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REPORT

on the Policy Plan on Legal Migration
(2006/2251(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Lilli Gruber

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Policy Plan on Legal Migration (2006/2251(INI))

The European Parliament,

- having regard to the Commission Communication on the Policy Plan on Legal Migration (COM(2005)0669),
- having regard to the Commission Communication 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 26 February 2007 entitled 'Policy plan on legal migration, fight against legal immigration, future of the European migration network' (CdR 233/2006),
- having regard to conclusions of the European Council presidency of 4-5 November 2004 and the Hague Programme included therein¹,
- having regard to the Commission communication 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 migrants²,
- 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 topic³,
- 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 - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union (COM(2005)0389), and its resolution of 6 July 2006 on strategies and means for the integration of immigrants in the European Union⁴,
- 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 protection⁵,
- having regard to the outcome of the EU-Africa ministerial conference on migration and development, which was held in Rabat on 10 and 11 July 2006,

¹ European Council conclusions, Annex I, point III.

² OJ C 124 E, 25.5.2006, p. 535.

³ OJ C 272 E, 9.11.2006, p. 442.

⁴ Texts Adopted, P6_TA(2006)0318.

⁵ OJ L 199, 31.7.2007, p. 23.

- having regard to the EU-Africa joint declaration on migration and development which was 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 presidency conclusions following the 14-15 December 2006 Brussels European Council,
 - having regard to the ACP-EU Joint Parliamentary Assembly's report on migration of skilled workers and its effect thereof upon national development, which was adopted on 28 June 2007,
 - having regard to the Commission Communication 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 Commission Communication 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 - C6-0143/2007 - 2007/0094(COD)),
 - having regard to the Amsterdam Treaty (pursuant to which powers and responsibilities in the immigration and asylum fields are conferred upon the Community) and 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 EU 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 take part as migrants themselves,
- C. whereas pursuant both to the existing treaties and to the draft new 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 situations of the EU labour markets 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 foresees the extension of the Community procedure to all matters concerning legal immigration, thus eliminating a disparity and improving effectiveness of decision making,
- G. whereas a more comprehensive and inclusive definition of migrants, including the definition on the status of people that are not refugees but cannot however be returned to their country of origin, is needed in order to reflect the developments in the migratory flows,
- H. whereas in the section of the Commission Communication on the Policy Plan on Legal Migration which is entitled 'Knowledge-building and information' it is stated that further studies should be carried out into permits for job-seekers,
- 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 on the part of the EU and its Member States with the 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 spreading the belief that immigration is uncontrolled is wrong,
- L. whereas too restrictive options for legal entry to the European Union indirectly encourages irregular immigration and opening channels for legal immigration will contribute to the fight against illegal immigration and trafficking of human beings,
- 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 for the admission of economic immigrants as from measures on integration,
- O. whereas legal immigration should be accompanied by an effective integration policy; whereas integration is a two-way process involving both immigrants from third countries and Europe's population, whereas the opportunity for the individual to live with her or his partner and children should be facilitated,
- P. whereas in the space of a few decades, immigration has become a central topic of public debate throughout the EU - a topic 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 a correct discourse on this issue,
- R. whereas both causes of immigration and its positive consequences should be more present in 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's, employers' 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 also inform the general public as regards 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 policy plan in order 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;
3. Welcomes the abovementioned communication on 'Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union'; calls on the Member States and the Commission to ensure that sufficient human and financial resources are allocated for 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 in the region concerned;
4. Maintains that illegal immigration cannot be countered 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 migration-related statistics to be essential; expects Regulation (EC) n°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 association 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 as well as the extension of competences in respect of asylum and immigration policies of the Union; 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 work 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 Policy Plan on Legal Migration;
8. Supports the intention of the Commission to define the conditions of entry and stay for other selected categories of economic immigrants, 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 the Commission to make suitable forecasts concerning labour requirements within the EU; highlights that these estimates must take into account also 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 which is provided for in 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 immigration¹;
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 setting-up of an EU Immigration Portal; in this context, welcomes the expansion of the EURES services to support the management of economic migration of third-country nationals;

Proposal for a general framework directive

¹ OJ L 283, 14.10.2006, p. 40.

