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REPORT

on the Communication from the Commission on immigration, integration and employment
(COM(2003) 336 - 2003/2147(INI))

Committee on Employment and Social Affairs

Rapporteur: Claude Moraes

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PROCEDURAL PAGE

By the letter of 3 June 2003 the Commission forwarded to Parliament its Communication on immigration, integration and employment (COM(2003) 336), which had been referred to the Committee on Employment and Social Affairs, the Committee on Budgets, Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and Committee on Women's Rights and Equal Opportunities for information.

At the sitting of 4 September 2003 the President of Parliament announced that the Committee on Employment and Social Affairs had been authorised to draw up an own-initiative report on the subject pursuant to Rules 47(2) and 163 of the Rules of Procedure, and the Committee on Budgets, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the Committee on Women's Rights and Equal Opportunities had been asked for their opinions.

At the sitting of 9 October 2003 the President of Parliament announced that he had also asked the Committee on Petitions for its opinion.

The Committee on Employment and Social Affairs appointed Claude Moraes rapporteur at its meeting of 4 June 2003.

The Committee considered the draft report at its meetings of 9 July 2003, 10 September 2003 and 27 November 2003.

At the last meeting it adopted the motion for a resolution by 27 votes to 1, with 3 abstentions.

The following were present for the vote: Theodorus J.J. Bouwman chairperson; Marie-Hélène Gillig and Marie-Thérèse Hermange, vice-chairpersons; Claude Moraes, rapporteur; Jan Andersson, Elspeth Attwooll, Regina Bastos, Johanna L.A. Boogerd-Quaak (for Anne André-Léonard), André Brie (for Arlette Laguiller), Hans Udo Bullmann (for Enrico Boselli), Ieke van den Burg, Philip Bushill-Matthews, Chantal Cauquil (for Herman Schmid, pursuant to Rule 153(2)), Proinsias De Rossa, Harald Ettl, Carlo Fatuzzo, Ilda Figueiredo, Anne-Karin Glase, Stephen Hughes, Anne Elisabet Jensen (for Marco Formentini), Jean Lambert, Elizabeth Lynne, Thomas Mann, Mario Mantovani, Bartho Pronk, Lennart Sacrédeus, Peter William Skinner (for Alejandro Cercas), Elisabeth Schroedter (for Jillian Evans), Miet Smet, Helle Thorning-Schmidt and Anne E.M. Van Lancker.

The opinions of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Women's Rights and Equal Opportunities and the Committee on Petitions are attached.

The Committee on Budgets decided on 11 September 2003 not to deliver an opinion.

The report was tabled on 1 December 2003.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Communication from the Commission on immigration, integration and employment (COM(2003) 336 - 2003/2147(INI))

The European Parliament,

- having regard to the Commission Communication (COM(2003) 336),
 - having regard to the conclusions of the European Council meetings at Tampere (October 1999) and Lisbon (March 2000),
 - having regard to the Charter of Fundamental Rights¹, the provisions of which apply to all persons in the European Union (EU) irrespective of nationality, and particularly Articles 4, 5, 14, 15, 20, 21 and 23,
 - having regard to Council Directive 2000/43/EC² of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC³ of 27 November 2000 on establishing a general framework for equal treatment in employment and occupation, based on Article 13 TEC,
 - having regard to the Commission Communication on integrating migration issues in the EU's relations with third countries (COM(2002) 703),
 - having regard to the Greek Presidency conference on 'Managing migration for the benefit of Europe' (Athens, May 2003),
 - having regard to the own-initiative opinion of the Economic and Social Committee on 'Immigration, integration and the role of civil society organisations' (CES 365/2002)⁴ and the subsequent conference on the same subject (Brussels, September 2002),
 - having regard to Rules 47(2) and 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Women's Rights and Equal Opportunities and the Committee on Petitions (A5-0445/2003),
- A. Whereas the main strands of immigration policy identified by the Tampere European Council (partnership with countries of origin, a common European asylum system, fair treatment of third country nationals and management of migration flows) remain valid today; whereas there is an urgent need for them to be developed on the basis of the legislative framework provided for in Articles 61 to 69 of the Treaty, in connection with which the Commission has already presented proposals, taking account of Parliament's opinion;

¹ OJ C 364, 18.12.2000, p.14

² OJ L 180, 19.7.2000, p. 22

³ OJ L 303, 2.12.2000, p. 16

⁴ OJ C 125, 27.5.2002, p. 112

- B. Whereas competence for determining the quantity and type of workers accepted from third countries lies with the Member States, to enable them to manage migration to the EU in a way which reflects their capacities and needs; whereas national legal frameworks and policies in relation to increased migration to the EU vary from state to state; whereas all Member States face the common challenge of improving their management of migration flows, improving integration policies towards, and in partnership with, new and established migrants, seeking to form partnerships with third countries of origin and improving dialogue with these countries in the comprehensive, joined-up approach set out at the Tampere European Council;
- C. Whereas the Tampere European Council explicitly requested “a more vigorous integration policy” which “should aim at granting legally resident third country nationals rights and obligations comparable to those of EU citizens”;
- D. Whereas it should be the task of the EU, in the interest of the managed migration of workers into the Member States, to develop common conditions and rules for the entry and residence of migrant workers; whereas in this connection a coherent plan for the issue of visas should be created; whereas improved management of migration flows and the sharing of best practice in integration policies should take place in the context of significant independent research showing the positive overall economic benefits, as well as costs, to Member States of immigration; whereas the improved and full integration of new and established migrants, particularly in the EU labour market, realises the economic potential of migrants, promotes social cohesion and respect for diversity, and contributes to the Lisbon goals: *to create a competitive and dynamic knowledge-based economy capable of sustainable economic growth with more and better jobs and greater social cohesion*;
- E. Whereas a distinction must be made between those aspects of immigration policy related to the initial reception of new arrivals with a view to facilitating their integration and those related to second and third generation immigrants still facing social, economic or political exclusion;
- F. Whereas the (imminent) enlargement of the EU will change the dynamics of migration in Europe - probably to the overall benefit of European labour markets, which should lead to greater freedom of movement between existing and new Member States, even where restrictions are to be imposed initially; whereas countries outside the EU are becoming new EU border or neighbouring countries; whereas the enlargement countries (applicants), many of which were neighbouring countries before enlargement, will also have to focus their attention to a greater extent on migration; whereas integration measures also benefit intra-EU migrants, including from the new Member States;
- G. Whereas, in most cases, illegal residence is the result of people who entered legally into the territory of the EU losing their authorisation;
- H. Whereas clamping down on illegal employment and on those who take advantage of such employment is an integral part of the fight against illegal immigration, whereas facilitated legal access of immigrants to the labour market may reduce both supply of and demand for illegal work;
- I. Whereas women are a not insignificant and substantial majority of immigrants, including

those of second and third generation, asylum seekers and illegal immigrants;

