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## **REPORT**

on a Common Immigration Policy for Europe: Principles, actions and tools  
(2008/2331(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Simon Busuttil

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on a Common Immigration Policy for Europe: Principles, actions and tools (2008/2331(INI))

*The European Parliament,*

- having regard to the Communication from the Commission of 17 June 2008 entitled 'A Common Immigration Policy for Europe: Principles, actions and tools' (COM(2008)0359),
- having regard to the Opinion of the Committee of the Regions on A Common Immigration Policy for Europe of 26 November 2008<sup>1</sup>,
- having regard to the European Pact on Immigration and Asylum, adopted by the European Council on 15 and 16 October 2008<sup>2</sup>,
- having regard to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals<sup>3</sup>,
- having regard to Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams<sup>4</sup>,
- having regard to the proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast) (COM(2008)0820),
- having regard to the Communication from the Commission of 17 October 2008 entitled 'One year after Lisbon: The Africa-EU partnership at work' (COM(2008)0617),
- having regard to the Communication from the Commission of 13 February 2008 entitled 'Preparing the next steps in border management in the European Union' (COM(2008)0069),
- having regard to the Commission Working Document entitled 'Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings' (COM(2008)0657),
- having regard to the Joint Africa-EU Strategy and its First Action Plan (2008-2010) - the Strategic Partnership - agreed at the Africa-EU Summit on 8/9 December 2007 in Lisbon,<sup>5</sup>

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<sup>1</sup> COR/2008/210.

<sup>2</sup> Council document 13440/08.

<sup>3</sup> OJ L 348, 24.12.2008, p. 98.

<sup>4</sup> OJ L 199, 31.7.2007, p. 30.

<sup>5</sup> Council doc 7204/08 of 3 March 2008.

- having regard to the Communication from the Commission of 30 November 2006 entitled 'The Global Approach to Migration one year on: Towards a comprehensive European migration policy' (COM(2006)0735),
- having regard to the Hague Programme on Strengthening Freedom, Security and Justice in the European Union adopted at the European Council of 4-5 November 2004,
- having regard to the Tampere Programme adopted at the European Council of 15 and 16 October 1999 which established a coherent approach in the field of immigration and asylum,
- having regard to its resolution of 10 March 2009 on 'The Future of the Common European Asylum System'<sup>1</sup>
- having regard to its resolution of 19 February 2009 on the proposal for a directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals<sup>2</sup>,
- having regard to its resolution of 5 February 2009 on the implementation in the European Union of Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers and refugees: visits by the Committee on Civil Liberties 2005-2008<sup>3</sup>,
- having regard to its resolution of 18 December 2008 on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR)<sup>4</sup>,
- having regard to its resolution of 20 November 2008 on the proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment<sup>5</sup>,
- having regard to its resolution of 20 November 2008 on the proposal for a Council directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State<sup>6</sup>,
- having regard to its resolution of 2 September 2008 on the evaluation of the Dublin system<sup>7</sup>,
- having regard to its resolution of 23 April 2008 on the proposal for a Council directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection<sup>8</sup>,

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<sup>1</sup> Texts adopted, P6\_TA(2009)0087.

<sup>2</sup> Texts adopted, P6\_TA(2009)0069.

<sup>3</sup> Texts adopted P6\_TA(2009)0047.

<sup>4</sup> Texts adopted, P6\_TA(2008)0633.

<sup>5</sup> Texts adopted, P6\_TA(2008)0557.

<sup>6</sup> Texts adopted, P6\_TA(2008)0558.

<sup>7</sup> Texts adopted, P6\_TA(2008)0385.

<sup>8</sup> Texts adopted, P6\_TA(2008)0168.

- having regard to its resolution of 26 September 2007 on the policy plan on Legal Migration<sup>1</sup>,
  - having regard to its resolution of 26 September 2007 on policy priorities in the fight against illegal immigration of third-country nationals<sup>2</sup>,
  - having regard to its resolution of 6 July 2006 on strategies and means for the integration of immigrants in the European Union<sup>3</sup>,
  - having regard to the Treaty of Amsterdam pursuant to which powers and responsibilities in the immigration and asylum fields are conferred on the Community and to Article 63 of the EC Treaty,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of Committee on Civil Liberties, Justice and Home Affairs and the opinions the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A6-0251/2009),
- A. **whereas migration into Europe will always be a reality as long as there are considerable differences in wealth and quality of life between Europe and other regions of the world,**
  - B. whereas a common approach on immigration in the EU has become imperative, more so in a common area without internal border controls where action or inaction by one Member State has a direct impact on others and on the EU as a whole,
  - C. **whereas poorly managed migration may disrupt the social cohesion of the countries of destination and may also be detrimental to countries of origin as well as to the migrants themselves,**
  - D. **whereas regular migration represents an opportunity from which migrants, their countries of origin (which benefit from their migrants' remittances), and Member States may benefit; whereas, however, progress in the area of regular migration must go hand-in-hand with effective action on combating irregular immigration, recalling notably that such immigration encourages the existence of criminal human trafficking rings,**
  - E. whereas a genuine common migration policy for the Community must be based not only on the fight against irregular migration but also on cooperation with third countries and transit countries and on an appropriate policy for the integration of migrants,
  - F. whereas Europe's migration policies must comply with the norms of international law, particularly those that concern human rights, human dignity and rights to asylum,
  - G. **whereas the EU is and must continue to be a welcoming environment for those who win the right to remain, be they migrants for reasons of work, family reunification, or study, or persons in need of international protection,**

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<sup>1</sup> OJ C 219 E, 28.8.2008, p.215.

<sup>2</sup> OJ C 219 E, 28.8.2008, p.223.

<sup>3</sup> OJ C 303 E, 13.12.2006, p.845.

