

**Opinion of the European Economic and Social Committee on the ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The global approach to migration and mobility’**

COM(2011) 743 final

(2012/C 191/23)

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On 18 November 2011 the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

*Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The Global Approach to Migration and Mobility*

COM(2011) 743 final.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 4 April 2012.

At its 480th plenary session, held on 25 and 26 April 2012 (meeting of 25 April), the European Economic and Social Committee adopted the following opinion by 125 votes to 1 with 7 abstentions.

## 1. Conclusions

1.1 The EESC supports the Global Approach to Migration and Mobility (GAMM), which closely links immigration and asylum policies to the EU's external policy.

1.2 The EESC would like to see EU external policy fully committed to the drive for global governance of international migration, under the United Nations umbrella and on the basis of, among other applicable international legal instruments, the Universal Declaration of Human Rights, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (which the Committee has proposed <sup>(1)</sup> that the EU ratify), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO conventions.

1.3 The EESC urges the European Commission to draw up a report on the state of play of the EU debate on the UN convention. The Commission must create the conditions for its ratification, and the EESC can contribute by drawing up a new own-initiative opinion.

1.4 The Committee proposes that the EU play a highly active part in carrying forward the UN High-level Dialogue on International Migration and Development.

1.5 The main aim of the EU's migration and mobility dialogues with third countries should be to make it easier for migration to take place in a legal, orderly fashion, to uphold international asylum law, to reduce irregular immigration and to act against criminal human trafficking networks.

1.6 The Mobility Partnerships (MPs), which are joint declarations of policy, should be turned into international agreements. The EESC believes that the EU can bring great added value to the negotiations with third countries.

1.7 The Committee emphasises the importance of fostering dialogue with regional institutions, broadening the content of the current agreements to include mobility and migration.

1.8 The Committee considers that MPs should incorporate the four pillars of the Global Approach: organising and facilitating legal migration and mobility; preventing and reducing irregular migration and trafficking in human beings; promoting international protection and enhancing the external dimension of asylum policy; and maximising the development impact of migration and mobility.

1.9 The greatest challenge concerns agreements on labour mobility, in which the social partners, from both Europe and the third countries, must be involved. The Committee supports the ILO's non-binding principles and guidelines for a rights-based approach to labour migration <sup>(2)</sup>, and proposes that they be taken into account in the MPs.

<sup>(1)</sup> EESC own-initiative opinion of 30 June 2004 on the *International Convention on Migrants* (rapporteur: Mr Pariza Castaños), OJ C 302, 7.12.2004.

<sup>(2)</sup> ILO, *Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach*, 2006.

1.10 The EESC proposes that the gender dimension be included in the MPs, since immigrant women sometimes find themselves in more vulnerable situations, and they frequently suffer abuse, discrimination and severe exploitation. Migrant women also play a very significant role in the economic and social development of the countries of origin <sup>(3)</sup>.

1.11 To ensure that migration does not have a negative impact on the economic and social development of the countries of origin, the European Union should pay particular attention to the detrimental effect of the brain drain and should establish compensation arrangements.

1.12 The EU must give its backing to diaspora organisations, and the EESC proposes the introduction of a support service for them.

1.13 Border controls and prevention of irregular immigration must be in step with the protection of human rights. Frontex must be given more resources, and its work must be subject to evaluation by the Fundamental Rights Agency (FRA) and the democratic scrutiny of the European Parliament.

1.14 The EU must adopt an open policy towards admitting immigrants, with a medium-term approach that looks beyond the current economic crisis and takes account of the demographic situation. Labour immigration procedures must be legal and transparent, and cooperation between the social partners in the EU and the countries of origin must be made easier.

1.15 The EESC considers that European and national immigration legislation must guarantee the principle of equality of labour and social rights. Circular immigration systems cannot be used in a discriminatory way to undermine equal treatment.

1.16 It should be an agreed part of the MPs that return procedures are based primarily on voluntary return with support systems put in place <sup>(4)</sup>. When, under exceptional circumstances, forced return procedures are implemented, they must fully respect people's human rights, in the light of the Council of Europe's recommendations <sup>(5)</sup>.

