

Opinion of the European Economic and Social Committee on the 'Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment'

(COM(2003) 336 final)

(2004/C 80/25)

On 3 June 2003 the Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the above-mentioned communication.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 25 November 2003. The rapporteur was Mr Pariza Castaños.

At its 404th plenary session of 10 and 11 December 2003 (meeting of 10 December), the European Economic and Social Committee adopted the following opinion by 117 votes with six abstentions.

1. Summary and conclusions

1.1. The EESC considers the Commission Communication to be necessary in view of the present lack of coordination between the Member States on immigration. Its global approach, taking account of all elements involved in immigration and integration, is the right one. The document is very positive since, as the Committee has suggested in a number of opinions and at the September 2002 conference, it defines integration as a key aspect of European immigration policy. Integration is necessary for both economic efficiency and social cohesion.

1.2. The EESC is pleased to note that all the delegations attending the Employment, Social Policy, Health and Consumer Affairs Council on 20 October welcomed the Commission Communication as a good starting point for future work. The EESC has asked the Committee of Permanent Representatives to draw up a set of conclusions to be presented to the Council session in December. The EESC will contribute to the Council's work with this opinion.

1.3. Integration is a two-way process within which both immigrants and the host society have certain rights and obligations. It implies bringing immigrants' rights and duties, as well as access to goods, services and means of civic participation, progressively into line with those of the rest of the population, under conditions of equal opportunities and treatment. Under the terms of subsidiarity and cooperation, all public authorities — European, national, regional and municipal — need to develop integration policies.

1.4. If properly managed, immigration will help the EU to achieve the objectives of economic growth, job creation and competitiveness which were agreed at Lisbon. The EESC agrees

with the approach of linking immigration policy and the Lisbon process, European employment strategy and social inclusion plans.

1.5. Employment is essential to the integration of immigrants. The objectives of Lisbon and the European Employment Strategy to create more and better jobs must include immigrants. The social partners and public authorities must work together to prevent immigrants suffering from discrimination in the area of salaries and working conditions.

1.6. The social partners and all social organisations must be prepared to make new commitments and cooperate with Community, national, regional and local authorities in promoting integration and equal treatment.

1.7. The Thessaloniki European Council adopted a balanced focus, in line with the agreement reached at Tampere: new Community policies and greater coordination between national policies are needed to improve the integration of immigrants. However, the Brussels Council failed to adopt any concrete initiatives.

1.8. The Council must step up its work to adopt the expected legislative package on immigration. The EESC hopes that the joint legislation will be drafted bearing in mind European Parliament and European Economic and Social Committee opinions. If this is to be achieved, the Member States must inject more flexibility into their present positions, which allow only for minimal legislation which is both inadequate and inappropriate for a common European immigration policy. The recently adopted Directive on the right to family reunification (2003/86/EC) does not do enough to promote integration and the Council failed to take account of the EESC Opinion (1).

(1) See the EESC Opinion on this in OJ C 241, 7.10.2002.

1.9. The Member States must speed up the full transposition into national legislation of the two anti-discrimination directives (Directives 2000/43/EC and 2000/78/EC). The Council and Commission must press the Member States to amend national legislation and appeal to the Court of Justice of the European Communities in the event of non-compliance.

1.10. The EESC proposes that the Commission could manage a European integration programme, equipped with sufficient economic resources and within the framework of coordination of national policies, and stresses how important it is that the Council grant the Commission the political, legislative and budgetary means needed to promote the integration of immigrants. The EESC highlights the importance of establishing positive and effective immigrant arrival programmes in cooperation with civil society organisations.

1.11. The EESC welcomes the fact that the Thessaloniki Council, at the Commission's suggestion, agreed to enhance the coordination of national policies on immigration, but considers that these undertakings should be only the first step in implementing an open method of coordination, as previously proposed by the Commission and backed by the Committee ⁽¹⁾.

1.12. The Committee believes that coordination should begin in four areas:

- integration of immigrants in the labour market (as part of the European Employment Strategy), including training;
- programmes for recently arrived immigrants;
- language learning;
- involvement of immigrants in civic, cultural and political life.

1.13. The Commission is to draw up an annual report on immigration and integration, reflecting the national reports. The European Economic and Social Committee intends to draw up opinions on these reports, with the aim of contributing to better European coordination and the dissemination of good practice. The EESC will continue to listen to the views of civil society organisations when drawing up its opinions.

2. Introduction

2.1. In September 2002, in cooperation with the Commission (JHA), the European Economic and Social Committee hosted a conference attended by the social partners and the major NGOs of the 15 Member States and 10 accession

countries. The aim was to place integration at the centre of European immigration policy. The opinion ⁽²⁾ on immigration, integration and the role of civil society organisations served as a basis for the work of the conference.