- H. whereas migrants have played a vital role in the development of the EU and the European project in recent decades, and it is essential to recognise both their importance and the fact that the Union continues to need migrants' labour,
- I. **whereas, 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; whereas immigration could act as an important stimulus to ensure good economic performance in the EU,**
- J. whereas the growth and jobs aspects of the Lisbon Strategy may be hindered by a shortage of labour, which may prevent the goals from being achieved, and whereas unemployment is currently rising; whereas this shortage may be addressed in the short term by appropriate and structured management of economic immigration,
- K. whereas migrants often have to work as casual labourers or in low-skilled jobs, or in jobs for which they are overqualified,
- L. whereas the EU should also increase efforts to address problems of labour and skill shortages internally, by tapping into currently underemployed sectors, such as people with disabilities, educational disadvantage, or those who have been long-term unemployed asylum seekers already resident,
- M. whereas the number of women immigrants is constantly increasing in the EU, accounting for approximately 54 % of the total number of immigrants,
- N. whereas most women immigrants encounter significant problems in integrating and in accessing the labour market due to their low level of education and the negative stereotypes and practices brought from their countries of origin, as well as the negative stereotypes and discrimination that exist in the Member States; whereas, nonetheless, many young women with a high level of education come to the EU to take relatively unskilled jobs,

### ***General Considerations***

1. 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 through common principles and concrete actions, as well as on the values –enshrined in the Charter of Fundamental Rights of the European Union;
2. 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;
3. Considers that the development of a common immigration policy could substantially benefit from an increased and regular consultation with representatives of civil society, such as organisations working for and with migrant communities;
4. Regrets that, so far, too little has been done to establish a common legal immigration

policy and welcomes the new legislative instruments adopted within the framework of the common European legal immigration policy;

5. Emphasises that a coherent and balanced common European immigration policy adds to the credibility of the EU in its relations with third countries;
6. Reiterates that the effective management of migration requires the involvement of regional and local authorities and a genuine partnership and cooperation with third countries of origin and transit, which often have the impression that decisions are being imposed on them unilaterally; emphasises that such cooperation can only take place when the third country respects international laws on human rights and protection, and is a signatory to the 1951 Geneva Convention;
7. **Considers that immigration into the EU is not the solution to overcome the challenges faced by developing countries and that a common immigration policy must be flanked with an effective policy for the development of the countries of origin;**
8. Welcomes the adoption of the European Pact on Immigration and Asylum by the European Council on 16 October 2008 and the actions, tools and proposals put forward by the Commission in its above-mentioned Communication on a Common Immigration Policy for Europe: Principles, Actions and Tools; calls on the Council and the Commission on to rapidly move to the implementation stage of these commitments;
9. Welcomes the institutional implications of the Lisbon Treaty, in particular the extension of co-decision and qualified majority voting to all immigration policies, the clarification of EU competence on visas and border controls, the extension of EU competence on asylum as well as the extension of EU competence in respect of legal and irregular migration;
10. Considers that a common immigration policy also necessarily requires the establishment of a common asylum policy and welcomes the report on the future of the European Common Asylum System (CEAS) and the Commission proposal for a regulation to establish a European Asylum Support Office;

### ***Prosperity and Immigration***

#### *Legal Migration*

11. Considers that legal migration continues to be necessary in order to address Europe's demographic, labour market and skills needs owing to the effect of demographic decline and ageing on the economy; it also contributes to the development of third countries through the cycle of exchange of knowledge and know how and through the transfer of migrant remittances; calls for the implementation of secure systems which facilitate these financial transfers to third countries;
12. Considers that regular migration must be the alternative to irregular immigration as it offers a legal, safe and organised entry route to the European Union;
13. **Recalls that projections presented by the Commission estimate the need for 60 million**

migrant workers by 2050 and this requires the opening-up of channels for legal migration;

14. Stresses the need for a comprehensive assessment of the EU's skills and market needs; considers, however, that each Member State should retain control over the number of persons required for its labour market needs and take into account the principle of Community preference as long as transitional measures apply;
15. Supports the development of national "Immigration Profiles" with the purpose of giving an integrated picture of the situation of immigration within each Member State at any given moment, with labour market needs being a central aspect of these profiles;
16. Reiterates the need to increase the attractiveness of the EU for highly qualified workers, even through the availability of information on destination and host labour markets, taking account of the implications that this may have on the brain drain in countries of origin; considers that the brain drain can be mitigated through temporary or circular migration, by providing training in the countries of origin in order to preserve occupations in key sectors, particularly education and health and by signing cooperation agreements with countries of origin; 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;
17. 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 weakened by the exodus of talent;
18. Welcomes the approach initiated by the document on the 'blue card' for a common legal immigration policy, but calls on Member States to make more progress towards common rules on an immigration policy which is not limited to highly skilled workers;
19. Expresses its satisfaction at the adoption of the blue card relating to conditions of entry and residence of third-country nationals for the purposes of highly qualified employment and urges the Commission to present initiatives for other categories of work as soon as possible, also with the aim of further countering irregular immigration and the exploitation of the undocumented immigrants;
20. Calls for new measures to further facilitate the reception of students and researchers and their movement within the EU;
21. Draws attention to the importance of recognising the skills of immigrants, paying particular importance to the formal, non-formal and informal qualifications obtained in their country of origin; considers that this recognition will combat the wastage of skills that is being seen repeatedly among immigrants, notably women, who often end up in jobs for which they are over-qualified;
22. Calls on the Commission to take into account, in future documents on the issue, the question of skills recognition and the incentive for lifelong learning, also ensuring that the Member States provide immigrants with opportunities to learn the language of the host country in order to ensure their social, professional and cultural integration in the European Union and giving them an improved ability to support their children's



development; calls also on the Commission to make use of the results of deliberations on the linguistic education of migrant children and the teaching in the Member State of residence of the language and culture of the country of origin and calls for the framework which will be proposed to respect the principles of subsidiarity and proportionality;

23. Reaffirms that the European Employment and Job Mobility Network (EURES) network is an appropriate tool to ensure a transparent, responsible and effective balance between supply and demand in the labour market; therefore suggests expanding the concept of the **EURES network to allow contact between European employers** looking for workers with certain qualifications and job-seekers from third countries; proposes that Special Centres (already set up and to be set up) or EU Representations in third countries be used as a platform to extend the EURES network and to guarantee ongoing and expanded advice concerning tools and support for self-employment or recourse to micro-credit; stresses that Europe's need for highly skilled labour should not lead to a "brain drain" from third countries, with consequent damage to their emerging economies and social infrastructure;
24. Takes the view that immigrants from so-called third countries should be granted the right to mobility within the EU, so that - as legal residents in a Member State – they can take up employment as frontier workers in another Member State without being required to apply for a work permit, and that such immigrants should be granted full freedom of movement as workers following a period of five years' legal residence in a Member State;
25. Stresses the importance of coordination between the local and regional authorities, which have particular responsibility for training, and national and European authorities in managing labour market needs, in accordance with the principle of Community preference; emphasises that this cooperation is essential to effectively implement an immigration policy capable of filling the labour shortage experienced in certain sectors and Member States and to integrate immigrants effectively and appropriately;
26. Calls on the Commission to make more information available in countries of origin on the possibilities of legal migration as well as on the rights and obligations of migrants once they arrive in the EU;
27. Calls on Member States to make satisfactory use of Community funding mechanisms relating to immigration policy so as to create more and better jobs for migrants;