1.17 The EESC calls for the EU to adopt a common asylum system with a high level of legislative harmonisation. It also supports the EU working together with third countries in order to improve their asylum systems and comply with international standards. Agreements between the EU and third countries must contain procedures guaranteeing an effective right to international protection for any person who may request it.

<sup>(3)</sup> EESC exploratory opinion on *Health and Migration*, OJ C 256, 27.10.2007, p. 22.

<sup>(4)</sup> In cooperation with the International Organisation for Migration.

<sup>(5)</sup> *Twenty guidelines on forced return* CM(2005)40.

1.18 The third countries with which MPs are signed must be signatories to the Geneva Refugee Convention, must have asylum structures in place and must be safe countries from the human rights point of view. They must also have ratified the United Nations Convention against Transnational Organized Crime and the Protocols Thereto on trafficking in persons and smuggling of migrants <sup>(6)</sup>.

1.19 The EU must strengthen integration policies and step up the fight against racism, xenophobia and discrimination against immigrants and minorities. The EESC proposes that the EU institutions play an active part in tackling xenophobia, racism and discrimination, especially when such behaviour is promoted by those in Member State governments and legislatures <sup>(7)</sup>.

1.20 The EESC, in cooperation with the European Commission, will continue to support the work of the European Integration Forum, as it considers that in the coming years integration will constitute a strategic challenge which must be met in the interests of Europe, people of immigrant origin and the public as a whole.

## 2. General comments

2.1 The communication represents a new initiative on the part of the European Commission, intended to bring a more global approach to migration that is more consistent with other EU policies, especially external policy.

2.2 The EESC takes a positive view of this approach, which reflects the proposals made by the Committee over recent years. A number of opinions relate directly to the present communication <sup>(8)</sup>.

2.3 The Committee has proposed that the EU adopt a common asylum policy with harmonised legislation, and a common immigration policy with legislation permitting legal

<sup>(6)</sup> Palermo protocols, 2000.

<sup>(7)</sup> On the basis of the European Convention on Human Rights and the Charter of Fundamental Rights.

<sup>(8)</sup> OJ C 248, 25.8.2011, pp. 135-137, EESC opinion of 15 June 2011 on the *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Communication on migration* (COM(2011) 248 final), rapporteur-general: Mr Pariza Castaños.  
OJ C 120, 16.5.2008, pp. 82-88, EESC opinion of 12 December 2007 on *Migration and development: opportunities and challenges* (own-initiative opinion), rapporteur: Mr Sharma.  
OJ C 48, 15.2.2011, pp. 6-13, EESC opinion of 15 September 2010 on *The role of legal immigration in the context of demographic challenges* (exploratory opinion), rapporteur: Mr Pariza Castaños.  
OJ C 44, 16.2.2008, pp. 91-102, EESC opinion of 25 October 2007 on *EU immigration and cooperation policy with countries of origin to foster development* (own-initiative opinion), rapporteur: Mr Pariza Castaños.  
OJ C 128, 18.5.2010, pp. 29-35, EESC opinion of 4 November 2009 on *Respect for fundamental rights in European immigration policies and legislation* (own-initiative opinion), rapporteur: Mr Pariza Castaños.

immigration by means of common, transparent procedures, taking into account the interests of Europe and of the countries of origin as well as respect for fundamental rights.

2.4 Since 2006, a new international approach to dealing with migration has been progressively put in place, in particular through the United Nations' High-level Dialogue on International Migration and Development<sup>(9)</sup>. The EESC has attended the Global Forum on Migration and Development's intergovernmental conferences, in which a number of different civil society organisations also take part<sup>(10)</sup>. The Committee proposes that the EU play a highly active part in carrying forward the UN High-level Dialogue.

