

**Opinion of the Committee of the Regions on the ‘communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on immigration, integration and employment’**

(2004/C 109/08)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Immigration, Integration and Employment, COM(2003) 336 final;

Having regard to the Commission Staff Working Paper on the Extended Impact Assessment on the Communication on Immigration, Integration and Employment (COM(2003) 336 final) SEC(2003) 694;

Having regard to the decision of the Commission of 3 June 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its President of 19 March 2003 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject;

Having regard to the Nice European Council Conclusions of 9 December 2000;

Having regard to the Conclusions of the European Council in Seville on 21 and 22 June 2002;

Having regard to the Conclusions of the European Council in Tampere on 15 and 16 October 1999;

Having regard to the Conclusions of the Lisbon European Council on 24 March 2000;

Having regard to its Opinion on the Amended Proposal for a Council Directive on the right to family reunification (CdR 243/2002 fin) <sup>(1)</sup>;

Having regard to its Opinion on the Communications from the Commission on a common policy on illegal immigration (COM(2001) 672 final) and on an open method of coordination for the Community immigration policy (COM(2001) 387 final) adopted on 16 May 2002 (CdR 93/2002 fin) <sup>(2)</sup>;

Having regard to its Opinion on a Community immigration policy and a common asylum procedure (CdR 90/2001 fin) <sup>(3)</sup>;

Having regard to its Opinion on the Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents (CdR 213/2001 fin) <sup>(4)</sup>;

Having regard to its Opinion on the Proposal for a Council Directive laying down minimum standards for the reception of asylum seekers (CdR 214/2001 fin) <sup>(5)</sup>;

Having regard to its Opinion on the 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 (CdR 386/2001 fin) <sup>(6)</sup>;

Having regard to its Opinion on the Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of studies, vocational training or voluntary service (COM(2002) 548 final) (CdR 2/2003 fin) <sup>(7)</sup>;

Having regard to the Communication from the Commission on integrating migration issues in the European Union’s relations with third countries (COM(2002)703 final);

Having regard to its Opinion on the process of drawing up a Charter of Fundamental Rights of the European Union (CdR 327/99 fin) <sup>(8)</sup>;

<sup>(1)</sup> OJ C 73, 26.3.2003, p. 16

<sup>(2)</sup> OJ C 278, 14.11.2002, p. 44

<sup>(3)</sup> OJ C 19, 22.1.2002, p. 20

<sup>(4)</sup> OJ C 19, 22.1.2002, p. 26

<sup>(5)</sup> OJ C 107, 3.5.2002, p. 85

<sup>(6)</sup> OJ C 192, 12.8.2002, p. 20

<sup>(7)</sup> OJ C 244, 10.10.2003, p. 5

<sup>(8)</sup> OJ C 156, 6.6.2000, p. 1

Having regard to its opinion on the report of the Commission requested by the Stockholm European Council: Increasing labour-force participation and promoting active ageing (COM(2002) 9 final) (CdR 94/2002 fin) <sup>(9)</sup>;

Having regard to the Opinion of the Economic and Social Committee on immigration, integration and the role of civil society organisations (CES 365/2002);

Having regard to Article 13 TEC and related Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

Having regard to the Council of Europe report in July 2000 on Diversity and Cohesion: new challenges for the integration of immigrants and minorities;

Having regard to its draft opinion (CdR 223/2003 rev. 2) adopted on 16 December 2003 by its Commission for Economic and Social Policy (rapporteur: Councillor Derek Boden, Leader of the North West Regional Assembly, (UK/PES));

Whereas the Nice European Council of 9 December 2000 reaffirmed that employment is the best protection against social exclusion and called for a more vigorous integration policy for third-country nationals legally resident on Union territory which should aim at granting them rights and obligations comparable to those of European Union citizens;

Whereas the Seville Council in June 2002 agreed to the need to develop a European Union common policy on immigration and to the integration of immigrants lawfully present in the Union: and the decision to adopt provisions on the status of long-term permanent residents by June 2003;

Whereas the Tampere Council in October 1999 acknowledged the need for harmonisation of national legislation on the conditions for the admission and residence of third-country nationals, to be based on a common evaluation both of economic and demographic trends within the Union and the situation in the countries of origin;

Whereas the Tampere Council in October 1999 declared that the European Union must 'enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia';

Whereas the Presidency Conclusions of the Lisbon European Council of March 2000 referred to mainstreaming the promotion of social inclusion in Member States' employment, education and training, health and housing policies;

Whereas the enlargement of the EU will change the patterns of migration in Europe, probably to the overall benefit of European labour markets, leading to greater freedom of movement between new and existing Member States, whilst recognising that integration measures also assist intra-EU migrants;

adopted the following opinion at its 53rd plenary session, held on 11 and 12 February 2004 (session of 12 February).

