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28. Calls on the Member States to consider the valuable contribution which a developed and dynamic cooperative service and business sector may make to service production;
 29. Calls on the Commission to take steps to exchange and disseminate examples of good practice to the Member States on development models and options for enterprises in the services sector, and in collective sectoral agreements, in relation to the social rights of workers in services;
 30. Considers that the service sector can make an important contribution to the goal of promoting active ageing and calls on the Member States to take this into account in implementing this aspect of the Employment Guidelines for 2003;
 31. Calls on the Commission to carry out a systematic inventory, for those services which fall within the category of network services of general interest, of the effects which their liberalisation has had to date with regard to employment growth and the extent to which the needs of society as a whole are being met, so that the strategy for the future of services of general interest can be formulated consistently;
 32. Taking into account the role and contribution of services to the local economy and regional convergence, and in view of the role of the social economy in terms of inclusion and job creation, calls on the Member States to promote policies to support specific service sectors, taking account of the advantages (location, environment, infrastructure, culture) and the needs of local regions;
 33. Instructs its President to forward this resolution to the Council and Commission and the parliaments of the Member States.
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Immigration, integration and employment

European Parliament resolution on the Communication from the Commission on immigration, integration and employment (COM(2003) 336 — 2003/2147(INI))

The European Parliament,

- having regard to the Commission Communication (COM(2003) 336),
- having regard to the conclusions of the European Council meetings at Tampere (15—16 October 1999) and Lisbon (23—24 March 2000),
- having regard to the Charter of Fundamental Rights of the European Union⁽¹⁾, the provisions of which apply to all persons in the European Union irrespective of nationality, and particularly Articles 4, 5, 14, 15, 20, 21 and 23,
- having regard to Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin⁽²⁾ and Council Directive

⁽¹⁾ OJ C 364, 18.12.2000, p.1.

⁽²⁾ OJ L 180, 19.7.2000, p. 22.

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2000/78/EC of 27 November 2000 on establishing a general framework for equal treatment in employment and occupation ⁽¹⁾, based on Article 13 of the EC Treaty,

- having regard to the Commission Communication on integrating migration issues in the EU's relations with third countries (COM(2002) 703),
 - having regard to the Greek Presidency conference on 'Managing migration for the benefit of Europe' (Athens, May 2003),
 - having regard to the own-initiative opinion of the European Economic and Social Committee on 'Immigration, integration and the role of civil society organisations' ⁽²⁾ and the subsequent conference on the same subject (Brussels, September 2002),
 - having regard to Rules 47(2) and 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Women's Rights and Equal Opportunities and the Committee on Petitions (A5-0445/2003),
- A. whereas the main strands of immigration policy identified by the Tampere European Council (partnership with countries of origin, a common European asylum system, fair treatment of third country nationals and management of migration flows) remain valid today; whereas there is an urgent need for them to be developed on the basis of the legislative framework provided for in Articles 61 to 69 of the Treaty, in connection with which the Commission has already presented proposals, taking account of Parliament's opinion,
- B. whereas the overwhelming majority of third-country nationals immigrating to EU Member States are fleeing circumstances of extreme poverty in their countries of origin,
- C. whereas competence for determining the quantity and type of workers accepted from third countries lies with the Member States, to enable them to manage migration to the EU in a way which reflects their capacities and needs; whereas national legal frameworks and policies in relation to increased migration to the EU vary from state to state; whereas all Member States face the common challenge of improving their management of migration flows, improving integration policies towards, and in partnership with, new and established migrants, seeking to form partnerships with third countries of origin and improving dialogue with these countries in the comprehensive, joined-up approach set out at the Tampere European Council, while at all moments being aware that immigrants must not be seen as disposable workers who can be used and then discarded,
- D. whereas the Tampere European Council explicitly requested 'a more vigorous integration policy' which 'should aim at granting legally resident third country nationals rights and obligations comparable to those of EU citizens',
- E. whereas it should be the task of the EU, in the interest of the managed migration of workers into the Member States, to develop common conditions and rules for the entry and residence of migrant workers; whereas in this connection a coherent plan for the issue of visas should be created; whereas improved management of migration flows and the sharing of best practice in integration policies should take place in the context of significant independent research showing the positive overall economic benefits, as well as costs, to Member States of immigration; whereas the improved and full

⁽¹⁾ OJ L 303, 2.12.2000, p. 16.

