Union.

General considerations: the Parliament reiterates that the management of migration flows must be based on a coordinated approach, taking into account the demographic and economic situation of the EU and its Member States. It therefore regrets that, so far, too little has been done to establish a common legal immigration policy. According to the Parliament, a common immigration policy must be flanked with an effective policy for the development of the countries of origin and requires the establishment of a common asylum policy. Moreover, the Parliament notes that **immigration into the EU is not the solution** to overcome the challenges faced by developing countries.

In addition to these general consideration, the Parliament makes the following points:

(1) Prosperity and immigration:

- **legal migration**: whilst legal migration continues to be necessary in order to address Europe's demographic, labour market and skills needs (according to Eurostat, population ageing in the EU will become a reality in the medium term, with the working age population projected to fall possibly by almost 50 million by 2060), the Parliament notes that **regular migration must be the alternative to irregular immigration**. The Parliament supports the development of national "Immigration Profiles", with labour market needs being a central aspect of these profiles, while avoiding the brain drain in countries of origin. It calls on the Commission and Member States to develop mechanisms, guidelines and other tools to facilitate circular and temporary migration as well as measures, in cooperation with the countries of origin, to offset the loss of human resources, offering concrete support for the training of professionals in key sectors. It also calls on the Member States to refrain from pursuing active recruitment in developing countries suffering from lack of human resources in key sectors, such as health and education. Moreover, the Parliament calls for measures for the integration of legally staying third-country nationals by providing them with opportunities to learn the language of the host country and by giving them an improved ability to support their children's development. Furthermore, immigrants should be granted full freedom of movement as workers following a period of five years' legal residence in a Member State;
- **integration**: according to the Parliament, integration should be based on social inclusion, anti-discrimination and equal opportunities, namely through the possibility of access to health, education, language training and employment. While it supports integration efforts by the Member States as well as by regular migrants, the Parliament considers that further progress is needed to promote the adjustment of the immigrants as well as the host population. According to the Parliament, a good integration process is the best tool to eliminate mistrust and suspicion between native citizens and migrants and is fundamental to removing any xenophobic ideas or actions. It encourages the development of mutual learning mechanisms and the exchange of best practice between Member States as well as the inclusion of migrants in their own integration process. The Parliament also calls on the Member States to **grant migrants the right to vote in local elections** (note, in this respect, that an alternative motion for a resolution was tabled by the EPP-ED group in plenary in order to delete this paragraph but was rejected). The Parliament also calls for financial support for the structural and cultural integration of immigrants (for example, via programmes in the field of education), as well as for other measures to combat discrimination and to promote the **integration of immigrant women** into the host society.

(2) Security and immigration:

- **integrated border management**: the Parliament stresses the need for a comprehensive master plan setting out the overall objectives and architecture of the EU's border management strategy. The architecture should include an analysis of the effectiveness of the existing border management systems of the Member States. The Parliament stresses, however, that integrated border management should strike the right balance between ensuring the free movement of a growing number of people across borders and ensuring greater security for EU-citizens. It therefore calls for an assessment on the feasibility of an integrated four-tier approach, whereby checks would be carried out systematically at each stage when immigrants are travelling to the Union. The Parliament proposes, in particular, the replacement of current national Schengen

visas with **uniform European Schengen visas**, allowing for equal treatment of all visa applicants. It also calls on the Council to adopt arrangements based on solidarity among Member States with a view to sharing the burdens arising from border policing and to coordinate the Member States' national policies;

- **irregular migration**: the Parliament considers **effective combating of irregular immigration** as a crucial part of a comprehensive EU migration policy. It therefore regrets that effective decision-making in this field is hamstrung by the insufficient ability of the Member States to really work together. The Parliament expresses its shock at the human tragedy that is caused by illegal migratory sea routes and calls for urgent action to **stop this human tragedy** once and for all and to reinforce dialogue and cooperation with the countries of origin. Recalling that irregular immigration is often operated by criminal networks, the Parliament stresses that Member States have a shared responsibility to save lives at sea. Therefore, efforts must be redoubled in the fight against organised crime, human trafficking and smuggling at EU level. The Parliament also considers it is essential establish **cooperation agreements** with the countries of origin. It also calls for the reinforcement of the mandate of FRONTEX in order to extend its coordination capacity and its ability to coordinate permanent missions in areas which face high migratory pressures. Emphasis should also be placed on increasing FRONTEX's risk analysis and intelligence gathering capacity. The Parliament supports, in particular, the establishment of specialised FRONTEX offices to better assess the specific situations at maritime borders to the South. Moreover, it calls on FRONTEX and the Commission to carry out a study, with estimates, on the possibility of FRONTEX acquiring its own equipment and on the requirements for the **possible upgrade of FRONTEX operations at sea into an EU coast guard** without undermining Member States control of their borders. It also calls for further developments on the concept of a European Border Surveillance System (EUROSUR);
- **returns**: the Parliament considers that that migrants who are staying irregularly on the territory of the Member States **have to be required to leave the territory of the European Unio**n. It therefore calls on the Member States to ensure that returns are conducted with due regard to the law and the dignity of the persons involved, giving due preference to **voluntary return**. In particular, the Parliament notes, in this respect, the adoption of the Return Directive and calls on Member States, in the context of its transposition, to preserve more favourable provisions already laid down in their domestic law. It also calls for a system of Return Counselling Services to be established in closed and open accommodation centres as well as for monitoring and support for social and professional reintegration mechanisms for migrants having been returned. The Parliament also stresses the need for a genuine European dimension in return policy through the **mutual recognition of return decisions**. Moreover, it calls for the strengthening of co-operation, including through consular co-operation, and legislative provisions with a view to establishing a **European "Laissez Passer"** issued to illegally residing third-country nationals with a view to facilitating readmission to third countries.