2.5 It is surprising that the EU Member States have still not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the UN General Assembly in Resolution 45/158 of 18 December 1990, which has been in force since 1 July 2003. In an earlier own-initiative opinion<sup>(11)</sup>, the EESC urged the EU and its Member States to ratify this convention. The EESC urges the European Commission to draw up a report on the state of the EU debate and the position of the Member States, in order to create the conditions for its ratification.

2.6 The EESC proposes that, in the field of external policy, the Commission, Parliament and EU Council promote an international legal framework for migration, based on the applicable legislation and in particular the Universal Declaration of Human Rights, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. This international legal framework should also encompass:

- the Convention on the Elimination of All Forms of Discrimination against Women
- the International Convention on the Elimination of All Forms of Racial Discrimination
- the Convention on the Rights of the Child
- the ILO conventions on migrant workers (C 97 and C 143)
- the ILO Convention on equal remuneration for men and women (C 100)
- the ILO Convention on domestic workers (C 189)

<sup>(9)</sup> 14 and 15 September 2006.

<sup>(10)</sup> Brussels, Manila and Athens conferences.

<sup>(11)</sup> EESC own-initiative opinion of 30 June 2004 on the *International Convention on Migrants* (rapporteur: Mr Pariza Castaños), OJ C 302, 7.12.2004.

— the ILO Declaration on Fundamental Principles and Rights at Work

— the ILO Multilateral Framework on Labour Migration

— the Durban Declaration and Programme of Action from the 2001 UN World Conference against Racism.

2.7 The EU's common immigration and asylum policy has been developing in recent years, but its legislative and policy tools remain insufficient. The Member States have their own policies, which sometimes run counter to EU approaches and agreements. The EESC calls upon all the Member States to engage with the common policy as defined in the Treaty and the Stockholm Programme.

2.8 A medium-term approach is required: in spite of the current economic crisis and rising unemployment, the EU needs a more open admission policy for new immigrant workers, as pointed out by the EESC in its exploratory opinion<sup>(12)</sup> on *The role of legal immigration in the context of demographic challenges*, requested by the Belgian EU Presidency. In the communication, the European Commission also argues that new immigrants will have to be taken in, given demographic and labour market conditions.

2.9 The EESC does not believe that the EU can cope with this new phase with restrictive, incoherent migration policies such as those implemented by the Member States in the past. A European immigration policy must break away from old constraints and match current needs.

2.10 The European Commission's communication proposes a Global Approach to Migration and Mobility (GAMM) in keeping with a broader and more coherent policy, which must be implemented in cooperation with the immigration source countries and with transit countries.

2.11 The central element and added value of the communication lie in the MPs between the European Union and third countries or groups of countries from certain regions, such as the Southern Mediterranean, Eastern Europe, the ACP countries or Latin America, with which the EU has neighbourhood and partnership links.

2.12 In an earlier opinion<sup>(13)</sup> the Committee made a number of proposals that must be taken into account in the MPs in areas such as visa flexibility, legislation that is more open to admission, recognition of professional qualifications, preventing the brain drain, and social security entitlements.

<sup>(12)</sup> OJ C 48, 15.2.2011, pp. 6–13.

<sup>(13)</sup> OJ C 120, 16.5.2008, pp. 82–88.

2.13 The EESC supports the Global Approach, because it is convinced that there is a need to forge a closer link between the internal and external dimensions of migration and mobility policy. Moreover, the Global Approach's operational priorities include coherence between the EU's immigration and asylum policies and its development cooperation policies.

2.14 Migration and mobility are distinct concepts. With regard to the EU's external borders, the mobility of third-country nationals does not necessarily entail labour immigration. Most people crossing these borders do so as visitors, tourists and for business purposes; in other words, for short stays that do not involve any migration plans. Economic immigration necessarily entails access to the labour market.

2.15 The Committee agrees that the visa dialogues forming part of the GAMM should be stepped up. The visa dialogue that the EU pursues with third countries, together with the EU common visa policy, concerns both short stays and migration.