⁽²⁾ OJ C 125, 27.5.2002, p. 112.

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integration of new and established migrants, particularly in the EU labour market, realises the economic potential of migrants, promotes social cohesion and respect for diversity, and contributes to the Lisbon goals, namely to create a competitive and dynamic knowledge-based economy capable of sustainable economic growth with more and better jobs and greater social cohesion,

- F. whereas a distinction must be made between those aspects of immigration policy related to the initial reception of new arrivals with a view to facilitating their integration and those related to second and third generation immigrants still facing social, economic or political exclusion,
- G. whereas the (imminent) enlargement of the EU will change the dynamics of migration in Europe — probably to the overall benefit of European labour markets, which should lead to greater freedom of movement between existing and new Member States; whereas countries outside the EU are becoming new EU border or neighbouring countries; whereas the enlargement countries (applicants), many of which were neighbouring countries before enlargement, will also have to focus their attention to a greater extent on migration; whereas integration measures also benefit intra-EU migrants, including from the new Member States,
- H. whereas, in most cases, illegal residence is the result of people who entered legally into the territory of the EU losing their authorisation,
- I. whereas clamping down on illegal employment and on those who take advantage of such employment is an integral part of the fight against illegal immigration; whereas facilitated legal access of immigrants to the labour market may reduce both supply of and demand for illegal work,
- J. whereas women are a not insignificant and substantial majority of immigrants, including those of second and third generation, asylum seekers and illegal immigrants,
- K. whereas women are the victims of discrimination on the basis of both gender and origin, and whereas such discrimination also affects second and third generation immigrants, whatever their degree of integration,
- L. whereas European migration and integration policy must be consistent with wider EU social, economic, foreign and development policy objectives and in line with core European values such as equality of opportunity, human rights, dignity, tolerance, respect for diversity, action to combat discrimination and participation in civic, cultural and political life,

1. Notes this Commission initiative in line with the Tampere European Council's emphasis on developing a more effective migration and integration policy regarding third country nationals in the EU; this is the first time that even-handed consideration has been given to three vital and inter-related issues: managing migration to the EU in a context of ageing working age populations; improving the integration of migrants in the EU; and the need for co-operation with countries of origin; believes that the fight against illegal immigration and trafficking in people must not give rise to a repressive policy aimed at immigrants in irregular circumstances, but should, rather, target the traffickers and employers who exploit those circumstances;

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2. Notes that these issues go to the heart of the Lisbon agenda and its vision of mutually-supportive employment, social and economic policies: on the one hand, migration and maximising employment are increasingly important for EU labour markets and economic growth; on the other, the integration of new migrants, established third country nationals and EU citizens of ethnic minority origin is becoming a key factor for social cohesion; in this sense, labour market issues are crucial but cannot be seen in isolation: integration also depends on a range of other factors including the social context, education and language skills, civic participation, the involvement of civil society and the social partners, effective implementation of EU funding programmes to tackle labour market disadvantage such as the European Social Fund, EQUAL, the European Integration Fund, the European Refugee Fund, as well as the legal framework (e.g. proper implementation of the Article 13 anti-discrimination Directives); successful integration of migrants is one element of achieving social inclusion, for the benefit of the individuals concerned as well as local communities and wider society;

3. Emphasises that different groups of migrants require different policies for integration; stresses that integration concerns not only newly-arrived migrants but also long-term resident third country nationals and second and third generation migrants, and that this must be taken into account in policy-making;

4. Emphasises the fact that among the many factors that promote the integration of migrants the question of language skills for men and women, regardless of the employment issue, is a central one, since such skills facilitate the structuring of thoughts, the ability to be autonomous, a better understanding of society and the way in which it is organised and the development and improvement of the interpersonal abilities that foster social cohesion;