14. Considers there to be an essential need for a directive designed to provide third-country nationals who are legally employed in a Member State with a common framework of rights, accompanied by the requirement to fulfil a certain number of obligations and insists that such a directive be submitted in advance of the four specific directives;
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/work permit;
17. Also considers that a directive should contain proposals enabling migrants to change their status or their job while remaining in the EU;
18. Agrees that mutual recognition of diplomas and other qualifications is necessary to avoid a loss in terms of income and skills' valorisation for the immigrant as well as for the countries of residence and origin;
19. Considers that measures should be explored in order to investigate the possibility for immigrants to transfer their pension entitlements and their accumulated welfare rights stemming from their employment, for which they were required to pay contributions, when they return to their country of origin;
20. Questions the reference in the policy 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 principle of proportionality and purpose limitation;
21. Supports the ratification by all the 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 aforementioned Commission Communication on circular migration and partnerships for mobility between the EU and third countries; agrees that the damaging effects of 'brain drain' must be avoided, fostering instead 'brain circulation';
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 EU competitiveness; calls, hence, upon the Commission 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 the European 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 EP committees with detailed prior information on the legal base of and budgetary provisions for the project and regular updates on this and similar initiatives envisaged in another third country; supports the idea of applying the same approach in the Eastern neighbour 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 respect the Lisbon targets;to this end, calls on the Commission and the Member States to:

- explore ways to grant them the right to move freely within the EU;
- explore ways to allow them to remain within the EU for limited period after the end of their contract or following redundancy, so that they can look for a job;

29. Supports therefore any simplification measure designed to facilitate the entry of such workers, whilst leaving the defining of specific needs and quotas for economic migrants as a Member State competence;
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 aforementioned 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 a 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; (delete) 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 the case of seasonal work; highlights the importance of local experiences, 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 immigration;

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 under GATS;

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

36. Considers that the paid-trainee category should be clearly defined (age limit, language skills, maximum length of training period, possibility of converting the statute into some other kind of residence permit, etc.) and that checks need to be devised in order to prevent abuse of the statute;
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 resolutions of 9 June 2005 (A6-0136/2005) and 6 July 2006 (A6-0190/2006)¹;
39. Welcomes the holding in Potsdam on 10 and 11 May 2007 of an informal meeting of ministers responsible for integration; points out that the EU's immigration policy must be based on a comprehensive approach reconciling the requirements of the employment market in the Member States, admission and integration policies; considers that a summary of the rights and duties of migrant workers should be drawn

¹ OJ C 303 E, 13.12.2006, p. 845.

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 the 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 of education at the service of peace and non-violence; points out that politicians at all levels should be aware of their responsibility in using a correct discourse on this issue.
41. Invites Member States to apply Directive 2003/86/EC of 22 September 2003 on the right to family reunification¹; 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 immigration into the EU; 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 portal to be created without delay on the Internet;
44. Supports projects designed to set up training and linguistic courses in the country of origin in order to help immigrants to develop skills and better adjust to labour needs in the EU;

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 in order 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 European Commission and Member States to explore ways to facilitate free movement of migrants between the country of residence and the country of origin;
47. Points out that the funds which immigrants remit to their country of origin contribute

¹ OJ L 283, 14.10.2006, p. 40.

to the development of the countries concerned; considers, while ensuring an adequate level of control and security of this transaction, that the cost of transferring remits to countries of origin should be reduced in order to assist development; Stresses 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;

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 situation of immigration in Europe;
49. Calls upon its relevant committee to conduct a close dialogue with its counterparts in the Member States' parliaments which are 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;

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50. Instructs its President to forward this resolution to the Council and the Commission, the Member States' governments and parliaments, the Council of Europe, the UN High Commissioner for Refugees and the International Organisation for Migration.

EXPLANATORY STATEMENT

On the occasion of the October 1999 Tampere European Council the Member States set out the objectives of a consistent, balanced European immigration policy based on four main planks: devising a legal-immigration policy, combating illegal immigration, cooperating with third countries and integrating immigrant workers.

The 11 September 2001 terrorist attacks disrupted the entire world and European agenda and dealt a blow to 'positive' immigration policy, which promptly ground to a halt. Hence at the following European Councils (from Seville in June 2002 to The Hague in November 2004), discussions were almost entirely restricted to the fight against illegal immigration and trafficking in human beings. A few significant legislative instruments designed to combat illegal immigration were certainly introduced, although no success was achieved in the drawing up of a consistent common policy.

It was not until 2006 that - thanks in particular to the constant pressure exerted by Parliament - the topic of legal immigration came up once again for discussion (on the occasion in particular of the November 2006 informal Lahti summit and the Brussels European Council which came after it, in December 2006). For the first time since the Tampere summit, EU cooperation with third countries of origin and transit with a view to the opening up of legal channels reappeared on the agenda. In December the Brussels European Council called upon the Commission to submit a communication on the subject.

The policy plan published in 2005 thus enabled the Commission to offer an initial practical response to the question of legal immigration, following a period of stagnation lasting over five years.