2.2. One of the conclusions of the conference was a proposal for a European programme for the integration of immigrants and refugees. In his closing remarks, Commissioner António Vitorino expressed his agreement with the proposal made by the EESC to adopt integration as one of the Union's key objectives over the coming years within the framework of a common immigration and asylum policy. He also announced that a programme of preparatory work was to be drawn up to help further integration over the period 2003-2005.

2.3. The Communication from the Commission on immigration, integration and employment contains several proposals and comments made by the EESC in its various opinions and taken from the work done at the aforementioned conference. This once again demonstrates the excellent cooperation between the Commission and the EESC on such matters.

2.4. The EESC would like to indicate its satisfaction at the Communication issued by the Commission; it is a sound starting point to lend momentum to the social integration policies for immigrants across the European Union. The Communication is a key document for giving a clearer future focus to European immigration policy, and is warmly welcomed by the Committee.

2.5. By placing immigration policy within the context of the Lisbon strategy and European employment and social cohesion policy, whilst promoting the integration of immigrants, the Council will be able to take on a more active role within the legislative process and adopt a more positive attitude towards future management of migratory movements, set to increase over the coming years.

3. Immigration, employment and social cohesion in the context of population change and the Lisbon objectives

3.1. Migration has been an integral feature of human communities throughout history. The progress achieved by communities and civilisations cannot be understood without studying migration. Today, the migratory processes of large numbers of people are a significant and positive force for economic, social and cultural development, in both the countries of origin and the host countries.

⁽¹⁾ See the EESC opinion on an open method of coordination, OJ C 221, 17.9.2002.

⁽²⁾ OJ C 125, 27.5.2002.

3.2. It must be remembered that immigration is the result not only of economic and employment needs within Europe, but also of the demographic situation, economic and social inequalities and political instability in the third countries from which immigrants and refugees originate. Cooperation with countries of origin on the management of migratory movements must therefore be improved as part of the EU's overall foreign policy ⁽¹⁾.

3.3. Europe's population is growing older ⁽²⁾ and in the short term this trend is set to continue. Current data indicate that the EU's working-age population is set to decrease considerably. Although the current employment rate in some countries still has some room for growth, we must accept that in all of the current Member States and the accession countries the working-age population is on course for a sharp decline over the coming years ⁽³⁾. When drawing up these figures, Eurostat took account of a small amount of immigration (roughly 630 000 people entering the EU each year).

3.4. There is no doubt that this reduction in the number of people of working age will lower the employment rate and curb economic growth, unless productivity rises at a faster rate than at present (the current rate is a mere 1,2 %) ⁽⁴⁾. It is therefore necessary to bear in mind that the demographic situation of the EU poses new and major challenges for the Lisbon objectives. The demographic situation ⁽⁵⁾ could have a negative impact on economic growth and competitiveness in Europe. A comparison of European with US data for growth in the working-age population, generated by higher immigration ⁽⁶⁾, shows that Europe is also at a disadvantage in this regard ⁽⁷⁾. The EESC would like the Commission to draw up new reports on the forecast level of immigration and its macro-economic impact.

⁽¹⁾ See the EESC Opinion on the Proposal for a Regulation of the European Parliament and of the Council establishing a programme of financial and technical assistance for third countries in the area of migration and asylum, OJ C 32, 5.2.2004.

⁽²⁾ See the information report on The demographic situation in the EU and future prospects.

⁽³⁾ Eurostat has indicated that in the enlarged Europe of 25 Member States, the working-age population will fall from 303 to 297 million by 2020, and to 280 million by 2030.

⁽⁴⁾ Data provided in point 2.3 of the Commission Communication.

⁽⁵⁾ European Commission's Annual Economic Review 2002.

⁽⁶⁾ The US population grew by 33 million between 1990 and 2000. Between 1995 and 2000, immigration accounted for 40 % of population growth.

⁽⁷⁾ Commission report on data provided by the UN, Ameco and Eurostat.

3.5. The ageing population will also have a negative effect on the sustainability of our social welfare systems ⁽⁸⁾. The EESC agrees with the Commission's view that well-managed immigration may prevent a decrease in employment and contribute to enhancing the viability of our pension systems. This must, however, take place within the framework of a proper employment policy, and the objectives and reforms laid down in Lisbon.

3.6. While the unemployment rate in some sectors continues to be high, other professional categories, both highly-qualified and low-skilled, in certain sectors and in specific countries are experiencing a shortage of labour and have already turned to labour immigration as a solution.

