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Policy Plan on Legal Migration

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1. INTRODUCTION

The Hague Programme, endorsed by the European Council on 4-5 November 2004, stressed the importance of having an open debate on economic immigration at EU level, which – together with the best practices in Member States and their relevance for the implementation of the Lisbon strategy – should be the basis for "*a policy plan on legal migration including admission procedures capable of responding promptly to fluctuating demands for migrant labour in the labour market*[1]", to be presented by the end of 2005. This document represents the Commission's response to this European Council's request.

On 11 January 2005 the Commission adopted a *Green Paper on an EU approach to managing economic migration*[2] to fulfil its political mandate and launch a process of in-depth discussion on the most appropriate Community rules for admitting economic immigrants and on the added value of adopting such common measures. The response to the public consultation revealed a significant political interest in this matter[3] The European Parliament, the European Social and Economic Committee and the Committee of the Regions have also adopted their respective opinions[4]. A public hearing was held on 14 June 2005.

The analysis of the contributions showed a general support for a common EU policy for economic immigration, albeit with important differences in the approaches to be followed and in the expected end result. The issues raised and the suggestions put forward represent a good basis for the elaboration of this document.

Building on the existing framework, this Policy Plan defines a road-map for the remaining period of The Hague Programme (2006-2009) and lists the actions and legislative initiatives that the Commission intends to take, so as to pursue the coherent development of EU legal migration policy[5]. It also responds to the Commission's Lisbon programme adopted in July 2005.

1.1. The political context

Over the past decades, worldwide migration flows have been growing considerably[6]. Economic differences between, and demographic changes within, developed and developing countries, on a background of trade, political problems and instability in countries of origin, have all contributed to a steady increase in workforce mobility.

Given the evolving EU economic and social situation, the international context and the likely growth of immigration in the future, an agreement on common EU rules covering the broad spectrum of migration issues is necessary in order to ensure an efficient management of migration flows both toward and inside Europe, as confirmed by the October 2005 Communication on *European values in the globalised world*[7].

It must be noted that whilst decisions on admission numbers for economic immigrants entering the EU in order to seek work are the responsibility of the Member States, it is clear

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1 European Council conclusions, Annex I, § III 1.4

2 For details of all instruments referred to in this document, see bibliography

3 http://europa.eu.int/comm/justice_home/news/consulting_public/economic_migration/news_contributions_economic_migration_en.htm

4 EP: A6-0286/2005; SOC/199 (CESE 694/05); ECOS-045

5 Since 1999, 4 directives – based on Art. 63 (3) and (4) EC – containing provisions on access to work (long-term residents, family reunification, students, researchers) and several Communications have been adopted

6 ILO report 2004; World Bank report 2005; EU Economy 2005 review

7 COM(2005)525

that the admission of third-country nationals in one Member State may affect others and their labour markets. Moreover, the ongoing deliberations on future policies must also take into account the Community preference principle and duly consider discussions on the transitional measures presently affecting the freedom of movement of the citizens of the new Member States and their political and economic impact.

An effective migration policy cannot be limited to instruments for the admission of immigrants. Other equally important legislative and operational measures are necessary, as immigration represents a complex phenomenon that needs to be addressed coherently across all its dimensions. Admission of economic immigrants is as inseparable from measures on integration on the one hand, as it is from the fight against illegal immigration and employment, including trafficking, on the other. It is in this context therefore that the EU must intensify its efforts to reduce the informal economy, a clear "pull factor" for illegal immigration, as well as a catalyst for exploitation. Given the importance of this issue, a separate Communication on future priorities in the field of illegal immigration will be issued by April 2006.

This paper therefore puts forward initiatives to be developed in all these areas, including on cooperation with countries of origin. In the development of the various initiatives, due attention will be paid to gender issues, with a view to protecting the most vulnerable groups.

1.2. The Lisbon Agenda and demographic trends

With regard to economic immigration, the current situation and prospects of EU labour markets can be broadly described as a "need" scenario. Some Member States already experience substantial labour and skills shortages in certain sectors of the economy, which cannot be filled within the national labour markets. This phenomenon concerns the full range of qualifications - from unskilled workers to top academic professionals.

Eurostat projections[8] indicate that in the EU "*population growth until 2025 will be mainly due to net migration, since total deaths will outnumber total births from 2010. The effect of net migration will no longer outweigh the natural decrease after 2025*". This will have serious repercussions on the number of employed people in the EU25, as "*the share of population of working age* […] *in the total population is expected to decrease strongly, from 67.2% in 2004 to 56.7% in 2050, a fall of 52 million* […]". The decline in the total population is expected by 2025 and in the working age population by 2011. Some Member States (Germany, Hungary, Italy, Latvia) are already experiencing a decline in the working age population, while in others it will happen later (i.e. Ireland from 2035). These demographic trends will not affect all Member States to the same degree, but they are trends that should be addressed in a coordinated and effective way.

Immigration does not provide in itself a long-term solution to falling birth rates and an ageing population, but it is one of the available tools within a broader policy mix. In consideration of the low employment and high unemployment rates in many EU countries[9], priority must be given to actions toward attracting more EU citizens and legally resident migrants to employment, with the aim of fulfilling the objectives of the New Lisbon Strategy for Growth

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[8] The Eurostat set of population projections is one among several scenarios of population evolution based on assumptions of fertility, mortality and migration. The trend scenario does not take into account any future measures that could influence demographic trends and comprises four variants: the 'baseline' variant, the results of which are presented here, as well as 'high population', 'low population' and 'zero-migration' variants. Data from STAT/05/48

[9] The EU25 seasonally adjusted unemployment rate was 8.6% in September 2005 (as in August) ranging from 4.3% (IE) to 17.7% (PL). It was 9.0% in September 2004 (Eurostat: 141/2005)

and Jobs, in particular the employment guidelines[10]. In the short to mid-term, labour immigration can – as part of Lisbon Strategy's comprehensive package of measures aimed at increasing the competitiveness of the EU economy – positively contribute to tackling the effects of this demographic evolution, and will prove crucial to satisfying current and future labour market needs and thus ensure economic sustainability and growth.

2. LEGISLATIVE MEASURES ON LABOUR IMMIGRATION

The public consultation which was undertaken confirmed the need to develop EU common rules in this field and it also provided the Commission with a useful basis on which to put forward balanced and realistic proposals.

The public consultation drew the attention to possible advantages of a horizontal framework covering conditions of admission for all third-country nationals seeking entry into the labour markets of the Member States. However, the Member States themselves did not show sufficient support for such an approach. Moreover, there is the need to provide for sufficient flexibility to meet the different needs of national labour markets. Therefore, it is deemed more appropriate to attain the objectives of transparency, effectiveness of EU legislation and non-discrimination through a targeted set of several complementary measures – a general framework directive and four specific instruments. This package aims thus to develop non-bureaucratic and flexible tools to offer a fair, rights-based approach to all labour immigrants on the one hand and attracting conditions for specific categories of immigrants needed in the EU, on the other.