### *Integration*

28. Stresses that integration enhances cultural diversity in the EU and should be based on social inclusion, anti-discrimination, equal opportunities, namely through the possibility of access to health, education, language training and employment; considers that integration policies should be also based on appropriate innovative programmes and acknowledges the key role played by local and regional authorities, trade unions, migrant organisations, professional federations and associations in the integration of migrants;
29. Supports integration efforts by the Member States as well as by regular migrants and beneficiaries of international protection, taking into account respect for the identity and values of the EU and its Member States, including respect for human rights, the rule of law, democracy, tolerance and equality, freedom of opinion and the compulsory schooling

of children; recalls that integration is a two-way process which involves adjustments both on the part of the immigrants as well as the host population as set out in the common basic principles (CBPs) adopted by the Council and may benefit from the exchange of best practices; acknowledges that integration is more difficult to achieve in Member States which are facing significant migratory pressures due to their particular geographical situation, but must nonetheless not be abandoned as an objective; calls on other Member States to contribute towards alleviating such pressures in a spirit of solidarity, facilitating the integration of beneficiaries of international protection who are within the EU Member States, in parallel with the promotion of legal migration;

30. Emphasises that 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;
31. Encourages the development of mutual learning mechanisms and the exchange of best practice between Member States in order to strengthen the ability of host countries to manage increasing diversity and also a system of common indicators and adequate statistical capacity to be used by Member States to evaluate immigration policy outcomes;
32. Recalls that a key element is the inclusion of migrant organisations who play unique roles in the integration process by giving migrants opportunities for democratic participation; calls on the Members States to facilitate systems for the support of civil society in the integration process through enabling migrants' presence in the host society's civil and political life, enabling participation in political parties, trade unions and the opportunity to vote in local elections;
33. Welcomes the initiative taken by the Commission and the European Economic and Social Committee to improve the coherence of integration policies by launching the European Integration Forum with the participation and involvement of social organisations and immigrants' associations, with the aim of exchanging experiences and drawing up recommendations; calls on the Member States to coordinate their integration efforts by exchanging the best practices contained in their national integration plans;
34. Calls on the Commission to take the necessary measures to ensure financial support for the structural and cultural integration of immigrants, also including the implementation of EU programmes such as Lifelong Learning, Europe for Citizens, Youth in Action and Culture 2007; notes that teachers are in most cases ill-prepared for having large numbers of migrant children in classes and calls for better training for teachers and for adequate financial support;
35. Highlights the fact that school programmes and lifelong learning play an important role in the integration process by developing skills, notably language skills; considers, too, that barrier-free participation in training programmes and lifelong learning should be a right and an opportunity for newly-arrived immigrants;
36. Calls on the Commission and the Member States to continue to promote anti-discrimination policies, including those implemented by the public authorities;

37. Calls on the Member States to respect and support the relevant directives: Directives 2000/78/EC, 2000/43/EC and 2004/113/EC, which seek to combat discrimination;
38. Calls on the Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the United Nations General Assembly on 18 December 1990<sup>1</sup>;
39. Calls on the Commission to collect gender-related data on immigration into the EU and to arrange for the analysis of that data by the European Institute for Gender Equality in order to highlight further the particular needs and problems of women immigrants and the most appropriate methods of integrating them into the societies of the host countries;
40. Calls on the Member States, when drawing up their integration policies, to allow in the proper way for the gender dimension and for the specific situation and needs of migrant women;
41. Calls on Member States to guarantee respect for the fundamental rights of immigrant women, whether or not their status is legal;
42. Calls on the Member States to support information campaigns aimed at migrant women, with a view to informing them about their rights, the possibilities of education and language training, professional training and access to employment, and to prevent forced marriages, female genital mutilation, and other forms of mental or physical coercion;

### ***Security and Immigration***

#### *Integrated Border Management*

43. Stresses the need for a comprehensive master plan setting out the overall objectives and architecture of the EU's border management strategy, including the details showing how all related programmes and schemes in this area can be better optimised; takes the view that, when considering the architecture of the EU's border management strategy, the Commission should analyse first of all the effectiveness of the existing border management systems of the Member States, in order to bring about the optimal synergies between them and provide additional information regarding the cost-effectiveness of the new proposed systems, Entry/Exit, Electronic System of Travel Authorisation, Automated Border Control and the Registered Traveller Programme, within the framework of EU integrated border management;
44. Emphasises 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; does not deny that the use of data offers clear advantages; is, at the same time, of the opinion that public trust in government action can only be maintained if sufficient data protection safeguards, supervision and redress mechanisms are provided for;
45. Calls for an assessment on the feasibility of an integrated four-tier approach, whereby

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<sup>1</sup> A/RES/45/158.

checks would be carried out systematically at each stage when immigrants are travelling to the Union;

46. Stresses that the EU border strategy should be complemented as well by concrete measures aimed at strengthening the third country borders within the framework of the Africa-EU Partnership and the European Neighbourhood Policy (the Eastern Partnership, EUROMED);
47. Calls for the replacement of current national Schengen visas with uniform European Schengen visas, allowing for equal treatment of all visa applicants; wishes to be informed on the exact timetable and the details of both the policy study and the technical study of the Commission which will analyse the feasibility, the practical implications and the impact of a system requiring third-country nationals to obtain electronic authorisation to travel before travelling to EU territory (Electronic System for Travel Authorisation, ESTA); calls for the improvement of cooperation between Member States' consulates and for joint consular services for visas to be set up gradually on a voluntary basis;
48. 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*

49. Considers effective combating of irregular immigration as a crucial part of a comprehensive EU migration policy, and therefore regrets that effective decision-making in this field is hamstrung by the insufficient ability of the Member States to really work together in their mutual interests;
50. Expresses its shock at the human tragedy that is caused by illegal migratory sea routes, notably in the Union's southern maritime borders, where boat people leave the African shores on perilous journeys towards Europe; strongly calls for urgent action to stop this human tragedy once and for all and to reinforce dialogue and cooperation with the countries of origin;
51. Recalls that irregular immigration is often operated by criminal networks which have, so far, proved to be more effective than common European action; is convinced that such networks are responsible for the death of hundreds of people whose lives are lost at sea every year; recalls that, in accordance with international obligations, Member States have a shared responsibility to save lives at sea; calls, therefore, on the Commission and on Council to redouble their efforts in the fight against organised crime, human trafficking and smuggling which occur in various parts of the EU, and particularly to try to dismantle all the networks by tackling not only the people smugglers, who are merely the visible linchpin, but those who, at the top of the ladder, derive the most advantage from these criminal operations;
52. Calls on the Commission to intensify awareness programmes in countries of transit and of origin on the dangers of irregular migration;
53. Welcomes the adoption of the new Directive on sanctions against employers of illegally

staying third-country nationals and considers it an effective tool in curbing the exploitation of migrant workers and to reduce the attractiveness of one of the main pull factors for irregular migration;

