

P6_TA-PROV(2005)0235

Legal and illegal migration and the integration of migrants

European Parliament resolution on the links between legal and illegal migration and integration of migrants (2004/2137(INI))

The European Parliament,

- having regard to the Commission communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled ‘Study on the links between legal and illegal migration’ (COM(2004)0412),
- having regard to the Commission communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled ‘First annual report on migration and integration’ (COM(2004)0508),
- having regard to the Commission’s Green Paper on an EU approach to managing economic migration (COM(2004)0811),
- having regard to the European Economic and Social Committee’s opinion of 15 December 2004 and the Committee of the Regions’ opinion of 24 January 2005 on the Commission communication entitled ‘Study on the links between legal and illegal migration’,
- having regard to its resolution of 15 January 2004 on the Communication from the Commission on immigration, integration and employment¹,
- having regard to the Amsterdam Treaty (pursuant to which the Community is granted powers and responsibilities in the fields of immigration and asylum) and Article 63 of the EC Treaty,
- having regard to the conclusions reached at the Tampere European Council of 15-16 October 1999, the Laeken European Council of 14-15 December 2001, the Seville European Council of 21-22 June 2002 and the Thessaloniki European Council of 19-20 June 2003,
- having regard to its recommendation of 14 October 2004 to the Council and the European Council on the future of the area of freedom, security and justice as well as on the measures required to enhance the legitimacy and effectiveness thereof²,
- having regard to the conclusions reached at the Brussels European Council of 4-5 November 2004 and The Hague Programme included therein,
- having regard to Rule 45 of its Rules of Procedure,

¹ OJ C 92 E, 16.4.2004, p. 390.

² Texts Adopted, P6_TA(2004)0022.

- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Development and the Committee on Women's Rights and Gender Equality (A6-0136/2005),
- A. whereas the period set aside by the Tampere European Council for the establishment of an area of freedom, security and justice has come to an end,
- B. having regard to the absence of a genuinely organised and coordinated European policy on migration and the immigration which the Union undergoes as a result, and to the need for the Union and its Member States to move towards a form of immigration which is regulated in collaboration with the third countries involved,
- C. whereas the adoption of The Hague Programme, which is soon to be implemented by means of the Commission Action Plan, will enable the results obtained under the Tampere Programme to be acted upon and the new challenges involved in establishing an area of freedom, security and justice to be taken up,
- D. whereas in this area, cooperation between, on the one hand, the European Union and its Member States and, on the other, the non-EU countries of origin and transit is essential,
- E. having regard to the need to avoid all ambiguity in the relationship between development cooperation and immigration,
- F. whereas in the context of enlargement, a safer European society requires, subject to respect for the provisions of the Charter of Fundamental Rights and the Treaties, checks at external borders to be stepped up and the principle of mutual solidarity to be applied,
- G. whereas the EU - an area without internal borders - must adopt a common, coherent and effective approach to the management of its external borders and must devise a common visa, asylum and immigration policy,
- H. whereas action to combat illegal immigration and trafficking in human beings, the opening up of legal means of immigration, and integration must continue to be priorities for the enlarged EU, and whereas the exploitation of immigrants through illegal employment and inhumane treatment must be severely punished,
- I. whereas economic immigration constitutes a fresh challenge for the EU, on which subject the debate has been relaunched by means of the abovementioned Green Paper , which is to be followed before the end of 2005 by an action programme, which, it is to be hoped, will be based on common rules that are open to economic immigration,
- J. noting that Europe needs legal, controlled economic migration, because, as several studies have shown¹, the decline in its active population will mean a drop of around 20 million in the number of workers between 2005 and 2030,
- K. pointing out that one of the basic causes of economic migration is the legitimate aspiration on the part of migrants to meet their basic needs and to escape poverty, and calling for Community development policy (the primary aim of which is to combat

¹ World Economic and Social Survey 2004.

poverty) to be taken into account in the common policy on migration with a view to supporting the development of non-EU countries as regards access to education and health care, and to achieving the other Millennium Development objectives,