In fact, the Commission had as early as 2001 submitted a proposal for a directive on the conditions of entry and residence for workers from third countries, which - after a number of years of deadlock within the Council - was finally withdrawn by the Barroso Commission.

The proposal¹ was never approved by the Council. In view of the prevailing political climate and on account in particular of 11 September 2001, the Commission thought it better to amend its strategy by taking a step backwards. Hence in January 2005 it launched - by means of a Green Paper - a wide-ranging consultation with a view to determining the approach to be adopted for the purpose of managing economic migration. The outcome of the public consultation revealed a broad consensus in favour of a common EU policy. However, there was some disagreement regarding the approach to be followed and even the Klamt report (which was adopted by Parliament in October 2005) failed to offer a single vision².

Hence the Commission decided to abandon an all-inclusive approach and the idea of a single

¹ Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of paid employment and self-employed economic activities (COM (2001)0386). Terroni Cusi report T5-0050/2003 of 12 February 2003.

² Parliament adopted the Klamt report on the Green Paper (T6-0408/2005 of 26 October 2005).

directive on conditions of entry and residence applicable to all categories of immigrant worker, and adopted a progressive, diversified approach instead: four sectoral directives serving solely to lay down the admission conditions and procedures for specific categories of immigrant. The four proposals will not be submitted at the same time but successively over the next three years. They will apply the following categories:

- highly skilled workers (submission in September 2007)
- seasonal workers (submission in the autumn of 2008)
- paid trainees (submission in the autumn of 2008)
- employees transferred within multinational companies (submission in 2009).

In addition to these four specific proposals the Commission is to submit in September 2007 a general framework directive designed to grant a common body of rights to immigrant workers who are legally employed in a Member State but who have not yet been granted the status of long-term resident¹.

In a final touch to its policy plan the Commission has also recently proposed (in addition to defining 'packages of mobility measures' in cooperation with third countries of origin) creating a European portal by the end of 2007 for the purpose of informing potential immigrants regarding the opportunities for legal employment within the EU and the rules governing admission. In the same vein the Commission intends to open centres in third countries the task of which will be to facilitate access to legal channels and to discourage illegal immigration.

Lastly, it has recently submitted a proposal for a directive and two communications which are directly concerned with legal immigration:

- a proposal for a European Parliament and Council Directive providing for sanctions against employers of illegally staying third-country nationals (COM(2007)0249) final - 2007/0094 (COD),
- a Commission Communication 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 final),
- a Commission Communication 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 final).

Institutional aspect

When on 1 January 2005 the Council finally - after much delay - implemented the EC Treaty provisions which provide for a switch to codecision and to qualified-majority voting in the

¹ Such status is acquired after 5 years, pursuant to Directive 2003/109/EC.

case of 'some or all of the topics under Title IV', the EU ministers unfortunately wished to exclude legal immigration and integration from the scope of that action.

Parliament repeatedly criticised the decision taken by the governments meeting within the Council and called for application of the 'transition clause' provided for in Article 67, including in the case of measures relating to legal immigration and to integration.

If the Constitutional Treaty had been adopted the normal voting procedure would have been extended to the entire sector. It should, however, be noted that the Treaty - reflecting the scepticism of the post-11 September period - contains a new provision which may be regarded as restrictive: in the paragraph added by the Intergovernmental Conference it is stated that European policy 'does not affect the Member States' right to set limits on the entry of third-country nationals (...) to their territory for the purpose of seeking paid or unpaid work'.

In reality it is difficult - even on the basis of the Treaties enforced - to extrapolate from the EU's general powers regarding 'conditions of entry and residence' in order to extract therefrom a specific rule allowing entries to the Member States to be governed by a single set of rules, since such entries are still a matter for the individual Member States.

Any reform of the existing Treaties should ideally involve improvements to, and a simplification of, the decision-making procedures relating to immigration policy.

The rapporteur's position

The rapporteur welcomes the Commission policy plan, which she regards as a first step towards defining a common legal-immigration policy. She regrets, however, that an all-inclusive approach has not been adopted, since that would have enabled minimum rules common to all the Member States and categories of immigrant to be laid down. Devising a common policy is very important in order to ensure that policies which differ excessively from one Member State to another do not deflect migrant flows from their initial destination.

Politicians at both EU and Member-State level must be able to act by going beyond purely electoral considerations and must adopt a comprehensive, integrated approach to immigration policy, as the Commission itself has recently suggested.

This is the background against which the fight against illegal immigration must in future be fought.