2.16 It has so far proved easier to reach agreement on short-stay visas, with difficulty concerning agreements on visas for migration (for residence and work purposes), responsibility for which remains with the Member States. An agreement was recently reached in the Council and Parliament on the Single Permit Directive that will bring a degree of legislative harmonisation to admission procedures. Legislation is also being introduced regarding specific categories of migrant (seasonal workers and posted workers).

2.17 Little progress would be made with the Global Approach if the former situation were to continue. The danger is that the Mobility Partnerships will serve only to improve the management of short stays, with little impact on improving labour migration procedures.

2.18 The existing bilateral migration agreements with third countries (which include admission of workers, prevention of irregular immigration, readmission, etc.) are agreements signed between the governments of the Member States and of the countries of origin. The EU has also set up a number of pilot projects. The EESC hopes that implementing the Global Approach will bring progress towards bilateral frameworks between the EU and third countries.

2.19 The EESC considers the regional dimension to be crucial, and consequently proposes that existing regional institutions, particularly those with which the EU has concluded association or cooperation agreements, should also be involved in the Global Approach. Some regional bodies from South America, Asia and Africa are implementing internal agreements on freedom of movement, immigration and mobility which may also make it easier to organise migration in Europe.

2.20 The Committee supports the Commission's geographical priorities, and agrees that the regional dialogues should be based on the EU's neighbourhood policy, in particular the Southern Mediterranean and Eastern Partnerships. The EU-Africa Partnership and that with the 19 Prague process countries should also be a priority, as should relations with the 27 Rabat process countries and with the Horn of Africa.

2.21 The EESC proposes that the dialogue with the ACP countries on migration and mobility be stepped up, and that dialogues also be established with the countries of Central and South America.

The bilateral dialogues with the candidate countries of Turkey and those in the Balkans must be strengthened, as must those with Russia, India and China.

The dialogue with the United States, Canada and Australia is of a special nature.

2.22 The four pillars on which the Global Approach is based in the Commission's proposal are:

- organising and facilitating legal migration and mobility
- preventing and reducing irregular migration and trafficking in human beings
- promoting international protection and enhancing the external dimension of asylum policy
- maximising the development impact of migration and mobility.

2.23 The EESC agrees that these are the pillars on which a Global Approach should be built that is consistent with other policies: protection of human rights, asylum, development cooperation, combating trafficking and smuggling of human beings, etc.

### **3. Organising and facilitating legal migration and mobility**

3.1 The main aim of the MPs with third countries should be to make it easier for migration to take place in a legal, orderly fashion. The immigration offered by the EU must be credible and procedures must be transparent, in order to foster the view in the countries of origin that legal migration is possible, and that irregular procedures are to be rejected.

3.2 The current dialogues with third countries are highly limited, as competence for admitting new immigrants lies with the Member States. The Committee proposes that the Member States and the Council grant the European Commission greater capacity in these matters, since the EU contributes considerable added value.

3.3 The admission of third-country workers is currently highly restricted by national laws. European legislation is being drawn up amidst numerous political difficulties. The directives that have been adopted must be transposed into national legislation, and others are still in the process of being negotiated between the Council and Parliament.

3.4 In another opinion<sup>(14)</sup> the Committee concluded that in the light of some national differences, the EU needs to have open legislation allowing immigration for employment purposes through legal, transparent channels for workers in both highly-qualified and less-qualified jobs. Many immigrants will have long-term permits, while others will be temporary. The MPs must reflect this state of affairs.

3.5 Support systems should be introduced for immigrants from the moment they leave their country of origin until they are integrated in the host country, both socially and in terms of employment. These support systems should be run not only by the public authorities but also by trade unions, employers' organisations, diaspora organisations and other civil society bodies. They should include information and advice at all stages of the migration process and courses on the country's language, working and social conditions, laws and customs.

3.6 The EESC would repeat the call made in other opinions for improvements to the arrangements for recognising the qualifications of immigrant workers and the validation of diplomas and skills, which must be included in the MPs.

3.7 As the Committee has proposed in previous opinions, the portability of immigrants' social security rights must be effectively guaranteed within the EU and in the countries of origin: social security affairs should therefore be covered by the MPs. Although European immigration laws limit social security rights, many problems can be settled through these agreements. This is a further argument in favour of MPs becoming legally binding instruments.

