

# EURPO-LATIN AMERICAN PARLIAMENTARY ASSEMBLY



## **RECOMMENDATION:**

### **Migration in EU-LAC relations**

based on the proposal for a recommendation by the Working Group on Migration in Relations between the European Union, Latin America and the Caribbean

EP Co-rapporteur:                      María Muñoz de Urquiza (S&D)  
LAC Co-rapporteur:                      Jorge Pizarro Soto (Parlatino)

Saturday, 15 May 2010 – Seville (Spain)

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## **EUROLAT – Recommendation of 15 May 2010 – Seville (Spain)**

[based on the proposal for a recommendation by the Co-rapporteurs, María Muñoz De Urquiza (S&D) and Jorge Pizarro Soto (Parlatino), on behalf of the Working Group on Migration in Relations between the European Union, Latin America and the Caribbean]

### **Migration in EU-LAC relations**

*The Euro-Latin American Parliamentary Assembly,*

- having regard to its resolution of 20 December 2007 on relations between the European Union and Latin America in the run-up to the Fifth Summit in Lima, and to its Message of 1 May 2008 to the Fifth EU-LAC Summit,
- having regard to the European Parliament’s resolution of 24 April 2008 on the Fifth Latin America and Caribbean-European Union Summit,
- having regard to the Lima Declaration adopted by the Fifth EU-LAC Summit of heads of state and government of 16 May 2008,
- having regard to the EU’s Global Approach to Migration, approved by the European Council on 15 and 16 December 2005,
- having regard to the European Pact on Immigration and Asylum, approved by the European Council on 15 and 16 October 2008,
- having regard to the document entitled ‘Structuring EU-LAC dialogue on migration’, adopted on 30 June 2009,
- having regard to the Communication from the Commission to the European Parliament and the Council entitled ‘The European Union and Latin America: Global Players in Partnership’, of 30 September 2009 (COM(2009) 495),
- having regard to the conclusions of the Council of the European Union on relations between the European Union and Latin America of 8 December 2009,
- having regard to the Stockholm Programme, approved by the European Council on 10 and 11 December 2009,
- having regard to the special communiqué on cooperation in the field of migration issued by the Summit of heads of state and government of the countries of Latin America and the Caribbean on 23 February 2010,
- having regard to the decision taken by the Executive Bureau of the Euro-Latin American Parliamentary Assembly at its meeting in Antigua, Guatemala, on 26 February 2009, on setting up a working group on migration in EU-LAC relations,

- having regard to the European Parliament resolution of 5 May 2010 on the EU strategy for relations with Latin America,
  - having regard to the proposal for a recommendation by EuroLat’s Working Group on Migration in EU-LAC relations,
- A. whereas there has been a change of direction in migration between Europe and LAC in connection with the general transformation of LAC from a region that was predominantly a destination for migrants, to an area from which people are increasingly choosing to emigrate to the EU,
  - B. whereas the EuroLat Assembly must play a formal part in EU-LAC dialogue on migration, in particular by continuing to participate in high-level meetings,
  - C. whereas there is a need for the migration policies and practices of both regions to ensure that the fundamental rights of all migrants are upheld and that the management of migration flows is orderly, informed and safe and based on the principle of shared responsibility,
  - D. whereas the existence of more efficient rules to prevent illegal immigration – including the return of illegal immigrants – and illegal employment is closely related to the promotion of legal immigration in line with the job market’s needs, and the promotion of integration,
  - E. taking into account the historical relationship and mutual benefit that migration between the two regions has brought – in particular the fact that hundreds of thousands of European migrants have been received at different points in time and the significant benefits that the current migration from LAC into the EU has brought in many areas of development; taking into account furthermore that this relationship upholds the principle of historical reciprocity, which is embodied in the promotion of and respect for the human rights of migrants and their reception and integration in the countries of residence and return,
  - F. whereas the EU-LAC Strategic Partnership should condemn any legislation that creates discrimination against immigrants, including the immigration law recently adopted in the North American State of Arizona and similar laws,
1. Makes the following recommendations to the Sixth EU-LAC Summit:

***Association and trade agreements***

- a) The association agreements between the EU and the LAC regions or countries must include provisions on migration, including clauses on non-discrimination, the transfer of pension rights and other social benefits, the prevention of illegal migration and dialogue on migration policy;
- b) The trade chapters of the association or trade agreements must include not only commitments covering the temporary movement of natural persons related to trade in

services and/or investment – based on mode 4 of the WTO’s General Agreement on Trade in Services focusing on skilled labour – but also services provided by low to moderately skilled workers;