5. Highlights the crucial importance of a gender perspective in immigration and integration matters also in relation to employment; lack of focus on the specific gender problems arising in connection with immigration and integration can have devastating effects for the women involved as well as for society in general, especially the societies in which these women reside;

The EU's demographic/workforce challenge: managed migration as part of the answer

6. Points to significant international research showing migration trends to be the largest component of population change in much of the developed world; notes that the EU-25 working age population is set to shrink from 303m to 297m by 2020 — and then to 280m by 2030, almost doubling the old age dependency ratio — and that the fall in total employment could have negative effects on economic growth, since economic growth is the result of growth in employment and productivity;

7. Underlines the importance of looking upon immigrants, especially women, as a resource and a generally valuable acquisition for the labour market, to have a pluralistic workforce and a good use of the broad human resources available;

8. Agrees that migratory flows are an inescapable reality that can and must be harnessed to the mutual benefit of host countries and countries of origin; also agrees that managed migration, including temporary migration mechanisms, must be part of the response to EU demographic and economic trends, and their impact on social security systems, but that it cannot be the only solution — for example, significantly higher birth rates are also a major factor; emphasises that migration policies must be developed in parallel

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with complementary integration measures; underlines that migration cannot be viewed purely in terms of economic potential and that comprehensive policies must therefore also cover social, cultural, religious and political dimensions;

9. Emphasises that good managed migration policies can include the following:

- realising that skilled workers taking up jobs within the EU does not necessarily lead to 'brain-drain' in the countries of origin, since many workers return to these countries using their new experiences for the benefit of their home economies and communities;
- learning from existing experiences with the Green Card in the USA when formulating policies to make it easier for third country nationals to work temporarily in a Member State, with or without having a job contract in advance; however, best practice on recruitment and admission policies should be shared in the EU; this calls for a thorough forward-looking analysis of the labour market broken down by regions and sectors for each country and in a European context; careful consultation is therefore needed with the social partners and with the institutions responsible for the regional and local labour market;

10. Insists that managed migration cannot mean:

- side-stepping the reforms of EU labour markets and education/training systems needed to increase employability (including of migrants) and overall adaptability to economic change;
- 'cherry-picking' certain skilled workers/entrepreneurs from developing countries to the extent of risking damage to the economies of the countries of origin;
- abusing migrant workers under unacceptable conditions; illegal employment is a concern here, where action should be taken to penalise those who profit from such exploitation, not those who are its victims; furthermore, displacement effects are greatest amongst low-skilled workers, leading to social tension while also hampering efforts, including in the European Employment Strategy (EES), to boost quality of work across the labour market; or
- forgetting the commitment made in Lisbon 2002 and confirmed in Barcelona 2002 to create more and better jobs, specifically the commitment to bring to a successful conclusion efforts to ensure that the rights of all workers, including migrant workers, to work in conditions which respect their health, safety and dignity become a reality;

11. Takes the view that legal immigrants working in the hidden economy should be treated in the same way as Member State nationals vis-à-vis the handling of complaints about illegal working;

12. Emphasises the extraordinarily vulnerable situation of illegal immigrant women working illegally, secretly and in intolerable conditions which prevent them from reporting incidents of violence or discrimination, sexual or otherwise, of which they are victims, since they totally depend on their employer, the people who smuggle them in, or others;

13. Takes the view that the Member States should take urgent steps to shed light on illegal employment, especially in the domestic help sector, in which, according to its resolution of 30 November 2000 on regulating domestic help in the informal sector⁽¹⁾, a very large number of female migrant workers are employed; considers that a new solution must be found which permits families employing such workers to draw up a legal employment contract entitling them to social security cover;

14. Stresses that women and minors are the main victims of human trafficking and/or sexual exploitation and they therefore need appropriate protection and assistance; stresses the need to address the issue, to promote measures to prevent trafficking, to eliminate sexual exploitation and to ensure the integration

⁽¹⁾ OJ C 228, 13.8.2001, p. 193.