The following points should be explored in greater depth:

- Separate adoption of the sectoral directives: the five directives proposed under the policy plan should be regarded as a single 'package'. The proposal for a 'framework directive' on the rights of immigrants who do not yet hold long-term-resident status must be drawn up without delay.
- Proposal for a directive on highly skilled labour: an acceptable balance needs to be struck between courses of action intended to encourage highly skilled workers to come to Europe and the need to prevent a 'brain drain' from developing countries. The Commission's proposal concerning 'circular migration' needs to be studied in great

depth.

- Definition of the 'highly skilled worker' category in the absence of common criteria for the recognition of qualifications.
- The sectors proposed do not appear to be the only ones which require Community action or which require it as a priority; one need only think of, for example, healthcare, catering and the construction industry.
- Assessment of the actual scope for establishing a 'European Green Card' for workers in the sectors affected by the directives (and in other sectors too).
- Bureaucratic formalities to which highly skilled workers are subject: these need to be made more flexible, and this also applies to transfers within multinational companies.
- Consideration must be given - on the basis of specific criteria - to the possibility whereby seasonal workers would be able to exchange their seasonal work permit for a long-term residence permit or a job-seeker's permit.
- Similarly (this time in respect of the proposal for a directive on the conditions of entry and residence for paid trainees), provisions must be made for the issue of a job-seeker's permit upon expiry of the permit issued to cover the training period.
- The proposal put forward by the Commission Vice-President Franco Frattini at the 22 November 2006 Tripoli Conference on Migration and Development concerning the possibility of establishing at EU level 'packages of legal-entry quotas' which would be offered to third countries in exchange for better control over illegal migration and the readmission of illegal immigrants is of major interest. These specific proposals which the Commission is intending to put forward should now be assessed.
- Since unanimity is always required when the Council votes, there is a very real risk (as may be observed in the case of other sectors) that the texts adopted ultimately represent no more than a 'lowest common denominator', which is often the outcome of a cheap compromise which limits the European added value thereof.

8.11.2006

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Civil Liberties, Justice and Home Affairs

on the Policy Plan on Legal Migration
(2006/2251(INI))

Draftsman: Manolis Mavrommatis

SUGGESTIONS

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

1. Believes that mass immigration is a result of failing economies, impoverishment of the population, human rights violations, environmental degradation, the widening gap between rich and poor countries, civil war, wars for control of natural resources, political persecution;
2. Is convinced that the European Union must play a major role in making migration a lever of development and points out that the only adequate EU response to the phenomenon of migration is a strategy at EU level, setting out common objectives and available mechanisms to address common challenges in a spirit of mutual solidarity;
3. Welcomes the Policy Plan on Legal Migration presented by the Commission, but considers that this plan needs to be complemented by an Action Plan on Migration and Development, following the conclusions of the UN High-Level Dialogue on International Migration and Development (14-15 September 2006) and in preparation for the coming Euro-Africa Ministerial Conference on Migration and Development (Tripoli, 22 and 23 November 2006);
4. Points out that immigrants are a source of enrichment for the host countries and insists that this role must be better recognised and promoted; emphasises that the integration programmes of the Member States and the European Union should give more attention to the risk of discrimination against immigrants;
5. Insists that the European Union must carry through a high-level political dialogue with

the countries of the African continent on the subject of immigration, in the form of practical agreements that coordinate those countries' development with EU immigration policy; welcomes the EU-Africa Ministerial Conference on Migration and Development to be held in Tripoli on 22 and 23 November 2006;

6. Calls on the EU and the Member States to implement policies aimed at mitigating the adverse economic and social effects of the brain drain, taking into account the global crisis in human resources for health, with severe health worker shortages in parts of Africa in particular;
7. Calls on the Member States to implement a secure legal status for the immigrants concerned and emphasises the fact that both EU citizens and immigrant workers have rights and obligations which must be respected at all times;
8. Calls on the Commission to integrate the issue of migration systematically into all Country Strategy Papers;
9. Calls on the Commission to assist the Member States' integration policies by means of financial instruments and stresses the need to establish a specific fund enabling co-development measures to be financed and a guarantee fund ensuring the long-term existence of migrants' micro-projects;
10. Supports the new mainstreaming of immigrant integration and affirms that relevant integration policies and measures should be included at all relevant policy levels, European, government, national, regional and local, as a modern consideration in public policy formation and implementation;
11. Stresses the importance of taking due account of the fact that 51 % of immigrants in the industrialised countries are women, and of enabling the equal access of women to the labour market so as to improve the working, living and social conditions of immigrant women and their access to education, health services, language courses and professional training and involve immigrant women's organisations in the framing, application and assessment of policy measures of this kind;
12. Calls on the Member States and the Commission to provide funding for programmes to set up information and guidance programmes for applicants for legal immigration into the European Union in their own countries of origin;
13. Stresses that EU and national legislation on international migration should reflect internationally agreed human rights standards;
14. Welcomes the Commission's proposal to encourage circular migration and seek legally viable structures for this purpose in cooperation with the Member States, with migrants going back and forth between their country of origin and the destination country, thereby making the knowledge and experience they have acquired available to their home country; points out that it is necessary to accompany circular migration with integration measures, such as the transfer of pension claims and all other social security payments between the country of origin and the host country, for outgoing and returning migrants;