Unlike the 2001 proposal for a directive on economic migration – which intended to regulate the entry and residence conditions for all third-country nationals exercising paid and self-employed activities – this package only addresses the conditions and the procedures of admission for few selected categories of economic immigrants. In addition, it intends to establish which rights a third-country national in employment shall enjoy once he/she has been admitted to the territory of a Member State.

These proposals will be preceded by discussions and consultations with the relevant experts. The economic impact on employment and growth will also be taken into account.

This package is not exhaustive. If appropriate, additional proposals may be presented in areas where further examination is needed (e.g. to address those situations where personal contacts between economic immigrants and future employers are a pre-requisite for hiring, or to regulate the self-employed, etc).

2.1. General framework directive

With the exception of the single application for a joint permit, this instrument will not address admission conditions and procedures for economic immigrants, which will be laid down in the specific instruments. It will also not affect the application of the Community preference[11] principle.

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[10] Council Decision of 12 July 2005 on guidelines for the employment policies of the Member States

[11] *Member States will consider requests for admission to their territories for the purpose of employment only where vacancies in a Member State cannot be filled by national and Community manpower or by non-Community manpower lawfully resident on a permanent basis in that Member State and already forming part of the Member State's regular labour market* (Council Resolution of 20 June 1994, in connection with Council Regulation (EEC) n°1612/1968). It should be noted that the Treaties of Accession of 16 April 2003 and 25 April 2005 give preference to workers who are nationals of the

The main purpose of this horizontal instrument is to guarantee a common framework of rights to all third-country nationals in legal employment already admitted in a Member State, but not yet entitled to the long-term residence status. This would not only be fair toward persons contributing with their work and tax payments to our economies, but would also contribute to establishing a level playing field within the EU. In this context, the question of recognition of diplomas and other qualifications should be addressed to avoid the situation where immigrants work well below their competences, a loss in terms of income and skills' valorisation for the immigrant as well as for the countries of residence and origin.

A single application for a joint work/residence permit – held by the worker and containing the most advanced biometric identifiers – could be proposed. While not significantly affecting national internal procedures, it would simplify procedures for immigrants and employers. In order to limit abuses and to fight against illegal employment, the financial responsibility of the employer could be engaged, as in the researchers directive. The validity of such a document should be inextricably linked to the existence of a legal work contract; exceptions to this principle could be foreseen under specific conditions of nationals labour markets, and will be addressed in the specific directives.

2.2. Four specific directives

It was examined whether to propose specific schemes for precise sectors of the economy or for broad categories of immigrants. In the present situation and given the differences between Member States in terms of demographic forecasts, social conditions and labour market structures, trends and needs, it was not deemed economically and socially efficient to address any specific sector, as this could result in an unwanted stiffening of national labour markets. On the other hand, the public consultation clearly identified categories of workers for which common needs and interests exist. The intention is also to strike a balance between the interests of certain Member States – more inclined to attract highly skilled workers – and of those needing mainly seasonal workers. These instruments will be complementary to the framework directive and will only address paid workers.

As a general principle, admission should be conditional on the existence of a work contract and on the "economic needs test". Exceptions may be necessary for declared structural/temporary needs in certain sectors/occupations/regions. International commitments entered into by the EC, or by the EC and its Member States, notably under the Common Commercial Policy, will need to be respected. Moreover, ethical recruitment should be considered for sectors particularly vulnerable to brain drain: for example, the global crisis in human resources for health, with severe health worker shortages in parts of Africa in particular, which are compounded by the brain drain, requires a comprehensive and coherent approach to ethical recruitment of health workers[12].

2.2.1. A proposal for a directive on the conditions of entry and residence of highly skilled workers[13]

The vast majority of Member States need these workers, because of shortfalls in the labour markets pool of highly qualified workers. Furthermore, recent studies highlight for example that 54% of Med-MENA first-generation immigrants with a university degree reside in Canada and the USA, while 87% of those having a lower than primary, a primary or a

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Members States over workers who are nationals of third countries as regards access to Member States' labour markets

12 COM(2005) 642

13 Other than researchers

secondary level education are in Europe[14]. In response to this situation a common special procedure to quickly select and admit such immigrants, as well as attractive conditions to encourage them to choose Europe could be devised. In this respect, it will be further evaluated whether to include intra-EU mobility or to opt for a more ambitious proposal, i.e. an EU work permit (EU green card), issued by one Member State but valid throughout the EU, on the understanding that rules regulating access to the national labour markets will be fully respected.

Fluctuating demands for migrant labour[15] can only be met by flexible facilitated procedures. The proposal could then provide for an opening clause, applicable when there is a need for certain categories of workers other than highly skilled (i.e. qualified workers) or a lack of manpower in certain regions. The only obligation would be to report through the mutual information system on immigration and asylum.

2.2.2. A proposal for a directive on the conditions of entry and residence of seasonal workers

Seasonal workers are regularly needed in certain sectors, mainly agriculture, building and tourism, where many immigrants work illegally under precarious conditions. The scheme will propose a residence/work permit allowing the third-country national to work for a certain number of months per year for 4-5 years. Entry and exit stamps should prevent abuses.

The aim is to provide the necessary manpower in the Member States while at the same time granting a secure legal status and a regular work prospective to the immigrants concerned, thereby protecting a particularly weak category of workers and also contributing to the development of the countries of origin[16]. Even in presence of high unemployment, this category of immigrant workers rarely conflict with EU workers as few EU citizens and residents are willing to engage in seasonal activities.

2.2.3. A proposal for a directive on the procedures regulating the entry into, the temporary stay and residence of Intra-Corporate Transferees (ICT)

This scheme will set out common procedures to regulate the entry into, temporary stay and residence in the EU of ICT. These procedures will be without prejudice to international commitments entered into by the EC or by the EC and its Member States. In order to enable the reallocation of international companies' key personnel and specialists within Europe, intra-EU mobility of ICT should also be addressed, as it would be a clear added value of the EU intervention.

2.2.4. A proposal for a directive on the conditions of entry and residence of remunerated trainees

This is a particular category of persons in training for which no common rules exist (unlike for unremunerated trainees[17]): it is therefore important to fill in this legislative gap. Allowing third-country nationals to acquire skills and knowledge through a period of training in Europe can be a way to encourage brain circulation, beneficial for both the sending and receiving country. Safeguards will be necessary to avoid abuses, i.e. trainees who are in reality underpaid temporary workers.

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14 CARIM 2005 Report (p. 21)
15 See note 1
16 COM(2005)390
17 Directive 2004/114/EC

2.3. Other legislative measures

All legal immigration and asylum directives contain provisions regulating access to work for the third-country nationals concerned[18]. After evaluation, proposals for amendment could be put forward with a view to achieving further harmonisation, even before the mid-term review foreseen in the respective texts.