54. Urges the Member States not to delay the transposition of the new directive, which lays down penalties for employers who recruit illegal immigrants;
55. Believes it is essential to reinforce the channels of dialogue with the countries of origin and establish cooperation agreements with those countries, with the aim of eliminating the inhuman and catastrophic phenomenon of irregular migration;
56. Considers that, despite repeated increases in its budgetary means at the insistence of Parliament, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) is not yet able to provide sufficient co-ordination of control efforts at the Union's external borders owing to its limited mandate and because of a lack of effort in engaging third countries especially in so far as maritime operations are concerned;
57. Welcomes the Commission's initiative for a proposal to review the mandate of FRONTEX and considers that its reinforcement is urgently required, in particular by extending its coordination capacity and its ability to coordinate permanent missions in areas which face high migratory pressures at the request of the Member States concerned and its ability to engage with third countries; believes that emphasis should also be placed on increasing FRONTEX's risk analysis and intelligence gathering capacity;
58. Considers that FRONTEX requires adequate resources, not just financial ones, if it is to fulfil its mandate in a meaningful manner and calls for the deployment of new technologies to combat irregular migration on Member States to increase the pooling of technical means and on the Commission to bring forward legislative proposals to establish compulsory solidarity on the same basis as that envisaged for the Rapid Border Intervention Teams (RABITs);
59. 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;
60. Considers that FRONTEX can only be fully effective if efforts are intensified on complementary actions, such as readmission and cooperation with third countries; calls on the Commission to support FRONTEX in this regard;
61. Supports the establishment of specialised FRONTEX offices to take account and better assess the specific situations in borders of particular sensitivity, especially for the land borders to the East and the maritime borders to the South;
62. Notes that differences in the interpretation of legal terms, the interpretation of the international laws of the sea and differences in national legislation and procedures have all hampered FRONTEX operations; calls for comprehensive studies to be carried out in order to seek a common approach and to sort out conflicting differences between national

legislation and procedures;

63. Calls for further and constant cooperation between FRONTEX and national bodies and agencies;
64. Calls for further developments on the concept of a European Border Surveillance System (EUROSUR) also by improving coordination between Member States;
65. Notes that fishermen, private vessels and private workers at sea often encounter illegal immigrants before a country's naval forces; stresses the need to inform such parties more clearly about their international law obligations to aid immigrants in distress and calls for a mechanism of compensation for lost work as a result of rescue operations;
66. Underlines that there is a clear need for reliable statistics in order to establish concrete tools for fighting irregular migration at the UE level and calls on the Commission to take the necessary measures to provide those statistics;

#### *Returns*

67. Considers that migrants who are not entitled to international protection or who are staying irregularly on the territory of the Member States have to be required to leave the territory of the European Union; notes, in this regard, 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; calls on 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;
68. Calls for a system of Return Counselling Services to be established in closed and open accommodation centres, serving as a contact point for persons wishing to learn more about return assistance;
69. Calls on the Commission to establish monitoring and support for social and professional reintegration mechanisms in countries of origin for migrants having been returned;
70. Calls on Member States to assign priority to gearing their readmission policies to a common policy in preference to bilateral agreements;
71. Calls, with regard to readmission agreements, for Parliament and its competent committees to be kept regularly informed, throughout the discussions with third countries, of progress and any obstacles encountered by negotiators;
72. Calls on the Commission to ensure that Member States only have bilateral readmission agreements with third countries providing full guarantees for the respect of the readmitted persons' human rights and having signed the 1951 Geneva Convention;
73. Calls on the Commission to pursue the effective enforcement of the obligation of third countries to readmit their nationals who are staying irregularly on EU territory, as envisaged in Article 13 of the Cotonou Agreement of 23 June 2000; calls for the strengthening of these provisions during negotiations on the new ACP (African,

Caribbean and Pacific States) Agreement;

74. Stresses the need for a genuine European dimension in return policy through the mutual recognition of return decisions; urges more co-operation among Member States in the implementation of returns and the strengthening of the role of FRONTEX in joint return operations;
75. Calls for the strengthening of co-operation, including through consular co-operation, with countries of origin and transit to facilitate readmission procedures, and calls on the Commission to evaluate existing readmission agreements with a view to facilitating their implementation and to draw lessons for the negotiation of future agreements;
76. Calls on the Council to consider enacting 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; action should be taken to incorporate the European “Laissez Passer” in the Union’s readmission agreements to render it binding on the third countries concerned;

### ***Solidarity and Immigration***

#### *Coordination between Member States*

77. **Deeply regrets the fact that Member States have demonstrated insufficient solidarity in the face of the growing challenge of immigration;** calls for an urgent review of the Framework Programme on Solidarity and Management of Migration Flows for the period 2007-2013<sup>1</sup> and its four financial instruments so that they may reflect new realities arising from increasing migratory pressures and be used to address urgent needs, such as in the case of situations of mass migratory influxes;
78. Notes the commitments made by Member States in the above-mentioned European Pact on Immigration and Asylum in relation to the need for solidarity; welcomes in particular the inclusion of a voluntary burden-sharing mechanism which enables the intra-EU reallocation of beneficiaries of international protection from Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, to other Member States, and calls on the Member States to implement these commitments; welcomes also the allocation of EUR 5 million in the EU’s 2009 budget for this purpose under the European Refugee Fund; insists, however, on the introduction of binding instruments; calls on the Commission to implement this mechanism forthwith and to propose immediately a legislative initiative to establish such a mechanism at European level on a permanent basis;
79. Welcomes the recast of the Dublin regulation and the proposed provisions for a mechanism to suspend Dublin transfers if there are concerns that Dublin transfers could result in applicants not benefiting from adequate standards of protection in the responsible Member States, in particular in terms of reception conditions and access to the asylum

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<sup>1</sup> COM(2005)0123.

procedure, as well as in cases where these Dublin transfers would add to the burden on those Member States which are faced with specific and disproportionate pressures due, in particular, to their geographical or demographic situation. Stresses, however, that these provisions would turn out to be a political statement rather than an effective instrument to seriously support a Member State without the introduction of a two-fold binding instrument for all Member States;

