

Legal migration

European Parliament resolution of 26 September 2007 on the policy plan on legal migration (2006/2251(INI))

The European Parliament,

- having regard to the communication from the Commission on the policy plan on legal migration (COM(2005)0669) ("the Action Plan"),
- having regard to the communication from the Commission on policy priorities in the fight against the illegal immigration of third-country nationals (COM(2006)0402),
- having regard to the opinion of the Committee of the Regions of 13 February 2007 entitled 'Policy plan on legal migration, fight against legal immigration, future of the European migration network'¹,
- having regard to conclusions of the European Council presidency of 4 and 5 November 2004 and the Hague Programme included therein²,
- having regard to the communication from the Commission to the Council and the European Parliament entitled 'The global approach to migration one year on: towards a comprehensive European migration policy' (COM(2006)0735),
- having regard to its resolution of 9 June 2005 on the links between legal and illegal migration and integration of migrants³,
- having regard to the Green Paper on an EU approach to managing economic migration (COM(2004)0811) and its resolution of 26 October 2005 on that topic⁴,
- having regard to the communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions entitled 'A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union' (COM(2005)0389), and to Parliament's resolution of 6 July 2006 on strategies and means for the integration of immigrants in the European Union⁵,
- having regard to Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection⁶,
- having regard to the outcome of the EU-Africa ministerial conference on migration and development held in Rabat on 10 and 11 July 2006,

¹ OJ C 146, 30.6.2007, p. 1.

² European Council conclusions, Annex I, point III.

³ OJ C 124 E, 25.5.2006, p. 535.

⁴ OJ C 272 E, 9.11.2006, p. 442.

⁵ OJ C 303 E, 13.12.2006, p. 845.

⁶ OJ L 199, 31.7.2007, p. 23.

- having regard to the EU-Africa joint declaration on migration and development adopted at the EU-Africa ministerial conference held in Tripoli on 22 and 23 November 2006,
 - having regard to the comprehensive approach as reaffirmed in the conclusions of the European Council presidency following the Brussels European Council of 14 and 15 December 2006,
 - having regard to the resolution of the ACP-EU Joint Parliamentary Assembly on migration of skilled workers and its effect thereof upon national development adopted on 28 June 2007,
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union' (COM(2007)0247),
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries (COM(2007)0248),
 - having regard to the proposal for a directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals (COM(2007)0249),
 - having regard to the Treaty of Amsterdam, pursuant to which powers and responsibilities in the field of immigration and asylum are conferred upon 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 the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Development, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A6-0322/2007),
- A. whereas according to Eurostat the number of third country nationals legally resident in the 27 Member States is approximately 18,5 million, whilst nearly 9 million EU citizens are resident in a Member State other than their own,
 - B. whereas migration is an international phenomenon in which EU citizens also participate as migrants themselves,
 - C. whereas pursuant both to the existing Treaties and to the new draft treaty, the Member States are responsible both *de jure* and *de facto* for setting the number of economic migrants allowed into the EU for work purposes,
 - D. whereas a comprehensive and consistent approach to immigration is required at European level, since a change to immigration policy in one Member State influences migrant flows and developments in other Member States,
 - E. whereas the reality of ageing and demographic changes necessitate rethinking immigration policies, since the current and future situation of the EU labour market can

be broadly described as in demand of well-managed legal immigration (according to Eurostat the working-age population within the population as a whole will shrink by over 50 million by 2050),