3. KNOWLEDGE BUILDING AND INFORMATION

Consulted stakeholders clearly stressed the added value of EU action to ensure a better access to, exchange and dissemination of information on various aspects of migration. They also acknowledged the importance of fostering policy debate and knowledge building. Hence, a number of tools will be developed in the next years, to achieve a substantial improvement in access, exchange and co-ordination of available information. The list of actions presented is not exhaustive, complementary activities may be envisaged.

3.1. Information and policy debate

An EU Immigration Portal – containing EU policies and acquis, news and information, as well as links with the relevant national websites, the EURES network, the future EU integration website, relevant research results at EU and international level, etc – will be set up by the end of 2007. Specific information campaigns on the EU policies on immigration will be carried out, together with further studies, in particular on job-seekers permits and highly skilled systems.

Targeted EU activities will support the debate and exchange of experiences among stakeholders. The 2006 European Year of Workers Mobility and the 2007 European Year of Equal Opportunities for All will identify, discuss and address significant issues related to third-country immigrants.

Besides monitoring the implementation of the existing legal instruments, the Commission will support national and EU level awareness raising, information and training initiatives.

3.2. The European Job Mobility Portal (EURES)

The consultation process highlighted that the services provided via the European Job Mobility Portal and the EURES[19] network to foster mobility of EU nationals could also support the management of economic immigration of third-country nationals. In this context, the forthcoming revision of the EURES Guidelines will provide a relevant framework to adapt and expand services made available via the portal, to respond to some of the information needs examined above (e.g. provide regular information on employment opportunities in Europe, EU labour market trends, etc), optimising synergies with the future EU immigration portal and the European Researchers' Mobility portal[20]. The new Guidelines 2007-2010 will provide a medium-term horizon to implement the necessary adaptations.

3.3. The European Migration Network (EMN)

EMN goal was to provide the EC, its Member States and in the longer term the general public, with objective, reliable and comparable information on migration and asylum[21]. The analysis

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18 Annex III

19 http://europa.eu.int/eures

20 http://europa.eu.int/eracareers

21 Laeken European Council

of the results of the public consultation on the Green Paper on the future of the EMN[22] will identify the future priorities, develop adequate structures and take the necessary steps to ensure the satisfactory delivery of results, in order to improve available information. A reflection on how to better streamline the various present and future EC networks and sources of information on migration will be carried out in this context.

4. INTEGRATION

The 2003 Communication on *Immigration, Integration and Employment* stressed that access to the labour market is crucial for the integration of third-country nationals. The 2005 Communication on *a Common Agenda for Integration*, which the Commission will actively follow up, put forward a framework for the integration of third-country nationals in the EU. The orientations contained in this Communication have been supported by the Council in its conclusions on a common agenda for integration adopted in December 2005.

As integration cuts across various fields, including employment, urban policies and education, the Commission will ensure joint efforts to coherently reflect integration priorities across a range of policies. Among measures recommended in various relevant areas[23] are reinforcing of the capacity of introduction programmes and activities for legal immigrants and their dependants. They should include information packages for newly arrived economic immigrants, as well as language and civic orientation courses aimed at ensuring that immigrants understand, respect and benefit from common European and national values. Education, training and cultural initiatives will continue to support integration processes.

The EU assists Member States' integration policies via financial instruments, such as the Preparatory Actions for integration of third-country nationals INTI. Under the financial perspectives 2007-2013, the Commission proposed a new targeted solidarity instrument, the European Fund for the Integration of third-country nationals. Its objectives – complementary to the European Social Fund (ESF) – are related to challenges identified with respect to third-country nationals, and are based on Common Basic Principles on Integration agreed by JHA Council in November 2004.

A specific priority of the draft ESF regulation for 2007-2013 is to increase immigrants' participation in employment and strengthen their social integration. In this respect, the Commission intends to give particular attention to ensure that effective action and adequate resources are devoted to this priority. The negotiation of the Strategic National Frameworks – and corresponding operational programmes – will be the institutional vehicle to ensure that in the coming years EU funds will be effectively used for this purpose. The European Regional Development Fund may also support certain integration measures.

5. COOPERATION WITH COUNTRIES OF ORIGIN

A clear outcome of the consultation was the need to enhance collaboration with third countries on economic migration and to develop initiatives offering "win-win" opportunities to countries of origin and destination and to labour immigrants. One possible action is monitoring migration of skilled workers from developing countries to the EU so as to identify sectors and countries of origin subject to significant brain drain. Discussions within the EU and with these countries should take place to seek possible solutions. Furthermore, the Commission, mindful of the importance of providing more comprehensive information in the

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22 COM(2005)606

23 For details: COM(2005)389

Countries of origin on the possibilities and conditions for legal immigration to the EU, intends to take the necessary steps to enlarge the sources of information presently available.

Other initiatives could be put forward in the following areas and the EU may provide adequate financial support where possible.

5.1. Instruments to support circular and return migration

The Communication on *Migration and development* highlighted the importance of facilitating return migration and circular migration. Its follow-up – also by specific measures – can contribute significantly to the development of an EU economic migration policy. The Directive on the status of long-term residents already offers interesting possibilities, such as the possibility for Member States to allow returning migrants to retain this status for longer than the one year period provided for in Art. 9. Feasibility studies are foreseen on possible new measures, i.e. long-term multi-entry visas for returning migrants or the possibility for former migrants to be given priority and obtain a new residence permit for further temporary employment in the former host country under a simplified procedure. In this respect, an EU database of third country nationals having left the EU at the expiration of their temporary residence/work permit could be set up. A feasibility/opportunity analysis of such database could for example be included in the impact assessment that should be carried out for the entry-exit system[24].

Furthermore, the EU should actively pursue efforts to design temporary migration schemes that could help maximise benefits for all interested parties, i.e. responding to labour needs in Member States while contributing, through eventual return, to the development of countries of origin and offering skills and other gains to participating migrants.

Arrangements on managed temporary and circular migration will be included in some of the specific instruments (§ 2.2).

5.2. Training in the countries of origin

Irrespective of pre-departure integration measures, professional training and linguistic courses in the country of origin could help immigrants to develop skills and better adjust to the labour needs in the EU, thus facilitating their opportunities to find legal employment. The political opportunity and the technical/financial feasibility of supporting with EC funding the establishment of adequate training structures under the responsibility of the local authorities and/or of non-governmental actors will be closely explored.

Whatever the actions taken, the admission of a worker should not be conditional on the attendance of such courses, even though facilitations could be envisaged.

6. CONCLUSION

With this Policy Plan, the Commission fulfils the mandate of The Hague Programme and responds to the ideas and suggestions put forward during the public consultation. Precise measures will be proposed in the next four years and additional studies and analysis will be carried through (see Annex I). Further discussions and consultations with experts from Member States, social partners and other relevant stakeholders will take place in due time.

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[24] COM(2005)597

ANNEXES

I. Roadmap for the proposed measures

This roadmap should be considered as indicative and not exhaustive, as other actions may be scheduled in the coming years. It gives an overview of the Commission's intentions, but its implementation will depend, amongst other things, on the necessary preliminary work – including impact assessments and consultations – to be carried out before putting forward the concrete proposals, as explained in the main text of the policy plan on legal migration.