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of victims; insists that the Member States should take measures and adopt appropriate legislation so as not to penalise these victims;

15. Believes that the Member States' managed migration policies must cover the whole range of migration pathways from seasonal/temporary to permanent; as the Commission points out, temporary migration can become permanent and often the greatest overall economic, social and cultural contribution comes from permanent, adaptable and well-integrated migrants;

16. Points out however that, in the current situation, migrants who have once been admitted are often steered exclusively towards becoming permanent residents; partial adjustments to labour and social law, for example, may be desirable in order to make the voluntary option of temporary residence and return to the country of origin more attractive, which may in turn stimulate development there ('brain circulation' instead of 'brain drain');

Integration and employment

17. Stresses that integration is a matter for society as a whole, and that efforts are needed both from migrants and from indigenous populations in order to achieve genuine social cohesion; particularly emphasises the crucial role of local and regional authorities whose responsibilities for inter alia planning, housing, education and the labour market impact directly on integration and can promote social cohesion, social inclusion and sustainable communities; stresses the importance of supporting such work through the EU Structural Funds and initiatives such as EQUAL and Urban, while also facilitating participation by local and regional authorities in the European debate;

18. Emphasises that better knowledge of other cultures is an essential ability in a Europe that is becoming increasingly diverse and that all members of society need to learn to act in heterogeneous and changing environments; calls on the Member States to promote better knowledge of other cultures as a standard in education and in public life (politics, the labour market, public service);

19. Notes that admission policies can have a significant impact on the successful integration of migrants; calls in particular in this regard for a consistent definition of 'family' throughout the Tampere initiatives; regrets the contents of Council Directive 2003/86/EC on the right to family reunification⁽¹⁾, which run counter to the fundamental right to family life, and believes that a directive must be adopted based on the approach defined by the European Parliament; calls on the Member States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by Resolution No 45/158 of the UN General Assembly on 18 December 1990;

20. Believes that a European approach to migration, integration and employment must recognise how complex the picture is, for example:

- marked variations across Member States in the conditions and quality of migrants' jobs but generally poorer than average working conditions (including health and safety conditions) for new and established migrants; lower levels of job security; and pay gaps between migrant and other workers even greater than the EU's gender pay gap, with (for example) migrant workers in London who were nationals of developing countries receiving on average 29 % lower pay, in 2001, than host country nationals;

⁽¹⁾ OJ L 251, 3.10.2003, p. 12.

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- over-representation of migrants in low paid jobs;
- ethnic origin is one of many factors shaping labour market experiences — for example, certain ethnic minority communities in some Member States have a particularly high level of self-employment and entrepreneurship, much of which represents SMEs, which give a large impetus to the labour markets by providing employment; and
- integration policies and best practice will vary widely for different categories of migrants: for example, new migrants given refugee status will have markedly different needs to established migrants;

21. Underlines that many immigrant women have only derived rights through their husbands in their countries of origin; it is therefore crucial to ensure the individualisation of rights and benefits and an individual legal status for immigrant women and to provide immigrant women with detailed information, training and empowerment strategies on their rights and opportunities in order to promote the possibility of integration in society and in working life;

22. Is concerned that present EU employment rates for immigrants demonstrate that their potential economic and social contribution is not always realised; considers that employment is key to migrants' overall integration; supports proposals to improve successful and stable employment including the spreading of best practice by Member States in education and skills, with particular emphasis on language training for new migrants, building on every individual's personal skills and competences and their experience and qualifications obtained within and outside the EU, providing for a much needed better matching of the skills of individuals and the requirements of the labour markets;

23. Strongly urges measures to remove barriers such as discrimination in the workplace, including the use of successful diversity management in the workplace, as practised by some major enterprises and public institutions, to ensure fair recruitment, retention and promotion in the workplace, based on merit and irrespective of racial or ethnic origin or gender; calls for particular attention to be paid to the employment of immigrant women, and for the compilation of statistics broken down by gender;