- L. whereas the success of legal-immigration policies is dependent upon implementing strategies that are aimed at achieving full integration, on the basis of others' experience and taking account of the experience and input of non-profit organisations, and are based on respect for rights and sharing of duties with regard to legally resident non-EU immigrants and nationals of the host society, and on a permanent dialogue based on confidence and mutual respect, the ability of institutions to launch information campaigns for the creation of an intercultural society, and ongoing action to fight all forms of racial, cultural and economic discrimination,
 - M. whereas a change in the migration policy of one Member State affects migration flows and policy developments in other Member States,
 - N. whereas action to combat trafficking in human beings and sexual exploitation of women and children must form an essential part of immigration policy,
 - O. whereas the Treaty establishing a Constitution for Europe lays down in its Article III-268 that the principle of solidarity and fair sharing of responsibility shall govern the development of the EU's immigration and asylum policies,
 - P. whereas the Community's available financial resources are limited and must be fairly shared among the various aspects of European immigration policy,
1. Believes that the Union's immigration policy must be based on a global, non-sectoral approach grounded not only in the Member States' labour market needs but, and above all, in reception and integration policies and the establishment of a secure status and citizenship, social and political rights for migrants throughout the Union;
 2. Deplores the failure of the Council, five years on from the Tampere European Council and despite the numerous debates in Parliament, to define a common immigration policy, remaining content to maintain unanimity and the consultation procedure for all matters regarding legal immigration;
 3. Stresses that, where immigration is concerned, a comprehensive, internally consistent approach based on close synergies amongst the various policies involved needs to be adopted, and expresses regret at the often excessively sector-based European approach; with this in mind, welcomes the initiative put forward by the Commission and the current Council Presidency with a view to establishing a mutual-notification and early-warning system, with the full involvement of the European Parliament;
 4. Stresses that the effective development of common asylum and immigration policies that uphold fundamental rights is a key priority of European integration, as outlined in the Treaty establishing a Constitution for Europe;
 5. Calls upon the Commission to consider - in association with the European Parliament - ways of better coordinating all the various structures and agencies involved in the

management of migration flows and to ensure that the relevant funding programmes are properly utilised and widely disseminated;

6. Regrets 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; points out that 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;
7. Calls upon the Commission, the Member States and the countries of origin to launch campaigns designed to increase public awareness and knowledge of policies on immigration, integration and combating racism and xenophobia, given that the lack of information on legal migration opportunities is exploited by the mafias that engage in trafficking in people; takes the view that cooperation with countries of origin on information and the prevention of exploitation of human beings is of crucial importance, giving priority to the role of integration, social inclusion and cultural exchanges;
8. Considers that immigration's potential must be taken into account to the utmost as part of a European co-development policy involving host societies, societies of origin and diaspora networks;
9. Stresses that in order to optimise the potential of immigration, the Union must propose concrete solutions to the problem of brain drain, and encourage the Member States to facilitate the sending of funds by immigrants to their countries of origin;
10. Recalls the shared responsibility of all the Member States in managing North-South migratory flow, on the one hand – particularly on the south shore – by combating illegal immigration and trafficking in human beings, and on the other hand – particularly on the north shore – by creating economic conditions for the social development of the third country and a reception which is appropriate and respectful of human dignity;
11. Encourages the integration of the migration issue into EU external policy; calls on the Member States to tackle the root causes of immigration by setting up partnerships with the developing countries based on genuine dialogue; stresses, 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;
12. Recommends that the Council take appropriate initiatives to ensure that those responsible for immigration have the same rank and belong to the same ministerial department in each Member State;
13. Emphasises that it should have a political role, inter alia by indicating to the Commission those measures relating to migration that should be regulated by common rules, as key stages in creating an effective common policy on migration;
14. Recalls that 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;

15. Believes, however, that development cooperation, while an essential instrument for tackling the root causes of migratory movements, must continue to complement, and not substitute, the EU's integration and legal-immigration policies;
16. Calls upon the Member States concerned to boost the human and financial resources of their consular authorities in non-EU countries of origin with a view to providing people wishing to emigrate with information concerning the possibilities of legally entering an EU country for work, study or research purposes; calls on the Commission to encourage coordination between the diplomatic and consular services of Member States operating in the same country to channel immigrants towards countries in which their professional skills are required and, as far as possible, to focus immigration on countries with appropriate reception capacity; proposes that the ARGO and AENEAS programmes (amongst others) be used;
17. Considers that border checks and action to combat illegal immigration can be only one aspect of the EU's policy towards non-EU countries, to which an active country-of-origin development policy must be applied with a view to minimising the damaging effects of emigration; considers that the EU cannot analyse its immigration policy solely from the point of view of its economic interest but must also take into account the reasons which force migrants to emigrate;
18. Considers that the introduction of the integrated external-border management system must be based on extensive harmonisation with regard to visas, the active involvement of the European Borders Agency (together with the establishment of a Community border fund) and enhanced consular cooperation leading to the creation of joint consular posts;
19. Considers it essential to strengthen solidarity, particularly with the new Member States, on the management of external borders and the fight against illegal immigration;
20. Stresses that any measures to combat illegal immigration and step up external border controls, even where in cooperation with third countries, must be compatible with the guarantees and the fundamental rights of the individual laid down in the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), notably the right to asylum and the right of non-refoulement;
21. Reaffirms that legal immigration will not eliminate illegal immigration completely, and that the reasons for coming to the EU are complex; on that basis, firmly believes that particular attention must be paid to combating trafficking in human beings and to immigrants who are the victims of such trafficking, in particular vulnerable people, including women and minors, with the fight against those trafficking in them becoming a priority for the EU; welcomes the fact that the Commission is to draw up an action plan on the subject, which must take account of the need to cooperate with the countries of origin and transit;
22. Recognises that many women who are victims of trafficking are living on the territory of the European Union as illegal immigrants, and a majority of them have no access to legal or social protection; calls on the Member States to recognise their situation and in