Year	Policy Plan section	Actions envisaged
2006	2.	Discussion with and consultation of the relevant experts (from Member States, the other EU institutions and international organisations , social partners, civil society, etc) in preparation of the possible legislative instruments for the entry and residence of third-country nationals (will continue throughout the 2006-2009 period).
	3.1.	- Research studies and dissemination of available results (will continue throughout the 2006-2009 period), in particular studies on job-seekers permits and on highly skilled schemes, including the creation of a possible EU green card system (for 2006); - Activities under the umbrella of the European Year of Workers Mobility - Feasibility analysis and possibly pilot phase of the EU migration portal.
	3.2.	Development of the new EURES Guidelines
	3.3.	- Analysis of the contributions to the Green Paper on the Future of the European Migration Network (EMN), adopted in 2005, and selected expert meeting (March 2006); - Depending on the outcome of the public consultation: decision on the future of EMN and, if it is to be maintained, adoption by the Commission of a proposal to provide a legal base for the network (second half of 2006).
	4.	- Implementation of measures for integration via the ESF (will continue throughout the 2006-2009 period); - Annual call for proposals for preparatory actions for integration of third-country nationals INTI. INTI should be followed by the European Fund for the Integration of third-country nationals proposed by the Commission under the financial perspectives 2007-2013; - Handbook on integration for policy-makers and practitioners – second edition, covering also integration in the labour market; - Integration website: pilot phase. It will also contain best practice in the

		area of integration in the labour market.
	5.	- With a view to foster and facilitate circular migration, analysis of the transposition and implementation in particular of Art. 9 of Council directive 2003/109/EC (long-term residents) by the Member States (to be continued in 2007); - Feasibility studies on long-term multi-entry visas and on how to effectively implement circular migration. - Availability of financial support under EU financial instruments for pilot projects for the creation of training structures in the countries of origin (from 2006).
2007	2.1. 2.2.1.	- Presentation by the Commission of proposals for the framework directive and for the directive on the conditions of entry and residence of highly skilled workers (negotiations in Council will start in 2007 and, if necessary, continue in 2008).
	2.3.	Starting a process of reflection on the revision of existing directives based on the actual implementation by the Member States, including discussion with the relevant stakeholders (will be carried out throughout the period according to the transposition date of the different measures).
	3.1.	- Activities under the umbrella of the European Year of Equal Opportunities; - Launch of information campaigns explaining the EU policies on immigration (continuation in the following years); Setting-up of an operational EU migration portal (end of 2007).
	3.2.	- Adaptation of the EURES portal.
	3.3.	- Depending on the outcome of 2006 consultation: start-up of 'new' EMN, i.e. with legal basis and new structure resulting from the Green Paper consultation and legal basis procedure, definition of longer term priorities (for next two years) and further consolidation and active incorporation of representatives from all the Member States.
	4.	European Integration Forum to bring together a range of stakeholders at EU level, including social partners and local authorities.
	5.	- Feasibility of a system to monitor migration of skilled workers from developing countries to the EU with a view to identifying significant cases of brain drain; - Feasibility of workable temporary migration schemes, including incentives to foster the voluntary return of migrants; - Feasibility/opportunity analysis of the database of third-country nationals having left the EU at the end of their temporary residence/work

		permit ("returnees database"); - Conference with the Member States, third-countries and other relevant stakeholders on how to concretely encourage and develop brain circulation and return migration.
2008	2.2.2	- Presentation by the Commission of a proposal for a directive on the conditions of entry and residence of seasonal workers.
	2.3.	Proposals for amendments of the existing directives, where necessary and based on the 2007 analysis and consultations (could continue in 2009 and after).
	3.2.	Follow-up activities on the EURES portal.
	4.	- Impact assessment on the implementation of measures to support integration via the ESF and, if necessary, via other Community instruments;
	5.	- Setting up of a system to monitor migration of skilled workers from developing countries to the EU with a view to identifying significant cases of brain drain; - Based on the 2007 feasibility analysis, possible proposal for setting up the "returnees database".
2009	2.2.3. 2.2.4	- Presentation by the Commission of two proposals for a directive on the procedures regulating the entry into, temporary stay and residence of intra-corporate transferees and on the conditions of entry and residence of remunerated trainees;
	5.	- Based on preceding studies and feasibility analysis, possible presentation of proposals for concretely support circular and return migration.

II. Bibliography

The following bibliography contains the full reference of the documents and legislative instruments and proposals quoted in the Policy Plan, together with other documents which are considered of relevance for the issues discussed in the text. It must nevertheless not be considered as exhaustive of the literature/instruments existing in this field.

A. *Article 63 of the EC Treaty*:

"The Council […] shall adopt:

[…]

3. measures on immigration policy within the following areas:

(a) conditions of entry and residence, and standards on procedures for the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunion,

(b) illegal immigration and illegal residence, including repatriation of illegal residents;

4. measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States.

Measures adopted by the Council pursuant to points 3 and 4 shall not prevent any Member State from maintaining or introducing in the areas concerned national provisions which are compatible with this Treaty and with international agreements. […]"

B. *Legislative instruments and proposals:*

(1) Council Directive 2005/71/EC of 12 November 2005 on a specific procedure for admitting third-country nationals for purposes of scientific research;

(2) Council Recommendation 2005/762/EC of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community;

(3) Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research;

(4) Proposal for a Council Decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration, COM(2005)480 final;

(5) Proposal for a Regulation of the European Parliament and of the Council on Community statistics on migration and international protection, COM(2005)375 final;

(6) Council Decision of 12 July 2005 on guidelines for the employment policies of the Member States, OJ L 205 of 06.08.2005 (New Lisbon Agenda).

(7) Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (applicable as of 12 January 2007);

(8) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (applicable as of 26 January 2006)

(9) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (applicable as of 3 October 2005);

(10) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality;

(11) Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001)386);

(12) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

(13) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;

(14) Council Resolution of 20 June 1994 on limitations on the admission of third-country nationals to the territory of the Member States for employment;

(15) Council Resolution of 30 November 1994 relating to the limitations admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons;

(16) Council Regulation (EEC) n°1612/1968 on freedom of movement for workers (in particular, article 19(2) for the "Community preference").