- F. whereas the mandate for the IGC, as defined by the June 2007 European Council, provides for the extension of the Community method to all matters concerning legal immigration, thus eliminating a disparity and improving the effectiveness of decision-making,
- G. whereas a more comprehensive and inclusive definition of migrants, including a definition of the status of people that are not refugees but cannot however be returned to their country of origin, is needed in order to reflect developments in migratory flows,
- H. whereas it is stated in the section of the Action Plan entitled 'Knowledge-building and information' that further studies of permits for job-seekers should be carried out,
- I. whereas it is important to recognise that increased migration flows should be seen as a global phenomenon with numerous causes and effects,
- J. whereas in this area, cooperation by the EU and its Member States with third countries of origin and transit is essential,
- K. whereas controls on legal immigration have become steadily tighter; whereas a number of countries have introduced different legal immigration schemes based on quotas or on points; whereas it is wrong to spread the belief that immigration is uncontrolled,
- L. whereas overly restrictive means for legal entry to the EU indirectly encourages irregular immigration, and whereas opening channels for legal immigration will contribute to the fight against illegal immigration and human trafficking,
- M. whereas the principle of Community preference applies as regards economic migration and whereas transitional measures apply to the free movement of people from the new Member States,
- N. whereas the fight against illegal immigration and human trafficking is as inseparable from policies concerning the admission of economic immigrants as from measures on integration,
- O. whereas legal immigration should be accompanied by effective integration policy; whereas integration is a two-way process involving both immigrants from third countries and Europe's population; whereas it should be made easier for the individual to live with her or his partner and children,
- P. whereas in the space of a few decades, immigration has become a central topic of public debate throughout the EU of great political sensitivity which may easily be exploited for demagogic and populist purposes,
- Q. whereas politicians and media representatives should be aware of the importance of using correct discourse on this issue,
- R. whereas both the causes of immigration and its positive consequences should be more evident in the public debate on the issue,

- S. whereas in view of the role played by immigration in respect of economic development, growth and hence employment in Europe, it would be useful if trade union, employer and civil society representatives were more extensively involved in the public debate on such matters,
- T. whereas those in charge of social and economic policy must inform the general public of the role of legal immigration in growth and employment,

General approach

1. Welcomes the Commission's response to the European Council's request for a policy plan on legal migration, including admission procedures capable of responding promptly to fluctuating demands in the labour market;
2. Endorses the approach adopted in the Action Plan to overcome the obstacles within the Council to the 2001 proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001)0386);
3. Welcomes the above mentioned communication from the Commission on applying the global approach to migration to the eastern and south-eastern regions neighbouring the EU; calls on the Member States and the Commission to ensure that sufficient human and financial resources are allocated to the proper implementation of the comprehensive approach to migration; stresses the need for enhanced regional dialogue and cooperation on legal migration and welcomes the idea of setting up regional cooperation platforms for migration, bringing together all relevant actors from the EU side and the regions concerned;
4. Maintains that illegal immigration cannot be tackled unless means and channels of legal immigration are established at the same time, since the two phenomena are closely linked;
5. Considers the collection of consistent and reliable statistics on migration to be essential; expects Regulation (EC) No 862/2007 to be implemented swiftly and effectively by all Member States; calls upon the Commission to submit, in cooperation with the Member States, an assessment of the number of people who could be affected by the four specific directives; expects the European Migration Network (EMN) to make a rapid and substantial contribution in this area (in collaboration with Eurostat); hopes that particular attention will be paid to the place of women, who account for half of migrants;
6. Welcomes the institutional implications of the draft reform Treaty, as set by the IGC mandate, which extends qualified majority voting and co-decision powers to police and judicial cooperation in criminal matters and also entails the extension of competences in respect of EU asylum and immigration policies; welcomes in particular the extension of the ordinary legislative procedure to cover legal migration and considers it reasonable that Member States will continue to keep the sovereign right to determine the volume of economic migrants they can accept on their territories;
7. Calls upon the various Council formations with responsibility in this area (Justice and Home Affairs, Employment, Social Policy, Health and Consumer Protection) to increase their efforts to coordinate their discussions of the Action Plan;

8. Supports the intention of the Commission to define the conditions of entry and stay for other selected categories of economic migrants, including unskilled or low-skilled workers;
9. Calls upon the Commission to carry out a short- and medium-term forecast of the requirements for additional labour in the various Member States; calls on the Member States to provide the Commission with a statistical estimate in order to enable it to make suitable forecasts concerning labour requirements in the EU; emphasises that these estimates must also take into account non-economic migrants, refugees and persons in need of subsidiary protection, as well as family reunifications;
10. Considers that particular attention should be paid to the situation of minors, who may find themselves disadvantaged due to their parents' movement, and proposals brought forward to mitigate such negative effects;
11. Considers that a clear definition of each category of economic migrant concerned by the directives currently being drawn up must be adopted; calls upon the Member States to coordinate amongst themselves and to exchange best practices by means of the mechanism for the exchange of information concerning asylum and immigration matters provided for by Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration⁷;
12. Believes that the transitional internal barriers to the free movement of workers from the new Member States should be lifted as soon as possible;
13. Supports the establishment of an EU immigration portal; in this context, welcomes the expansion of the EURES services to support the management of the economic migration of third country nationals;