80. Welcomes the Commission's proposal for a recast regulation concerning the establishment of "Eurodac" for the comparison of fingerprints and reminds Member States of their obligations of fingerprinting and sending data under the current Eurodac Regulation; takes the view that biometric data, such as fingerprints, must be exploited to enhance effectiveness of border control operations;

#### *Cooperation with third-countries*

81. 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; calls for targeted support for third countries of transit and origin to help them build an effective border management system, involving FRONTEX in border assistance missions in those countries;
82. Reminds the Commission, the Council and the Member States that it is essential to continue the dialogue initiated with countries of origin and transit as a follow-up to the EU-Africa ministerial conferences on migration and development held in Tripoli, Rabat and Lisbon;
83. Calls for implementation of the policy instruments developed within the framework of the "Global Approach to Migration"<sup>1</sup> as well as the 2006 "Rabat Process" on migration and development and the EU Africa Partnership on Migration, Mobility and Employment agreed in Lisbon in December 2007;
84. 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; 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;
85. Observes, however, that development policy cannot constitute the only alternative to migration, as there can be no development based on solidarity without permanent mobility;
86. Calls for a strengthening of cooperation with the International Organisation for Migration (IOM) and other international organisations in the establishment of new regional offices in sensitive areas where practical assistance concerning, inter alia, legal migration or voluntary return of immigrants, is required;
87. Stresses the importance of establishing Migration Information and Management Centres,

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<sup>1</sup> COM(2006)0735.



as the one inaugurated in Mali in October 2008; believes that such centres should be able to contribute significantly to tackling migration problems by addressing the concerns of the potential migrants, returning migrants and migrants residing in EU; calls on the Commission to provide necessary information regarding the projects of setting up other centres within the framework of EU-Africa Partnership and asks the Commission to look into the possibility of creating such centres in the Eastern neighbouring countries;

88. 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 and to bring the persons concerned to justice, with the engagement of Europol and Eurojust; also calls on the Commission to intensify its support, including financial and technical assistance, in favour of third countries so as to create economic and social conditions discouraging irregular migration, drug activities and organised crime;
89. Calls on the Commission to promote the negotiation of global European agreements such as that signed with Cape Verde, to make progress in the global negotiations it is holding with Morocco, Senegal and Libya, and to promote the conclusion of agreements with immigrants' main countries of origin;
90. Calls for support for third countries in developing their national legislative framework and establishing immigration and asylum systems with full respect for international law and also calls on third countries of transit to sign and respect the 1951 Geneva Convention relating to the Status of Refugees;
91. Calls on Member States to consider the issue of 'environmental refugees', migrants who cannot currently be regarded as economic migrants and who are also not recognised as refugees as referred to in the Geneva Convention;

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92. Instructs its President to forward this resolution to the Council, the Commission, and to the governments and parliaments of the Member States.

## **EXPLANATORY STATEMENT**

### **Introduction**

There is no question that immigration is one of the foremost challenges that Europe is currently facing. In tackling this challenge, we can either adopt policies that transform it into an opportunity or we can mismanage the situation at a high cost for all concerned.

Experience has shown that immigration is a common concern where EU countries can and should act together to their mutual benefit. Individual countries acting on their own, no matter their size, have struggled to provide an adequate response. More so in an area of freedom of movement and the Schengen area.

As a result of common external borders, the actions or inactions of one Member State affect the interests of the others. Likewise, migratory pressures affecting one individual Member State are also a concern for the entire Union. The EU is therefore called upon to take a defining role in building a common European immigration policy.

Your rapporteur considers that the momentum to construct a truly common European immigration policy has now reached an unstoppable thrust and the European Union should seize the opportunity to deliver it. Or we shall all live to regret it.

Important achievements have been registered as a result of the Tampere (1999-2004) and the Hague Programmes (2004-2009) and the European Parliament's contribution throughout is welcomed. However, immigration policy remains fragmented and the pieces need to be put together into one whole, coherent, picture. And there is also more to be done. A common policy vision is needed which builds on past achievements but which is also projected to the future. To achieve this more ambition is required and EU countries need to put aside national pride and agree to work better together.

Your rapporteur welcomes the adoption of the European Pact on Immigration and Asylum by the European Council on 16 October 2008 which acknowledged in no uncertain terms the need for Europe to forge ahead with a common policy. The principles, actions and tools for a common immigration policy are being finally defined and as the European Parliament's 2004-2009 mandate comes to an end, in this report your rapporteur hopes to sketch out the guidelines on which the Parliament's vision of a common European immigration policy should be pursued in the years to come.

The report seeks to cover all the dimensions of immigration in order to give a full picture. However, a further in-depth analysis is required for individual tools and actions.

### **Europe risks being overtaken by events**

Unless Europe moves urgently ahead in forging a common immigration policy, it risks being overtaken by events. And dramatic events around us have proved that we are already late. In recent years, migratory pressures have increased in the Union's new Eastern and Southern borders. In the South, pressures have been particularly severe through the phenomenon of boat-people who embark on perilous journeys in the hope of reaching the European continent.

A deadly human tragedy is taking place with hundreds of lives being lost at sea each year and shockingly, this tragedy may be passing by unnoticed - in 2007, more people are said to have lost their lives in the Mediterranean and off the Canary Islands than in the war in Lebanon whereas in 2008, more lives were lost at sea than in the war in Gaza. This human tragedy must be stopped at once.

Thousands of immigrants are saved at sea and EU countries bear an important responsibility in this regard. For instance, of the 2,700 immigrants who arrived in Malta in 2008, more than 2,000 were saved at sea when boatloads of immigrants on course towards Lampedusa (Italy) found themselves in distress and were rescued by the maritime squadron of the Maltese Armed Forces, regularly engaged in high-risk rescue operations in the high seas.

Some countries are exposed to migratory pressures in a more severe manner than others. The Canary Islands (Spain), Lampedusa (Italy), Malta and Cyprus have been particularly affected as have been other Member States, such as Greece. But whereas immigrants arriving in Lampedusa or the Canary Islands may be quickly transferred to mainland Italy or Spain, those arriving in Malta cannot be transferred because Europe's immigration policy does not yet provide for this kind of intra-EU transfer.

Europe's common immigration policy must therefore also translate into a policy of solidarity with those Member States which find themselves at the Union's external frontiers, as they are also protecting the Union's external borders. And when migrants land in these countries, in time, they tend to move to other areas of the Union.