C. Commission Communications:

(1) Communication from the Commission on *EU/EC Strategy for Action on the Crisis in Human Resources for Health in Developing Countries*, COM(2005) 642;

(2) Communication from the Commission on *Priority actions for responding to the challenges of migration: first follow up to Hampton Court*, COM(2005)621 final;

(3) Green paper on *The future of the European migration network*, COM(2005)606 final;

(4) Communication from the Commission on *Improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs*, COM(2005)597 final;

(5) Communication from the Commission on *European values in the globalised world: Contribution of the Commission to the October Meeting of Heads of State and Government*, COM(2005)525 final;

(6) Communication from the Commission on *A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union*, COM (2005)389 final;

(7) Communication from the Commission on *Migration and Development: Some concrete orientations*, COM (2005)390 final;

(8) Green Paper on *Confronting demographic change: a new solidarity between the generations*, COM(2005)94 final;

(9) Green Paper on *An EU approach to managing economic migration*, COM(2004)811 final;

(10) Communication from the Commission *Study on the links between legal and illegal immigration*, COM (2004)412 final;

(11) *First Annual Report on Migration and Integration*, COM(2004)508 final;

(12) Communication from the Commission on *Immigration, integration and employment*, COM(2003)336 final;

(13) Communication from the Commission on *Integrating migration issues in the EU relations with third countries*, COM(2002)703 final;

(14) Communication from the Commission on *A Community immigration policy*, COM(2000)757 final;

D. Eurostat publications and statistics:

(1) Eurostat, Euro-indicators, news release, 141/2005 of 4 November 2005, *Unemployment data of September 2005* (http://epp.eurostat.cec.eu.int/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2005/PGE_CAT_PREREL_YEAR_2005_MONTH_11/3-04112005-EN-BP.PDF).

(2) Eurostat, Statistics in Focus, Population and Social Conditions, 15/2005, *Population in Europe 2004 – First results* (http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-NK-05-015/EN/KS-NK-05-015-EN.PDF).

(3) Eurostat, news release, STAT/05/48 of 8 April 2005, *Population projections 2004-2050* (http://epp.eurostat.cec.eu.int/pls/portal/docs/PAGE/PGP_PRD_CAT_PREREL/PGE_CAT_PREREL_YEAR_2005/PGE_CAT_PREREL_YEAR_2005_MONTH_04/3-08042005-EN-AP.PDF).

E. Studies and other documents:

(1) Council Conclusions on *A Common Agenda for Integration*, Council Document 14390/05 of 1-2 December 2005;

(2) European Commission, *The 2005 EPC projections of age-related expenditure (2004-2050) for the EU-25 Member States: underlying assumptions and projection methodologies*, European Economy Special Reports N°19, November 2005 (http://europa.eu.int/comm/economy_finance/publications/occasional_papers/2005/ocp19en.pdf);

(3) European Commission – European University Institute – CARIM, *Mediterranean Migration – 2005 report*, (http://www.carim.org/Publications/AR2005CARIM.pdf);

(4) European Commission, DG Justice, Freedom and Security, *Handbook on integration for policy makers and practitioners*, November 2004, written by the Migration Policy Group, Brussels. The handbook can be downloaded from the following address: http://europa.eu.int/comm/justice_home/doc_centre/immigration/integration/doc/handbook_en.pdf;

(5) *Common Basic Principles on integration*, Council Document 14615/04 of 19 November 2004;

(6) Studies on labour migration, Migration Research Group, Hamburg Institute for International Economics (HWWA), Germany; papers prepared for the European Commission, DG Employment and Social Affairs, June 2004, available at: http://europa.eu.int/comm/employment_social/employment_analysis/immigr_new_stud_en.htm. The papers examine best practice regarding recruitment of labour migrants, projecting future labour needs and labour market integration in the European countries

as well as in other industrialised countries. They were prepared by experts from the MRG, in cooperation with the Migration Policy Institute, Washington DC;

(7) *Admission of third-country nationals for paid employment or self-employed activity*, European Commission, Directorate General for Justice and Home Affairs, 2001, ISBN 92-894-1689-0. The study, undertaken by Ecotec Research and Consulting Limited between November 1999 and May 2000, analysed and compared the legal and administrative frameworks in the EU-15 concerning the admission of third-country nationals to the EU Member States for the purposes of paid employment and self-employment.

D. International organisations' studies and documents:

(1) Report of the Global Commission on International Migration, *Migration in an interconnected world: New directions for action*, November 2005 (www.gcim.org);

(2) World Bank report, *International Migration, Remittances and the Brain Drain*, eds. M. Schiff and C. Özden, New York October 2005 (http://econ.worldbank.org/external/default/main?theSitePK=1572893&contentMDK=20693491&pagePK=64168182&piPK=64168060);

(3) ILO action plan on migrant workers adopted by the 2004 International Labour Conference(http://www.ilo.org/public/english/protection/migrant/download/ilcmig_res-eng.pdf);

(4) International Labour Organisation, *Towards a fair deal for migrant workers in the global economy* (http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-vi.pdf), Geneva 2004.

III. EU acquis concerning the right to work for third-county nationals

Directive	Transposition deadline	Article(s) concerning the right to work	Text of the Article
1. Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Official Journal L 212, 07/08/2001 P. 0012 - 0023	31.12.2002	12	The Member States shall authorise, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. For reasons of labour market policies, Member States may give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit. The general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.
2. Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers, Official Journal L 031, 06/02/2003 P. 0018 - 0025	6.2.2005	11	1. Member States shall determine a period of time, starting from the date on which an application for asylum was lodged, during which an applicant shall not have access to the labour market. 2. If a decision at first instance has not been taken within one year of the presentation of an application for asylum and this delay cannot be attributed to the applicant, Member States shall decide the conditions for granting access to the labour market for the applicant. 3. Access to the labour market shall not be withdrawn during appeals procedures, where an appeal against a negative decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified. 4. For reasons of labour market policies, Member States may give priority to EU citizens and nationals of States parties to the Agreement on the European Economic Area and also to legally resident third-country nationals.
3. Directive 2003/86/EC on the right to family reunification, Official Journal L 251, 03/10/2003 P. 0012 - 0018	3.10.2005	14	1. The sponsor's family members shall be entitled, in the same way as the sponsor, to: (…) (b) access to employment and self-employed activity; (…) 2. Member States may decide according to national law the conditions under which family members shall exercise an employed or self-employed activity. These conditions shall set a time limit which shall in no case exceed 12 months, during which Member States may examine the situation of their labour market before authorising family members to exercise an employed or self-employed activity. 3. Member States may restrict access to employment or self-employed activity by first-degree relatives in the direct ascending line or adult unmarried children to whom Article 4(2) applies.
4. Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, Official Journal L 016, 23/01/2004 P. 0044 - 0053	23.1.2006	11	1. Long-term residents shall enjoy equal treatment with nationals as regards: (a) access to employment and self-employed activity, provided such activities do not entail even occasional involvement in the exercise of public authority, and conditions of employment and working conditions, including conditions regarding dismissal and remuneration;