15. Stresses that the fight against trafficking in human beings linked to migration must be ensured as an EU priority and that adequate financial resources must be devoted to this action and expresses its concerns over the human tragedies suffered every day at the borders of the Union by people attempting a clandestine entry into EU territory;
16. Supports the establishment of a common application for work and residence permits for all Member States, as well as the issuing of a common work and residence permit in order for immigrants not to be exploited by criminal groups issuing such permits;
17. Supports measures at national and EU level related to awareness raising, anti-discrimination campaigns, information packages for newly arrived economic immigrants, language and civic orientation courses, training, cultural initiatives via appropriate EU funding, such as AENEAS and the future EU integration fund;
18. Stresses 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;
19. Urges all Member States to ratify the International Convention on the Protection of the Rights of Migrant Workers and fully honour their international commitments relating to the protection of migrants and their families;
20. Welcomes the United Nations Secretary-General's proposal to establish an annual, informal non-binding Global Forum on Migration and Development to follow up on the discussions on migration and development and to foster practical, evidence-based cooperation among governments;
21. Stresses the importance of facilitating the reintegration of migrants on their voluntary return to their countries of origin and, in particular, the issue of ensuring the portability of pensions and access to social services, as well as facilitating their access to loans and the setting-up of small businesses;
22. Calls for equal treatment in relation to social security for ACP nationals and considers that the ACP-EU partnership is a particularly appropriate framework for putting forward joint responses to the migration issue, on the basis of Article 13 of the Cotonou Agreement.

PROCEDURE

Title	Policy Plan on Legal Migration		
Procedure number	2006/2251(INI)		
Committee responsible	LIBE		
Opinion by Date announced in plenary	DEVE 26.10.2006		
Enhanced cooperation – date announced in plenary			
Draftsman Date appointed	Manolis Mavrommatis 25.1.2006		
Previous drafts(wo)man			
Discussed in committee	28.8.2006	2.10.2006	6.11.2006
Date adopted	6.11.2006		
Result of final vote	+: -: 0:	15 1 0	
Members present for the final vote	Margrietus van den Berg, Danutė Budreikaitė, Marie-Arlette Carlotti, H��l��ne Goudin, Maria Martens, Luisa Morgantini, Horst Posdorf, Felekna Uca, Elena Valenciano Mart��nez-Orozco, Anna Z��borsk��		
Substitutes present for the final vote	John Bowis, Fiona Hall, Alain Hutchinson, Jan Jerzy Ku��akowski, Manolis Mavrommatis, Csaba ��ry		
Substitute(s) under Rule 178(2) present for the final vote			
Comments (available in one language only)			

22.3.2007

OPINION OF THE COMMITTEE ON CULTURE AND EDUCATION

for the Committee on Civil Liberties, Justice and Home Affairs

on a Policy Plan on Legal Migration
(2006/2251(INI))

Draftswoman: Maria Badia I Cutchet

SUGGESTIONS

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

- A. whereas immigrants' children must be able to enjoy the same educational conditions as the rest of the students in the education system in their host countries, and that a good way of promoting integration would be to have a balanced representation of immigrants at school, by trying to mix them with national students so as to avoid ghettoisation;
- B. whereas, moreover, to make up for adult immigrants' very poor command of the written and spoken language of the host country, it is essential to introduce a concrete policy for their integration;
 - 1. points out that the approach to migration must be coherent in all its aspects, including social, educational and cultural ones, and developed in cooperation with countries of origin;
 - 2. asks Member States to develop policies aimed at facilitating access to and the integration of immigrants and their descendants in the educational system, giving priority to first generation immigrants, in order that second and third generation immigrants can enjoy equal opportunities; and asks the Commission to make use of the possibilities created in EU programmes, especially in 'Europe for Citizens', 'Youth in Action' and 'Culture 2007-2013';