24. Believes that an active policy of integration of legally resident third country nationals should include the following:

- establishing clear rules governing the legal status of residents and guaranteeing their right to good administration;
- allowing proper integration on the labour market;
- the duty of the resident to follow courses in the national language or languages provided by the host country and the right of access to education; recognition of academic qualifications;
- guaranteeing access to social and health services,
- efforts to create decent living conditions in cities and in the various districts thereof;
- ensuring that immigrants can participate in social, cultural and political life;

25. Considers that, in the above-mentioned areas, programmes should be established for initial reception of persons arriving in an EU Member State and that provisions related to the above-mentioned areas in the field of integration policy for second and third generation immigrants should be reviewed in order to align them with the objectives set out in this resolution;

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26. Calls on the Member States to undertake the regularisation of immigrant workers who, while not in possession of a residence permit, pay taxes and social security contributions in the host country;
27. Considers the adoption of the directive on long-term residents to be essential with a view to guaranteeing the integration of third country nationals;
28. As unemployment is often higher among women immigrants than among male immigrants, notes that special focus needs to be put on how to better integrate them, make childcare facilities available, as well as special cultural and educational meeting points etc.; if gender is taken into consideration, work on better integrating immigrants will become more focused and thus more effective;
29. Stresses the importance of available and free counselling for immigrant women, i.e. counselling and aid centres especially for women, dealing with general and reproductive health, women's rights, employment, etc., and underlines that counselling needs to be gender and culture sensitive (e.g. run by women with knowledge of countries of emigration in terms of culture, family patterns etc.);
30. Stresses also, in particular, the importance of unconditional and even priority access for immigrant women to education and vocational training, essential prerequisites for real integration into society and working life;
31. Considers that various action programmes have been developed in the Member States, and notably at regional and local level, to address the increasing pluralism of present-day societies, and that the experience acquired by the various authorities in this context should be combined in a common set of achievements in order to facilitate the exchange of best practice, the comparison of results, and the availability of information to the Member States, EU institutions, regional and local authorities and other players involved;
32. Supports the proposals, in line with the open method of coordination, to promote the exchange of information, ideas and experiences regarding the integration and employment of both new and existing immigrants; notes that the European Parliament should have a strong role in this, and that all relevant actors must be involved, including migrants' organisations; at the same time, urges a more ambitious scope for actions e.g. more detailed coverage of migration-related issues in the EES, awareness-raising about migrants' rights and responsibilities, action by the EU Social Partners to improve the appropriate representation and involvement of migrant workers in the private and public sector, in trade unions and work councils and measures to improve the ethnic diversity of staff in the EU institutions and other public administrations;
33. Welcomes the inclusion in the Communication of the concept of civic citizenship, enabling third country nationals legally resident in the EU to enjoy a status conferring on them economic, social and political rights and duties, including the right to vote in local and European elections, but stresses that this means more than implementing legal initiatives; emphasises the importance of civic citizenship for a sense of belonging to a community and thus integration; calls on the Commission to continue to emphasise a need for Member States to ensure that their citizenship requirements are non-discriminatory, particularly taking into account the grounds set out in Article 13 of the Treaty;
34. Stresses that while employment is key to overall integration, other measures are required for those who do not participate in the labour market including children, people caring in the family, and those with health problems; highlights that there are many other ways of fostering participation in society and integration including the promotion of voluntary activities;

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The need for a comprehensive, joined-up approach

35. Believes EU cooperation in managing migration, especially in relation to the labour market, is necessary but requires political commitment and leadership; sees the current political climate over asylum and illegal immigration as a possible obstacle to creating cooperation on managed migration and integration policies, but believes EU coordination and the sharing of best practice is highly desirable in achieving the goals of Tampere and Lisbon, while recognising the authority of individual Member States in the area of asylum as well as immigration policy;