- J. Whereas women are the victims of discrimination on the basis of both gender and origin, and stressing that such discrimination also affects second and third generation immigrants, whatever their degree of integration;
 - K. Whereas European migration and integration policy must be consistent with wider EU social, economic, foreign and development policy objectives and in line with core European values such as equality of opportunity, human rights, dignity, tolerance, respect for diversity, action to combat discrimination and participation in civic, cultural and political life;
1. Welcomes this Commission initiative in line with the Tampere European Council's emphasis on developing a more effective migration and integration policy regarding third country nationals in the EU; this is the first time that even-handed consideration has been given to three vital and inter-related issues: managing migration to the EU in a context of ageing working age populations; improving the integration of migrants in the EU; and the need for co-operation with countries of origin;
 2. Notes that these issues go to the heart of the Lisbon agenda and its vision of mutually-supportive employment, social and economic policies: on the one hand, migration and maximising employment are increasingly important for EU labour markets and economic growth; on the other, the integration of new migrants, established third country nationals and EU citizens of ethnic minority origin is becoming a key factor for social cohesion; in this sense, labour market issues are crucial but cannot be seen in isolation: integration also depends on a range of other factors including the social context, education and language skills, civic participation, the involvement of civil society and the social partners, effective implementation of EU funding programmes to tackle labour market disadvantage like the European Social Fund, EQUAL, the European Integration Fund, the European Refugee Fund, as well as the legal framework (e.g. proper implementation of the Article 13 anti-discrimination Directives); successful integration of migrants is one element of achieving social inclusion, for the benefit of the individuals concerned as well as local communities and wider society;
 3. Emphasises that different groups of migrants require different policies for integration; stresses that integration concerns not only newly-arrived migrants but also long-term resident third country nationals and second and third generation migrants, and that this must be taken into account in policy-making;
 4. Emphasises the fact that among the many factors that promote the integration of migrants the question of language skills for men and women, regardless of the employment issue, is a central one, since such skills facilitate the structuring of thoughts, the ability to be autonomous, a better understanding of society and the way in which it is organised and the development and improvement of the interpersonal abilities that foster social cohesion;
 5. Highlights the crucial importance of a gender perspective in immigration and integration matters also in relation to employment; lack of focus on the specific gender problems arising in connection with immigration and integration can have devastating effects for the women involved as well as for society in general, especially the societies in which

these women reside;

The EU's demographic/workforce challenge: managed migration as part of the answer

6. Points to significant international research showing migration trends to be the largest component of population change in much of the developed world; notes that the EU-25 working age population is set to shrink from 303m to 297m by 2020 - and then to 280m by 2030, almost doubling the old age dependency ratio – and that the fall in total employment could have negative effects on economic growth, since economic growth is the result of growth in employment and productivity;
7. Underlines the importance of looking upon immigrants, especially women, as a resource and a generally valuable acquisition for the labour market, to have a pluralistic workforce and a good use of the broad human resources available;
8. Agrees that migratory flows are an inescapable reality that can and must be harnessed to the mutual benefit of host countries and countries of origin; also agrees that managed migration, including temporary migration mechanisms, must be part of the response to EU demographic and economic trends, and their impact on social security systems, but that it cannot be the only solution - for example, significantly higher birth rates are also a major factor; emphasises that migration policies must be developed in parallel with complementary integration measures; underlines that migration cannot be viewed purely in terms of economic potential and that comprehensive policies must therefore also cover social, cultural, religious and political dimensions;
9. Emphasises that good managed migration policies can include the following:
 - realising that skilled workers taking up jobs within the EU does not necessarily lead to "brain-drain" in the countries of origin, since many workers return to these countries using their new experiences for the benefit of their home economies and communities;
 - learning from existing experiences with the Green Card in the USA when formulating policies to make it easier for third country nationals to work temporarily in a Member State, with or without having a job contract in advance; urges, however, that an active recruitment and admission policy for particular vacancies and occupational groups should be coordinated and supported at European level with a long-term perspective; this calls for a thorough forward-looking analysis of the labour market broken down by regions and sectors for each country and in a European context; careful consultation is therefore needed with the social partners and with the institutions responsible for the regional and local labour market;
10. Insists that managed migration cannot mean:
 - side-stepping the reforms of EU labour markets and education/training systems needed to increase employability (including of migrants) and overall adaptability to economic change;
 - "cherry-picking" certain skilled workers/entrepreneurs from developing countries to the extent of risking damage to the economies of the countries of origin;
 - abusing migrant workers under unacceptable conditions; illegal employment is a concern here, where action should be taken to penalise those who profit from such exploitation, not those who are its victims; furthermore, displacement effects are greatest amongst low-skilled workers, leading to social tension while also hampering