			(…) 3. Member States may restrict equal treatment with nationals in the following cases: (a) Member States may retain restrictions to access to employment or self-employed activities in cases where, in accordance with existing national or Community legislation, these activities are reserved to nationals, EU or EEA citizens; (b) Member States may require proof of appropriate language proficiency for access to education and training. Access to university may be subject to the fulfilment of specific educational prerequisites.
		21	1. As soon as they have received the residence permit provided for by Article 19 in the second Member State, long-term residents shall in that Member State enjoy equal treatment in the areas and under the conditions referred to in Article 11. 2. Long-term residents shall have access to the labour market in accordance with the provisions of paragraph 1. Member States may provide that the persons referred to in Article 14(2)(a) shall have restricted access to employed activities different than those for which they have been granted their residence permit under the conditions set by national legislation for a period not exceeding 12 months. Member States may decide in accordance with national law the conditions under which the persons referred to in Article 14(2)(b) or (c) may have access to an employed or self-employed activity.
5. Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, Official Journal L 261, 06/08/2004 P. 0019 – 0023	6.8.2006	11	1. Member States shall define the rules under which holders of the residence permit shall be authorised to have access to the labour market, to vocational training and education. Such access shall be limited to the duration of the residence permit. 2. The conditions and the procedures for authorising access to the labour market, to vocational training and education shall be determined, under the national legislation, by the competent authorities.
6. Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, Official Journal L 304, 30/09/2004 P. 0012 - 0023	10.10.2006	26	1. Member States shall authorise beneficiaries of refugee status to engage in employed or self-employed activities subject to rules generally applicable to the profession and to the public service, immediately after the refugee status has been granted. 2. Member States shall ensure that activities such as employment-related education opportunities for adults, vocational training and practical workplace experience are offered to beneficiaries of refugee status, under equivalent conditions as nationals. 3. Member States shall authorise beneficiaries of subsidiary protection status to engage in employed or self-employed activities subject to rules generally applicable to the profession and to the public service immediately after the subsidiary protection status has been granted. The situation of the labour market in the Member States may be taken

			into account, including for possible prioritisation of access to employment for a limited period of time to be determined in accordance with national law. Member States shall ensure that the beneficiary of subsidiary protection status has access to a post for which the beneficiary has received an offer in accordance with national rules on prioritisation in the labour market. 4. Member States shall ensure that beneficiaries of subsidiary protection status have access to activities such as employment-related education opportunities for adults, vocational training and practical workplace experience, under conditions to be decided by the Member States. 5. The law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.
7. Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, Official Journal L 375, 23/12/2004 P. 0012 - 0018	12.1.2007	17	1. Outside their study time and subject to the rules and conditions applicable to the relevant activity in the host Member State, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity. The situation of the labour market in the host Member State may be taken into account. Where necessary, Member States shall grant students and/or employers prior authorisation in accordance with national legislation. 2. Each Member State shall determine the maximum number of hours per week or days or months per year allowed for such an activity, which shall not be less than 10 hours per week, or the equivalent in days or months per year. 3. Access to economic activities for the first year of residence may be restricted by the host Member State. 4. Member States may require students to report, in advance or otherwise, to an authority designated by the Member State concerned, that they are engaging in an economic activity. Their employers may also be subject to a reporting obligation, in advance or otherwise.
8. Directive 2005/71/EC - on a specific procedure for admitting third-country nationals for purposes of scientific research, Official Journal L 289, 3/11/2005 P. 0015 - 0022 –	10.2007	6	1. A research organisation wishing to host a researcher shall sign a hosting agreement with the latter whereby the researcher undertakes to complete the research project and the organisation undertakes to host the researcher for that purpose (…). 2. Research organisations may sign hosting agreements only if the following conditions are met: (a) the research project has been accepted by the relevant authorities in the organisation, after examination of: (i) the purpose and duration of the research, and the availability of the necessary financial resources for it to be carried out; (ii) the researcher's qualifications in the light of the research objectives (…) (b) during his /her stay the researcher will have sufficient monthly resources to meet his / her expenses and return travel costs in accordance with the minimum amount published for the purpose by the Member State, without having recourse to the Member State's social assistance system; (c) during his /her stay the researcher will have sickness

			insurance for all the risks normally covered for nationals of the Member State concerned. (d) the hosting agreement shall specify the legal relationship and working conditions of the researchers. 3. (…). 4. The hosting agreement shall automatically lapse when the researcher is not admitted or when the legal relationship between the researcher and the research organisation is terminated. 5. (…)
		11	Researchers admitted under this Directive may teach in accordance with national legislation. Member States may set a maximum number of hours or of days for the activity of teaching
		12	Holders of a residence permit shall be entitled to equal treatment with nationals as regards: (a) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures; (b)working conditions, including pay and dismissal; (…)

IV. Statistics

Table 1 - Population projections for the EU25 + Bulgaria and Romania: Total population

Member States	Population at 1 January (1000 inhabitants)				Percentage increase with respect to 1.1.2004		
	2004	2015	2025	2050	2015	2025	2050
EU25	**456 815**	**467 307**	**470 057**	**449 831**	**2.3**	**2.9**	**-1.5**
EU15	**382 674**	**394 727**	**398 780**	**384 356**	**3.1**	**4.2**	**0.4**
New Member States	**74 141**	**72 580**	**71 278**	**65 475**	**-2.1**	**-3.9**	**-11.7**
Belgium	10 396	10 674	10 898	10 906	2.7	4.8	4.9
Czech Republic	10 212	10 012	9 812	8 894	-2.0	-3.9	-12.9
Denmark	5 398	5 498	5 557	5 430	1.9	2.9	0.6
Germany	82 532	82 864	82 108	74 642	0.4	-0.5	-9.6
Estonia	1 351	1 279	1 224	1 126	-5.3	-9.4	-16.6
Greece	11 041	11 390	11 394	10 632	3.2	3.2	-3.7
Spain	42 345	45 264	45 556	42 834	6.9	7.6	1.2
France	59 901	62 616	64 392	65 704	4.5	7.5	9.7
Ireland	4 028	4 555	4 922	5 478	13.1	22.2	36.0
Italy	57 888	58 630	57 751	52 709	1.3	-0.2	-8.9
Cyprus	730	828	897	975	13.3	22.8	33.5
Latvia	2 319	2 174	2 068	1 873	-6.3	-10.8	-19.2
Lithuania	3 446	3 258	3 134	2 881	-5.5	-9.1	-16.4
Luxembourg	452	499	544	643	10.4	20.5	42.3
Hungary	10 117	9 834	9 588	8 915	-2.8	-5.2	-11.9
Malta	400	439	468	508	9.8	17.0	27.1
Netherlands	16 258	16 957	17 429	17 406	4.3	7.2	7.1
Austria	8 114	8 358	8 501	8 216	3.0	4.8	1.3
Poland	38 191	37 429	36 836	33 665	-2.0	-3.5	-11.8
Portugal	10 475	10 762	10 730	10 009	2.7	2.4	-4.4
Slovenia	1 996	2 019	2 014	1 901	1.1	0.9	-4.8
Slovakia	5 380	5 309	5 237	4 738	-1.3	-2.7	-11.9
Finland	5 220	5 354	5 439	5 217	2.6	4.2	-0.1
Sweden	8 976	9 373	9 769	10 202	4.4	8.8	13.7
United Kingdom	59 652	61 934	63 792	64 330	3.8	6.9	7.8
Bulgaria	7 801	7 130	6 465	5 094	-8.6	-17.1	-34.7
Romania	21 711	20 917	19 746	17 125	-3.7	-9.1	-21.1

Source: Eurostat; data for France refers to Metropolitan France

Over the next two decades the total population of the **EU25** is expected to increase by more than 13 million inhabitants, from 456.8 million on 1 January 2004 to 470.1 million on 1 January 2025. Population growth in the **EU25** until 2025 will be mainly due to net migration, since total deaths in the **EU25** will outnumber total births from 2010. The effect of net migration will no longer outweigh the natural decrease after 2025, when the population will start to decline gradually. The population will reach 449.8 million on 1 January 2050, that is a decrease of more than 20 million inhabitants compared to 2025. Over the whole projection period the **EU25** population will decrease by 1.5%, resulting from a 0.4% increase for the **EU15** and a 11.7% decrease for the ten new Member States.