### ***Applying the EU’s Global Approach to Migration to LAC***

- c) The EU must formally include the LAC region within the scope of the Global Approach to Migration and its instruments, including mobility partnerships, migration missions, migration profiles and cooperation platforms;
- d) The EU must strengthen EU-LAC cooperation instruments, for example by incorporating the issue of migration into the Eurosocial and URBAL programmes;
- e) The EU and LAC, acknowledging that remittances are sources of funding flowing between migrants’ families, must develop initiatives with a view to ensuring the efficient, secure and inexpensive transfer of migrants’ remittances, increasing their positive impact on development, involving diasporas in the development of their countries of origin, reducing the brain drain and studying the concept of circular and seasonal migration;

### ***Migration Monitoring Centre***

- f) The Madrid Summit must set up the Migration Monitoring Centre as part of the EU-LAC Foundation, which will be responsible for monitoring issues relating to migratory flows between Europe and Latin America;

### ***Legal migration***

- g) The Strategic Partnership countries must adopt policies and instruments which foster legal migration, including regularisation on the basis of individual merit; the EU must continue to implement the Policy Plan on Legal Migration, in particular by adopting the legislation set out in the plan;
- h) The EU must adopt a common visa policy that allows flexible responses to movements of natural persons on a temporary basis for professional or educational purposes; a specific visa must be created for entrepreneurs, academics, researchers, students and trade unionists participating in the Partnership;
- i) The Strategic Partnership countries must speed up the recognition of academic and professional qualifications and diplomas, and the issuing of work permits; they must also recognise the formal or informal skills acquired by migrants;
- j) The EU must publish more information in the countries of origin on the possibilities of legal migration, as well as on the rights and obligations of immigrants once they arrive in the EU; the EU must also consider establishing migration information and management centres in the LAC countries as well;
- k) The EU, its Member States and the LAC countries must facilitate seasonal and circular migration, inter alia by setting up schemes to allow migrants to travel to their countries of

origin without losing the benefits deriving from their status as residents of the country of destination;

- l) The EU must grant immigrants from third countries the right to mobility within the EU, so that, as legal residents in a Member State, they can take up employment as cross-border workers in another Member State without being required to apply for a work permit; these immigrants must be granted full freedom of movement as workers following a period of five years' legal residence in a Member State;

### ***Integration***

- m) The Strategic Partnership countries must grant legal migrants rights and obligations on a par with those of its citizens; legal migrant workers must be treated in the same way as workers who are nationals of the country of destination as regards issues such as education and language training, professional training, the recognition of diplomas, certificates and other professional qualifications, social security, access to goods and services and the supply of goods and services made available to the public, as well as the procedures for obtaining housing and assistance offered by job centres;
- n) The Strategic Partnership countries must ensure that illegal migrants have access to basic services, so as to ensure that fundamental rights are upheld (e.g. healthcare, education, access to justice);
- o) The Strategic Partnership countries that have not yet done so must act as soon as possible to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly of the United Nations on 18 December 1990;
- p) The Strategic Partnership must support efforts by its countries and by legal migrants with a view to integration in the host societies, promote family reunification and tackle discrimination, racism and xenophobia;

### ***Illegal migration and tackling people trafficking***

- q) Returns of illegal immigrants must be conducted with full respect for the principle of non-refoulement, as well as for the fundamental rights and human dignity of the people involved, with preference being given to voluntary return;
- r) When transposing the Returns Directive, with which the LAC countries disagree, the EU Member States must retain the more favourable provisions already laid down in their domestic law;
- s) The Partnership countries must protect and assist the victims of people trafficking, in particular by issuing residence permits to victims of people trafficking or people who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; the Partnership countries must also work together on a regional and international basis to ensure that the international instruments that apply in this area are used effectively;

***Protection of particularly vulnerable groups, gender issues and the family***

- t) The Partnership countries must take account of children's' rights in migration policy, paying close attention to children who are particularly at risk, such as unaccompanied minors;
- u) When drawing up and implementing their national and regional migration and integration policies, the Partnership countries must take account of gender issues and the specific situation and requirements of women, and must issue residence permits to female migrants who are victims of gender violence;
- v) The Partnership countries recognise the role that migrants' families play in facilitating the processes of integration and/or return for migrants, and will therefore look into taking steps with the aim of developing, assisting, guiding and supporting families in the processes of migration, whether this relates to the initial stage of the migration process or to the return stage.

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2. Instructs its Co-Presidents to forward this recommendation to the Presidency of the Sixth EU-LAC Summit, the Council of the European Union and the Commission, the Parliaments of the EU Member States and all the countries of Latin America and the Caribbean, the Latin American Parliament, the Central American Parliament, the Andean Parliament and the Mercosur Parliament.
3. Instructs the Co-Chairs and Co-rapporteurs of the Working Group on Migration in EU-LAC relations to assess the follow-up given to this recommendation at the Sixth EU-LAC Summit in Madrid and to inform the Assembly's Executive Bureau thereof.