3.8 The EESC draws attention to the importance of integration policies. The Committee is strongly committed to the drive for integration and to the role of civil society organisations. The European Integration Forum, which meets every six months at the EESC, is a key instrument for the EU institutions. The European Integration Fund is a key financial instrument that should be expanded.

3.9 Integration policies involve both immigrants and the host societies, promote equal rights and duties and an intercultural, interethnic and interreligious dialogue, and are linked to the protection of fundamental rights and action against racism, xenophobia and discrimination. The Committee

underlines that European immigration legislation must guarantee equal treatment in the employment and social spheres for immigrant workers<sup>(15)</sup>.

3.10 Through its opinions, the EESC has advocated the inclusion in European legislation of the labour and social rights of immigrant workers so that decent working conditions are guaranteed and labour exploitation is prevented.

3.11 Conditions are particularly harsh for undocumented immigrants. Labour inspectorates must monitor compliance with labour standards, in cooperation with the social partners. The EESC would point to the report of the Vienna agency (FRA) on the situation of migrant workers with irregular status in the EU<sup>(16)</sup>.

3.12 The Committee has proposed that the Family Reunification Directive, which is inadequate, be amended. The Commission has published a green paper on which the EESC is currently drawing up an opinion<sup>(17)</sup>.

3.13 Recent years have seen a series of events, declarations and political decisions that the Committee is watching with mounting concern, as an ancient and familiar disease among Europeans is again on the rise across Europe – xenophobia and a form of nationalism that excludes others. Minorities and immigrants are belittled and targeted by aggressive, discriminatory policies.

3.14 In past years, xenophobia and populism were promoted by political groups that while extremist, were in the minority. Today, however, such policies are on the agenda and programmes of several European governments, who brandish anti-immigrant and minority policies as an electoral weapon. The EESC urges the EU institutions to prevent the European agenda being polluted by xenophobia and populism.

#### 4. Preventing and reducing irregular migration and trafficking in human beings

4.1 The EESC agrees with the Commission on the importance of preventing irregular immigration.

<sup>(15)</sup> EESC opinion on the Proposal for a Decision of the European Parliament and of the Council concerning the European Year of Intercultural Dialogue (2008), OJ C 185, 8.8.2006, p. 9.

<sup>(16)</sup> Report of the EU Agency for Fundamental Rights (FRA) on Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States (July 2011), www.fra.europa.eu.

<sup>(17)</sup> Green Paper on the Right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC) and EESC opinion on Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC) – not yet published in the OJ.

<sup>(14)</sup> OJ C 48, 15.2.2011, pp. 6–13.

4.2 Undeclared work must be combated and the directive imposing penalties on employers who exploit immigrants with irregular status must be applied effectively in national legislation<sup>(18)</sup>. Immigrants who are staying illegally are highly vulnerable to labour exploitation, and should be seen as victims. The social partners should work together to reduce irregular employment and labour exploitation, in cooperation with labour inspectorates.

4.3 The Committee has already argued<sup>(19)</sup> that the EU needs a credible and effective external borders policy that is legitimate and subject to democratic scrutiny and independent evaluation. The Member States must give Frontex more operational powers and more autonomy in terms of its work and resources (technical equipment).

4.4 Joint operations coordinated by the Agency and their repercussions on fundamental rights and administrative safeguards as laid down in the Borders Code must, however, be subject to democratic scrutiny by Parliament and the FRA. This must be accompanied by ongoing evaluation, especially regarding Frontex's activities and agreements with third countries, the effectiveness of joint operations and the quality of its risk analyses.

4.5 The EESC considers it crucial that Frontex should fulfil its obligations concerning access to international protection for asylum seekers and the principle of *non-refoulement*.

4.6 In its communication, the Commission indicates that 'without well-functioning border controls, lower levels of irregular migration and an effective return policy, it will not be possible for the EU to offer more opportunities for legal migration and mobility'<sup>(20)</sup>. The EESC would however point out that these situations are closely related.

