

2.16 stresses that the individual immigrant's need to work to support himself must be acknowledged and encouraged. In addition to the economic aspects, entrepreneurship and small businesses contribute to positive social development. The opportunity to own and run a company impacts on integration and it should therefore be given increased public support;

2.17 recalls that women are discriminated against both on grounds of gender and ethnic origin. If gender issues are taken into account, efforts for better integration of immigrants will be more target-oriented and effective;

2.18 emphasises that the achievement of a successful integration policy requires other values — in addition to economic ones — to be taken into account. Immigration opens up

perspectives that can enrich individual citizen's lives, just as it can provide the EU with skills that are valuable in a global context;

2.19 stresses the importance of the work of non-governmental organisations in close cooperation with the local and regional authorities and supports their programmes to speed up immigrants' integration into the political and social life of the country (learning the language, getting to know the country's culture and democratic principles, social and political education, safeguarding immigrants' own national identity, etc.). It is always the absolute responsibility of the national level to work to achieve the smooth integration of immigrants into society, in close cooperation with local and regional authorities, and to maintain a dialogue with non-governmental organisations.

Brussels, 13 April 2005.

The President
of the Committee of the Regions
Peter STRAUB

Opinion of the Committee of the Regions on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Study on the links between legal and illegal migration

(2005/C 231/06)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions — Study on the links between legal and illegal migration (COM(2004) 412 final);

Having regard to the decision of the European Commission of 4 June 2004 to consult it on this matter, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its president of 5 April 2004 to instruct the Commission for External Relations to draw up an opinion on this subject;

Having regard to the Treaty establishing the European Community, and in particular Article 63(2)(b) thereof;

Having regard to the Presidency Conclusions on the Hague Programme: Strengthening Freedom, Security and Justice in the European Union, and in particular Specific Orientations on Asylum, Migration and Border Policy (p. 1.2) and the External Dimension of Asylum and Migration (p. 1.6);

Having regard to its opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on immigration, integration and employment (COM(2003) 336 final, CdR 223/2003 fin ⁽¹⁾);

Having regard to its opinion on the Communication from the Commission to the Council and the European Parliament on the presentation of a proposal for a directive and two proposals for recommendations on the admission of third-country nationals to carry out scientific research in the European Community COM(2004) 178 final — 2004/0061 (CNS) — 2004/0062 (CNS) — 2004/0063 (CNS), adopted on 17 November 2004 (CdR 168/2004 fin);

Having regard to other of its opinions dealing specifically with refugee policy (CdR 90/2001 fin ⁽²⁾; CdR 214/2001 fin ⁽³⁾; CdR 93/2002 fin ⁽⁴⁾; CdR 249/2003 ⁽⁵⁾);

Having regard to its draft opinion (CdR 337/2004 rev. 1) adopted on 7 February 2005 by the Commission for External Relations (rapporteur: Cllr Keith Brown, Member of Clackmannanshire County Council (UK/UEN-EA));

- 1) Whereas, the study concludes that 'there is a link between legal and illegal migration but the relationship is complex and certainly not a direct one';
- 2) Whereas, the study outlines a number of policy initiatives in the development of a common migration;
- 3) Whereas the study emphasises the need for more reliable and comparable statistics at an EU level;
- 4) Whereas the ageing population and shrinking work-age population will lead to skill shortages in the EU labour market and cause a continued need for migration into the EU;
- 5) Whereas the Hague Programme agreed by the European Council in November 2004 outlines a work programme in the development of a common migration policy,

adopted the following opinion at its plenary session of 13 and 14 April 2005 (session of 13 April):

1. The Committee of the Regions' views

THE COMMITTEE OF THE REGIONS

a. Appreciation period

1.1 welcomes the European Commission's study on the links between legal and illegal migration and feels that it makes a worthwhile contribution to the development of an EU immigration policy, particularly in the outline of policy initiatives contained in the study;

1.2 takes a keen interest in the study in view of the major role played by regional and local authorities in the reception, settlement and integration of migrants. Local and regional authorities play a leading role in the provision of public services to migrants and these services include housing, education, health and employment services;

1.3 wishes to view the study in the context of the development of an EU migration and asylum policy particularly the undertakings made at the Tampere European Council in October 1999 and the adoption by the European Council of the Hague Programme in November 2004 which emphasises the importance of migration policy;

1.4 is concerned at the slow progress made by the European Council in the development of an EU migration policy based on the conclusions agreed at the Tampere Council;

1.5 notes that the study concludes that 'there is a link between legal and illegal migration but the relationship is complex and certainly not a direct one since a variety of different factors has to be taken into consideration;' would stress however that illegal migration is a major concern in the EU as it can undermine policies designed to promote regular migration and can promote hostility in host communities. Therefore, effective prevention of the illegal migration is crucial for the internal security and safety within the EU. In addition, illegal migrants can be placed in personal danger and subject to the risk of exploitation. In view of these considerations, a balanced policy which will promote measures to ensure equitable levels of regular migration together with measures to discourage illegal migrants is essential;

⁽¹⁾ OJ C 109, 30.4.2004 pp 46-49.