## **1. Prosperity and Immigration**

Unless Europe wants to become a fortress continent which lives in denial of its obvious attraction to immigration from third countries, a common immigration policy must necessarily include rules on legal entry into Europe. Indeed, a legal route to Europe also means that the scope and incentive for illegal routes is greatly reduced.

There is little question that legal migration can contribute to the economic growth of the EU and in particular to those Member States that need migrants because of the state of their labour markets or of their demography. Additionally, migrants send remittances to their home countries and thus contribute to development of countries of origin. Organised properly, therefore, legal migration could therefore be a win-win situation.

### *1.1 Legal Migration*

Legal migration should be governed by clear, transparent and fair rules, although at this stage of development, it is clear that each Member State should retain control on the number of workers that it can integrate into its labour market, giving due regard to community preference. Following the adoption of the Blue Card, it is also now time to go further and provide opportunities for lower skilled and seasonal workers.

The effects of brain drain should also be considered, but given that highly-skilled workers from third countries are moving in any case, there is little point in Europe losing them. In order to mitigate the negative effects, your rapporteur supports 'brain circulation' through the encouragement of temporary or circular migration.

## *1.2 Integration*

For immigrants who enter in a legal manner and who can stay on a long-term basis integration should be supported because it is beneficial both for the migrants as well as for the host society. Policy instruments should enable integrating migrants to participate in their local community, fostering diversity at the workplace and schools and combating discrimination. However, migrants who wish to integrate must be prepared to respect the identity and values of the EU and its Member States, including respect for human rights, the rule of law, democracy, tolerance and equality. Clearly, integration is less possible in countries which are facing exceptional migratory pressures because these countries lack the capacity to integrate large numbers of migrants and in any case, migrants often intend to move to other parts of Europe.

## **2. Security and Immigration**

The European Union can only be credible on legal migration if it first demonstrates that it can deliver on illegal immigration. Your rapporteur believes that Europe has not done enough, collectively, to combat illegal immigration and progress remains slow and insufficient. This stems largely from the continued absence of common European tools to help crack down on illegal routes of entry. Unsurprisingly, therefore, immigration routes break through the weakest link. Europe must take a strong leadership in putting an end to illegal immigration, once and for all, especially where this relies on organised crime, on human trafficking and where it leads to untold deaths of hapless victims.

### *2.1 Integrated Border Management*

Member States should retain full control of their borders. But reality has showed that those exposed to migratory pressures – no matter their size - have proved unable to protect their own borders effectively. Europe must therefore use all appropriate tools, not least new technologies such as biometrics, to help them do so.

### *2.2 Frontex*

Your rapporteur believes that the Frontex agency remains the ideal vehicle to channel Europe's collective response to illegal immigration. Parliament has already supported this agency by increasing its operational budget by more than €50 million. However this agency has not been sufficiently effective and should be further strengthened both in terms of its financial resources as well as in terms of its capacity to act. To this end, there is also a need to establish a system of compulsory solidarity whereby Member States that commit assets to the agency's register (CRATE) truly live up to their promises and participate in its missions. Regrettably, experience has so far shown that Frontex missions, especially its maritime patrols, falter because EU Member States fail to deliver or participate. This calls for a rethink of such missions and whether the agency should possess its own assets. Moreover, Frontex cannot be fully effective unless there is an adequate level of cooperation from and with third countries.

### *2.3 Returns*

Third country nationals who are illegally staying in the EU territory must leave or be returned.

Effective return measures are therefore indispensable. Preference should be given to voluntary return and Member States should cooperate in returns, including through the organisation of joint-return operations, involving Frontex.

### **3. Solidarity and Immigration**

A common immigration policy should be founded on solidarity but this has so far been lacking and all too often Member States that face severe migratory pressures have been left to their own devices. In turn, this has undermined trust in Europe. The Lisbon Treaty could reinject trust in the Union because its provisions favour a strengthening of the Union's capacity to act jointly on immigration.

#### *3.1 Coordination between Member States*

The financial instruments of the General Programme on Solidarity and Management of Migration Flows (2007-2013) have been a good step in the right direction but they have been too slow to start and they should be reviewed to take into account new realities arising from changing scenarios.

Your rapporteur considers that the burden-sharing mechanism envisaged in the European Immigration and Asylum Pact should be implemented as soon as possible and calls on the European Commission to launch this mechanism without delay. This will initially consist of a voluntary programme which will enable, the intra-EU re-allocation of beneficiaries of international protection from Member States which are faced with specific and disproportionate pressures to others. Parliament has already voted €5 million in the EU's 2009 budget for this purpose under the European Refugee Fund. On the basis of this experience, the Commission should then propose how this mechanism can be converted into a binding and permanent instrument.

Solidarity should be exercised in the case of rescue operations in maritime zones which fall under the jurisdiction of third countries as well as through the review of the Dublin Regulation.

#### *3.2 Cooperation with third-countries*

Finally, a common immigration policy cannot work unless there is a meaningful partnership with third countries, whether countries of origin or of transit.

The determining role of co-operation with third countries has already been proven beyond doubt. For instance, in 2008, as a result of Spain's co-operation with Senegal and Mauritania, arrivals in the Canary Islands were reduced by a remarkable seventy per cent. Conversely, in the central Mediterranean region, Libya has been less open to co-operate and arrivals escalated.

Migration issues should therefore be fully integrated into the Union's development cooperation and other external policies. To this end, your rapporteur believes that all agreements with third countries should include chapters on cooperation on immigration, including provisions on opportunities for legal migration, the control of illegal immigration and readmission. Regional offices should be established in certain third countries to provide

practical assistance in the area of legal migration and voluntary return of immigrants.