Table 2 - Population projections for the EU25 + Bulgaria and Romania: population structure– Main age groups

	Percentage aged 0-14			Percentage aged 15-64			Percentage aged 65+		
	2004	2025	2050	2004	2025	2050	2004	2025	2050
EU25	**16.4**	**14.4**	**13.4**	**67.2**	**63.0**	**56.7**	**16.4**	**22.6**	**29.9**
EU15	**16.3**	**14.4**	**13.5**	**66.7**	**62.8**	**56.5**	**17.0**	**22.8**	**30.0**
New Member States	**16.7**	**14.4**	**13.2**	**69.7**	**64.5**	**57.7**	**13.6**	**21.1**	**29.1**
Belgium	17.3	15.6	14.7	65.6	61.9	57.6	17.1	22.5	27.7
Czech Republic	15.2	13.5	12.6	70.8	64.1	56.5	14.0	22.4	30.9
Denmark	18.9	15.9	15.7	66.2	62.9	60.2	14.9	21.2	24.1
Germany	14.7	12.9	11.9	67.3	62.5	56.5	18.0	24.6	31.6
Estonia	16.0	16.2	14.8	67.9	63.9	59.6	16.1	19.9	25.6
Greece	14.5	13.3	12.3	67.7	63.9	55.2	17.8	22.8	32.5
Spain	14.5	12.8	11.5	68.6	65.2	52.9	16.9	22.0	35.6
France[5]	18.6	16.7	15.8	65.1	60.9	57.0	16.3	22.4	27.2
Ireland	20.9	18.2	16.0	68.0	65.3	57.8	11.1	16.5	26.2
Italy	14.2	12.1	11.2	66.6	62.9	53.5	19.2	25.0	35.3
Cyprus	20.0	15.6	13.3	68.1	65.2	60.5	11.9	19.2	26.2
Latvia	15.4	16.2	14.8	68.4	64.1	59.1	16.2	19.7	26.1
Lithuania	17.7	15.1	13.7	67.3	65.7	59.6	15.0	19.2	26.7
Luxembourg	18.8	17.1	16.6	67.1	64.9	61.3	14.1	18.0	22.1
Hungary	15.9	14.3	13.8	68.6	63.7	58.1	15.5	22.0	28.1
Malta	18.2	15.6	14.5	68.7	63.1	60.8	13.1	21.3	24.7
Netherlands	18.5	16.1	15.8	67.6	63.3	60.7	13.9	20.6	23.5
Austria	16.3	13.8	12.3	68.2	64.1	57.3	15.5	22.1	30.4
Poland	17.2	14.6	13.0	69.8	64.3	57.6	13.0	21.1	29.4
Portugal	15.7	14.2	13.1	67.4	63.7	55.0	16.9	22.1	31.9
Slovenia	14.6	13.4	12.8	70.4	63.8	56.0	15.0	22.8	31.2
Slovakia	17.6	14.0	12.8	70.9	67.1	57.9	11.5	18.9	29.3
Finland	17.6	16.0	15.3	66.8	59.4	57.8	15.6	24.6	26.9
Sweden	17.8	17.1	16.3	65.0	60.7	59.4	17.2	22.2	24.3

United Kingdom	18.3	16.1	14.7	65.7	63.0	58.7	16.0	20.9	26.6
Bulgaria	14.2	11.7	11.5	68.7	64.5	55.0	17.1	23.8	33.5
Romania	16.4	14.1	12.5	69.1	66.9	57.9	14.5	19.0	29.6

Source: Eurostat

The share of the population of working age (between 15 and 64) in the total population is expected to decrease strongly in the **EU25**, from 67.2% in 2004 to 56.7% in 2050, that is a fall of 52 million inhabitants of working age. The share of the population aged between 0 and 14 will also be reduced, from 16.4% in 2004 to 13.4% in 2050, while the proportion of elderly people (aged 65 and more) is expected to almost double over this period, from 16.4% in 2004 to 29.9% in 2050.

Table 3 – Net migration, including corrections (in thousands)

Source: Eurostat estimates

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
EU (25 countries)	1118.4	826.0	632.5	732.7	658.0	468.5	644.6	905.7	993.2	1311.5	1707.3	2091.5
EU (15 countries)	1216.1	896.9	678.8	765.9	684.2	482.8	665.1	903.2	1055.6	1321.8	1701.2	2052.1
Euro-zone	1139.9	763.0	533.2	608.6	556.8	377.4	429.3	716.1	852.6	1096.9	1534.2	1755.9
Belgium	25.7	18.3	17.3	1.8	15.1	9.8	11.6	16.7	12.9	35.7	40.5	35.6
Czech Republic	11.8	5.5	10.0	9.9	10.2	12.0	9.5	8.8	-28.0	-8.5	12.3	25.8
Denmark	11.6	11.4	10.5	28.6	17.5	12.1	11.0	9.4	10.1	12.0	9.6	7.0
Germany	776.3	462.4	315.6	398.3	281.5	93.4	47.0	202.1	167.8	274.8	218.8	142.2
Estonia	-41.5	-28.3	-20.9	-15.6	-13.4	-6.9	-6.7	-1.1	0.2	0.1	0.2	0.0
Greece	94.5	86.5	78.1	77.3	70.9	61.5	54.8	45.1	29.3	37.8	38.0	35.8
Spain	54.2	59.2	54.7	60.4	73.5	83.6	148.8	227.3	378.5	427.8	649.9	738.5
France	36.5	16.5	-3.5	-14.5	-18.5	-13.5	-6.5	45.0	50.1	60.4	65.1	55.0
Ireland	1.7	-3.4	-3.0	6.0	15.9	17.4	16.2	24.3	31.5	38.8	32.7	31.3
Italy	27.8	24.2	25.7	31.5	59.5	55.7	64.1	46.4	55.2	47.6	349.3	600.6
Cyprus	10.7	8.7	7.0	6.6	6.0	5.5	4.2	4.2	4.0	4.6	6.9	12.4
Latvia	-53.5	-32.4	-22.8	-13.8	-10.1	-9.4	-5.8	-4.1	-5.4	-5.2	-1.8	-0.9
Lithuania	-24.5	-24.0	-24.2	-23.7	-23.4	-22.4	-22.1	-20.7	-20.3	-2.5	-1.9	-6.3
Luxembourg	4.1	3.9	3.8	4.3	3.5	3.6	3.8	4.4	3.5	3.3	2.6	2.1
Hungary	18.5	18.2	18.0	17.8	17.8	17.5	17.3	16.8	16.7	9.8	3.5	15.5
Malta	0.9	1.0	1.0	-0.2	0.7	0.6	0.4	0.5	9.9	2.2	2.0	1.8
Netherlands	43.2	44.5	20.4	15.0	21.3	30.5	44.1	43.9	57.0	56.0	27.6	7.0
Austria	71.5	33.5	3.1	2.1	3.9	1.5	8.5	19.8	17.2	43.5	34.8	38.2
Poland	-11.6	-16.8	-19.0	-18.2	-12.8	-11.7	-13.2	-14.0	-19.6	-16.8	-18.0	-13.8
Portugal	-4.5	8.4	17.3	22.3	26.2	29.4	32.3	38.0	47.1	64.9	70.1	63.5
Slovenia	-5.5	-4.5	0.0	0.8	-3.5	-1.4	-5.5	10.9	2.7	4.9	2.2	3.6
Slovakia	-2.9	1.7	4.7	2.9	2.2	1.8	1.3	1.5	-22.4	1.1	0.9	1.4
Finland	9.1	9.1	3.7	4.2	4.0	4.8	4.5	3.4	2.4	6.1	5.2	5.8
Sweden	19.8	32.1	50.8	11.7	5.8	5.9	11.0	13.6	24.5	28.6	30.9	28.7
United Kingdom	44.8	90.2	84.2	117.0	104.0	87.4	213.8	164.2	168.5	184.3	126.4	260.5

