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Načrt politike zakonitega priseljevanja

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1. UVOD

Haaški program, potrjen na Evropskem svetu 4.-5. novembra 2004, je poudaril pomen odprte razprave o ekonomskem priseljevanju na ravni EU, ki naj bi bila – skupaj z najboljšimi praksami v državah članicah in njihovo primernostjo za izvajanje Lizbonske strategije – podlaga za *„načrt politike zakonitega priseljevanja, ki bo zajel tudi sprejemne postopke in tako omogočil hitro odzivanje na nihajoče potrebe po priseljenski delovni sili na trgu dela*[1]"; načrt bo predstavljen do konca leta 2005. Komisija je ta dokument pripravila na zahtevo Evropskega sveta.

Dne 11. januarja 2005 je Komisija sprejela *Zeleno knjigo o pristopu EU do urejanja ekonomske migracije*[2], da v skladu s svojim političnim mandatom sproži proces poglobljene razprave o najustreznejših pravilih Skupnosti za sprejemanje ekonomskih priseljencev in o dodani vrednosti, ki jo prinaša sprejetje takih skupnih ukrepov. Odziv na javno posvetovanje je pokazal, da na tem področju obstaja precejšen politični interes[3]. Evropski parlament, Socialno-ekonomski odbor in Odbor regij so tudi sprejeli svoja ločena mnenja[4]. Javna obravnava je potekala 14. junija 2005.

Analiza prispevkov je pokazala splošno podporo skupni politiki EU na področju ekonomskega priseljevanja, kljub dejstvu, da se mnenja o pristopu, ki naj ga uporabi EU, in o pričakovanih rezultatih te politike, precej razhajajo. Vprašanja, ki so bila obravnavana, in podani predlogi so dobra podlaga za izdelavo tega dokumenta.

Načrt politike zakonitega priseljevanja temelji na obstoječem okviru, na podlagi katerega še podrobno opredeljuje nadaljnji potek dela v preostalem obdobju Haaškega programa (2006-2009) in navaja ukrepe in zakonodajne pobude, ki jih Komisija namerava sprejeti za skladen razvoj politike zakonitega priseljevanja EU[5]. Načrt je tudi odziv na lizbonski program Komisije, sprejet julija 2005.

1.1. Politični okvir

V preteklih desetletjih obseg migracijskih tokov po vsem svetu občutno narašča[6]. Gospodarske razlike med razvitimi državami in državami v razvoju ter demografske spremembe znotraj teh držav prispevajo k vztrajnemu naraščanju mobilnosti delovne sile zaradi premikov na področju trgovine, političnih težav ter nestabilnosti v matičnih državah.

Glede na spreminjajoče se gospodarske in socialne razmere v EU, mednarodno dogajanje in verjetno rast priseljevanja v prihodnosti, je treba doseči dogovor o skupnih pravilih EU, ki bodo zajela celoten spekter migracijskih vprašanj, s ciljem zagotoviti učinkovito obvladovanje migracijskih tokov tako iz drugih držav v EU kot znotraj same EU, v skladu s Sporočilom o *evropskih vrednotah v globaliziranem svetu*[7] iz oktobra 2005.

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1 Sklepi Evropskega sveta, Priloga I, § III 1.4.

2 Za podrobnosti o vseh instrumentih, določenih v tem dokumentu, glej seznam literature.

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 Od leta 1999 so bile sprejete 4 direktive – na podlagi čl. 63 (3) in (4) ES – ki vsebuje določbe o dostopu do dela (dolgoročni rezidenti, ponovno združevanje družine, študenti, raziskovalci) in več sporočil.

6 Poročilo MOD za leto 2004; Poročilo Svetovne banke za leto 2005; Pregled gospodarstva EU za leto 2005.

7 COM(2005) 525.

Spomniti je treba, da je število sprejetih ekonomskih priseljencev, ki vstopajo v EU, da najdejo delo, sicer v pristojnosti držav članic, sprejem državljanov iz tretjih držav v eno državo članico pa lahko ima učinke na druge države članice in njihove trge dela. Poleg tega morajo sedanji razmisleki o prihodnjih politikah upoštevati tudi načelo prednostne obravnave, uveljavljeno v Skupnosti, in zato premisliti o uvedbi razprav o prehodnih ukrepih, ki trenutno omejujejo svobodo gibanja državljanov novih držav članic, ter politične in gospodarske učinke teh ukrepov.