3.3.2009

## **OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

on a common immigration policy for Europe: principles, actions and tools  
(2008/2331(INI))

Rapporteur: Jamila Madeira

### **SUGGESTIONS**

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. Whereas, 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; whereas immigration could act as an important stimulus to ensure good economic performance in the EU,
- B. Whereas the growth and jobs aspects of the Lisbon Strategy may be hindered by a shortage of labour, which may prevent the goals from being achieved, and whereas unemployment is currently rising; whereas this shortage may be addressed in the short term by appropriate and structured management of economic immigration,
- C. Whereas the EU should also increase efforts to address problems of labour and skill shortages internally, by tapping into currently underemployed sectors, such as people with disabilities, educational disadvantage, or those who have been long term unemployed asylum seekers already resident,
- D. Whereas we must never forget our moral duty to keep the door open to refugees in genuine need of asylum from persecution and life-threatening situations,
  1. Is of the opinion that immigration's crucial role in the EU and its economic potential must be recognised and their social and economic consequences must be monitored so as to promote a set of appropriate and responsible policies as regards conditions of access to jobs, housing, education, training, lifelong learning, social security and transfer of pension rights and worker mobility within the EU;

2. Considers that illegal work needs to be tackled given that it fundamentally violates the rights of migrant workers; regards it as essential to promote a European policy which encourages illegally resident immigrant workers to register with the authorities, whilst ensuring at the same time that measures taken to this effect will not lead to any targeting and summary procedures of return in violation of their rights, particularly as they are already in a position of inferiority when they arrive in Europe, even from a legal perspective; also considers it essential to combat precarious work in general, bearing in mind that this problem affects migrant workers in particular, thus worsening their already vulnerable position; calls for disjointed 'security first' attitudes to be avoided and a comprehensive policy to be adopted on immigrant work that takes account of the pressure caused by unemployment and lack of opportunities in the countries of origin, particularly among young people and women, emphasising the fact that the proper management of migratory flows can benefit the EU and third countries simultaneously;
3. Draws attention to the importance of recognising the skills of immigrants, paying particular importance to the formal, non-formal and informal qualifications obtained in their country of origin; considers that this recognition will combat the wastage of skills that is being seen repeatedly among immigrants, notably women, who often end up in jobs for which they are over-qualified;
4. Calls on the Commission to take into account, in future documents on the issue, the question of skills recognition and the incentive for lifelong training, ensuring, too, that the Member States provide immigrants with opportunities to learn the language of the host country in order to ensure their social, professional and cultural integration in the European Union and giving them an improved ability to support their children's development; calls also on the Commission to make use of the results of deliberations on the linguistic education of migrant children and the teaching in the Member State of residence of the language and culture of the country of origin and calls for the framework which will be proposed to respect the principles of subsidiarity and proportionality;
5. Reaffirms that the principle of equal opportunities, particularly in access to jobs by workers with the same qualifications, must also be applied to immigrants; underlines that qualifications must be recognised through a clear and transparent procedure so that immigrants can obtain legal jobs suited to their actual qualifications and can gain access to the civil service and the liberal professions;
6. Reaffirms that the EURES network is an appropriate tool to ensure a transparent, responsible and effective balance between supply and demand in the labour market; therefore suggests expanding the concept of the EURES network to allow contact between European employers looking for workers with certain qualifications and job-seekers from third countries; proposes that Special Centres (already set up and to be set up) or EU Representations in third countries be used as a platform to extend the EURES network and to guarantee ongoing and expanded advice concerning tools and support for self-employment or recourse to micro-credit; stresses that Europe's need for highly skilled labour should not lead to "brain drain" of third countries, with consequent damage to their emerging economies and social infrastructure;
7. Takes the view that immigrants from so-called third countries should be granted the right



to mobility within the EU, so that - as legal residents in a Member State – they can take up employment as frontier workers in another Member State without being required to apply for a work permit, and that such immigrants should be granted full freedom of movement as workers following a period of five years' legal residence in a Member State;

8. Stresses the importance of coordinating the local, regional, which has particular responsibility for training, national and European levels in managing labour market needs, in accordance with the principle of Community preference; underlines that this cooperation is essential to implement effectively an immigration policy capable of filling the labour shortage experienced in certain sectors and Member States and to integrate immigrants effectively and appropriately;
9. Calls on the Member States to develop an appropriate model for effectively integrating immigrants in the EU countries, whilst ensuring respect for all their cultural, religious, ideological, racial or other differences; recalls that true social cohesion is achieved through social, linguistic, educational and family reunification support structures; proposes creating a policy of proximity advocating the use of human resources in public authorities with linguistic and cultural knowledge of third countries, and guaranteeing that school communities include in their curricula a multicultural dimension and understanding of the various cultures present;
10. Calls on Member States to make satisfactory use of Community funding mechanisms relating to immigration policy so as to create more and better jobs for migrants;
11. Calls on the Commission and the Member States to encourage practical policies and programmes which foster and seek to bring about family reunification for immigrants as a guarantee of social stability;
12. Calls on the Commission and the Member States to continue to promote anti-discrimination policies, including those implemented by the public authorities;
13. Considers that an integral view of a common immigration policy should not ignore the Commission's efforts to develop an effective asylum policy based on the European Social Model, which will ensure simplified and harmonised access to the labour market through the proposed amendment (COM(2008)815) of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers<sup>1</sup>.
14. Believes it is important that Member States sign and comply with international Conventions relating to Human Trafficking including the UN Trafficking Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, the United Nations Convention against Transnational Organized Crime, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and ILO Conventions, in particular No 29 on forced labour, No 182 on the worst forms of child labour, and those relating to freedom of association, labour inspection and employment agencies;

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<sup>1</sup> OJ L 31, 6.2.2003, p. 18.

15. Stresses that the common immigration policy must be developed in close cooperation with the countries of origin in order to support them and efficiently complement the European Union's efforts in development cooperation.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	2.3.2009
<b>Result of final vote</b>	+: 37 -: 1 0: 1
<b>Members present for the final vote</b>	Jan Andersson, Edit Bauer, Iles Braghetto, Philip Bushill-Matthews, Milan Cabrnock, Maddalena Calia, Alejandro Cercas, Luigi Cocilovo, Jean Louis Cottigny, Jan Cremers, Richard Falbr, Joel Hasse Ferreira, Roger Helmer, Karin Jöns, Jean Lambert, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Ljudmila Novak, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Rovana Plumb, Bilyana Ilieva Raeva, Elisabeth Schroedter, Gabriele Stauner, Ewa Tomaszewska, Anne Van Lancker, Gabriele Zimmer
<b>Substitute(s) present for the final vote</b>	Glenn Bedingfield, Herbert Bösch, Françoise Castex, Gabriela Crețu, Donata Gottardi, Anna Ibrisagic, Rumiana Jeleva, Sepp Kusstatscher, Jamila Madeira, Viktória Mohácsi, Gianluca Susta, Silvia-Adriana Țicău, Georgios Toussas

20.1.2009

## **OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION**

for the Committee on Civil Liberties, Justice and Home Affairs

on a common immigration policy for Europe: principles, actions and tools  
(2008/2331(INI))