- efforts, including in the European Employment Strategy (EES), to boost quality of work across the labour market; or
- forgetting the commitment made in Lisbon 2002 and confirmed in Barcelona 2002 to create more and better jobs, specifically the commitment to bring to a successful conclusion efforts to ensure that the rights of all workers, including migrant workers, to work in conditions which respect their health, safety and dignity become a reality;
11. Takes the view that immigrants working in the hidden economy should be treated in the same way as Member State nationals vis-à-vis the handling of complaints about illegal working;
 12. Emphasises the extraordinarily vulnerable situation of illegal immigrant women working illegally, secretly and in intolerable conditions which prevent them from reporting incidents of violence or discrimination, sexual or otherwise, of which they are victims, since they totally depend on their employer, the people who smuggle them in, or others;
 13. Takes the view that the Member States should take urgent steps to shed light on illegal employment, especially in the domestic help sector, in which, according to its resolution of 30 November 2000¹ on regulating domestic help, a very large number of female migrant workers are employed; considers that a new solution must be found which permits families employing such workers to draw up a legal employment contract entitling them to social security cover;
 14. Stresses that women and minors are the main victims of human trafficking and/or sexual exploitation and they therefore need appropriate protection and assistance; stresses the need to address the issue, to promote measures to prevent trafficking, to eliminate sexual exploitation and to ensure the integration of victims; insists that the Member States should take measures and adopt appropriate legislation so as not to penalise these victims;
 15. Believes that the Member States' managed migration policies must cover the whole range of migration pathways from seasonal/temporary to permanent; as the Commission points out, temporary migration can become permanent and often the greatest overall economic, social and cultural contribution comes from permanent, adaptable and well-integrated migrants;
 16. Points out however that, in the current situation, migrants who have once been admitted are often steered exclusively towards becoming permanent residents: partial adjustments to labour and social law, for example, may be desirable in order to make the voluntary option of temporary residence and return to the country of origin more attractive, which may in turn stimulate development there ('brain circulation' instead of 'brain drain');

Integration and employment

17. Stresses that integration is a matter for society as a whole, and that efforts are needed both from migrants and from indigenous populations in order to achieve genuine social cohesion; particularly emphasises the crucial role of local and regional authorities whose responsibilities for inter alia planning, housing, education and the labour market impact directly on integration and can promote social cohesion, social inclusion and sustainable

¹ OJ C 228, 13.8.2001, p. 193

communities; stresses the importance of supporting such work through the EU Structural Funds and initiatives such as EQUAL and Urban, while also facilitating participation by local and regional authorities in the European debate;

18. Emphasises that intercultural competence is an essential ability in a Europe that is becoming increasingly diverse and that all members of society need to learn to act in heterogeneous and changing environments; calls on the Member States to promote intercultural competence as a standard in education and in public life (politics, the labour market, public service) and make intercultural competence a criterion to be met by government officials as part of their job profile;
19. Notes that admission policies can have a significant impact on the successful integration of migrants; calls in particular in this regard for a consistent definition of "family" throughout the Tampere initiatives;
20. Believes that a European approach to migration, integration and employment must recognise how complex the picture is, for example:
 - marked variations across Member States in the conditions and quality of migrants' jobs but generally poorer than average working conditions (including health and safety conditions) for new and established migrants; lower levels of job security; and pay gaps between migrant and other workers even greater than the EU's gender pay gap, with (for example) migrant workers in London who were nationals of developing countries receiving on average 29% lower pay, in 2001, than host country nationals;
 - over-representation of migrants in low paid jobs;
 - ethnic origin is one of many factors shaping labour market experiences - for example, certain ethnic minority communities in some Member States have a particularly high level of self-employment and entrepreneurship, much of which represents SMEs, which give a large impetus to the labour markets by providing employment; and
 - integration policies and best practice will vary widely for different categories of migrants: for example, new migrants given refugee status will have markedly different needs to established migrants;
21. Underlines that many immigrant women have only derived rights through their husbands in their countries of origin; it is therefore crucial to ensure the individualisation of rights and benefits and an individual legal status for immigrant women and to provide immigrant women with thorough information, training and empowerment strategies on their rights and opportunities in order to promote the possibility of integration in society and in working life;
22. Is concerned that present EU employment rates for immigrants demonstrate that their potential economic and social contribution is not always realised; considers that employment is key to migrants' overall integration; supports proposals to improve successful and stable employment including the spreading of best practice by Member States in education and skills, with particular emphasis on language training for new migrants, building on every individual's personal skills and competences and their experience and qualifications obtained within and outside the EU, providing for a much needed better matching of the skills of individuals and the requirements of the labour markets;

23. Strongly urges measures removing barriers such as discrimination in the workplace, including the use of successful diversity management in the workplace, as practised by some major enterprises and public institutions, to ensure fair recruitment, retention and promotion in the workplace, based on merit and irrespective of racial or ethnic origin or gender; calls for particular attention to be paid to the employment of immigrant women, and for the compilation of statistics broken down by gender;
24. Believes that an active policy of integration of legally resident third country nationals should include the following:
- establishing clear rules governing the legal status of residents and guaranteeing their right to good administration;
 - allowing proper integration on the labour market;
 - the duty of the resident to follow courses in the national language or languages provided by the host country and the right of access to education; recognition of academic qualifications;
 - guaranteeing access to social and health services,
 - efforts to create decent living conditions in cities and in the various districts thereof;
 - ensuring that immigrants can participate in social, cultural and political life;
25. Considers that, in the above-mentioned areas, programmes should be established for initial reception of persons arriving in an EU Member State and that provisions related to the above-mentioned areas in the field of integration policy for second and third generation immigrants should be reviewed in order to align them with the objectives set out in this resolution;
26. Considers the adoption of the directive on long-term residents to be essential with a view to guaranteeing the integration of third country nationals;
27. As unemployment is often higher among women immigrants than among male immigrants, notes that special focus needs to be put on how to better integrate them, make childcare facilities available, as well as special cultural and educational meeting points etc.; if gender is taken into consideration, work on better integrating immigrants will become more focused and thus more effective;
28. Stresses the importance of available and free counselling for immigrant women i.e. counselling and aid centres especially for women, dealing with general and reproductive health, women's rights, employment, etc., and underlines that counselling needs to be gender and culturally sensitive (e.g. run by women with knowledge of countries of emigration in terms of culture, family patterns etc.);
29. Stresses also, in particular, the importance of unconditional and even priority access for immigrant women to education and vocational training, essential prerequisites for real integration into society and working life;
30. Considers that various action programmes have been developed in the Member States, and notably at regional and local level, to address the increasing pluralism of present-day societies, and that the experience acquired by the various authorities in this context should be combined in a common set of achievements in order to facilitate the exchange of best practice, the comparison of results, and the availability of information to the Member States, EU institutions, regional and local authorities and other players involved;