3.7. As these trends worsen over the coming years, both individual businesses and Member States as a whole will be faced with the challenge of attracting and employing new immigrants with the right qualifications, so as to ensure a sound balance on their labour markets. This strategy will enable Europe to take advantage of all existing employment opportunities and as such improve economic growth within the framework of the Lisbon objectives.

3.8. The Lisbon European Council and subsequent spring Councils have undertaken to create new jobs by increasing the employment rate of women, men and older people ⁽⁹⁾ and by introducing the reforms to the labour markets and social protection systems needed to achieve these objectives. In the EESC's view, the Lisbon strategy needs to be strengthened ⁽¹⁰⁾. In some Member States, for example, women can make a greater contribution to economic growth by increasing their rate of participation in the labour market; public and private investment in lifelong learning ⁽¹¹⁾ will also increase workers' capacity to adjust to new vocational requirements. Opening up labour markets to new immigrants should not be used by governments to avoid the reforms laid down in the Lisbon strategy.

⁽⁸⁾ See the EESC opinions on the Commission Communication on supporting national strategies for safe and sustainable pensions through an integrated approach, OJ C 48, 21.2.2002, and on options for the reform of pension schemes, OJ C 221, 17.9.2002.

⁽⁹⁾ See the EESC own-initiative opinion on older workers, OJ C 14, 16.1.2001.

⁽¹⁰⁾ See the EESC exploratory opinion on the Lisbon strategy and the EESC opinion on the Commission Communication on strengthening the social dimension of the Lisbon strategy (COM(2003) 261 final).

⁽¹¹⁾ See the EESC opinion on lifelong learning, OJ C 311, 7.11.2001.

3.9. The EESC has stated in several opinions that further progress must be made in developing common immigration legislation and would once again ask the European Council to push ahead with new legislation, in particular the Directive on the conditions of entry and residence of economic immigrants, based on the Commission proposal and taking account of the views of the EESC (1).

3.10. EU enlargement to include ten new Member States will not considerably affect Europe's demographic pyramid for the next few years.

3.11. The Commission's view in this respect tallies with that of the Committee, i.e. unless a more open approach to legal immigration is adopted — bearing in mind the forecasts for the Union's employment situation and labour markets — illegal immigration will increase across the EU, exceeding current levels and bringing with it the associated economic, employment-related and social problems.

3.12. Well-managed labour immigration will bring new professional qualifications and individual skills to the labour markets of the EU, thus enhancing their overall flexibility. The authorities will have to consult the social partners in order to ensure that labour immigration is managed in accordance with the employment and social practices of the Member States and based on coordination of the EU's employment and immigration policies.

3.13. Immigration is one of the answers to the problem of an ageing workforce. Action must also be taken in other areas to boost the birth rate. Measures such as family benefits, a better balance between family life and career, and childcare services would help. The demographic impact of these measures will be felt in the long-term. A considerable increase in immigration will be necessary over the coming decades in order to ensure that the current and future needs of Europe's labour markets can be met.

3.14. Some political decision-makers believe that labour immigration will be temporary in nature. There is no doubt that some labour immigration will indeed be temporary or seasonal, but past migratory processes and current demographic developments indicate that a large number of immigrants will remain in the EU for longer periods or indeed indefinitely. Integration must therefore be the centrepiece of European immigration policy. Europe's economic efficiency and social cohesion will depend on the success of integration.

4. The Thessaloniki and Brussels European Councils

4.1. The Communication was presented to the Thessaloniki European Council, which met on 19 and 20 June 2003. In its conclusions the Council advocates 'the development of a policy on the integration of third-country nationals legally residing in the territory of the European Union'. Since Tampere, this is the first time that integration policy has received the same weighting as other aspects of immigration policy, such as border controls and foreign policy, in the conclusions drawn up by a European Council on the issue of immigration. While integration had already emerged as one of the main pillars of immigration policy at the Tampere European Council of October 1999, no concrete content had thus far been decided, the Council deeming measures in other areas, such as border control and illegal immigration, to be of greater urgency.

4.2. The EESC therefore welcomes the priority status given by both the Commission and the Council to social integration as part of the common immigration policy. Nonetheless, it points out that the conclusions of the European Council of Thessaloniki are still a considerable step away from the main thrust of the Commission proposal.

4.3. The Council covered some important issues, such as determining some specific features of integration policy, undertaking to define basic common principles, and the need to improve coordination and exchange information. It invited the Commission to present an annual report on immigration and integration, and adopted a favourable stance to allowing social organisations to participate in drawing up measures to facilitate integration.