⁽²⁾ OJ C 19, 22.1.2002 pp 20-22.

⁽³⁾ OJ C 107, 3.5.2002 pp 85-88.

⁽⁴⁾ OJ C 278, 14.11.2002 pp 44-48.

⁽⁵⁾ OJ C 23, 27.1.2004 pp 30-32.

1.6 stresses its concern about the use of the term illegal migration, especially when many migrants in this category are not the subject of criminal proceedings and so we would prefer to use the phrase irregular migration where appropriate;

1.7 notes that the study outlines a significant number of gaps in research and calls upon the European Commission to construct a research programme to fill these gaps and so influence policy-making;

1.8 notes that the study refers to other EU policies which affect migrants such as development policy and the European Employment Strategy. In addition, is aware of a wide range of EU policies that have an influence on migration policy particularly in areas of social and economic policy and calls for the formation of a group in the European Commission across the Directorates General to coordinate activities which affects migrants;

b. Re-enforcing consultation and information at EU level

1.9 agrees with the study's conclusions that there is a lack of reliable and comparable data at EU level and believes that the Commission's action plan for Community statistics in the field of immigration (COM(2003) 179 final) and the first annual report on migration and integration (COM(2004) 508 final) begins to address this issue;

1.10 emphasises the important role played by local and regional authorities in the collection of data and statistics and calls for the full involvement of local and regional authorities in consultations about the introduction of reliable and comparable data across the European Union after comparable data has been collected;

1.11 supports the study's call for 'a more intensive and targeted use of consultation and information exchange' and welcomes the establishment of an expert group known as the Committee on Immigration and Asylum and a network of National Contact Points for Integration;

1.12 agrees with the establishment of a European Migration Network and an Observatory and believes that local and regional authorities have an important role to play in this Network as they can contribute with concrete direct experience and best practices;

1.13 believes that there should be greater opportunities for the exchange of experience and best practice including activities such as peer-group review in terms of immigration policy and notes that this could be done through the adoption of the open method of coordination in the development of EU

immigration policy and urges the European Council to adopt the European Commission's proposals in this area;

c. Development of new policy initiatives within the framework of the EU common immigration policy

Legal migration

1.14 supports the European Commission's view that due to the demographic decline and ageing of the population, recruitment of third-country nationals and immigration into the EU is likely to continue and increase. This theme is mentioned in the Kok Report which states that 'ageing will raise the demands for pensions and healthcare assistance at the same time as it reduces the number of people of working age to produce the necessary wealth.'⁽¹⁾ In addition, Kok reminds us of European Commission projections that 'estimate that the pure impact of ageing populations will be to reduce the potential growth rate of the EU from the present rate of between 2–2.25 % to around 1.2 % by 2040'⁽²⁾ moreover, other positive economic and social externalities in the context of migration should be stressed i.e. new human capital, specialisation, human enrichment';

1.15 emphasises the pivotal regional dimension in the EU immigration and integration policies and believes that this is an important area of debate. The regional dimension is a crucial one as some EU regions are losing population and suffering from severe skills shortages while other regions have rapidly growing populations with pressures on local services and affordable housing; believes that there is much work to be done in developing the regional and local dimension of migration particularly in the area of integration. Currently, this is being developed through the INTI programme. In 2004, the programme was allocated EUR 6 million but 158 grant applications were received requesting total grants of EUR 42.58 million. The Committee calls for a substantial increase in the funding of this programme for the period 2007-2013;

1.16 welcomes the European Commission's intention of launching a comprehensive consultation process on the admission of labour migrants The Green Paper on *An EU approach to managing economic integration* (COM(2004) 811 final) was published in 2005 and feels that its involvement in the consultation process is essential given the potential effects of migration on regional labour markets and the services provided by local and regional authorities;

1.17 agrees with the study when it states that strengthening the integration of third-country nationals legally resident in Member States is 'an essential objective of EU immigration policy' and is achieved through integration into the labour market, facilitating the mobility of third-country nationals within the EU and the recognition of the qualifications of third-country nationals;

⁽¹⁾ 'Facing the challenge – The Lisbon Strategy for growth and employment' – Report from the High Level Group chaired by Wim Kok: page 13. (November 2004)

⁽²⁾ Kok: page 13.