4.7 The EESC has already stated in various opinions<sup>(21)</sup> that there is a clear link between legal and illegal immigration, because where adequate, transparent and flexible channels for legal immigration do not exist, irregular immigration flourishes.

4.8 Although most people under irregular circumstances in Europe enter legally, others are the victims of criminal networks. The EU must include the fight against criminal human trafficking and smuggling networks in the MPs. Victims must be guaranteed protection.

<sup>(18)</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168 of 30.6.2009, p. 24.

<sup>(19)</sup> OJ C 248, 25.8.2011, p. 135–137.

<sup>(20)</sup> Communication COM(2011) 743 final, p. 5 of the English version.

<sup>(21)</sup> OJ C 157, 28.6.2005, p. 86–91.

4.9 The dialogues must also cover return and readmission procedures, which must always be based on respect for human rights. The Committee hopes that the FRA will draw up a strict code of conduct for forced returns, based on the twenty principles for forced return drawn up by the Council of Europe's Committee of Ministers<sup>(22)</sup>.

4.10 Regarding the detention of immigrants with irregular status, the Committee agrees with the Commission's view that 'measures should be taken to ensure decent living conditions for migrants in reception centres and to avoid arbitrary or indefinite detention'<sup>(23)</sup>. The EESC considers that people with irregular status are not criminals, and regrets that some national actions misuse the Return Directive, which the Committee believes must be amended in order to provide proper safeguards for fundamental rights.

4.11 The EESC vehemently rejects the idea that minors should be held in the same detention centres as adults: minors must live in an open social environment and, whenever possible, with their families.

4.12 Priority must be given to combating people-trafficking, and it should be included in all the dialogues. Before signing any MP with the EU, these countries must be required to ratify the UN Convention against Transnational Organized Crime and the Protocols Thereto on trafficking in persons and smuggling of migrants and to apply them in their legislation.

4.13 The EESC demands that the authorities step up the fight against criminal organisations that feed on human trafficking and the smuggling of migrants. People who fall into their hands should be seen as victims who must be protected.

## 5. Promoting international protection and enhancing the external dimension of asylum policy

5.1 Asylum seekers are often unable to submit their applications on European territory because the controls set up to stop irregular immigration do not allow them to enter Europe. This gives rise to a glaring contradiction between the measures to stop irregular immigration and the right to asylum.

5.2 The principle of *non-refoulement* at the border must be guaranteed, and all persons requiring international protection must be able to submit an application in the EU. Such applications must be processed by the competent national authorities.

<sup>(22)</sup> *Twenty guidelines for forced return*, CM(2005)40.

<sup>(23)</sup> Communication COM(2011) 743 final, p. 16 of the English version.

5.3 The Committee supports the Commission's efforts to improve European asylum legislation<sup>(24)</sup>, which must achieve a high level of harmonisation with a single status and transparent, effective procedures. People in the EU who are receiving protection or requesting asylum must be able to join the labour market, under equal conditions.

5.4 The EESC also supports cooperation with third countries in order to strengthen their asylum arrangements and increase their compliance with international standards.

5.5 In addition, the third countries with which MPs are signed must be signatories to the Geneva Refugee Convention, must have set up asylum structures and must be safe countries from the human rights point of view. The EU must work together with them in order to improve their asylum systems.

5.6 The EESC supports the implementation of the Regional Protection Programmes, and considers that improving asylum structures in third countries must not prevent those asylum seekers who need to submit an application in a European country from doing so.

5.7 The Mobility Partnerships should not entail the European partners charging the full cost of asylum procedures to persons passing through their territory. The EU must cooperate by means of the Asylum Fund.

5.8 The EU must remain a place of reception and asylum and must reinforce solidarity between the Member States and step up resettlement programmes.

## 6. Maximising the development impact of migration and mobility

6.1 The EU must cooperate so that migrants' countries of origin can offer decent job opportunities to all, thereby facilitating voluntary migration. For most people, migration is at present not a voluntary choice. The Committee supports the work of the ILO to promote decent work.