4.4. However, no mention was made of other highly important aspects, such as the Commission's proposal to introduce a system of civic citizenship. Moreover, as the Council believes integration measures to be the remit of the Member States, it did not adopt any policies of its own to cover the European level. Although the Council did not adopt the Commission's proposal to introduce an open method of coordination for immigration policy, a proposal which was supported by the EESC (2), it has stipulated that the Member State's policies 'should be developed within a coherent EU framework'. The EESC trusts that the Council will take this idea further in the future and adopt a truly open method of coordination for both immigration and integration.

4.5. The Council must provide the Commission with the political, legislative and budgetary means needed to promote integration. In previous opinions and during the September 2002 conference, the EESC made clear the need to adopt a European programme for the social integration of immigrants and refugees.

(1) See in particular the EESC opinion in OJ C 80, 3.4.2002.

(2) See EESC opinion in OJ C 221, 17.9.2002.

4.6. The Council outlined that the success of integration policies would depend on the effective participation of all parties concerned. Reflecting the proposals made by the EESC, it has also called for all the relevant bodies within the European Union, national and local authorities, trade unions and professional associations, non-governmental organisations, immigrant associations and cultural, social and sports organisations to contribute at both national and EU level. Were the European Council itself to make greater commitments, in terms of policy, legislation and budget, there is no doubt that the cooperation between the other parties involved would be more effective.

4.7. The Brussels European Council made new commitments on border controls and stopping illegal immigration, including repatriation. However, no initiatives were adopted to improve the integration of immigrants.

5. Comments

5.1. *The notion of integration*

5.1.1. The Commission Communication approaches integration as a two-way process within which both the third-country nationals and the host society have certain rights and obligations designed to enable the immigrants to participate fully in that society. This approach tallies with that of the EESC⁽¹⁾, which has indicated that it sees integration as 'bringing immigrants' rights and duties, as well as access to goods, services and means of civic participation progressively into line with those of the rest of the population, under conditions of equal opportunities and treatment'.

5.1.2. Article 2 of the draft Constitution for Europe defines the Union's values as: respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values, laid down in the Charter of Fundamental Rights, must provide the basis for integration policies.

5.1.3. This definition of integration must replace others that are based on cultural aspects and all too often used to discriminatory ends. It is time to reject the accepted idea that integration is no more than a process of adaptation to the culture of the host society. The EESC considers multicultural-

ism to be a feature of a pluralist and democratic Europe. Immigration from third countries adds new elements to this diversity, culturally enriching our societies. The culture of communities should not be seen as something that is entrenched, rather as a process that is constantly evolving and that grows continuously richer as new elements are added.

5.1.4. The Commission favours a holistic approach to immigration, taking account not only of the economic and social aspects of integration, but also of cultural and religious diversity, citizenship, and political participation and rights. The EESC supports the notion that integration policies should have a global outlook.

5.2. *Equal rights and obligations as the basis for integration*

5.2.1. All stable and long-term residents of a Member State must be given the same rights as all other citizens of the European Union. The EESC adopted an opinion on access to European Union citizenship⁽²⁾ calling upon the Convention 'to provide a new criterion for granting Union citizenship: citizenship should be linked not only to nationality of a Member State, but also to stable residence in the Union'⁽³⁾, and for 'European citizenship [to be granted] to third-country nationals who are stable residents. This would make it easier for them to exercise their political rights and thereby improve integration, as European citizenship and the rights and obligations deriving from it are a very important factor for the integration of these people into host societies'⁽⁴⁾.

5.2.2. In its Communication, the Commission states that legislation enabling immigrants to obtain the nationality of the Member State in which they are resident is highly favourable to successful integration. It therefore suggests that the naturalisation process should be swift, sure and non-discretionary. In several of its opinions, the EESC has outlined its support for this idea, stating that legislation governing access to nationality should be harmonised at European level, bearing in mind the principle of subsidiarity, so as to eradicate discrimination of any type and facilitate access to naturalisation in all of the Member States under similar conditions.

(1) See point 1.4 of the EESC own-initiative opinion on immigration, integration and the role of civil society organisations, OJ C 125, 27.5.2002.

(2) See the EESC opinion in OJ C 208, 3.9.2003.

(3) See point 6.4 of the same opinion.

(4) See point 1.7 of the same opinion.

5.2.3. The Commission is keen for immigrants who remain in a country for a certain length of time to be awarded civic citizenship in order to facilitate their integration into the host society. The EESC believes that the Commission's proposal for civic citizenship is based on the same objective as the Committee's proposal for Union citizenship, according to which third-country nationals resident in the European Union on a stable or long-term basis would share the same rights and obligations as nationals of the Member States, i.e. the citizens of Europe.