31. Supports the proposals, in line with the open method of coordination, to promote the exchange of information, ideas and experiences regarding the integration and employment of both new and existing immigrants; notes that the European Parliament should have a strong role in this, and that all relevant actors must be involved, including migrants' organisations; at the same time, urges a more ambitious scope for actions e.g. more detailed coverage of migration-related issues in the EES, awareness-raising about migrants' rights and responsibilities, action by the EU Social Partners to improve the appropriate representation and involvement of migrant workers in the private and public sector, in trade unions and work councils and measures to improve the ethnic diversity of staff in the EU institutions and other public administrations;
32. Welcomes the inclusion in the Communication of the concept of civic citizenship, enabling third country nationals legally resident in the EU to enjoy a status conferring on them economic, social and political rights and duties, including the right to vote in local and European elections, but stresses that this means more than implementing legal initiatives; emphasises the importance of civic citizenship for a sense of belonging to a community and thus integration; calls on the Commission to continue to emphasise a need for Member States to ensure that their citizenship requirements are non-discriminatory, particularly taking into account the grounds set out in Article 13 of the Treaty;
33. Stresses that while employment is key to overall integration, other measures are required for those who do not participate in the labour market including children, people caring in the family, and those with health problems; highlights that there are many other ways of fostering participation in society and integration including the promotion of voluntary activities;

The need for a comprehensive, joined-up approach

34. Believes EU cooperation in managing migration, especially in relation to the labour market, is necessary but requires political commitment and leadership; sees the current political climate over asylum and illegal immigration as a possible obstacle to creating cooperation on managed migration and integration policies, but believes EU coordination and the sharing of best practice is highly desirable in achieving the goals of Tampere and Lisbon, while recognising the authority of individual Member States in the area of asylum as well as immigration policy;
35. Urges the Council and the Member States to put the positive case for managed migration, in particular by progressing all the elements of the balanced agenda set out at the Tampere European Council, including those side-lined (e.g. links with developing countries and integration policy) by the more recent emphasis on illegal immigration and asylum-seeking; stresses that the directives agreed so far as part of the Tampere agenda fall far short of the promises made at Tampere and notes that this has important implications for integration; calls on the Member States to explore the view of organisations like the International Organisation for Migration which argue that policies on managed migration, including for employment, are the necessary counter-part to asylum systems reform and action against illegal immigration - without more legitimate economic migration opportunities, the abuse of, and the pressure on, asylum policy and on all illegal forms of migration will not decrease;

36. Considers that action against illegal immigration and trafficking in human beings must not result in a repressive policy directed against illegal immigrants but rather against traffickers and those who benefit from the situation;
37. Stresses the need to look into the causes and consequences of illegal as well as legal immigration and refuge, especially for women immigrants and asylum seekers, who might be emigrating because of gender discrimination or persecution;
38. Urges the Member States periodically to draw up studies and inform the Commission of the illegal and hidden labour market, its impact on national economic activity and the presence of immigrants on the labour market, given that a real prospect of finding a job unquestionably serves as an incentive for illegal immigration;
39. Insists on the need for studies, gender-specific statistics and thematic research on the feminisation of immigration, the role of women in integration and socio-economic discrimination against immigrant women, for example, in order to be able to work on drawing up European and national public policies which take account of the specific implications of gender in migration;
40. Bearing in mind that Member States are responsible for determining the number of third country nationals on their territories, supports the idea of establishing global estimates that also take into account people whose residence has been authorised on grounds other than that of economic activity, such as refugees, people enjoying subsidiary protection and those entering for family reunification purposes, including minors of working age, who must be ensured access to the labour market;

Co-operation and dialogue with third countries

41. Calls on the Council and Member States to improve dialogue with third countries to ensure, inter alia, that the root causes of economic immigration are addressed, and that policies will support development objectives;
42. Also calls on the governments of the Member States to define and cooperate on systems of regulation, qualitative and quantitative, for legal entry to Europe to offer to those countries of origin and transit which experience the main flows of illegal immigration, in order to establish partnerships with a view to drawing up agreements on readmission, management of migratory flows, and the combating of illegal immigration;
43. Calls on the Member States also to conclude agreements with countries of origin so as to guarantee the transfer of immigrants' social security entitlements;
44. Calls for the necessary political and economic instruments at the disposal of the EU to be used effectively to reduce the underlying causes of migration flows and to support cooperation with third countries that have a key role to play in the management of migration;
45. Recalls the Commission Communication on integrating migration issues in the EU's relations with third countries (COM(2002) 703)¹ namely:

¹ Not yet published in OJ

- a balanced overall approach which addresses the root causes of migration movements;
 - a partnership on migration stemming from a definition of common interests with third countries; and
 - specific and concrete initiatives to assist third countries in increasing their capacity in the area of migration management; in this regard, highlights the importance of budget item 19 02 03 (B7-667) for 2004 which provides for a multi-annual programme 2004-2008 to manage all aspects of migration flows;
46. Considers that labour migration policy should be based on efforts to achieve fair national and international labour relations; considers that consultation with countries of origin and local trade unions is therefore necessary; proposes that all this should be regulated by developing an international Code of Conduct; the International Labour Organisation could obviously be accorded an important role in this area;
47. Calls on the governments of Member States to promote a responsible balanced debate, based on accurate, independently researched information on the levels of migration, the positive economic and social contribution of migrants as well as costs and on the way that migration can be one of many solutions to the demographic trends of the EU's declining working age population, a debate involving political leaders, the media, social partners and civil society;
48. Stresses the huge importance of gender mainstreaming in all policy areas of the EU and calls for a much higher recognition of the specific and often devastating problems which women face when immigrating and integrating into a foreign country;
49. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

Policy context

In terms of migration and integration policy, the Commission intends this Communication to fill a policy gap that has developed since the entry into force of the Amsterdam Treaty (May 1999) with its unprecedented new provisions on immigration and asylum policy at EU level. Just a few months later, in October 1999, the European Council in Tampere sought to 'join up' the key elements of migration policy and to make full use of the new EU competences in these areas by setting out a clear and comprehensive framework comprising four aspects:

- partnership with countries of origin;
- a common European asylum policy;
- management of migration flows; and
- fair treatment of third country nationals.