Proposal for a general framework directive

14. Considers there to be an essential need for a directive designed to provide third country nationals who are legally employed within the EU with a common framework of rights, together with the requirement to fulfil a certain number of obligations, and insists that a proposal for a framework directive be submitted in advance of the four proposals for specific directives envisaged in the Action Plan;
15. Recalls the need to avoid double standards of rights amongst different categories of workers and to safeguard particularly the rights of seasonal workers and paid trainees, who are more vulnerable to abuse;
16. Endorses the idea of a single application for a joint residence and work permit;
17. Also considers that the directive should contain proposals enabling migrants to change their status or their job whilst remaining in the EU;
18. Agrees that mutual recognition of diplomas and other qualifications is necessary in order to avoid a loss in terms of income and skills for the migrant as well as for the countries of

⁷ OJ L 283, 14.10.2006, p. 40.

residence and origin;

19. Considers that measures should be explored in order to investigate the possibility for migrants, when they return to their country of origin, to transfer their pension entitlements and accumulated welfare rights acquired as a result of their employment and for which they were required to pay contributions;
20. Questions the reference in the Action Plan to the collection of the 'most advanced' biometrical data; considers that the protection of personal data should be respected in all cases, particularly the principles of proportionality and purpose limitation;
21. Supports the ratification by all Member States of the International Convention on the protection of the rights of all migrant workers and their family members;

Circular migration, return migration and mobility partnerships

22. Welcomes the above mentioned communication from the Commission on circular migration and partnerships for mobility between the EU and third countries; agrees that the damaging effects of brain drain must be avoided, and the "brain circulation" instead must be promoted;
23. Calls furthermore upon the Commission to explain the link between circularity and integration; points out that, according to the Commission, "supposedly circular migration may very rapidly become permanent and thus fail to meet the intended objective";
24. Stresses furthermore the importance of establishing stable and lawful labour relations between businesses and workers to increase productivity and the competitiveness of the EU; calls on the Commission therefore to consider the effects circular migration could have in this regard;
25. Supports the idea of long-term multiple-entry visas, as well as the possibility of granting priority to former immigrants wishing to obtain a new residence permit with a view to further temporary employment;
26. Calls on the Commission to take account of the possibilities raised by both Parliament and the Economic and Social Affairs Committee and to bring forward a comprehensive study on the possible implementation of a blue-card system and a job-seekers visa;
27. Expresses interest in the planned Migration Information and Management Centre which is due to be set up in Mali; calls upon the Commission to provide the relevant parliamentary committees with detailed information on the legal base of and budgetary provisions for the project, as well as regular updates on this and similar initiatives envisaged in other third countries; supports the idea of applying the same approach to the Union's eastern border region;

Proposal for a directive on the entry and residence conditions of highly skilled workers

28. Supports any measure designed to increase the attractiveness of the EU to the most highly skilled workers so as to meet the needs of the EU labour market in order to ensure Europe's prosperity as well as to meet the Lisbon targets; to this end, calls on the Commission and the Member States to:

- explore ways to grant such workers the right to move freely within the EU;
 - explore ways to allow such workers to remain within the EU for a limited period at the end of their contract or following redundancy to allow them to look for a job;
29. Supports therefore any simplification measure designed to facilitate the entry of such workers into the EU, whilst leaving the definition of specific needs and quotas for economic migrants to the Member States;
 30. Considers it important that the risks of a brain drain be taken into account when EU legal immigration measures are laid down; refers to the above mentioned report by the ACP-EU Joint Parliamentary Assembly on the migration of skilled workers and the effects thereof on national development; calls upon the Commission, in conjunction with the countries of origin, to carry out statistical studies with a view to identifying the areas of expertise in which there is a clear risk of brain drain;
 31. Supports the creation of an EU work permit (the so-called blue card) to facilitate the free movement of 'brains' within Europe and the transfer of personnel within multinational companies;

Proposal for a directive concerning the entry and residence conditions of seasonal workers