5.2.4. The plural, inclusive and participatory European citizenship proposed by the EESC ⁽¹⁾ and including the right to political participation, i.e. the right to vote (active and passive) in municipal and European Parliament elections, would offer a solid basis for the many integration processes involving immigrants. The Commission Communication states that, 'From the point of view of integration, it is obvious that local franchise should derive from permanent residence, rather than from nationality' ⁽²⁾. The EESC has already suggested that stable and long-term residents should be given the right to vote in municipal and European elections ⁽³⁾ and as such fully supports the Commission's proposal.

5.2.5. The Commission also indicates the need to create a legal basis for integration in the Treaty. The Committee would ask the Intergovernmental Conference, which is drawing up the Constitutional Treaty on the basis of the Convention's proposal, to ensure that the new Treaty grants Union citizenship to third-country nationals resident on a stable or long-term basis, as suggested in the own-initiative opinion on access to European Union citizenship.

5.2.6. Further to this, the EESC would propose that the Council review the agreement ⁽⁴⁾ adopted with reference to the status of long-term residents and include the proposal drawn up by the Commission, the European Parliament and the Economic and Social Committee ⁽⁵⁾ in the Directive so as to enable those who have this status also to be given the right to vote (active and passive) in municipal and European elections. If the Directive does not include this provision, the EESC is of the view that the Commission and the Parliament must recommend that the Member States grant such people the right to vote in municipal and European elections when transposing the Directive into national legislation.

⁽¹⁾ See point 4 of the same opinion.

⁽²⁾ See point 3.3.6 of the Communication.

⁽³⁾ See point 5.7 of the opinion on immigration, integration and the role of civil society organisations, and the opinion on access to European Union citizenship.

⁽⁴⁾ Political agreement at the JHA Council of 5.6.2003.

⁽⁵⁾ See the EESC opinion on the status of long-term residents, OJ C 36, 8.2.2002.

5.3. Combating discrimination

5.3.1. The integration into society of immigrants, based on granting equal rights and obligations, is very closely linked to the fight against discrimination. Discrimination is the elimination and infringement of the rights of the target group or individual.

5.3.2. The Communication highlights the importance of raising awareness in the host society so as to involve it in the fight against discrimination, ensuring that both businesses and the social partners adopt non-discriminatory practices, local and regional authorities make appropriate undertakings, and experiences and best practices are exchanged, etc. The EESC demands that the Member States, all public-sector institutions and all social organisations adopt better policies so that discrimination can be combated more effectively. Discrimination in the workplace is detrimental to integration. As such, in the context of the work being done on corporate social responsibility, the EESC hopes that businesses will adopt good practices to eliminate discriminatory attitudes detrimental to immigrants, refugees, and other cultural and ethnic minorities.

5.3.3. The Communication calls upon the Member States to guarantee the transposition of the two existing anti-discrimination directives ⁽⁶⁾ into their national legislation. The EESC would point out that, although the deadline for transposing these directives has passed, several of the Member States have failed to fulfil their obligations in this respect. The Council and the Commission should impress upon the Member States concerned the need to speed up their transposition procedures. The EESC calls on the Member States to eliminate the discrimination that still exists in some legislation on the participation of third country nationals in trade union elections and elections at the workplace.

5.4. The European Monitoring Centre on Racism and Xenophobia ⁽⁷⁾

5.4.1. The Centre published an excellent report in November 2002 ⁽⁸⁾ on the situation of immigrants in the European Union which highlights the seriousness of the discrimination suffered by a great many immigrants in terms of employment and working conditions. Much discrimination persists, affecting second or third generation descendants who are EU citizens.

⁽⁶⁾ Directives 2000/43/EC and 2000/78/EC.

⁽⁷⁾ See the EESC opinion on the Commission's proposal to recast the relevant regulation, to be adopted at the plenary session of 10 and 11 December 2003.

⁽⁸⁾ Diversity and equality for Europe, Annual Report 2001.

5.4.2. The report it is currently drawing up for the year 2003 will analyse the situation of immigrants and ethnic minorities in relation to employment, housing, education and racist violence.

5.4.3. In the future it will be essential for the cooperation between the Vienna Centre and the EESC to be improved via meetings, hearings and conferences as well as by drawing up joint reports covering the areas of responsibility of both.

5.5. *Integration into the labour market*

5.5.1. Access to the labour market on equal terms is essential for the social integration of immigrants and refugees, not only to promote economic independence, but also to improve personal dignity and social participation. The structural and institutional barriers preventing freedom of access to the labour market must be removed.

5.5.2. In the European Union, the average unemployment rate is higher among immigrants than among EU nationals⁽¹⁾. Unemployment continues to seriously affect second and third generation immigrants. Moreover, immigrants suffer from other specific problems more than the average citizen, such as lack of recognition of academic and vocational qualifications, and waiting times for receiving work permits.