36. Urges the Council and the Member States to put the positive case for managed migration, in particular by progressing all the elements of the balanced agenda set out at the Tampere European Council, including those side-lined (e.g. links with developing countries and integration policy) by the more recent emphasis on illegal immigration and asylum-seeking; stresses that the directives agreed so far as part of the Tampere agenda fall far short of the promises made at Tampere and notes that this has important implications for integration; calls on the Member States to explore the view of organisations such as the International Organisation for Migration which argue that policies on managed migration, including for employment, are the necessary counter-part to asylum systems reform and action against illegal immigration — without more legitimate economic migration opportunities, the abuse of, and the pressure on, asylum policy and on all illegal forms of migration will not decrease;

37. Considers that action against illegal immigration and trafficking in human beings must not result in a repressive policy directed against illegal immigrants but rather against traffickers and those who benefit from the situation;

38. Stresses the need to look into the causes and consequences of illegal as well as legal immigration and refuge, especially for women immigrants and asylum seekers, who might be emigrating because of gender discrimination or persecution;

39. Urges the Member States periodically to draw up studies and inform the Commission of the illegal and hidden labour market, its impact on national economic activity and the presence of immigrants on the labour market, given that a real prospect of finding a job unquestionably serves as an incentive for illegal immigration;

40. Insists on the need for studies, gender-specific statistics and thematic research on the feminisation of immigration, the role of women in integration and socio-economic discrimination against immigrant women, for example, in order to be able to work on drawing up European and national public policies which take account of the specific implications of gender in migration;

41. Bearing in mind that Member States are responsible for determining the number of third country nationals on their territories, supports the idea of establishing global estimates that also take into account people whose residence has been authorised on grounds other than that of economic activity, such as refugees, people enjoying subsidiary protection and those entering for family reunification purposes, including minors of working age, who must be ensured access to the labour market;

42. Welcomes the appeal lodged by its President at the European Court of Justice against Directive 2003/86/EC aimed at securing the repeal of the provision allowing Member States to subject immigrant children aged over twelve to a test before deciding if they may rejoin their parents;

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Co-operation and dialogue with third countries

43. Calls on the Council and Member States to improve dialogue with third countries to ensure, inter alia, that the root causes of economic immigration are addressed, and that policies will support development objectives;

44. Also calls on the governments of the Member States to define and cooperate on systems of regulation, qualitative and quantitative, for legal entry to Europe to offer to those countries of origin and transit which experience the main flows of illegal immigration, in order to establish partnerships with a view to drawing up agreements on readmission, management of migratory flows, and the combating of illegal immigration;

45. Calls on the Member States also to conclude agreements with countries of origin so as to guarantee the transfer of immigrants' social security entitlements;

46. Calls for the necessary political and economic instruments at the disposal of the EU to be used effectively to reduce the underlying causes of migration flows and to support cooperation with third countries that have a key role to play in the management of migration;

47. Recalls the Commission Communication on integrating migration issues in the EU's relations with third countries, and in particular the following:

- a balanced overall approach which addresses the root causes of migration movements;
- a partnership on migration stemming from a definition of common interests with third countries; and
- specific and concrete initiatives to assist third countries in increasing their capacity in the area of migration management; in this regard, highlights the importance of budget item 19 02 03 (B7-667) for 2004 which provides for a multi-annual programme 2004—2008 to manage all aspects of migration flows;

48. Considers that labour migration policy should be based on efforts to achieve fair national and international labour relations; considers that consultation with countries of origin and local trade unions is therefore necessary; proposes that all this should be regulated by international legislation; the International Labour Organisation must obviously be accorded an important role in this area;

49. Calls on the governments of Member States to promote a responsible balanced debate, based on accurate, independently researched information on the levels of migration, the positive economic and social contribution of migrants as well as costs and on the way that migration can be one of many solutions to the demographic trends of the EU's declining working age population, a debate involving political leaders, the media, social partners and civil society;

50. Stresses the huge importance of gender mainstreaming in all policy areas of the EU and calls for a much higher recognition of the specific and often devastating problems which women face when immigrating and integrating into a foreign country;

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51. Instructs its President to forward this resolution to the Council and the Commission.