Net migration is the difference between immigration into and emigration from the area during the year (net migration is therefore negative when the number of emigrants exceeds the number of immigrants). Since most countries either do not have accurate figures on immigration and emigration or have no figures at all, net migration is estimated on the basis of the difference between population change and natural increase between two dates. The statistics on net migration are therefore affected by all the statistical inaccuracies in the two components of this equation, especially population change.

The table above shows that most EU Member States are now immigration countries and that even those which are still emigration countries (Latvia, Lithuania and Poland) are in the path towards becoming immigration countries as well, as negative net migration is gradually evolving towards migratory balance.

Table 4: Estimates of Annual Inflows of Work Permit Holders in 16 EU Countries

Country	All Work Permit Holders	Professionals with Work Permits	Total Employment 2002	Comments
DK	1600	500	2741000	2003. Professionals relate to occupations requiring special skills which are in demand
DE	165000	3300	36275000	2003. Figures relate to non-EU persons arriving in Germany. The total includes multiple entries, the vast majority of whom are unskilled. Professional category relates only to "Green Card" scheme for IT specialists
ES	65000	-	16241000	Approximate net estimate for 2002/2003 for the rise in the numbers in the SI system (excluding EU nationals)
FR	31200	12400	23885000	Professionals covers the inflows of those with Autorisations Provisoire de Travail (APTs) and qualified "travailleurs permanents" in 2003.
IE	16100	2000	1750000	2003 data. Professionals include WP holders with occupations defined as in ISCO88 and the highly skilled on Working Visas. New member States (EU10) are excluded.
IT	78800	500	21757000	Visas issued to non EU nationals in 2003 for self employment and contract work. Professional figure is reserved quota for highly skilled.
LV	2800	-	987000	2002
LT	500	160	1421000	2003
HU	40300	3800	3868000	No. of non-EU workers holding valid WPs on 31/12/03. Professionals have "college" or "university " education.
NL	38000	10900	8176000	2003
PL	5600	1700	13820000	Estimated new permits (i.e. excl renewals) for non-EU persons in 2002.Professionals are those classed as "experts and consultants"
SK	1000	-	2111000	Total non-EU inflow for 2002
FI	13100	1700	2406000	2003. Covers non-EU WP holders.
SE	6700	4300	4348000	2002. Covers non-EU WP holders.
UK	89200	15800	28338000	2003 data. Persons who entered the UK from abroad on WPs in 2003. Excludes renewals and "first permissions" for those already resident in the UK. Professions defined as in ISCO 88. Includes small number of EU10 citizens.
Total	(554900)	(57060)	168124000	
EU25	633200 (est)	74300 (est)	191841000	

Source: Study on assessing the question of applying numerical ceilings to the temporary movement of contract service suppliers (Mode 4) in the context of the GATS negotiations on trade in services. Prepared by Prof. J.J. Sexton for the European Commission (DG TRADE), April 2005

The category "professionals with work permits" can in most cases be equated with "highly skilled". Thus, the table above gives an indication of the minimum number of people (estimation of 74,300 for EU25) who could be covered by a scheme for the admission of highly skilled workers.

Table 5: Examples of regularisations in EU Member States (data from regularisation campaigns)

Greece

Year	Number of applicants	Number regularised
1998—White card Green card	370,000 228,000	370,000 220,000
2001	368,000	228,000

Italy

Year	Number of applicants	Number regularized
1986-1987		118,700
1990		235,000
1995-96	256,000	238,000
1998-99	308,000	193,200
2002	700,000	634,700

France

Year	Number regularised
1981-82	121,100
1997-98	77,800

Spain

Year	Number of applicants	Number regularised
1985-86	44,000	23,000
1991	135,393	109,135
1996	25,000	21,300
2000	247,598	153,463
2001	350,000	221,083
2005	690,679	500,000 (estimated)

Portugal

Year	Number of applicants	Number regularised
1992-93	80,000	38,364
1996	35,000	31,000
2001		170,000

Source: The Regularisation of Unauthorized Migrants: Literature Survey and Country Case Studies. Amanda Levinson, Centre on Migration, Policy and Society, University of Oxford 2005.

3,703,845 persons have been regularised in these five EU countries since the early 1980s. This does not necessarily concern an equal number of irregular migrants, as the same person may have been subject to different regularisation procedures (if after a period of time the person has fallen once again in irregularity). Other EU countries have also used regularisations in the past. Regularisation figures point to a fundamental dysfunction in the system for admission of migrants in many EU Member States: Migrants enter irregularly to fill the gaps in the labour market because legal ways to do so are very limited and ineffective. Usually, irregular migrants work in the 'hidden' economy, as evidenced by the latest Spanish regularisation campaign.

These are estimates provided by non-official EU sources. The Commission is aware that there is a need for comprehensive and reliable data in the field of immigration and asylum. In order

to dispose of comparable and reliable data, and to foster information sharing and policy debate within the Member States of the EU in immigration and asylum issues, it has recently put forward in particular two proposals for legislation:

(1) Proposal for a Council Decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration, COM(2005)480 final;

(2) Proposal for a Regulation of the European Parliament and of the Council on Community statistics on migration and international protection, COM(2005)375 final.