Rapporteur: Zdzisław Zbigniew Podkański

### **SUGGESTIONS**

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Emphasises the significance of a well-planned integration policy for the host state and for creating appropriate opportunities for the immigrants themselves; considers that the integration policy should be multidimensional, taking account of the specific situation in each of the Member States; further considers that immigration policy should promote harmonious integration and address issues such as education and training, recognition of professional qualifications, access to the labour market, social services and housing, as well as active participation in social and cultural activities;
2. Calls on the Commission to take the necessary measures to ensure financial support for the structural and cultural integration of immigrants, also including the implementation of EU programmes such as Lifelong Learning, Europe for Citizens, Youth in Action and Culture 2007; notes that teachers in most cases are ill-prepared for having large numbers of migrant children in the class and calls for better training for teachers and for adequate financial support;
3. Calls on the Member States to ratify the United Nations Convention on the Rights of Migrant Workers;
4. Calls on the Member States to respect and support the relevant directives: Directives 2000/78/EC, 2000/43/EC and 2004/113/EC, which seek to combat discrimination;

5. Highlights the fact that school programmes and lifelong learning play an important role in the integration process by developing skills, notably language skills; considers, too, that barrier-free participation in training programmes and lifelong learning should be a right and an opportunity for newly-arrived immigrants;
6. Considers that migrants' reception facilities should be open places designed to facilitate all activities or programmes fostering cultural exchanges between migrants and the host society; in this regard, considers it essential to grant at every stage of the reception process the right to education of children, as already provided for by several international provisions;
7. Supports the EU proposals concerning the 'Blue Card' scheme; considers, however, that such arrangements must take account of the specific socioeconomic and cultural situation of each Member State as well as the needs of their labour market, and that they must not contribute to the 'brain drain' from the countries of origin;
8. Underlines that Roma education and integration is one of the most challenging and complicated issues in European social and education policies and calls on the Commission to actively combat discrimination against the Roma community.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	20.1.2009
<b>Result of final vote</b>	+: 23 -: 1 0: 1
<b>Members present for the final vote</b>	Maria Badia i Cutchet, Ivo Belet, Guy Bono, Marie-Hélène Descamps, Věra Flasarová, Milan Gaľa, Claire Gibault, Vasco Graça Moura, Luis Herrero-Tejedor, Ruth Hieronymi, Mikel Irujo Amezaga, Ramona Nicole Mănescu, Ljudmila Novak, Doris Pack, Zdzisław Zbigniew Podkański, Pál Schmitt, Hannu Takkula, Thomas Wise, Tomáš Zatloukal
<b>Substitute(s) present for the final vote</b>	Gyula Hegyi, Nina Škottová, László Tőkés, Ewa Tomaszewska, Cornelis Visser
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Maria Berger

12.2.2009

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Civil Liberties, Justice and Home Affairs

on a common immigration policy for Europe: principles, actions and tools  
(2008/2331(INI))

Rapporteur: Iratxe García Pérez

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the number of women immigrants is constantly increasing in the EU, accounting for approximately 54 % of the total number of immigrants,
- B. whereas most women immigrants encounter significant problems in integrating and in accessing the labour market due to their low level of education and the negative stereotypes and practices brought from their countries of origin, as well as the negative stereotypes and discrimination that exist in the Member State; whereas, nonetheless, many young women with a high level of education come to the EU to take relatively unskilled jobs,
  - 1. Calls on Member States to review their legislation so as to ensure that spouses and children are granted an individual status and work permit independent of that of the principal legal status holder;
  - 2. Calls on Member States to guarantee respect for the fundamental rights of immigrant women, whether or not their status is legal;
  - 3. Invites Member States to use Community financial instruments in the field of common immigration policy, proportionally and fairly distributed between women and men;
  - 4. Calls on the Member States, when considering applications for autonomous legal status, to take due account of the circumstances of women immigrants who are victims of physical and psychological violence, including forced prostitution, arranged marriages and female

genital mutilation, and to put in place measures to protect such women and to simplify the procedures for granting them a temporary or permanent residence permit;

5. Calls on the Member States to support information campaigns aimed at migrant women, with a view to informing them about their rights, the possibilities of education and language training, professional training and access to employment, and to prevent forced marriages, female genital mutilation, and other forms of mental or physical coercion;
6. Asks the Member States to promote the participation of women immigrants in the labour market and social and political life, to fight undeclared work, to ensure respect for women's social rights (such as equal pay, social security, pension rights), to provide support for entrepreneurship, prevent poverty and exclusion and promote the role of the social partners and trade unions;
7. Calls on the Council, the Commission and the Member States to enhance the legal framework guaranteeing immigrant women the right to hold their own passport and residence permit and making it possible to hold a person criminally responsible for taking these documents away;
8. Calls on the Commission to collect gender-related data on immigration into the EU and to arrange for the analysis of that data by the European Institute for Gender Equality in order to highlight further the particular needs and problems of women immigrants and the most appropriate methods of integrating them into the societies of the host countries.



## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	10.2.2009
<b>Result of final vote</b>	+ : 24 - : 0 0 : 0
<b>Members present for the final vote</b>	Edit Bauer, Hiltrud Breyer, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Urszula Krupa, Pia Elda Locatelli, Astrid Lulling, Doris Pack, Marie Panayotopoulos-Cassiotou, Zita Pleštinská, Anni Podimata, Christa Prets, Teresa Riera Madurell, Eva-Riitta Siitonen, Eva-Britt Svensson, Britta Thomsen, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Gabriela Crețu, Ana Maria Gomes, Donata Gottardi, Elisabeth Jeggle, Maria Petre



## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	31.3.2009
<b>Result of final vote</b>	+: 23 -: 4 0: 11
<b>Members present for the final vote</b>	Alexander Alvaro, Catherine Boursier, Emine Bozkurt, Philip Bradbourn, Mihael Brejc, Kathalijne Maria Buitenweg, Maddalena Calia, Giusto Catania, Carlos Coelho, Gérard Deprez, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Armando França, Urszula Gacek, Kinga Gál, Roland Gewalt, Jeanine Hennis-Plasschaert, Ewa Klamt, Magda Kósáné Kovács, Henrik Lax, Roselyne Lefrançois, Baroness Sarah Ludford, Claude Moraes, Javier Moreno Sánchez, Rareş-Lucian Niculescu, Maria Grazia Pagano, Martine Roure, Inger Segelström, Csaba Sógor, Vladimir Urutchev, Manfred Weber, Tatjana Ždanoka
<b>Substitute(s) present for the final vote</b>	Edit Bauer, Simon Busuttil, Ignasi Guardans Cambó, Sylvia-Yvonne Kaufmann, Antonio Masip Hidalgo, Rainer Wieland