Učinkovita politika priseljevanja ne more biti omejena zgolj na instrumente za sprejem tretjih državljanov. Potrebni so tudi drugi enako pomembni zakonodajni in operativni ukrepi, saj je priseljevanje zapleten pojav, ki se ga je treba lotiti na usklajen način v vseh njegovih razsežnostih. Sprejem ekonomskih priseljencev je neločljivo povezan tako z integracijskimi ukrepi kakor tudi z bojem proti nezakonitemu priseljevanju in zaposlovanju, kakor tudi bojem proti trgovini z ljudmi. Prav v tem okviru mora torej EU okrepiti svoja napore, ki jih vlaga v zmanjševanje sive ekonomije, za katero je jasno, da deluje kot „sila privlačnosti“ za nezakonito priseljevanje in kot pospeševalec izkoriščanja. Glede na pomen tega vprašanja bo aprila 2006 izdano novo sporočilo Komisije o prihodnjih prednostnih nalogah na področju nezakonitega priseljevanja.

Spričo tega ta dokument predlaga pripravo pobud na vseh področjih, vključno s sodelovanjem z matičnimi državami. Pri pripravi različnih pobud bo ustrezna pozornost namenjena tudi vprašanjem enakosti spolov, s ciljem zaščititi najbolj ogrožene skupine.

1.2. Program lizbonske strategije in demografska gibanja

V zvezi z ekonomskim priseljevanjem je sedanje razmere in obete na trgih dela v EU možno opisati kot „scenarij potreb“. Nekatere države članice se že soočajo z občutnim pomanjkanjem delovne sile in usposobljenih delavcev v nekaterih gospodarskih sektorjih, ki ga ni možno zapolniti s ponudbo na nacionalnih trgih dela. Ta pojav se razteza čez celotni izobrazbeni spekter – od nekvalificiranih delavcev do vrhunsko izobraženih strokovnjakov.

Po napovedih Eurostata[8] bo v EU „rast prebivalstva do leta 2025 predvsem rezultat neto priseljevanja, saj bo od leta 2010 naprej skupno število smrti presegalo skupno število rojstev. Po letu 2025 učinek neto priseljevanja ne bo več mogel nadomestiti negativnega naravnega prirastka prebivalstva“. To bo imelo resne posledice na število zaposlenih v EU 25, saj „bo delež delovno sposobnega prebivalstva […] v skupnem številu prebivalstva po pričakovanjih močno upadel, in sicer s 67,2 % v letu 2004 na 56,7 % v letu 2050, kar znaša 52 milijonov ljudi […]“. Po pričakovanjih bo skupno število prebivalstva začelo upadati okrog leta 2025, število delovno sposobnega prebivalstva pa že enkrat do leta 2011. Nekatere države članice (Nemčija, Madžarska, Italija, Latvija) se že zdaj srečujejo z upadom števila delovno sposobnega prebivalstva, nekatere pa se bodo s to težavo soočile pozneje (npr. Irska od leta 2035). Ta demografska gibanja ne bodo prizadela vseh držav enako, na vsak način pa jih je treba reševati na usklajen in učinkovit način.

Priseljevanje samo po sebi ni dolgoročna rešitev problema usihajočega števila rojstev in staranja prebivalstva, je pa eno od možnih orodij v širšem sklopu politik. Pri razmisleku o

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[8] Skupina napovedi Eurostata o gibanju števila prebivalstva je eden od več scenarijev demografskih gibanj, ki temelji na predpostavkah o rodnosti, smrtnosti in priseljevanju.. Scenarij demografskih gibanj ne upošteva morebitnih prihodnjih ukrepov, ki bi lahko vplivali na ta demografska gibanja, in vsebuje štiri variante: „izhodiščno” varianto, katere rezultati so predstavljeni tukaj, kakor tudi varianto „visokega števila prebivalstva“, varianto „nizkega števila prebivalstva“ in varianto „z ničelno stopnjo priseljevanja“. Vir podatkov: STAT/05/48.