3. recommends that Member States consider establishing, under Community programmes set up for that purpose, such as the Lifelong Learning Programme, specific sub-programmes to help immigrants become integrated in the host country both by studying its history and by learning to write and speak its language;
4. insists on the need to promote the involvement of developing countries in the Bologna and Copenhagen processes, in order to facilitate the recognition of the academic and professional qualifications acquired in those countries and to gradually improve their education systems, thereby making them more attractive for local students;
5. highlights the importance of improving the mobility, quality and efficiency of the EU's education and training systems, and of guaranteeing access to such systems for students from third countries;
6. suggests that Member States support equal opportunities at work and fight lack of security and the informal economy; points out that prior information about immigrants' skills, provided in a transparent and comparable manner, would facilitate their integration in the labour market;
7. welcomes the fact that the Committee on Women's Rights and Gender Equality has expressed an opinion on the Commission's proposal, and emphasises the importance of mainstreaming gender into migration policies; points out, in particular, the importance of ensuring that immigrants entering the EU are aware of the values and existing laws and social conventions on gender equality, so as to avoid situations of discrimination in the host countries' societies which result from a lack cultural awareness;
8. recommends that Member States promote awareness and information campaigns in the countries of origin and the host countries, highlighting the problems related to illegal immigration and the sanctions that are imposed on employers of illegal immigrants;
9. agrees to promote ethical recruitment in order to prevent the brain-drain, which especially affects specific sectors, such as health care, in several African regions;
10. recommends that Member States provide incentives and support to immigrants who are willing to return to their countries of origin, in order to encourage work and training mobility and in order that their respective home countries may benefit from the improved skills of immigrants; disagrees, however, with policies aimed at forced returns, except in cases following express orders by immigration authorities or court decisions;
11. calls for the skills areas clearly at risk from such a brain drain to be formally identified;
12. urges the Commission to offer basic information programmes about the EU in the countries of origin to promote knowledge about and respect for immigrants' rights and duties;
13. considers that the use of new information and communication technologies and a portal website with practical information could contribute to modernising the system of access, exchange and coordination of useful information for potential migrants; the portal

website EURES on labour mobility offers experience of good practices in this field;

14. emphasises that learning the host country's language is a tool to facilitate integration; noting that the Member States' integration policies should be based on the principle that integration is a two-way process, which requires a reciprocal commitment on the part of the host society and the immigrant community, and stresses the importance of learning foreign languages as well as the immigrants' mother tongue as a way to conserve their culture;
15. stresses the need to consider ensuring, during the period of 'integration' in the host country, that in addition to studying the country's history and language, immigrant children are gradually helped to adapt to the curriculum of the class which they will be expected to join on completing their catch-up courses, to facilitate their integration in mainstream schooling;
16. recommends that Member States make, under the "Europe for Citizens" programme, targeted and effective reception arrangements to provide adult literacy courses for immigrants, as it will not be possible to make a success of integration without such measures;
17. agrees with the need to regulate and monitor the status of paid immigrant trainees to guarantee compliance with the Member States' laws against all forms of abuse; welcomes the possibilities provided for immigrants by the Leonardo Programme;
18. suggests that Member States facilitate the entry and residence of seasonal workers, taking into consideration the temporary nature of this category of immigrants, according to the requirements of the respective economic sectors; considers that the lack of freedom, and the fear experienced by illegal seasonal workers of not being able to re-enter the host country legally, would thereby be prevented;
19. stresses the importance and responsibility of the local, national and international media, not only in informing the host society but also in transmitting information to potential emigrants in their home countries, given the considerable impact of an image that reflects the reality of the migration phenomenon;
20. reiterates that the celebration of 2008 as the year of intercultural dialogue must contribute to improving the integration of immigrants in the 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 of education at the service of peace and non-violence;
21. encourages Member States to take full advantage of the corresponding funds and the new Community financial instruments, so as to activate this policy plan on legal migration;
22. stresses the importance, at international level, of the principle of free movement of persons and ideas as a fundamental value of European culture; urges the Commission and the Member States to take practical measures to safeguard this heritage so as to

raise the awareness among the European public and economic players of the added value of legal immigration;

23. calls on the Commission to introduce co-development measures to encourage migrants to contribute to the development of their home countries.