1.18 welcomes the principle of mobility established in the Directive on the status of long term residents (November 2003.) This introduced mobility rights for those resident in the EU for more than five years and mobility for third-country nationals has been facilitated by an extension of Regulation 1408/71; agrees a degree of mobility can be found in the Commission's proposals for the admission of foreign students and for researchers;

1.19 stresses the need to recruit more researchers in the EU so that the goals of Lisbon can be met. The Committee feels that this area of recruitment will be an important test for the development of a EU migration policy and its ability to fill skill shortages. In its Communication to the Council and European Parliament on the *Admission of third-country nationals to carry out scientific research (COM(2004) 178 final)*, the European Commission estimated that 700,000 additional researchers were needed by 2010 if the EU was to meet its Lisbon targets;

1.20 notes that the Justice and Home Affairs Council agreed a general approach to the Directive in November 2004. While this approach includes the recognition of qualifications, working conditions and tax benefits, it does not seem to include a relaxation of the conditions of entry for the families of short-term researchers. The Committee feels that this is a key factor in the recruitment of researchers and would bring the EU Member States into line with other countries such as the USA and Canada;

1.21 emphasises the important role of the European Employment Strategy and the European Social Fund in providing training and employment skills which are crucial in the integration of recent migrants. The integration into the labour market of disadvantaged groups has been a key theme of the European Employment Strategy to sustain labour supply, maximise adaptability, and respond to sectoral and regional shortages of labour. The new EU Employment Guidelines have the objective of reducing the employment gap between EU national and non-EU nationals which showed a difference of 11.7 % in 2002. The study makes no reference to activities under the European Social Fund to promote the integration of immigrants into the labour market and the innovative work done by local and regional government in this area;

1.22 notes the study's conclusions about the effectiveness of regularisation measures from both the point of view of the migrant and of the Member States and believes that large scale regularisation measures are not usually the most appropriate way of solving the problems of irregular migration.

Nevertheless, regularisation on a case-by-case basis can be a useful instrument when dealing with many examples of irregular migration;

1.23 agrees with the study's findings that 'gives weight to the view that regularisations should not be considered as a way of managing migration flows as in reality they often appear as a negative consequence of immigration policy' but regularisation may be necessary, on a case-by-case basis, when immigrants become embedded within local communities to bring people out of the hidden economy, increase tax revenues and promote social cohesion. The comments of a House of Lords' report is interesting in this context; ⁽¹⁾

1.24 agrees with the House of Lords' report which stated 'some form of regularisation of long term illegal immigrants is unavoidable if a growing underclass of people in an irregular situation, who are vulnerable to exploitation, is not to be created.' The House of Lords' report emphasises the need to minimise the 'pull' factors caused from regularisation and suggests that this can be to a large extent overcome by looking at individual cases rather than a large scale amnesty. Lastly, the House of Lords believes that amnesties can 'provide a rare opportunity to obtain reliable information on the size and nature of the illegal immigrant population'; ⁽²⁾

Illegal immigration

1.25 takes note of the many forms of illegal migration and the difficulties in conducting research in these areas. However, feels that there needs to be further research on the different types of illegal immigrant so that policies can be formulated more effectively. In this respect it should be important to differentiate between:

- people who have entered legally but have overstayed;
- people who have permission to stay in the country but are in breach of their conditions of entry;
- people who have had asylum applications refused;
- irregular entrants who have not been granted leave to enter because they entered at places not authorised to allow entry and without the necessary papers;

1.26 supports the views expressed in the study that the development of a Community return policy, the setting-up of key cooperation agreements with countries of origin, and transforming undeclared work into regular employment are key elements in the fight against irregular immigration;

⁽¹⁾ House of Lords Select Committee on the European Union: 'A Community Policy on Illegal Immigration': Session 2001-2002: 37th Report

⁽²⁾ House of Lords Report: paragraph 112.

1.27 welcomes the proposals in the study relating to the development of a Community return policy. A proposal for a Return Action Programme was agreed by the European Council in November 2002 and more rapid progress on its implementation now needs to be made;

1.28 agrees with the study when it states that 'the cooperation of third countries is vital if illegal migration flows are to be reduced' and recent conclusions from European Councils which have 'underlined the need for a comprehensive approach to migration, addressing human rights, political and development issues in countries of origin and transit';

1.29 endorses the synergy between migration and development policies which is outlined in the study and believes that development policy can improve the economic and social conditions in third countries and so reduce the 'push' factors which lead to migration to the EU;

1.30 emphasises the need for the European Union to be active in the promotion of joint initiatives with neighbouring countries through programmes such as the New Neighbourhood Instrument, Tacis, Meda, Encas and INTERREG. It is important that a 'ring of friends' is created so that peace and solidarity can be extended in the countries bordering the EU now that the Union has been enlarged. The European Union needs to work in partnership with these countries to improve their economic and social situation and reduce 'push' factors such as high unemployment, poor wages, lack of democracy and organised crime. One of the priority areas for cooperation will be the management of migration. Some neighbouring countries have developed action plans specifically targeted at irregular migration and the EU is ready to support their implementation, also actions against irregular migration of those countries which will prepare such plans;