6.2 The EESC welcomes the fact that the Commission has established a clear link between admission policy for highly-qualified workers and development cooperation policy with the aim, among other things, of preventing a brain drain and loss of human capital in the countries of origin.

6.3 The Committee would however like this commitment to be increased. The Commission highlights the need for 'efforts to mitigate brain drain', but in connection with admissions policy calls for 'special efforts to attract highly skilled migrants in the global competition for talent'. These two objectives are frequently contradictory. The communication, however, fails to set any limits on attracting 'talent' in order to achieve its aim of mitigating the brain drain. There is a single reference to this dilemma, in the context of health personnel: the communication expresses support for the WHO Code of practice, and backs circular migration of health staff.

6.4 However, the brain drain does not affect only the health sector: a broader code of practice is therefore needed, restricting the intake of highly-qualified workers from specific countries and occupations. The EESC proposes that the brain drain be limited by the MPs, so that migration is a positive factor for both sides.

6.5 The EU must establish compensation arrangements for countries whose human capital is depleted due to emigration to Europe. Among other measures, compensation should include support for their education systems and for the development of labour institutions in order to create jobs and improve working conditions.

6.6 The Committee has proposed that the Directive on the status of long-term residents be made more flexible, to facilitate the circular mobility of many professionals between the EU and their countries of origin, without loss of permanent residence rights, and to make it easier to maintain and strengthen links that may be highly useful to development.

6.7 Circular migration systems currently lead to the loss of human capital in the countries of origin, since most immigration occurs in a haphazard way. The EESC considers that human capital can be enhanced by means of carefully structured procedures combining training, qualifications, social rights and employment.

6.8 The EESC echoes the ILO's concern at the risk that circular immigration may be used to curtail labour and social rights and block permanent residence. For this reason, the EESC proposes that the principle of equal pay and working conditions should be upheld for seasonal immigrants.

6.9 In previous opinions<sup>(25)</sup>, the EESC has drawn attention to the importance of diaspora organisations and their role in development. The EU should back diaspora activity.

<sup>(24)</sup> EESC opinion on the *Green Paper on the future European asylum system*, OJ C204 of 9.8.2008, p. 17.

EESC exploratory opinion on the *Added value of a common European asylum system both for asylum seekers and for the EU Member States*, OJ C 44 of 11.2.2011.

EESC opinion on the *Proposal for a Directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers (Recast)*, OJ C 24 of 28.1.2012.

<sup>(25)</sup> OJ C 120, 16.5.2008, pp. 82–88 and OJ C 44, 16.2.2008, pp. 91–102.

6.10 Equally, initiatives to lower the cost of transferring remittances and their use for development purposes should continue. The EU supports the setting-up of an annual remittances forum and the creation of a common portal.

6.11 The EESC advocates the introduction of a support service for diaspora organisations, to facilitate coordination between all organisations working for the development of a given country or region, and its coordination with international development cooperation bodies. This service should channel resources to projects. The EU should support diaspora organisations and facilitate the creation of representative platforms.

## 7. Funding and assessment

7.1 The future programming of the financial instruments must facilitate the implementation of the Global Approach. The Committee is currently preparing an opinion on this subject at the request of the Commission.

7.2 The EESC proposes that an independent study be carried out on the effectiveness and impact of the MPs that are currently in force. The EESC supports the Commission's initiative to ensure that MPs are equipped with an efficient assessment mechanism.

7.3 The bilateral agreements to date reveal that MPs are used to facilitate short-stay visas and readmission agreements, while the other aspects of the Global Approach remain in the background. Any assessment of the MPs must cover the Global Approach's four pillars.

7.4 Furthermore, the MPs, which are joint declarations of policy, are not legally binding on the signatory countries: the EESC therefore proposes that they be turned into legally binding international agreements.

Brussels, 25 April 2012.

*The President*  
*of the European Economic and Social Committee*  
Staffan NILSSON

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