nizki stopnji zaposlenosti in visoki stopnji brezposelnosti v veliko državah članicah[9] je treba dati prednost ukrepom, ki bodo k zaposlovanju pritegnili več državljanov EU in zakonito bivajočih priseljencev, s ciljem izpolniti cilje nove Lizbonske strategije za spodbujanje rasti in ustvarjanje delovnih mest ter zlasti smernice zaposlovanja[10]. Priseljevanje delavcev lahko kot sestavni del celovitega paketa ukrepov Lizbonske strategije, usmerjenega v povečanje konkurenčnosti gospodarstva EU, kratko- do srednjeročno pozitivno prispeva k odpravljanju učinkov teh demografskih gibanj in bo ključnega pomena za zadovoljevanje sedanjih in bodočih potreb na trgu dela in posledično tudi za zagotavljanje gospodarske vzdržnosti in rasti.

2. ZAKONODAJNI UKREPI NA PODROČJU PRISELJEVANJA DELAVCEV

Opravljeno javno posvetovanje je potrdilo potrebo po pripravi skupnih pravil EU na tem področju, Komisiji pa je tudi zagotovilo uporabno podlago, na kateri lahko utemelji uravnotežene in realistične predloge.

Javno posvetovanje je usmerilo pozornost v možne posledice horizontalnega okvira, ki bo zajel pogoje za sprejem vseh državljanov tretjih držav, ki želijo vstopiti na trge dela v državah članicah. Vendar pa države članice tega pristopa niso podprle v zadostni meri. Še več, zaznati je potrebo po zagotavljanju zadostne prožnosti, ki bo izpolnila potrebe nacionalnih trgov dela. Zato prevladuje prepričanje, da bo cilje preglednosti in učinkovitosti zakonodaje EU ter nediskriminatornost ustrezneje doseči s ciljno naravnano skupino več dopolnilnih ukrepov – splošno okvirno direktivo in štirimi posebnimi instrumenti. Cilj tega paketa je izdelati nebirokratska in prilagodljiva orodja, ki bodo na eni strani ponudila pravičen na pravicah zasnovan pristop za vse priseljence, ki vstopajo na trge dela v EU, na drugi strani pa privlačne pogoje za posebne kategorije priseljencev, ki jih EU potrebuje.

Za razliko od predloga direktive o ekonomskem priseljevanju iz leta 2001 – katerega namen je bil urediti pogoje vstopa in bivanja vseh državljanov tretjih držav, ki opravljajo plačane dejavnosti in dejavnosti na podlagi samozaposlitve – se ta paket loteva samo pogojev in postopkov za sprejem nekaj izbranih kategorij ekonomskih priseljencev. Poleg tega namerava tudi določiti, katere pravice bo zaposleni državljan tretje države užival potem, ko ga država članica sprejme na svoje ozemlje.

Predhodna faza teh predlogov bodo razprave in posvetovanja z ustreznimi strokovnjaki. Upoštevani bodo tudi gospodarski učinki na zaposlovanje in rast.

Ta paket predlogov pa ni dokončen. Po potrebi bodo predstavljeni dodatni predlogi na področjih, kjer je nujna dodatna preučitev (npr. za urejanje razmer, ko so osebni stiki med ekonomskimi priseljenci in bodočimi delodajalci predpogoj za zaposlitev, ali za urejanje statusa samozaposlenih itd).

2.1. Splošna okvirna direktiva

Z izjemo enkratne vloge za pridobitev skupnega dovoljenja ta instrument ne bo obravnaval sprejemnih pogojev in postopkov za ekonomske priseljence, ki bodo določeni v posebnih

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[9] Sezonsko prilagojena stopnja brezposelnosti v EU25 je znašala 8,6 % septembra 2005 (enako kot avgusta), znotraj razpona od 4,3 % (Irska) do 17,7 % (Poljska). Septembra 2004 je znašala 9,0 % (Eurostat: 141/2005).

[10] Sklep Sveta z dne 12. julija 2005 o smernicah za politiko zaposlovanja držav članic.

instrumentih. Tudi na uporabo načela prednostne obravnave[11], veljavnega v Skupnosti, ne bo vplival.