## 1. The Committee of the Regions' views

The Committee of the Regions

1.1 welcomes the opportunity for joint consideration of policy proposals on the integration of third-country nationals resident in the European Union;

1.2 welcomes, in terms of the future of European integration, and especially enlargement, the development of a comprehensive strategy on the integration of immigrants;

1.3 reinforces the value and requirement for common principles, policies and procedures in respect of immigration and integration policy on both legal and illegal immigration;

1.4 recognises Member States' sensitivities in the area of integration policy and believes that the EU could contribute added value to the action taken at national level to achieve integration primarily through supporting programmes and initiatives rather than through harmonising legislation;

1.5 welcomes the Commission's commitment to establishing a series of actions and initiatives designed to support the integration of immigrants into civil society and the European Union labour market;

1.6 calls on the Commission to apply an approach in line with the principle of subsidiarity in which the Union, the Member States, the regional and local levels, as well as the social partners and civil society, will be actively involved;

<sup>(9)</sup> OJ C 287, 22.11.2002, p. 1

1.7 regrets the lack of recognition in the Communication and in the Extended Impact Assessment of the crucial role local and regional government play in the successful implementation of integration policies, in their capacity as direct service providers, partners with other statutory and voluntary service providers, and community leaders, at the point of service provision to immigrant communities, and the closest point of political accountability towards our respective electorates;

1.8 regrets the lack of consultation of local and regional government in drawing up the Extended Impact Assessment on the Communication on immigration, integration and employment;

1.9 emphasises the crucial role of local authorities whose responsibilities for housing, planning, education, health and the labour-market impact directly on integration and can promote social inclusion and sustainable communities;

1.10 firmly believes that a successful implementation of integration policies can only be achieved by detailed attention to local and regional agencies, particularly those with a democratic mandate, since the latter behaves them to be sensitive to their people's concerns;

1.11 welcomes that local and regional authorities are invited to contribute to the development of national action plans on social inclusion and employment. This facilitates the comparison and identification of best practice and the analysis of the real impact and the results of strategies adopted by Member States;

1.12 underlines its belief that immigration is positive for the receiving countries but that for immigrants to be able to maximise their potential, Member States need to provide a proper basis for their integration, in the framework of an appropriate policy for planning immigration flows; nevertheless at the same time expresses its support for the statement in Article III – 168 (5) of the Convention's draft, to the effect that, in the course of further European coordination, 'the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed' shall not be affected;

1.13 stresses that integration is a two-way process and that efforts are needed from the immigrant as well as from the indigenous population in order to achieve genuine social cohesion;

1.14 stresses the importance of involving immigrants and refugees themselves in the development of services delivered at local and regional level, as a means of achieving relevant and effective services and as a first step in promoting the active integration of immigrants and refugees into civic and working life in the Member States;

1.15 insists that Community migration policy should attach great importance to economic and social development in the countries of origin in order to improve the quality of life for

the citizens of those countries, removing the causes of the discomfort and hardship which lead their inhabitants to emigrate, and to limit migration to levels which are sustainable for and beneficial to both the receiving countries and the countries of origin;

1.16 points out that immigration alone will not make up for the labour shortage in the EU in the long term and draws attention to the Committee's Opinion on the contribution of older people to the labour market, and more generally to the need to develop training, retraining and vocational guidance policies, and policies to regulate the instruments for balancing supply and demand, so as to promote the full employment;

1.17 notes with concern the absence of a gender perspective in the Communication and highlights the importance of special gender focused integration measures as unemployment is often high among women immigrants;

1.18 notes that poor knowledge of the language of the receiving country constitutes a major barrier integration, in particular to finding employment, benefiting from vocational training or attaining good school results;

1.19 reaffirms that the Lisbon objectives cannot be met without a successful immigration policy, and that therefore Community structural policy instruments should promote the social integration of immigrants and refugees after 2006 by mainstreaming these issues with economic and social policies under the new Objective 2;

1.20 encourages that the Commission has retreated from the ambition, voiced in its communication on a Community immigration policy (COM(2000) 757 final), of a legal status for third-country nationals on a basis of equality with European union nationals, and which could be expanded into a form of civic citizenship, based on the EC Treaty.