PROCEDURE

Title	Policy Plan on Legal Migration
Procedure number	2006/2251(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	CULT 26.10.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Maria Badia i Cutchet 14.11.2006
Previous drafts(wo)man	
Discussed in committee	27.2.2007 22.3.2007 0.0.0000
Date adopted	22.3.2007
Result of final vote	+: 27 -: 0 0: 0
Members present for the final vote	Maria Badia I Cutchet, Ivo Belet, Giovanni Berlinguer, Marie-Hélène Descamps, Jolanta Dičkutė, Věra Flasarová, Milan Gaľa, Vasco Graça Moura, Lissy Gröner, Luis Herrero-Tejedor, Ruth Hieronymi, Bernat Joan i Marí, Sándor Kónya-Hamar, Manolis Mavrommatis, Marianne Mikko, Viorica-Pompilia-Georgeta Moisuc, Ljudmila Novak, Zdzisław Zbigniew Podkański, Christa Prets, Pál Schmitt, Gheorghe Vergil Șerbu, Nikolaos Sifunakis, Thomas Wise, Tomáš Zatloukal
Substitute(s) present for the final vote	Giusto Catania, Mario Mauro, Nina Škottová
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

28.2.2007

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

for the Committee on Civil Liberties, Justice and Home Affairs

on a policy plan on legal migration
(2006/2251(INI))

Draftswoman: Marie Panayotopoulos-Cassiotou

SUGGESTIONS

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

- A. whereas legal economic migration may enable Europe's economy to achieve further growth and to become more competitive and may make a partial contribution to meeting the challenges of demography in the host countries,
 - B. whereas immigration (the roots of which now go back several generations) is an integral part of the EU landscape,
 - C. whereas migrant women suffer from compound discrimination based on their sex and their origin,
 - D. whereas legal migration can reduce the economic gap between countries of origin and host countries as a result of increased incomes, improved skills and raised awareness of democratic values and practices,
 - E. having regard to the rapid process of feminisation in respect of legal and illegal migration in recent years,
 - F. whereas women are faced with a two-fold risk, namely exploitation as workers and gender discrimination,
1. Observes that questions of equality between men and women are mentioned only vaguely in the Communication on a policy plan on legal migration and calls on the Commission and the Member States to mainstream gender into future legislative proposals concerning legal immigration and into the Member States' immigration and integration policies;

2. Points out that immigration data (if possible broken down by sex) and the in-depth study and analysis of such data have an important role to play in ensuring that immigration and integration policies are better adapted to the situation of immigrant women;
3. Points out that the success of legal-immigration policies depends upon the adoption of a comprehensive approach based on the one hand on adaptation to the differing needs of the individual Member States' labour markets and on admission and integration policies which confer social and economic rights on legal migrants (both men and women), and - on the other hand - on the upholding of rights and the sharing of obligations between those migrants and the host society;
4. Stresses that integration is a two-way process involving both the willingness of migrants to accept responsibility for integrating themselves into the host society and the willingness of EU citizens to accept and integrate migrants; considers that, in this context, integrated measures must be devised and implemented with a view to influencing the behaviour both of migrants and of host societies at all relevant levels and with a view to marshalling resources on both sides;
5. Calls upon the Member States to ensure that their national employment and social-integration action plans include measures designed to regularise and promote the participation of legal migrants (in particular women) in the employment market under terms and conditions comparable to those applicable to Community nationals, to ensure that the social, economic and fundamental rights of such migrants (such as equal treatment and equal pay, entitlement to social benefits and to a pension, and access to healthcare and decent housing) are upheld, to encourage the entrepreneurial spirit and to promote the role of the social partners and the trade unions in the social and economic integration of migrants, in particular women migrants;
6. Calls upon the Member States to put into practice policies and programmes designed to promote the effective integration of migrants (both men and women) through acquisition of the language of the host country and familiarisation with - and respect for - the law, culture, traditions and values of the Member State concerned and of Europe as a whole – although this must be without detriment to the language and the traditions of the country of origin, which migrants must have the possibility of safeguarding;
7. Considers that facilitating family reunification as a factor contributing to social and economic integration must be an essential ingredient in legal-immigration policies;
8. 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;
9. Calls upon the Member States to facilitate access by young migrants (in particular migrant women) to education and training systems in the host countries and to promote their participation in the 2007-2013 Lifelong Learning Programme; considers it especially important that the vocational qualifications of migrants should be recognised in accordance with Community and Member-State rules and that immigrants should be granted access to language training in order to enable them to integrate more successfully;