Glavni namen tega horizontalnega instrumenta je zagotoviti skupni okvir pravic za vse zakonito zaposlene državljane tretjih držav, ki jih je država članica že sprejela, niso pa še upravičeni do pridobitve statusa dolgoročnega rezidenta. To ne bi bilo zgolj pošteno do oseb, ki s svojim delom in plačilom davkov že prispevajo k našim gospodarstvom, ampak bi prispevalo tudi k vzpostavitvi enakih pravil igre po vsej EU. V okviru tega bi bilo treba urediti vprašanje priznavanja diplom in drugih spričeval, da bi se izognili situacijam, ko priseljenci opravljajo delo, ki je precej pod njihovimi sposobnostmi, kar prinaša izgubo tako priseljencu v smislu prihodka in nezmožnosti nadaljnjega razvoja svojih sposobnosti kakor tudi državi, kjer prebiva, in matični državi izvora.

Ena od možnosti bi lahko bil predlog enotne vloge za skupno dovoljenje za delo/bivanje, katerega imetnik bi bil delavec in ki bi vsebovalo najsodobnejše biometrične identifikatorje. To ne bi imelo bistvenega vpliva na notranje nacionalne postopke, hkrati pa bi poenostavilo postopke, ki jih morajo opraviti priseljenci in delodajalci. Za omejevanje zlorabe in za boj proti nezakonitemu zaposlovanju bi lahko določili finančno odgovornost delodajalca, podobno kot v direktivi o raziskovalcih. Veljavnost tega dokumenta bi morala biti neločljivo vezana na obstoj zakonite pogodbe o delu; odstopanja od tega načela bi lahko bila predvidena pod posebnimi pogoji na nacionalnih trgih dela in urejena v posebnih direktivah.

2.2. Štiri posebne direktive

Opravljena je bila analiza vprašanja, ali predlagati posebne programe za točno določene gospodarske sektorje ali pa za široke kategorije priseljencev. V sedanjih razmerah in upoštevajoč različne napovedi demografskih gibanj v državah članicah, različne socialne razmere in različne strukture, gibanja in potrebe na trgih dela, ni bilo videti racionalno in socialno učinkovito obravnavati posamezne sektorje, saj bi to lahko privedlo do neželene togosti nacionalnih trgov dela. Po drugi strani pa je javno posvetovanje jasno razkrilo kategorije delavcev, za katere obstajajo skupne potrebe in interesi. Namen je tudi najti ravnotežje med interesi nekaterih držav članic, ki si želijo pritegniti predvsem visoko usposobljene delavce, in držav članic, ki potrebujejo v glavnem sezonske delavce. Ti instrumenti bodo dopolnjevali okvirno direktivo in bodo obravnavali samo plačane delavce.

Splošno načelo naj bi bilo to, da je sprejem v državo pogojen z obstojem pogodbe o delu in „preskusom ekonomskih potreb“. Morda bo treba določiti izjeme za deklarirane strukturne/začasne potrebe v nekaterih sektorjih/poklicih/regijah. Upoštevati bo treba tudi mednarodne obveznosti, ki zavezujejo ES ali ES in njene države članice, predvsem obveznosti, ki izhajajo iz skupne trgovinske politike. Treba bo premisliti tudi o etičnem zaposlovanju v sektorjih, ki jim še posebej grozi beg možganov: na primer, globalni primanjkljaj človeških virov na področju zdravstva, skupaj z velikim pomanjkanjem zdravstvenih delavcev v določenih delih Afrike, ki ju za nameček pesti še beg možganov, zahteva celovit in skladen pristop k etičnemu zaposlovanju zdravstvenih delavcev[12].

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[11] *Države članice bodo obravnavale vloge za sprejem v državo zaradi zaposlitve samo, če prostih delovnih mest v državi članici ni možno zapolniti z delovno silo iz matične države ali Skupnosti oziroma z delavci, ki niso iz Skupnosti, ki pa imajo zakonito stalno bivanje v tej državi članici in so že sestavni del običajnega trga dela države članice* (Resolucija Sveta z dne 20. junija 1994, v zvezi z Uredbo Sveta (EGS) št.°1612/1968). Omeniti je treba, da pristopni pogodbi z dne 16. aprila 2003 in 25. aprila 2005 dajeta prednost delavcem, ki so državljani držav članic, pred delavci, ki so državljani tretjih držav, v zvezi z dostopom do trgov dela v državah članicah.