The Commission considers that it has proposed the necessary draft legislation and policy measures to cover all the above - except, as an important part of the last point, issues surrounding the integration of third country nationals in the Member States. This is therefore the subject of the new Communication, in conjunction with arguments about the potential of migration given EU demographic trends and the need for cooperation with countries of origin. It is more questionable whether the Council has played its part in progressing this balanced policy agenda (see under 'Rapporteur's position' below), whilst the Parliament's role has been limited by the Treaties to simple consultation on individual pieces of draft legislation.

In terms of employment and integration policy as regards migrants, the EU competence is very much shared with the Member States under "open method of coordination" type instruments based on national action within a common European framework of guidelines and objectives. Indeed, it is worth noting that policies/measures for both employment and integration involve considerable input from local and regional stakeholders, in contrast to the more nationally determined rules and processes concerning immigration. Related issues are raised - albeit in a rather headline and as yet undeveloped way - in the European Employment Strategy (EES) and the Social Inclusion process. Of particular interest under the EES is the need to address the above average unemployment rate amongst migrants and to realise the potential of both established and new migrants to help combat labour shortages and skills gaps, in the context of efforts to meet the Lisbon and Stockholm targets (that is, by 2010, an overall employment rate of 70%, a female employment rate of 60% and, amongst 55-64 year olds, an employment rate of 50%). Also relevant are financial or other EU initiatives such as the Structural Funds, the EQUAL programme (which addresses discrimination in the labour market and specifically covers asylum seekers) and measures focussed on education, training and enterprise including amongst ethnic minorities and migrants.

An overview of the Commission Communication

In the first section, on immigration as a new dimension to the EU's economic and demographic challenge, the Commission puts the case for migration being part of the response the EU must make to its ageing populations and shrinking workforces. Even if the headline Lisbon target of a 70% employment rate was achieved by 2010 and maintained thereafter, the number of employed people in the EU-25 would be expected to drop by 20m by 2030. Given that neither fertility rate increases nor productivity growth could be expected

to compensate for this, the Commission concludes that managed migration is essential to avoid economic growth dropping off and our established quality of life being reduced.

Under the second section, on the challenge of integration, the Commission argues that integration is a two-way process reflecting the rights and responsibilities of both migrants and receiving societies; and that successful integration measures need to involve migrants and their representatives and must be based on holistic strategies covering:

- integration into the labour market - better recognition of migrants' qualifications and skills, combating discrimination and racism in the labour market and the objective of halving the unemployment rate gap between EU and non-EU nationals by 2010;
- education and language skills - the importance of competence in the language of the receiving society for overall integration;
- housing and urban issues - the 'constraint and choice' factors impacting on where migrants live and the knock-on effects regarding employment and access to services;
- health and social services - the correlation of health problems with poor living and working conditions and the need for services to be more accessible to legally resident migrants;
- the social and cultural environment - the need for politicians and the media to promote balanced perceptions of migrants and their contributions to our societies and economies;
- nationality, civic citizenship and respect for diversity - the principle that rights should increase in line with length of residence and that criteria regarding e.g. nationality should be consistent, transparent and objective.

The Commission also looks at illegal immigration in this section, setting out the associated risks for the individuals in question, legal migrants and receiving societies.

In the final section, the Commission sets out some policy orientations and priorities, including:

- the need to consolidate the legal framework, for progress in Council on proposed legislation (e.g. the draft Directive on admission for employment) and for better implementation (e.g. of the anti-discrimination Directives adopted in 2000 by the 2003 deadlines);
- stronger co-ordination at EU level on migration and integration policies, with particular attention to introduction programmes for new migrants, language training and migrants' participation in civic, cultural and political life - also of relevance here are the pilot projects on integration of migrants that the Commission will launch during 2003, the Action Plan on Community statistics in the field of migration and preparatory actions for the creation of a European Migration Network;
- within the EES, more emphasis on reducing unemployment and increasing job mobility amongst third country nationals, combating undeclared work and addressing labour/skill shortages; peer review of good practice under the employment incentives programme and work by the EU Social Partners in the context of their joint work programme;
- within the Social Inclusion process, closer reporting on measures concerning migrants and a number of studies on related issues;
- more to combat discrimination including a new campaign in 2003 focused on employers and employees, work by the Corporate Social Responsibility Forum and on-going projects by the European Monitoring Centre on Racism and Xenophobia and under the anti-discrimination Action Programme; and
- closer dialogue with countries of origin including on temporary migration mechanisms

and mutual recognition of professional qualifications.

Rapporteur's position

Your rapporteur's prime concern is to emphasise the value of the Tampere agenda - which for the first time joined up the key elements of migration policy in a comprehensive and balanced manner. Tampere was about identifying: the causes of migration; the economic and demographic need for managed migration; solutions to the asylum situation and to illegal immigration; how best to integrate new and settled migrants; and better ways to cooperate with countries of origin. The rapporteur takes the view that this comprehensive approach is essential, rather than concentrating only on certain aspects of the Tampere agenda, such as illegal immigration - which, though a priority for Member States, are integrally linked to other aspects of migration discussed at Tampere and cannot be addressed effectively in isolation.

The purpose of this report is therefore to support and progress the comprehensive approach to managing migration, by clearly linking the EU's migration policy to relations with countries of origin and underlining that better integration of new migrants and settled ethnic minority communities is a vital part of successfully managing migration.