10. Encourages the Member States to combat irregular immigration and illegal working, both of which lead to the development of mafia networks which prey in particular on women and children in vulnerable situations;
11. Encourages the Member States to take full advantage of all the Community financial instruments available (European Social Fund, ERDF, EQUAL Initiative, DAPHNE Programme, PROGRESS Programme, General Solidarity and Migration-Flow Management Programme, etc.) in order to facilitate the social and economic integration of legal migrants by paying particular attention to the situation of women, especially those who have family obligations and those who are more vulnerable to exploitation, abuse and violence; calls for information about human rights and, in particular, women's rights to be translated into the language of the country of origin (in cooperation with that country) and to be provided to every worker on his or her arrival in the host country;
12. Encourages the Member States (in connection with the European Year of Equal Opportunities for All) to conduct public-awareness campaigns relating to migrants;
13. Recommends that the Member States and the Commission optimise and support the contribution made by NGOs and migrants' associations to the integration of migrants and their full participation in the social and economic life of the host country;
14. Calls upon the Member States to promote the involvement of migrants in social and political organisations;
15. Calls upon migrants' organisations to encourage their women members (and also their families) to strive actively for integration and to take advantage of the integration opportunities offered by the host countries with a view to supporting efforts relating to integration within host societies; points out that national, regional and local authorities must maintain a more intense and open dialogue for communication and cooperation with migrant communities and networks; draws attention to the role played by NGOs in offering advice, information and support to migrants, in particular migrant women;
16. Calls upon the Council, the Commission and the Member States to take all necessary action in order to protect the rights of migrant women and girls and to combat the discrimination which they experience in their communities of origin, including the rejection of any form of cultural and religious relativism which may infringe women's fundamental rights, with action to be taken in particular against female genital mutilation, forced marriage, polygamy, 'honour crimes' and any kind of violence and discrimination against immigrant women; calls for funding to be made available for the provision of free advice to immigrant women concerning women's rights, health, sexual and reproductive rights, employment and other related matters;
17. Encourages the EU and its Member States to establish close partnerships with countries which have a significant outflow of emigrants, to promote the dissemination of information concerning jobs available at European level (in particular by means of the EURES network) and to provide applicants with comprehensive information concerning legal opportunities for immigration, rights and duties in the host country and the recognition of certificates and qualifications in order to prevent a 'brain drain' and ensure that migrants (women in particular) do not work in jobs for which they are overqualified

and/or in the host country's informal economy;

18. Stresses that such partnerships should also involve informing migrants (especially women) and making them properly aware of the phenomenon of trafficking in human beings and of the various forms of exploitation (sexual and other);
19. Points out that the Member States' immigration policies must help to outlaw violence and discrimination targeted in particular at migrant women and children;
20. Stresses that development-cooperation policy should supplement integration and legal-migration policies and contribute in the long term to regulating and controlling migrant flows, in particular by helping to prevent trafficking in and the sexual exploitation of human beings (especially women and children) and by creating social and economic conditions which will enable legal migrants (both men and women) to return to their country of origin and to use the knowledge which they have acquired abroad.

PROCEDURE

Title	A policy plan on legal migration
Procedure number	2006/2251(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	FEMM 26.10.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Marie Panayotopoulos-Cassiotou 6.11.2006
Previous drafts(wo)man	
Discussed in committee	24.1.2007 27.2.2007
Date adopted	27.2.2007
Result of final vote	+: 19 -: 0 0: 1
Members present for the final vote	Edit Bauer, Hiltrud Breyer, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Zita Gurmai, Esther Herranz García, Lívia Járóka, Rodi Kratsa-Tsagaropoulou, Urszula Krupa, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Marie-Line Reynaud, Teresa Riera Madurell, Amalia Sartori, Eva-Britt Svensson, Britta Thomsen, Corien Wortmann-Kool, Anna Záborská
Substitute(s) present for the final vote	Marusya Ivanova Lyubcheva
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	12.9.2007
Result of final vote	+ : 49 - : 1 0 : 0
Members present for the final vote	Alexander Alvaro, Alfredo Antoniozzi, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giusto Catania, Carlos Coelho, Fausto Correia, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Kinga Gál, Roland Gewalt, Lilli Gruber, Adeline Hazan, Jeanine Hennis-Plasschaert, Ewa Klamt, Roger Knapman, Magda Kósáné Kovács, Barbara Kudrycka, Esther De Lange, Henrik Lax, Roselyne Lefrancois, Sarah Ludford, Dan Mihalache, Claude Moraes, Javier Moreno Sánchez, Martine Roure, Inger Segelström, Søren Bo Søndergaard, Károly Ferenc Szabó, Vladimir Urutchev, Manfred Weber, Tatjana Ždanoka
Substitute(s) present for the final vote	Inés Ayala Sender, Edit Bauer, Simon Busuttil, Charlotte Cederschiöld, Gérard Deprez, Iratxe García Pérez, Ignasi Guardans Cambó, Sophia in 't Veld, Carlos José Iturgaiz Angulo, Metin Kazak, Jean Lambert, Antonio Masip Hidalgo, Hubert Pirker, Rainer Wieland
Substitute(s) under Rule 178(2) present for the final vote	Vincenzo Aita, Iles Braghetto

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