[12] COM(2005) 642.

2.2.1. Predlog direktive o pogojih vstopa in bivanja visoko usposobljenih delavcev[13]

Velika večina držav članic potrebuje visoko usposobljene delavce, in sicer zaradi pomanjkanja tovrstne delovne sile na trgih dela. Poleg tega so nedavne študije razkrile podatek, da 54 % priseljencev prve generacije iz mediteranskih držav Bližnjega Vzhoda in Severne Afrike (Med-MENA) z univerzitetno diplomo živi v Kanadi in ZDA, medtem ko v Evropi živi 87 % priseljencev brez dokončane osnovne izobrazbe oziroma z dokončano osnovno ali srednjo izobrazbo[14]. Na te razmere bi se lahko odzvali z oblikovanjem posebnega postopka za hitro izbiro in sprejem visoko usposobljenih priseljencev, kakor tudi s privlačnimi pogoji, ki bodo te delavce spodbudili, da izberejo Evropo. V zvezi s tem bo opravljena dodatna ocena vprašanja, ali vključiti mobilnost znotraj EU ali pa se odločiti za ambicioznejši predlog, tj. delovno dovoljenje EU (zelena karta EU), ki jo izda ena država članica, velja pa po vsej EU, pod pogojem, da bodo pravila v zvezi z dostopom do nacionalnih trgov dela v celoti spoštovana.

Z nihajočim povpraševanjem po priseljenih delavcih[15] se lahko uspešno spopademo samo s prožnimi pospešenimi postopki. Predlog bi lahko v tem primeru vseboval uvodno klavzulo, ki bi bila uporabljena v primeru potrebe po določenih kategorijah delavcev, ki ne vključujejo visoko usposobljenih delavcev (tj. kvalificiranih delavcev), ali v primeru pomanjkanja delovne sile v določenih regijah. Edina obveznost bi bila poročanje prek vzajemnega informacijskega sistema o priseljevanju in azilu.

2.2.2. Predlog direktive o pogojih vstopa in bivanja sezonskih delavcev

Potreba po sezonskih delavcih je redno prisotna v nekaterih sektorjih, predvsem v kmetijstvu, gradbeništvu in turizmu, kjer veliko priseljencev dela nezakonito v neustreznih pogojih. V okviru programa bo predlagano dovoljenje za bivanje/delo, ki bo državljanu iz tretje države omogočilo delo za določeno število mesecev na leto za obdobje 4-5 let. Vstopni in izstopni žig bi morala preprečiti morebitne zlorabe.

Cilj je zagotoviti potrebno delovno silo v državah članicah, hkrati pa priseljencem zagotoviti varen zakonski status in možnosti za redno delo, s čimer bi zaščitili to posebej šibko kategorijo delavcev in prispevali k razvoju matičnih držav[16]. Tudi v časih visoke brezposelnosti ta kategorija priseljenih delavcev redko ogroža delavce iz EU, saj je le malo državljanov in prebivalcev EU pripravljenih opravljati sezonske dejavnosti.

2.2.3. Predlog direktive o postopkih, ki urejajo vstop, začasno bivanje in bivanje premeščencev znotraj podjetja (PZP)

V okviru tega programa bodo določeni skupni postopki za ureditev vstopa, začasnega bivanja in bivanja premeščencev znotraj podjetja v EU. Ti postopki ne bodo posegali v mednarodne obveznosti, ki zavezujejo ES ali ES in njene države članice. Da bi omogočili prerazporeditev ključnega osebja in strokovnjakov mednarodnih podjetij znotraj Evrope, je treba obravnavati mobilnost PZP znotraj EU, saj bi posredovanje EU na tem področju prineslo očitno dodano vrednost.

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13 Razen raziskovalcev.
14 Poročilo CARIM za leto 2005 (str. 21).
15 Glej opombo 1.
16 COM(2005) 390.