1.31 stresses the key role played by local and regional authorities in programmes like Tacis, Meda, Encas and INTERREG and reminds the Commission and Member States that local and regional authorities should play a key role in the development of successor programmes;

1.32 broadly welcomes the proposals for the New Neighbourhood Instrument but is disappointed that the Instrument (which is the subject of a separate opinion of the Committee of the Regions) does not give a greater role for local and regional government especially as many policy areas covered by the Instrument cover local and regional government competencies;

1.33 agrees with the study when it emphasises the need to tackle the unregulated labour market and the shadow economy stating that 'the shadow economy is estimated to be between 7-16 % of EU GDP although this is by no means entirely made up of illegal immigrants'. There is a need for the transformation of undeclared work into regular employment and this was

included as one of the ten priorities of the 2003 employment guidelines. Several Member States outlined special measures for foreign workers and migrants in an irregular situation in their 2003 National Employment Action Plans (NAPs) and the Committee welcomes the call in the Hague programme for Member States to hit the targets for the reduction of the unregulated labour market which are set out in the European Employment Strategy;

1.34 points out the need for greater support of border regions as they are in comparison with other regions affected especially by irregular entry to a larger extent and supports the establishment of the European Corps of Border Guards together with the early warning system as the effective common management of the Union's external borders have to be achieved, moreover, judicial cooperation and cooperation among police corps on both central and regional/local level should be further promoted;

2. The Committee of the Regions' recommendations

THE COMMITTEE OF THE REGIONS

2.1 reminds the EU institutions of the important part that regional and local authorities play in the integration of migrants and, in view of this role, emphasises the key role that local and regional authorities play in a number of initiatives outlined in the study. These include the exchange of experience on integration measures, the development of programmes such as the New Neighbourhood Instrument and the successor programmes to Tacis and INTERREG etc., and therefore recommends the full involvement of local and regional government in these programmes;

2.2 argues that there should be greater opportunities for the exchange of experience and best practice including activities such as peer-group review in terms of immigration policy and notes that this could be done through the adoption of the open method of coordination in the development of EU immigration policy and urges the European Council to adopt the European Commission's proposals in this area;

2.3 calls upon the European Commission to form a Group involving staff Directorates General whose policies and actions affect third-country nationals so that existing activity can be more effectively integrated and coordinated;

2.4 calls for the publication of a research programme by the European Commission to fill the gaps in research noted in the study;

2.5 calls for a substantial increase in the INTI programme so that local and regional authorities can take part in a greater number of EU-funded transnational projects dealing with the integration of migrants;

2.6 emphasises the important role of migration in terms of filling skill shortages and calls upon the European Council to develop effective policy initiatives in these areas including the recruitment of third-country nationals for scientific research;

2.7 stresses the opportunity to devise suitable development policies in third countries. It is also important for studies on migration to take account of the new features of migration flows, such as the high proportion of women involved, as this is crucial to the formulation and implementation of immigration policies;

2.8 calls for the full involvement of local and regional government in the development of reliable and comparative data at EU level;

2.9 welcomes the European Commission's intention of launching a comprehensive consultation process on the Green

Paper on *An EU approach to managing economic integration* (COM(2004) 811 final) and reminds the Commission of need to consult fully with it and local and regional government in this process;

2.10 believes that urgent action is necessary to develop further the European Migration Network and Observatory with, again, the full involvement of local and regional government;

2.11 expresses concern on the slow progress made by the European Council in the development of an EU immigration policy and actions resulting from the Tampere European Council in 1999. In view of these concerns emphasises the need to make prompt decisions on issues laid out in the Hague Programme.

Brussels, 13 April 2005

The President
of the Committee of the Regions
Peter STRAUB

Opinion of the Committee of the Regions on the Communication from the Commission to the Council and the European Parliament on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin: 'improving access to durable solutions'

(2005/C 231/07)

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council and the European Parliament on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin: 'improving access to durable solutions' COM (2004) 410 final;

Having regard to the decision of the European Commission of 25 August 2004 to consult it on this matter, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its president of 5 April 2004 to instruct the Commission for External Relations to draw up an opinion on this subject;

Having regard to the Treaty establishing the European Community, and in particular Article 63(2)(b) thereof;

Having regard to the Treaty establishing a Constitution for Europe, in particular Articles II-61, II-78, II-79 and III-266, III-267 and III-268;

Having regard to the Geneva Convention relating to the status of refugees of 28 July 1951, supplemented by the New York Protocol of 31 January 1967;

Having regard to the Presidency Conclusions on the Hague Programme: Strengthening Freedom, Security and Justice in the European Union, and in particular Specific Orientations on Asylum, Migration and Border Policy (point 1.2) and the External Dimension of Asylum and Migration (point 1.6.);