## 2. The Committee of the Regions' recommendations

### The Committee of the Regions

2.1 urges the Commission to recognise to a greater extent the role of local and regional authorities in implementing and promoting successful integration and employment initiatives, due to their role as community leaders and main service providers with on-the-spot knowledge of immigrants' problems, not least because of their direct relationship with immigrants and their delegations;

2.2 urges the recognition of the existence of a large number of illegal migrant workers and the need to establish mechanisms to enable migrants who are in breach of immigration law to have their status legalised where appropriate without undue delay, with cases being dealt with on an individual basis, provided this is done in a way compatible with the capacity for decent reception and excluding those who have committed serious offences; and insists that action should be taken to penalise those who profit from illegal employment;

2.3 calls on the Commission and the Council to develop guidelines on the recruitment of skilled labour from developing countries, which recognise our responsibility for ensuring that the countries of origin do not suffer a 'brain drain', and fully respecting migrant workers' human rights;

2.4 draws attention to the need for the introduction of active policies to prevent illegal immigration, which also supply a shameful trade in human beings. This calls for a framework of measures concerted between the EU and the Member States – particularly those more directly exposed to immigration flows – which would on the one hand give the countries of origin and transit outside the Union the responsibility – albeit accompanied by measures of help and support – for combating and nipping in the bud the illegal organisation of migrant journeys to the target countries, while on the other hand guarding the EU's frontiers to stop people entering illegally;

2.5 urges the Commission to build on local and regional authorities expertise developed in international partnership working with local and regional authorities in sending countries to further social and economic development in those countries, and to facilitate participation by local and regional authorities in the debate on the EU's migration cooperation programme with third countries;

2.6 calls on the Commission to strengthen Community programmes such as EQUAL, which aims to promote social inclusion through support to disadvantaged groups and those facing potential discrimination in access to education and employment, since they provide resources which can be drawn on by local and regional authorities to support the integration of refugees into society and the labour market;

2.7 considers that the Commission should establish activities aimed at facilitating the social integration of immigrants in the form of programmes specifically aimed at assisting regions and local authorities to provide appropriate services;

2.8 supports the teaching of national languages as foreign languages to migrant groups of all ages to ensure better integration and urges the identification and dissemination of best practice in this area;

2.9 insists that integration policies need to be accompanied by supporting strategies to tackle racism and xenophobia, in particular:

— education to foster tolerance and non-discrimination, mutual appreciation of different ethnic minority groups and cultures, and to demonstrate the damaging effects upon the whole community of racism, so as to unite the whole community in support of integration and against racism; the CoR acknowledges the important work carried out by the European Monitoring Centre on Racism and Xenophobia in this field,

— fair immigration and asylum principles, policies and practices accompanied by adequate funding for support and integration of migrants and refugees, with special attention to the needs of women who are faced with potential double discrimination,

— adequate resourcing of local authorities and non-governmental organisations to enable them to successfully deal with immigration and refugee issues,

— welcomes Article III – 168 (4) of the Convention's draft, which states: 'European laws of framework laws may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.;

2.10 calls for the future annual reports on the development of the common immigration policy to include an evaluation of funding programmes promoting the integration of non-EU nationals to identify best practice and to make policy recommendations on this basis;

2.11 urges the Commission to take account, in its debate on the future of European cohesion policy, of the efforts made by certain regions who may experience a reduction in financial support from the Structural Funds and whose immigrant populations have increased significantly in recent years;

2.12 calls for guidelines to be laid down for granting civic rights to immigrants, according to the length of their residence in an EU Member State, as a fundamental principle for their effective integration.

Brussels, 12 February 2004.

*The President  
of the Committee of the Regions*  
Peter STRAUB

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