2.2.4. Predlog direktive o pogojih vstopa in bivanja plačanih pripravnikov

To je posebna kategorija oseb na usposabljanju, za katero ne obstajajo skupna pravila (za razliko od neplačanih pripravnikov[17]): zato je torej nujno treba zapolniti to zakonodajno vrzel. Omogočanje državljanom tretjih držav, da razvijajo sposobnosti in pridobivajo znanje v določenem obdobju usposabljanja v Evropi, je lahko eden od načinov za spodbujanje kroženja visoko sposobnih delavcev, ki bi bil koristen tako za državo, ki takega državljana pošlje, kot tudi za državo, ki ga sprejme. Potrebni bodo zaščitni ukrepi za preprečevanje zlorab, tj. za primere pripravnikov, ki v resnici niso nič drugega kakor slabo plačani začasni delavci.

2.3. Drugi zakonodajni ukrepi

Vse zakonske direktive o priseljevanju in azilu vsebujejo določbe, ki urejajo dostop do dela za zadevne državljane tretjih držav[18]. Po vrednotenju bi lahko bili predstavljeni predlogi sprememb, katerih cilj bi bil doseči nadaljnjo uskladitev še pred vmesnim pregledom, predvidenim v navedenih besedilih.

3. RAZVIJANJE ZNANJA IN INFORMACIJE

Interesne skupine, ki so sodelovale v posvetovanju, so jasno poudarile dodano vrednost ukrepanja EU v smeri zagotavljanja boljšega dostopa do informacij o različnih vidikih priseljevanja ter o izmenjavi in razširjanju tovrstnih informacij. Zavedajo se tudi pomena spodbujanja političnih razprav in razvijanja znanja. V skladu s tem bo v naslednjih letih razvitih več orodij, ki bodo pomagala doseči znatna izboljšanja dostopa do razpoložljivih informacij ter izmenjave in usklajevanja teh informacij. Seznam predstavljenih ukrepov ni dokončen, saj se lahko predvidijo dopolnilne dejavnosti.

3.1. Informiranje in javna obravnava politike

Portal EU o priseljevanju – ki bo vseboval politike in zakonodajne akte EU, novice in informacije, kakor tudi povezave do zadevnih nacionalnih spletnih strani, portala EURES, načrtovanih spletnih strani EU o integraciji, rezultate ustreznih raziskav na ravni EU in mednarodni ravni itd. – bo vzpostavljen do konca leta 2007. Izvedene bodo posebne informativne akcije o priseljenski politiki EU, skupaj z nadaljnjimi študijami, zlasti o dovoljenih za iskalce zaposlitve in o sistemih visoko usposobljenih delavcev.

Ciljne dejavnosti EU bodo v podporo razpravam in izmenjavi izkušenj med interesnimi skupinami. Med Evropskim letom mobilnosti delavcev 2006 in Evropskim letom enakih možnosti za vse 2007 bodo določena, obravnavana in rešena pomembna vprašanja v zvezi s priseljenci iz tretjih držav.

Poleg spremljanja izvajanja obstoječih pravnih instrumentov bo Komisija podprla pobude na področju osveščanja, informiranja in usposabljanja tako na nacionalni ravni kot tudi na ravni EU.

3.2. Evropski portal o poklicni mobilnosti (EURES)

V okviru procesa posvetovanja je bilo izpostavljeno, da bi lahko bile storitve, ki jih zagotavljata Evropski portal o poklicni mobilnosti in mreža EURES[19] za spodbujanje mobilnosti državljanov EU, uporabljene tudi kot podpora urejanju ekonomskega priseljevanja državljanov tretjih držav. V okviru tega bodo v kratkem načrtovane spremembe smernic

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17 Direktiva 2004/114/ES.

18 Priloga III.

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

EURES zagotovile primerno podlago za prilagoditev in razširitev storitev, ki so na voljo prek portala, da bi se odzvali na nekatere od zgoraj opisanih potreb po informacijah (npr. zagotovitev rednih informacij o zaposlitvenih možnostih v Evropi, gibanja na trgih dela v EU itd.), in tako povečali sinergijo z načrtovanim portalom EU o priseljevanju in evropskem portalu za mobilnost raziskovalcev[20]. Nove smernice za obdobje 2007-2010 bodo zagotovile srednjeročni okvir za izvedbo potrebnih prilagoditev.