32. Points out that seasonal workers from third countries make an essential contribution to sectors such as agriculture, construction and tourism; stresses the increasing importance of irregular employment in such sectors in a number of Member States and therefore considers the proposed scheme essential; in that sense, welcomes the Commission's proposal for a directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals (COM(2007)0249);
33. Draws attention at the same time to the crucial importance of speedy, flexible recruitment procedures in seasonal work; highlights the importance of local experience, with particular regard to the agricultural sector; stresses the need, therefore, to take this into account;
34. Considers that seasonal workers who abide by the rules laid down for this kind of migration should be granted priority access to other forms of legal migration;

Proposal for a directive on the procedures governing the temporary entry, stay and residence of persons transferred within their company

35. Endorses the Commission's idea of strengthening the legal framework in order to promote mobility within Europe; points out that the situation of the persons concerned is governed by GATS;

Proposal for a directive on the entry and residence conditions for paid trainees

36. Considers that the notion of paid trainee should be clearly defined (age limit, language skills, maximum length of training period, possibility of converting the status into some other kind of residence permit, and so on) and that checks need to be devised in order to

prevent abuse of the status;

37. Proposes that paid trainees should be issued with a European residence permit valid for between 6 and 12 months; supports the development of partnership programmes with universities in third countries;

Integration

38. Recalls its above mentioned resolutions of 9 June 2005 and of 6 July 2006,
39. Welcomes the holding in Potsdam on 10 and 11 May 2007 of an informal meeting of ministers responsible for integration; points out that EU immigration policy must be based on a comprehensive approach reconciling the requirements of the employment markets in the Member States and admission and integration policies; considers that a summary of the rights and duties of migrant workers should be drawn up in order to make it easier for such workers to participate in economic, social and political life in order to achieve integration; regards schools as an essential forum for intercultural dialogue and integration;
40. Reiterates that the celebration of 2008 as the year of intercultural dialogue must contribute to improving the integration of immigrants in host societies and neighbourhoods and to mutual understanding, thereby reducing outbreaks of mistrust, racism and xenophobia; urges the Commission to promote the work of civil society organisations in favour of inter-cultural co-existence and mutual respect and education at the service of peace and non-violence; points out that politicians at all levels should be aware of their responsibilities in using a correct discourse on this issue;
41. Invites Member States to apply Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification⁸; calls on the Council, the Commission and the Member States to grant migrant women arriving under family reunification arrangements a legal status that is independent of that of their spouse;

Communication

42. Emphasises the particular responsibility of the media (in particular European public radio and television broadcasters) in the dissemination of an accurate image of immigration and in countering stereotypes;
43. Considers it essential that interested persons should be informed - wherever possible before their departure - regarding the terms and conditions of, and the opportunities for, legal migration into the EU; considers that such information should be widely disseminated within third countries by public bodies (either Member States' embassies or consulates or the local Commission delegation); with this in mind, calls for a European immigration internet portal to be created without delay;
44. Supports projects designed to establish training and language courses in the country of origin in order to help immigrants to develop skills and better adjust to labour needs in the EU;

⁸ OJ L 251, 3.10.2003, p. 12.

Cooperation with countries of origin

45. Points to the need for an active co-development policy; supports the objective of concluding agreements with third countries to enable both legal and illegal immigration to be managed effectively; considers, nonetheless, that such agreements must be fully in accordance with human rights; in this connection, expresses reservations concerning the funding of projects in countries which do not uphold human rights;
46. Invites the Commission and the Member States to explore ways to facilitate the free movement of migrants between the country of residence and the country of origin;
47. Points out that the funds which immigrants send back to their country of origin contribute to the development of those countries; considers that the cost of transferring remits to countries of origin should be reduced in order to assist development, while at the same time ensuring an adequate level of control and security of transactions; emphasises that although every effort should be made to facilitate and make less expensive the transfer of remittances, they remain private funds that benefit primarily the families who receive them and should not be viewed as a substitute for Official Development Assistance;

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48. Calls upon the Commission and the Council to take part before Parliament in an annual debate on EU immigration policy; calls upon the Commission to submit on such occasions a comprehensive scoreboard relating to the state of migration in Europe;
49. Calls upon its competent committee to engage in a close dialogue with its counterparts in national parliaments responsible for matters relating to immigration, and to continue working with the Council of Europe Parliamentary Assembly's committee responsible for migration, refugees and population;
50. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States, the Council of Europe, the UN High Commissioner for Refugees and the International Organisation for Migration.