accordance with their legislation to consider permanent residence as an appropriate means of combating trafficking in human beings;

23. Points out that making carriers and the authorities of the countries of origin properly aware of their responsibilities, strengthening the legal framework within which punitive measures may be taken against networks of ‘people smugglers’, action to combat illegal working and trafficking in human beings, and the identification of administrative corruption are integral parts of the fight against illegal immigration, which must be based on a high level of police and judicial cooperation; calls, therefore, on the Union and its Member States to take vigorous steps to combat illegal working by immigrants by introducing a raft of severe sanctions against the businesses involved, stepping up the human resources available for supervisory activities and protecting victims;
24. Stipulates, however, that these measures must be applied with full respect for fundamental rights, including that of the right to asylum;
25. Takes the view that the Member States are making efforts with a view to uncovering illegal employment, particularly in the areas of domestic work and family care, in which a great many female migrants are employed; takes the view 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;
26. Calls upon the Council and the Commission to give some thought – with regard to the readmission of irregular immigrants – to the implementation of the agreements which have been concluded and to pointers for future agreements; recalls the responsibility as regards readmission of the countries of origin and transit, and encourages the framing of an EU immigrant-return policy under which people’s dignity and physical integrity are respected in accordance with the ECHR and the Geneva Convention;
27. Expressly rejects once again 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;
28. Stresses that the temporary reception centres inside and outside the EU must also be run in compliance with the Geneva Convention;
29. Agrees with the Commission that the mass regularisation of illegal immigrants is not a solution to the problem of illegal immigration and, in the absence of a common immigration and asylum system, should be a one-off event, since such measures do not resolve the real underlying problems, and calls upon the Commission to study the Member States' good practices, to be developed in the framework of an information-sharing and early-warning system;
30. Believes that any en-masse regularisation of illegal immigrants must take account of economic, demographic and cultural criteria, and calls for an analysis to be made of the effects of the regularisations which have been carried out in the Member States;
31. Believes that legal migration plays an important role in enhancing the knowledge-based economy in Europe and in advancing economic development;

32. Takes the view that the overall European strategy on economic migration should give priority to organised forms of migration and, in particular, should strengthen the bilateral agreements with countries of origin on managing migratory movements; stresses that regularisation operations are important for combating work in the black economy, integrating illegal migrants into society and preventing their exploitation;
33. Considers 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;
34. Welcomes the action which the Commission has promised to take with regard to the particular impact which illegal immigration has on outlying regions¹ which, on account of their geographical situation, small size and remoteness, are particularly vulnerable to illegal migration flows;
35. Calls upon the Member States to take part in the discussion launched by the Commission in its Green Paper on the degree of coordination to be achieved and on the added value of adopting EU legislation, with attention being paid to the fact that the Member States are competent for determining how many immigrants they can accept;
36. Is 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; recalls that management of migratory movements must not be approached exclusively in security terms, but also on the basis of managing sustainable social development;
37. Is aware that the Member States are responsible for deciding on the number of third-country nationals on their soil, but supports the idea of drawing up overall estimates which also take account of persons whose stay has been authorised for reasons other than an economic activity, for example refugees, people taking advantage of a subsidiary protection scheme and people benefiting from family reunion arrangements, including minors of employable age, who must be guaranteed access to the labour market;
38. Considers it regrettable that the proposal for a directive on immigration for employment purposes was not successful, and supports the option proposed by the Commission in its Green Paper concerning the creation of a common framework of minimum standards governing the admission of non-EU nationals wishing to take up paid employment or to work on a self-employed basis;
39. Favours making entry procedures more flexible and efficient, e.g. by means of a work permit system; advocates using Community projects on the 'EURES' model, with a view to facilitating the exchange of information among Member States on employment opportunities for third-country nationals resident in the Union;

¹ COM(2004)0343, paragraph 2.3.1 and COM(2004)0628.