3.3. Evropska migracijska mreža (EMN)

Cilj EMN je Evropski skupnosti, njenim državam članicam, dolgoročneje pa tudi širši javnosti zagotoviti objektivne, zanesljive in primerljive informacije o priseljevanju in azilu[21]. Na podlagi analize rezultatov javnega posvetovanja o Zeleni knjigi o prihodnosti EMN[22] bodo ugotovljene prednostne naloge v prihodnosti, vzpostavljene ustrezne strukture in sprejeti ustrezni ukrepi za zagotovitev zadovoljivega doseganja rezultatov, s ciljem izboljšati razpoložljive informacije. V zvezi s tem bo treba premisliti, kako dodatno racionalizirati različne sedanje in prihodnje mreže ES ter vire informacij o priseljevanju.

4. INTEGRACIJA

Sporočilo iz leta 2003 o *priseljevanju, integraciji in zaposlovanju* je izpostavilo dostop do trga dela kot ključni dejavnik integracije državljanov tretjih držav. Sporočilo iz leta 2005 o *skupnem načrtu za integracijo*, ki ga bo Komisija aktivno uresničevala, je predstavilo okvir za integracijo državljanov tretjih držav v EU. Usmeritve, vsebovane v sporočilu, podpira tudi Svet v svojih sklepih za integracijo, sprejetih decembra 2005.

Ker se integracija dotika različnih področij, vključno z zaposlovanjem, urbanističnimi usmeritvami in izobraževanjem, bo Komisija poskrbela za skupna prizadevanja za ustrezno vključevanje integracijskih prednostnih nalog v celoten spekter politik. Ukrepi, ki so bili priporočeni na zadevnih področjih[23], vključujejo okrepitev zmogljivosti uvajalnih programov in dejavnosti za zakonite priseljence in njihove vzdrževance. Zajemali naj bi pakete informacij za novo prispele ekonomske priseljence, kakor tudi jezikovne tečaje in tečaje državljanske vzgoje, katerih cilj bo zagotoviti, da priseljenci razumejo, spoštujejo in izkoristijo skupne evropske in nacionalne vrednote. Dejavnosti, povezane z izobraževanjem, usposabljanjem in kulturnimi pobudami, bodo še naprej podpirale proces integracije.

EU pomaga integracijskim politikam držav članic s finančnimi instrumenti, kot so pripravljalni ukrepi za integracijo državljanov tretjih držav (INTI). V okviru finančnih perspektiv za obdobje 2007-2013 je Komisija predlagala nov ciljni solidarnostni instrument, in sicer Evropski sklad za integracijo državljanov tretjih držav. Njegovi cilji – ki bodo dopolnjevali Evropski socialni sklad (ESS) – so povezani z izzivi, ki so bili ugotovljeni v zvezi z državljani tretjih držav, in temeljijo na skupnih osnovnih načelih o integraciji, o katerih je bil dosežen odgovor na Svetu PNZ novembra 2004.

Posebna prednostna naloga osnutka predpisa o ESS v obdobju 2007-2013 je povečati delež priseljencev med zaposlenimi in okrepiti njihovo družbeno integracijo. V zvezi s tem namerava Komisija nameniti posebno pozornost zagotavljanju učinkovitih ukrepov in ustreznih virov za izvajanje te prednostne naloge. Pogajanja o strateških nacionalnih okvirih – in o z njimi povezanih operativnih programih – bo institucionalna podlaga za zagotavljanje,

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

21 Laekenski Evropski.

22 COM(2005) 606.

23 Za podrobnosti glej: COM(2005) 389.

da bodo sredstva EU v prihodnjih letih učinkovito uporabljena v ta namen. Evropski sklad za regionalni razvoj tudi podpira nekatere integracijske ukrepe.