5.5.3. The objective of combating discrimination complements the Lisbon strategy: making maximum use of what immigrants have to offer, which means using the experience and qualifications they already have. CEDEFOP can help in combating discrimination through the recognition of immigrants' professional qualifications.

5.5.4. Having appropriate qualifications is a prerequisite for integration in the labour market. To facilitate immigrants' access to the labour market and reduce the level of employment, authorities in the host society must offer immigrants training adapted to the work environment, while public employment services must advise them about existing work opportunities and the training required.

(1) According to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Mid-term review of the social policy agenda (COM(2003) 312 final), the rate is 16 % for immigrants and 7 % for EU nationals.

5.6. *The Dublin Foundation*

5.6.1. The 2002 report on industrial relations in Europe⁽²⁾ contains an important chapter on immigration which provides vital evidence on the specific problems of immigrants and their working conditions. The report confirms that immigrants have less job security, receive lower wages, are exposed to greater risks to their health and safety at the workplace, and enjoy less protection through collective bargaining.

5.6.2. The EESC would like the agenda for social dialogue between the social partners at different levels (European, sectoral and national) to include the equal treatment of immigrants in Europe and improving their working conditions.

5.6.3. The EESC and the Dublin Foundation must step up their cooperation, within their respective areas of competence, on matters relating to labour migration.

5.7. *The European Employment Strategy (EES)*

5.7.1. The EESC welcomes the statement by the Commission in its Communication on European employment strategy⁽³⁾ that in future the strategy should take more account of immigration. In the same way, the employment policy guidelines⁽⁴⁾ take account of demographic change, immigration and discrimination against minorities.

5.7.2. In previous opinions the EESC put forward various proposals which the Commission thought should be included in the future EES. These include:

- access by immigrants to training and employment services;
- reducing employment differences between EU and non-EU nationals by 2010;
- cutting unemployment among immigrant workers;
- combating the informal economy and undeclared work;
- evaluating EU labour market needs and the contribution of immigration to fulfilling workforce requirements;

(2) Industrial Relations Developments in Europe 2002. European Commission and the European Foundation for the Improvement of Living and Working Conditions.

(3) COM(2003) 6 final on the future of the European Employment Strategy.

(4) Council Decision on employment guidelines, OJ L 197, 5.8.2003.

- developing the EURES network to facilitate the admission of labour immigrants and to encourage labour mobility between the Member States;
- exchanging experience and good practice as part of the programme of measures to promote employment;
- eliminating discrimination at the workplace.

5.7.3. In the third priority set out in the employment policy guidelines⁽¹⁾, on adaptability and mobility, the Council considers that the labour market aspects of immigration must be taken into account. In the fifth priority, in referring to an increased labour supply, it suggests that the Member States must 'give full consideration to the additional labour supply resulting from immigration'. In the seventh priority, it calls on the Member States to promote the integration of and combat discrimination against immigrants and ethnic minorities in the labour market, aiming to achieve by 2010 'a significant reduction [...] in the unemployment gaps between non-EU and EU nationals'. The ninth priority urges the Member States to transform undeclared work into regular employment.

5.7.4. The EESC Opinion⁽²⁾ notes that immigration is not treated as a specific and separate priority, but is mentioned in the context of other priorities'.

5.7.5. Given that employment is one of the key factors for effective integration, the EESC has proposed⁽³⁾ a new commitment by the social partners in Europe to encourage immigrants' access to the labour markets on equal terms and to eliminate discrimination at the workplace. The EESC agrees with the Commission⁽⁴⁾ that the social partners must play an important role in this area.

5.8. Social inclusion

5.8.1. The Copenhagen European Council supported the objectives adopted in Nice for combating poverty and social exclusion. The EESC agrees that these objectives should include combating the risk of poverty faced by some men and women as a result of immigration.

5.8.2. The EESC welcomes the fact that in the national plans for social inclusion the Member States are also to report on measures for the social integration of immigrants.

5.8.3. It is very important for the Member States to carry out studies and analyses on the income, housing and living conditions of immigrants and ethnic minorities, so that the authorities can evaluate the risk of social exclusion faced by these groups.

5.9. Economic and social cohesion

5.9.1. The future of economic and social cohesion is to be discussed over the coming months on the basis of the third report to be presented by the Commission. Experience acquired with the Social Fund and initiatives such as EQUAL are a good starting point for the new policies.

5.9.2. Given that immigration is set to increase in the next few years in Europe, account will have to be taken of the need for social inclusion, combating discrimination, vocational training, the regeneration of deprived urban areas etc., so that these immigration-related issues feature prominently in future cohesion policies.