The rapporteur commends the Commission's genuine efforts to maintain and progress the balanced agenda set at Tampere. In contrast, far more movement will be needed in and by the Council of Ministers and the European Council for the potential advantages of action at EU level to be realised and contribute to the EU's efforts under the Lisbon agenda - for example:

- creating a level playing field on which Member States can compete fairly for the 'brightest and best' workers from non-EU countries, especially in a context of shrinking European workforces and growing labour shortages and skills gaps;
- ensuring that migrant workers are also covered by Europe's efforts to improve quality of/in work while also ensuring that they cannot be used as cheap labour to cut corners and gain an unfair, socially irresponsible competitive advantage;
- facilitating exchanges between Member States of information, ideas and experiences regarding integration in order to develop a clearer understanding of what does and does not work; regional authorities and large cities have valuable experience in integration measures, which should be taken into account. The Commission could, for example, consider encouraging the exchange of experience within Member States through the national contact points on integration consulting with regional and local authorities and large cities in order to benefit from their experience; this is especially important as migration flows become more diverse and more global, with Member States receiving new migrants from an ever wider range of countries, not just those with which they share trade or historical/cultural links;
- improving the consistency between migration policies and practices and wider European values, in particular EU development aid objectives - in other words, trying to keep a lid on the "brain-drain", and
- ensuring that any Commission proposals to develop co-operation within the framework of the national contact points on integration are developed in synergy with the existing EU strategies based on the open method of co-ordination, in particular the EES and the Social Inclusion process. Any future EU policy development on integration should not cause confusion or duplication of the current work on streamlining social protection, undertaken by the Social Protection Committee.

However, your rapporteur also believes that the potential for EU action must be considered in a realistic way, recognising different views on both the goals of integration and the most appropriate strategies to achieve it. This debate is inseparable from the need to cooperate with countries of origin and to ensure that migration complements rather than substitutes for improvements in EU labour markets. None of this should inhibit the EU from using its unique levers to support the development of integration policy, and the improved management of migration, which will complement the efforts of Member States who have primary responsibility in this field.

Data sources

The sources used in establishing this report, other than the Communication itself, include:

- a new study by the European Foundation on Living and Working Conditions on migration and industrial relations (14 May 2003)¹
- an overview by Martin Wolf in the Financial Times on "Humanity on the Move: the myths and realities of international migration" (30 July 2003, p.9) and
- papers prepared for the Greek Presidency Conference on Managing Migration, May 2003.

¹ see <http://www.eiro.eurofound.eu.int/2003/03/study/TN0303105S.html>

OPINION OF THE COMMITTEE ON CITIZENS' FREEDOMS AND RIGHTS, JUSTICE AND HOME AFFAIRS

for the Committee on Employment and Social Affairs

on the communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment (COM(2003) 336 – 2003/2147(INI))

Draftsman: Anna Terrón i Cusí

PROCEDURE

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Anna Terrón i Cusí draftsman at its meeting of 10 July 2003.

It considered the draft opinion at its meetings of 21 October and 3-4 November 2003.

At the last meeting it adopted the following suggestions by 17 votes to 11, with 4 abstentions.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman), Robert J.E. Evans (vice-chairman), Johanna L.A. Boogerd-Quaak (vice-chairman), Giacomo Santini (vice-chairman), Anna Terrón i Cusí (draftsman), Alima Boumediene-Thiery, Giuseppe Brienza, Kathalijne Maria Buitenweg (for Patsy Sørensen), Carmen Cerdeira Morterero, Ozan Ceyhun, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Bárbara Dührkop Dührkop (for Martin Schulz pursuant to Rule 153(2)), Margot Keßler, Timothy Kirkhope, Eva Klamt, Alain Krivine (for Fodé Sylla), Baroness Ludford, Lucio Manisco (for Ilka Schröder), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Wilhelm Ernst Piecyk (for Michael Cashman pursuant to Rule 153(2)), Hubert Pirker, Martine Roure, Heide Rühle, Francesco Rutelli, Miet Smet (for Bernd Posselt), Joke Swiebel, Maurizio Turco and Christian Ulrik von Boetticher.

SUGGESTIONS

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the main strands of immigration policy identified by the Tampere European Council (partnership with countries of origin, a common European asylum system, fair treatment of third country nationals and management of migration flows) remain valid today; whereas there is an urgent need for them to be developed on the basis of the

legislative framework provided for in Articles 61 to 69 of the Treaty, in connection with which the Commission has already presented proposals, taking account of Parliament's opinion;

- B. whereas a distinction must be made between those aspects of immigration policy related to the initial reception of new arrivals with a view to facilitating their integration and those related to second and third generation immigrants still facing social, economic or political exclusion;
 - C. whereas, in most cases, illegal residence is the result of people who entered legally into the territory of the Union losing their authorisation;
 - D. whereas clamping down on illegal employment and on those who take advantage of such employment is an integral part of the fight against illegal immigration, whereas facilitated legal access of immigrants to the labour market may reduce both supply of and demand for illegal work;
 - E. whereas issues related to the gender of immigrants in the field of labour market policy must be taken into account; whereas particular attention must be paid to the precarious situation of female immigrants working here illegally, usually as domestic staff;
1. Regrets that the Council has yet to adopt the proposed acts put forward by the Commission and calls on it to take up a position on the Commission's communications at the earliest opportunity;
 2. Considers that action against illegal immigration and trafficking in human beings must not result in a repressive policy directed against illegal immigrants but rather against traffickers and those who benefit from the situation;
 3. Believes that an active policy of integration of legally resident third country nationals should include the following:
 - establishing clear rules governing the legal status of residents and guaranteeing their right to good administration,
 - allowing proper integration on the labour market,
 - the duty of the resident to follow courses in the national language or languages provided by the host country and the right of access to education; recognition of academic qualifications,
 - guaranteeing access to social and health services,
 - efforts to create decent living conditions in cities and in the various districts thereof;
 - ensuring that immigrants can participate in social, cultural and political life;
 4. Considers that, in the above-mentioned areas, programmes should be established for initial reception of persons arriving in an EU Member State;
 5. Considers that provisions related to the above-mentioned areas in the field of integration policy for second and third generation immigrants should be reviewed in order to align them with the objectives set out in this resolution;