40. Calls on the Commission to make a short- and medium-term forecast regarding extra labour requirements in the individual Member States; invites the Member States to provide the Commission with statistical forecasts so as to enable it to make appropriate predictions regarding the Union's labour needs;
41. Calls on the Commission and the Member States to maintain an ongoing dialogue with immigration NGOs with a view to requesting their opinion on immigration-related matters and supporting their activities of assistance to immigrants and research;
42. Considers that immigration policies which are more adaptable to job markets must be devised as a matter of urgency, with a view to protecting the labour market from the deregulating effects of cheap and illegal labour and in order to avoid an imbalance between the working and the non-working population, and calls upon the Member States to involve regional and local administrations, regional employment agencies and both sides of industry, professional organisations, grassroots voluntary associations and host communities, in any decision concerning the number of foreign workers to be admitted;
43. Calls upon the Member States to create specific combined residence and work permits designed to facilitate the recruitment of seasonal workers and workers sent to perform a task which is limited in time;
44. Emphasises in particular the need for the EU – in the context of the Millennium Objectives – to redouble its efforts to combat poverty in the countries in which migration flows originate by supporting – inter alia – the establishment of a soundly based education system open to all and the development of local economies;
45. Encourages the Member States, in the framework of their national immigration policies, 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 more transparent and to foster relations with third countries in the context of a close partnership; points out in addition that 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);
46. Calls upon the Member States to launch a debate on the abovementioned Green Paper and to provide the Commission with regular reports concerning the implementation of their immigration policies;
47. Stresses that the integration of immigrants is crucial and calls for comprehensive measures to ensure inclusion in the labour market as well as social, economic and political rights, which are equally important in order to achieve the Lisbon objectives of growth and competitiveness;
48. Points out that the individual Member States have responsibility for integration and that this implies rights and obligations both for the host society and the immigrant; calls upon the Member States to coordinate their policies by means of the open coordination method, pursuant to the common basic principles recently adopted by the Council;

49. Stresses that coordination of national policies cannot replace a European integration policy; calls on the Member States to define minimum criteria for the creation of such a policy;
50. Emphasises the importance of encouraging efforts to learn the language of the host society and encouraging the organisation of civics courses and teaching programmes on topics including male/female equality, and of furthering integration by means of work, of taking action to combat ghettoisation, and of political participation in local elections; supports the introduction programmes run by certain Member States which involve mutual commitment on the part of the host countries and (in particular) the first wave of immigrants; wishes to encourage immigrants to respect the fundamental values of the Union by a symbolic act of commitment; encourages the Member States to involve integrated immigrants more closely in their integration policies by fostering dialogue between immigrants and existing inhabitants;
51. Takes the view that an active policy of integrating third-country nationals residing legally in the Union should inter alia: set out clear rules governing the legal status of residents and guaranteeing their right to good administrative practice; allow legal integration into the labour market; require third-country nationals to attend courses in the national language(s) organised by the host Member State; entitle them to access to education and ensure that qualifications are recognised; guarantee access to social and healthcare services; endeavour to offer decent living conditions in urban and other localities; ensure that immigrants take part in social, cultural and political life;
52. Calls on Member States and EU institutions to promote the participation of non-nationals without voting rights, legally residing in the EU, in public and political life, notably by ensuring adequate consultation and representation mechanisms; calls on all Member States to ratify the European Convention on the participation of foreigners in public life at local level;
53. Urges all the EU Member States to ratify the UN Convention on the protection of the rights of all migrant workers and members of their families;
54. Considers action to combat discrimination, racism and xenophobia to be an essential component of integration policy; calls upon the Member States to take steps to spread, among the citizens of Europe, a culture of positive welcome, integration and social inclusion, with the aim of building a multicultural society and avoiding all political and institutional measures tending to undermine the principle of reception and non-refoulement, and to incorporate without delay the two relevant directives into their internal laws, and welcomes the Council Presidency's initiative to relaunch the proposal for a framework decision concerning action to combat racism and xenophobia; calls for the European Parliament to be consulted again on this framework decision following fresh discussions in the Council;
55. Expresses its dismay at the increase in honour killings, persecution and serious violations of the rights of immigrant women on the basis of religious fanaticism and inhuman traditions and calls on the Commission and Council to tackle these issues more rigorously and guarantee protection for women under threat;

56. Calls on the Member States to conclude agreements with the immigrants' countries of origin with a view to transferring acquired social security rights;
57. Considers that the international community has not yet realised what the potential is of immigrants' remittances to their country of origin as a means of supporting their development policies and calls 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, as suggested in the abovementioned Green Paper;
58. Calls on the Council to adopt a more proactive attitude in order to devise, on the basis of these proposals, an effective European immigration policy able to meet the challenges that the Union must face;
59. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.