5.10. Initial arrival

5.10.1. The social integration of immigrants starts with the reception they receive. The policies of local and regional institutions are very important, but against a background of rising immigration it is the national authorities that need to adopt appropriate programmes. Civil society organisations and immigrants' organisations must participate in all arrival programmes.

5.10.2. These programmes require specific, clearly defined instruments and resources if they are to operate properly: bureaus for dealing with recently arrived immigrants and refugees; information systems; programmes and trained personnel for individual attention and assistance; language courses and familiarisation with the social and labour environment, tailored to the needs of all new arrivals; etc. It is very important that NGOs work with the public authorities in managing these programmes.

5.10.3. The Communication makes insufficient reference to initial arrival and, besides, its approach is confusing when it states that integration measures should be available to third country nationals 'as soon as their stay acquires a degree of permanence or stability'⁽⁵⁾. A restrictive interpretation of this approach could signify that the integration measures are aimed solely at legal residents with a certain degree of stability or with permanent residence. The EESC considers that it is necessary to have policies for the initial arrival of all new immigrants as the first step in integration policies.

(1) Council Decision on employment guidelines, OJ L 197, 5.8.2003.

(2) See the EESC Opinion on the Proposal for a Council Decision on guidelines for the employment policies of the Member States. OJ C 208, 3.9.2003.

(3) EESC conference on Immigration: the role of organised civil society, 9 and 10 September 2002.

(4) COM(2003) 336 final, point 3.3.1.

(5) See point 3.1 of the Communication.

5.11. *Language learning*

5.11.1. The Commission Communication states that a knowledge of the language is an instrument of enormous importance for integration. It is important for obtaining work and for the immigrant's relations with the host society in all areas of daily life; social harmony improves markedly where there are no language barriers.

5.11.2. A pro-active, non-punitive approach is needed to language learning. There are those who argue that the first priority is to lay down laws obliging the immigrant to study the language as a precondition for legal residence. The Committee thinks that the priority should be for the public authorities, in cooperation with social organisations, to offer language courses geared specifically to immigrants, free of charge and with appropriate human and material resources.

5.11.3. The EESC would like national, regional and local authorities to provide sufficient language courses. Social and immigrants' organisations can work with the authorities in organising courses. It is important that everyone — men, women and children — have the opportunity to attend courses near to their home, at times and on terms that are flexible and compatible with their work.

5.11.4. Language courses must be backed up by courses on the host society, its customs and laws, etc. The Member States may make the naturalisation procedure conditional on progress in learning the language, but only when the authorities have provided the immigrants with the means necessary for learning it. Some Member States withdraw or refuse to renew work and residence permits on grounds of insufficient knowledge of the language; the EESC considers this very drastic measure to be disproportionate and in contravention of the values of the Union, as laid down in the draft Constitution and Charter of Fundamental Rights.

5.12. *Education*

5.12.1. The Committee considers that access to education for the children of immigrant families is a universal right and of enormous importance for integration; at the present time, however, some Member States do not guarantee access to education for all children of immigrant families, regardless of their legal situation, and on equal terms and of equal quality compared with children of nationals.

5.12.2. In many cases the negligence of the authorities has led to the concentration of immigrant or ethnic minority children in low quality schools. A basic objective of social integration policies must be to prevent educational ghettos; to this end, the authorities must adapt their educational systems and increase resources, including positive measures for action.

5.12.3. Some teaching material contains xenophobic elements and negative views on ethnic, cultural and religious minorities. This is a serious infringement of the rights of many people and works against integration. In some Member States pro-integration measures must include the revision of these texts and their replacement by pluralist texts. An intercultural approach is needed in the education system to reflect the two-way nature of integration.

5.12.4. Frequently immigrants do not have access to ongoing training, making it difficult for them to advance in their profession. The authorities must also earmark more resources for promoting the training of immigrant adults, women especially. Experience shows that in some circumstances women remain in a situation of extreme social isolation.

5.12.5. Training promotes equal opportunities. The Member States' education policies must therefore root out the inequalities in training which affect some immigrants and members of ethnic minorities.

5.13. *Housing and urban issues*

5.13.1. The Commission Communication states that integration problems occur particularly in ethnically mixed and deprived urban and industrial areas with problems of racism and xenophobia. The EESC calls for urban planning programmes which eradicate rundown, low-quality urban ghettos. The URBAN II programme (2002-2006) must include such actions among its priorities and increase the available resources.

5.13.2. Immigrants and refugees are often forced to live in very low-quality, overcrowded housing. Appropriate housing policies are needed to deal with this situation. As a result of the increase in the cost of housing and the rise in immigration, the EESC considers that the local, regional and national authorities must provide more social housing and improve its quality.

5.14. *Health and social services*

5.14.1. Policies to facilitate immigrants' access to health and social services must be stepped up. The Member States must ensure that social and health services are of good quality and tailored to the cultural, social and linguistic needs of immigrants and refugees.