6. Considers that various action programmes have been developed in the Member States, and notably at regional and local level, to address the increasing pluralism of present-day societies, and that the experience acquired by the various authorities in this context should be combined in a common set of achievements in order to facilitate the exchange of best practice, the comparison of results, and the availability of information to the Member States, EU institutions, regional and local authorities and other players involved;
7. Considers the adoption of the directive on long-term residents to be essential with a view to guaranteeing the integration of third country nationals;
8. Bearing in mind that Member States are responsible for determining the number of third country nationals on their territories, supports the idea of establishing global estimates that also take into account people whose residence has been authorised on grounds other than that of economic activity, such as refugees, people enjoying subsidiary protection and those entering for family reunification purposes, including minors of working age, who must be ensured access to the labour market;
9. Calls on the Member States to conclude agreements with the countries of origin of immigrants so as to guarantee the transfer of their social security entitlements;
10. Endorses the idea, put forward by the Commission and the Economic and Social Committee, of creating a civic citizenship enabling third country nationals legally resident in the European Union to enjoy a status conferring on them economic, social and political rights and duties, including the right to vote in local and European elections;
11. Urges the Member States to periodically draw up studies and inform the Commission of the illegal and hidden labour market, its impact on national economic activity and the presence of immigrants on the labour market, given that a real prospect of finding a job unquestionably serves as an incentive for illegal immigration;
12. Takes the view that immigrants working in the hidden economy should be treated in the same way as Member State nationals vis-à-vis the handling of complaints about illegal working;
13. Takes the view that the Member States should take urgent steps to shed light on illegal employment, especially in the domestic help sector, in which, according to its resolution of 30 November 2000 on regulating domestic help, a very large number of female migrant workers are employed; considers that a new solution must be found which permits families employing such workers to draw up a legal employment contract entitling them to social security cover.

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

for the Committee on Employment and Social Affairs

on Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment (COM(2003) 336 – 2003/2147(INI))

Draftsperson: Lone Dybkjær

PROCEDURE

The Committee on Women's Rights and Equal Opportunities appointed Lone Dybkjær draftsperson at its meeting of 10 July 2003.

It considered the draft opinion at its meetings of 01-02 October and 03-04 November 2003.

At the last meeting it adopted the following suggestions by 10 votes to 5 with no abstention.

The following were present for the vote Marianne Eriksson (1 vice-chairperson), Olga Zrihen Zaari (2 vice-chairperson), Jillian Evans (3 vice-chairperson), Johanna L.A. Boogerd-Quaak, Armonia Bordes, Chantal Cauquil, (for Geneviève Fraisse), Christos Folias, (for Thomas Mann), Lissy Gröner, Rodi Kratsa-Tsagaropoulou, Astrid Lulling, Maria Martens, Elena Ornella Paciotti, Christa Prets, James L.C. Provan, Amalia Sartori, Miet Smet, Joke Swiebel

CONCLUSIONS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following points in its motion for a resolution:

- having regard to the Charter of Fundamental Rights, applicable to all persons living in the European Union, and particularly Articles 4, 5, 14, 15, 20, 21, and 23,
- whereas women are a not insignificant and substantial majority of immigrants, including those of second and third generation, asylum seekers and illegal immigrants,

- whereas women are the victims of discrimination on the basis of both gender and origin, and stressing that such discrimination also affects second and third generation immigrants, whatever their degree of integration,
1. Notes with concern the complete absence of a gender perspective in the Commission communication; also notes the absence of statistics broken down by gender in the annexes to the Communication;
 2. Highlights the crucial importance of a gender perspective in immigration and integration matters also in relation to employment. Lack of focus on the specific gender problems arising in connection with immigration and integration can have devastating effects for the women involved as well as for society in general, especially the societies in which these women reside;
 3. Underlines the importance of looking upon legal immigrants, especially women, as a resource and a valuable acquisition for the labour market. As unemployment is often high among women immigrants special focus needs to be put on how to better integrate them and combat the discrimination of which they are victims, for example by making courses, training and childcare facilities available etc. If gender is taken into consideration the work with better integrating immigrants will become more focused and thus more effective;
 4. Emphasises the extraordinarily vulnerable situation of illegal immigrant women working illegally, secretly and in intolerable conditions which prevent them from reporting incidents of violence or discrimination, sexual or otherwise, of which they are victims, since they totally depend on their employer, the people who smuggle them in, or others;
 5. Stresses that women and minors are the main victims of human trafficking and/or sexual exploitation and they therefore need appropriate protection and assistance; stresses the need to address the issue, to promote measures to prevent trafficking, to eliminate the sexual exploitation and to ensure the integration of victims; insists that the Member States should take measures and adopt appropriate legislation so as not to penalise these victims;
 6. Underlines that many immigrant women have only derived rights through their husbands in their countries of origin. It is therefore crucial to ensure the individualisation of rights and benefits and an individual legal status for immigrant women and to provide immigrant women with thorough information, training and empowerment strategies on their rights and opportunities in order to promote the possibility of integration in society and in working life;
 7. Stresses the importance of available and free counselling for immigrant women i.e. counselling and aid centres especially for women, dealing with general and reproductive health, women's rights, employment, etc., and underlines that counselling needs to be gender sensitive, culturally sensitive (e.g. run by women with knowledge of countries of emigration in terms of culture, family patterns etc.);

8. Stresses the necessity to look into the causes and consequences of illegal as well as legal immigration and refuge, especially for women immigrants and asylum seekers, who might be emigrating because of gender discrimination or persecution;
9. Insists on the need for studies, gender-specific statistics and thematic research on the feminisation of immigration, the role of women in integration and socio-economic discrimination against immigrant women, for example, in order to be able to work on drawing up European and national public policies which take account of the specific implications of gender in migration;
10. Highlights the crucial importance of special gender focused integration measures, such as the local availability and accessibility of special cultural and educational exchange and meeting points for women, whatever their origin, thorough information dissemination in all languages as well as structured and conscious political support of development and regularity of such meeting points;
11. Stresses also, in particular, the importance of unconditional and even priority access for immigrant women to education and vocational training, essential prerequisites for real integration into society and working life;
12. Stresses the huge importance of gender mainstreaming in all policy areas of the EU and calls for a much higher recognition of the specific and often devastating problems which women face when immigrating and integrating into a foreign country.