5. SODELOVANJE Z MATIČNIMI DRŽAVAMI

Eden od očitnih rezultatov posvetovanja je tudi potreba po izboljšanju sodelovanja s tretjimi državami na področju ekonomskega priseljevanja in po pripravi pobud, ki ponujajo priložnosti, v katerih imajo korist vsi udeleženci, torej matična država, ciljna država in priseljenci, ki iščejo delo. Eden od možnih ukrepov je spremljanje priseljevanja usposobljenih delavcev iz držav v razvoju v EU, da bi ugotovili sektorje in matične države, v katerih prihaja do občutnega bega možganov. Organizirati bi bilo treba razprave tako znotraj EU kot s temi državami, s ciljem poiskati možne rešitve. Poleg tega Komisija namerava, upoštevajoč pomen zagotavljanja celovitejših informacij v matičnih državah o možnostih in pogojih zakonitega priseljevanja v EU, sprejeti potrebne ukrepe, da razširi trenutno razpoložljive vire informacij.

Možno je predložiti tudi druge pobude na področjih, obravnavanih v nadaljevanju, EU pa bi lahko po možnosti zagotovila ustrezno finančno podporo.

5.1. Instrumenti v podporo krožni migraciji in migraciji vračanja

Sporočilo o *migraciji in razvoju* je poudarilo pomen spodbujanja migracije vračanja in krožne migracije. Uresničevanje ciljev iz sporočila – tudi s posebnimi ukrepi – lahko znatno prispeva k razvoju politike EU na področju ekonomske migracije. Direktiva o statusu dolgoročnih rezidentov že ponuja zanimive možnosti, kot je možnost, da države članice migrantom, ki so se vrnili, omogočijo, da ta status ohranijo dlje časa kot za obdobje enega leta, predvideno v členu 9. Predvidene so tudi študije izvedljivosti o možnih novih ukrepih, tj. dolgoročni vizumi za večkraten vstop za migrante, ki so se vrnili, ali možnost, da se nekdanjim priseljencem dodeli prednostna obravnava in da pridobijo novo dovoljenje za bivanje za nadaljnje začasno delo v nekdanji državi gostiteljici na podlagi poenostavljenega postopka. V zvezi s tem bi lahko bila ustanovljena zbirka podatkov EU o državljanih tretjih držav, ki so zapustili EU ob izteku njihovega začasnega dovoljenja za bivanje/delo. Analiza izvedljivosti/možnosti ustanovitve take zbirke podatkov bi lahko bila na primer vključena v oceno vplivov, ki jo je treba narediti za sistem vstopa/izstopa[24].

Nadalje bi si morala EU aktivno prizadevati za pripravo programov začasnega priseljevanja, ki bi lahko pomagali čim bolj povečati koristi za vse zainteresirane stranke, tj. odzvati se na potrebe po delu v državah članicah, hkrati pa prispevati, po povratku priseljencev v domovino, k razvoju matičnih držav, ter ponuditi usposabljanje in druge koristi udeleženim priseljencem.

Dogovori o vodeni začasni in krožni migraciji bodo vključeni v nekatere od posebnih instrumentov (§ 2.2).

5.2. Usposabljanje v matičnih državah

Ne glede na integracijske ukrepe pred odhodom v ciljno državo, bi lahko strokovno usposabljanje in jezikovni tečaji v matični državi pomagali potencialnim priseljencem, da razvijejo spretnosti in se bolje prilagodijo potrebam po delovni sili v EU, s čimer si bodo povečali možnosti, da najdejo zakonito zaposlitev. Opravljena bo tudi podrobna analiza političnih možnosti in tehnične/finančne izvedljivosti finančne podpore ES vzpostavljanju ustreznih struktur za usposabljanje, ki bodo v pristojnosti lokalnih oblasti in/ali nevladnih subjektov.

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[24] COM(2005) 597.

Ne glede na to, kateri ukrepi bodo sprejeti, sprejem delavca v ciljno državo ne bi smel biti pogojen z opravljanjem teh tečajev, čeprav bi lahko slednji pospešili sprejem.

6. SKLEP

S svojim političnim načrtom Komisija izpolnjuje nalogo, predvideno v Haaškem programu, in se odziva na zamisli in predloge, podane med javnim posvetovanjem. Natančnejši ukrepi bodo predlagani v prihodnjih štirih letih, spremljale pa jih bodo dodatne študije in analiza (glej Prilogo I). V doglednem času bodo opravljene tudi nadaljnje razprave in posvetovanja s strokovnjaki iz držav članic, socialnimi partnerji in drugimi zadevnimi interesnimi skupinami.

PRILOGE

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.