(3) Solidarity and immigration:

- **coordination between Member States**: the Parliament deeply regrets the fact that Member States have demonstrated insufficient solidarity in the face of the growing challenge of immigration. It calls for an urgent review of the Framework Programme on Solidarity and Management of Migration Flows for the period 2007-2013 and its four financial instruments. The Parliament also welcomes the set of measures proposed by the Commission in this area (including the recast of several fundamental texts, such as the Dublin regulation or Eurodac);
- **cooperation with third-countries**: lastly, the Parliament regrets that cooperation with third countries has not achieved sufficient results, with the notable exception of Spain's co-operation with third countries, such as Senegal and other countries in sub-Saharan and north Africa. It therefore calls for targeted support for third countries of transit and origin to help them build an effective border management system. It stresses the importance of a development policy in third countries of origin or transit as a means of addressing the challenge of immigration at its roots. The Parliament calls for an improved co-ordination of the Union's immigration and development policies, taking fully into account strategic objectives such as the Millennium Development Goals. It stresses the importance of establishing Migration Information and Management Centres, as the one inaugurated in Mali in October 2008, which can contribute significantly to tackling migration problems by addressing the concerns of the potential migrants. Moreover, it stresses that all agreements with countries of origin and transit should include **chapters on co-operation on immigration** and calls for an ambitious policy with third countries on police and judicial co-operation to combat international criminal organisations engaged in human trafficking.

Common immigration policy for Europe: principles, actions and tools

2008/2331(INI) - 10/06/2009 - Follow-up document

The European Pact on Immigration and Asylum was adopted by the European Council of 15-16 October 2008, following the Commission's Communication of June 2008 "A Common Immigration Policy for Europe: Principles, actions and tools". Building on the progress already achieved over ten years, the Pact is a further stepping-stone towards a comprehensive EU migration policy. The European Council makes **five basic commitments**, which will continue to be developed and transposed into concrete measures in particular in the programme to follow on from the Hague Programme:

1. to organise legal immigration to take account of the priorities, needs and reception capacities determined by each Member State, and to encourage integration;
2. to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
3. to make border controls more effective;
4. to construct a Europe of asylum;
5. to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

When adopting the Pact, the European Council decided to hold an annual debate on immigration and asylum policies. This annual debate will enable the European Council to monitor implementation, by both the European Union and the Member States, of the Pact and of the next multi-annual programme on freedom, security and justice that will from 2010 follow on from the Hague Programme.

As regards this debate, in the Pact itself the European Council:

- invited the Commission to **present a report to the Council each year**, based on Member States' contributions and accompanied, as necessary, by proposals for recommendations on the implementation, by both the European Union and the Member States, of this Pact and of the programme that will follow on from the Hague Programme;
- stated that the debate will also enable the European Council to be **kept informed of the most significant developments** planned by each Member State in conducting its immigration and asylum policy.

To prepare for the debate, the European Council invited the Commission to propose a **tracking method** to the Council. This Communication responds to that request.

The purpose of the tracking method as described in this Communication is to prepare for the European Council's first annual debate which will be held in June 2010.

The tracking method will be the process by which the Commission will prepare an annual report to the Council using contributions from Member States and factual information from various sources.

The Commission considers that the tracking method will add a structured annual cycle of reporting and high-level political debate to the area of immigration and asylum. The annual report will be a **key political statement** from the Commission on policies on immigration and asylum implemented at EU and national levels. Holding an annual debate in the European Council signals that immigration and asylum are major political issues of European integration. The process will thus ensure that the new impetus of the European Pact and of the future multi-annual programme on freedom, security and justice is maintained, and that the EU's common immigration and asylum policy will continue to be developed taking account of the specific needs of each Member State and in the common interest of the European Union.