6 October 2003

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Employment and Social Affairs

on the Communication from the Commission on Immigration, Integration and Employment
(COM(2003) 336 - 2003/2147 (INI))

Draftsman: Luciana Sbarbati

PROCEDURE

The Committee on Petitions appointed Luciana Sbarbati draftsman at its meeting of 11 September 2003.

It considered the draft opinion at its meetings of 30 September and 1 October 2003 .

At the latter meeting it adopted unanimously the suggestions below.

The following were present for the vote: Vitaliano Gemelli (chairman), Roy Perry (vice-chairman), Astrid Thors (vice-chairman), Mary Elizabeth Banotti (for Richard A. Balfe), Maria-Luisa Bergaz Conesa, Chris Davies (for Luciana Sbarbati), Marie-Hélène Descamps, Janelly Fourtou, Margot Kessler, Jean Lambert and Véronique Mathieu.

SUGGESTIONS

The Committee on Petitions calls the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the suggestions below in its motion for a resolution.

SHORT JUSTIFICATION

1. The Committee on Petitions, and your rapporteur, have had many occasions to deliver their views, on the basis of petitions received, on various aspects of immigration. In numerous opinions, our committee has taken a consistent stand on such matters as entitlement to, and conditions of, residence, the deportation of third country nationals, long-stay visas and common asylum procedures. The present opinion touches on certain ideas we have already outlined on previous occasions.

2. Petitions, which establish direct and informal links between individual members of the public and the European Parliament, can afford considerable insight into the complex issue of immigration - whether legal, as in this instance, or illegal - and asylum seekers. The Committee on Petitions, from its privileged viewpoint, is confronted with the personal, and often tragic, aspects of this influx of humanity, including those literally washed up on our shores. These men and women embody values: first of all, the values inherent in all human beings, but also values related to their respective ethnic, cultural, social or religious identity.

3. We believe that it is only by rejecting a rigidly utilitarian or economic approach that we can see and acknowledge the integrity and right to respect of these incomers, so that they can recognise and acknowledge us in turn.

4. Immigration is a many-faceted problem raising the issues of **entry, housing and civil liberties**: in short, integration into European society.

It is in our own best interests to ensure that these migrant workers, who are often still merely residents, are integrated and thereby turned into citizens. What image of Europe are we projecting to the outside world if, at the point of **entry** into the Union, the Schengen system, instead of helping to create an area of freedom, justice and security, is gradually turning into a formidable instrument of electronic data collection and control?

5. When it comes to **housing** and the social integration of immigrants, we often take a head-in-sand approach, preferring to keep the problem out of sight. In some countries, it is not just first-generation immigrants who are relegated to run-down areas and estates notorious for their endemic violence, ghettos for the marginalised in every sense.

6. Our tendency to concentrate and focus our fears and obsessions - helped by the media - on certain misunderstood aspects of immigrants' cultural and religious identity creates the impression of a culture so alien to our own that it cannot be assimilated into our democratic society. There is a danger that this will create further tensions with the immigrant community and lead them to retreat into their own ethnic identity, thus precipitating the feared 'clash of civilisations' about which so much is written, and of which there is so little evidence.

7. Any attempt to reformulate at European level the approaches adopted at national level to the various aspects of immigration will require closer analysis of the circumstances in which those policies were formulated, including the extent to which immigration has become

a political and electoral issue. Clearly, the fact that the immigration issue has now become a central strand of public policy and debate is not unconnected with the collapse of public confidence in, and acceptance of, traditional political elites disinclined to exploit the language of xenophobia and populism to advance their political ends. Once host countries begin to regard immigrants as an undifferentiated mass rather than recognising the immense diversity of immigrants' backgrounds, experience, culture and status, the solutions they adopt will necessarily be limited and inadequate.

8. When it comes to the question of **freedoms**, we can see that since 11 September 2001, for example, there has been a tendency to see some immigrants, simply by virtue of their religious beliefs or their ethnic and geographical origins as potential (if not inevitable) terrorists or terrorist sympathisers. So the legitimate and necessary action required to avert any form of threat to public order has, in some cases, been taken without due and careful regard to the various provisions of the European Convention on the Protection of Rights and Fundamental Freedoms. The image of the European Union, which is rightly regarded as an area of justice, freedom, and security, has perhaps been damaged by the fact that, last March, a small Member State countenanced the use of disproportionate force, in addition to police brutality and intimidation, to prevent the possibility of a small group (belonging to a religious minority which had itself previously been subjected to a damaging campaign of defamation) committing acts of terrorism, an example of the confused thinking common after the events of September 11.

CONCLUSIONS

(a) Your rapporteur would have liked to see the following key topics developed in the Commission document as part of a genuinely holistic approach to the subject: **civic citizenship; guaranteed core rights and obligations; respect for diversity; action to combat discrimination; women; family; participation in civic, cultural and political life; education** and, indeed, **religion**.

(b) Your rapporteur stresses the need to take these various aspects into account in recognition of the legal traditions and humanist values which are our shared heritage. The tendency to regard immigrants merely as man- (or woman-) power, and to see their potential solely in economic terms, is completely alien to those shared values. Even more dangerous is the tendency shown since the events of 11 September, admittedly only by a minority, to allow all aspects of immigration to be overshadowed by an obsession with security. This could lead to Europe, too, effectively taking the whole immigrant community hostage, as if it inevitably had an active or latent propensity to violence.

(c) Your draftsman, although well aware that the Committee on Employment has not completely covered the vast issue raised by the Commission, supports the rapporteur's text and, while refraining from tabling amendments, wishes her opinion to be taken into account more fully in the final report adopted by that committee.