5.14.2. The EESC would stress the importance of intercultural awareness in health and social services. Changes need to be made to the set-up of bodies providing these services, such as adapting to new cultural realities, providing additional training for employees, etc. This will help reduce the specific difficulties faced by immigrants and refugees when accessing health and social services.

5.15. *Dealing with irregular immigrants*

5.15.1. In earlier opinions⁽¹⁾ the Committee has stated that 'an immigrant without papers is not a criminal'. Although such people find themselves in an irregular administrative situation, their fundamental human rights are protected by conventions on international humanitarian law and by the Charter of Fundamental Rights. The criminals are those who are engaged in trafficking and exploiting irregular immigrants. The European Union⁽²⁾ must, in cooperation with countries of origin and of transit, step up the fight against criminal trafficking, which puts human lives at risk.

5.15.2. People without papers are not without rights. According to the Commission, it is necessary to consider the situation of this group of people from the point of view of their impact on the labour market and their integration. As pointed out by the Committee in various opinions, undeclared work and illegal immigration feed off each other; hence the need for the authorities to take decisive action to expose those economic activities and sectors which use illegal immigrants. Only when these people regularise their situation will integration policies be effective.

5.15.3. The Employment, Social Policy, Health and Consumer Affairs Council of 20 October⁽³⁾ adopted a Resolution on undeclared work, in which it fleshes out employment guidelines, and the Communication on immigration; it also

(1) See the EESC opinions on the Green Paper on a Community return policy on illegal immigrants, OJ C 61, 14.3.2003 and on the Commission Communication on the same subject, OJ C 85, 8.4.2003.

(2) See the EESC opinion on the Proposal for a Regulation of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the area of migration and asylum, adopted by the plenary assembly on 29 October 2003.

(3) See the Resolution in the Council conclusions.

called on the Member States to combat undeclared work in cooperation with the social partners. The EESC welcomes this resolution.

6. **Reinforcing EU financial support for integration**

6.1. The Commission Communication addresses the issue of financing by referring to existing integration-related programmes (Community action programme to combat social exclusion 2002-2006, the programmes under the EQUAL initiative, the European Social Fund, the European Refugee Fund, etc.), noting that they should pay greater attention to the integration of immigrants.

6.2. In addition, the Commission has set up a new programme for pilot projects on the integration of immigrants which will receive EUR 12 million over three years to promote networks for the exchange of information and good practice.

6.3. In the EESC's view, EU integration policies are poorly resourced. The programme launched by the Commission is a positive step, but underfunded. The EU, as part of the debate on the future of its budgets, must provide sufficient funds for integration policies. The Member States and local and regional authorities must earmark more resources to finance integration programmes.

7. **The open method of coordination for immigration policy**

7.1. In 2001 the Commission proposed an open method of coordination for immigration policy which received the Committee's support⁽⁴⁾. To date, however, the Council has not considered it opportune to implement this.

7.2. The Thessaloniki Council⁽⁵⁾ decided that while primary responsibility for integration policies 'remains with the Member States, such policies should be developed within a coherent European Union framework'. Coordination and the exchange of information will be stepped up in the contact group on integration. The Commission will present an annual report on immigration and integration at European level. The Council supports the setting-up by the Commission of a European Migration Network (EMN) for monitoring immigration.

(4) See the EESC opinion in OJ C 221, 17.9.2002.

(5) See point 31 of the Presidency Conclusions.

7.3. The EESC hopes that these coordination activities will constitute a good starting point for launching an effective open coordination method for immigration and integration. The Member States must join the contact group and cooperate with the Commission on drawing up the annual report. In the contact group, the Member States should present annual reports on their work on integration within the coherent EU framework pursuant to the Commission Communication and the Thessaloniki Council conclusions.

7.4. Proper coordination of immigration and integration policies and the exchange of good practice are a prerequisite for the development of an appropriate common European immigration policy. Experience with the European Employ-

ment Strategy and the social inclusion plans are a reference point for EU coordination of immigration and integration.

7.5. The social partners, civil society organisations and immigrant associations must participate actively in the coordination and exchange of experience. The EESC can act as an institutional focal point for the social organisations and work with the Commission, Parliament and Council on immigration and integration policy. The work of the September 2002 conference constitutes a sound basis for future cooperation between the Committee, the social partners and civil society organisations. The Committee can organise new conferences and hearings and draw up own-initiative opinions in cooperation with the Commission, the European Migration Network, the Vienna Centre and the Dublin Foundation.

Brussels, 10 December 2003.

The President

of the European Economic and Social Committee

Roger BRIESCH
