

Opinion of the Committee of the Regions on the Communication from the Commission to the Council and to the European Parliament establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013

(2006/C 115/10)

THE COMMITTEE OF THE REGIONS,

HAVING REGARD TO the Communications from the Commission to the Council and to the European Parliament establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013 (COM(2005) 123 final);

HAVING REGARD TO the European Commission's decision of 6 April 2005 to consult it under the first paragraph of Article 265 of the Treaty establishing the European Community;

HAVING REGARD TO the decision of its Bureau of 22 February 2005 to instruct its Commission for External Relations to draw up an opinion on this subject;

HAVING REGARD TO its opinion of 7 July 2005 on the Green Paper on an EU approach to managing economic migration (CdR 82/2005 fin);

HAVING REGARD TO its draft opinion (CdR 144/2005 rev. 1), adopted by the Commission for External Relations on 15 September 2005 (rapporteur: Mr Paleologos, Member of the Municipal Council of Livadia (EL/PES));

WHEREAS this Solidarity Programme will provide a new policy tool for the establishment of an Area of Freedom, Security and Justice for all residents of the Union;

WHEREAS it intends to draw the balance between the efficient support of all European policies on Freedom, Security and Justice and the national, regional and local needs, in line with the idea of burden sharing;

WHEREAS the push and pull factors will continue to cause migratory flows from the less developed and insecure countries all over the world towards the Union, while criminal networks, racist and xenophobic ideas and movements and administrative gaps can jeopardise a regulated, managed and socially and economically inclusive migration for the benefit of both the migrants and the sending and receiving societies;

WHEREAS the broadening involvement of the Union in a series of policies and action needs the support of adequate financial resources and instruments;

WHEREAS the ageing population and the shrinking working-age population will probably lead to more immigration flows that will become increasingly necessary to meet the needs of the wider Union;

WHEREAS the Framework Programme contains a solid legal basis concerning regional and local bodies, which stresses that: 'Each Member State shall organise, in accordance with current national rules and practices, a partnership with the authorities and bodies which it designates, namely (a) the competent regional, local, urban and other public authorities';

adopted the following opinion unanimously at its 62nd plenary session, held on 16 and 17 November 2005 (meeting of 16 November):

1. The Committee of the Regions' views

tion policy within the European Union. This is even more important now in the enlarged Community;

The Committee of the Regions:

1.1 **welcomes** the Commission's proposal for the establishment of a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013;

1.2 **recognises** the significance and scope of global migration and its importance for diversity and development, particularly in the local community. The CoR fully endorses the importance of coordinating immigration, asylum and integra-

1.3 **recognises** the importance of a Community driven, comprehensive and sustainable policy for the management of the migratory flows, including security at the frontiers, efficient **protection** of persons in need of international protection, effective repatriation of third country nationals, illegally residing on the European soil, integration of legal migrants in the economic, social, cultural and political life;

1.4 **stresses** that the national level is responsible for designing and implementing legislation, while the task of facilitating immigrant reception, settlement and integration falls mainly to the regional and local level. The CoR would therefore particularly stress the important role of the local and regional authorities, whose responsibilities include planning, housing, education and the labour market, which impact directly on integration and can promote social cohesion, social integration and sustainable societies;

1.5 **stresses** that local and regional authorities hope to form a key link in the chain of solidarity and help to eradicate the causes of migration by strengthening measures for financial cooperation and by developing a common strategy for promoting cross-border regional and nation cooperation in the field of Management of Migration Flows. Their powers in the areas of migration, immigration and integration, as well as their position as operators or owners of infrastructures, place these authorities at the forefront of processes to prevent, finance and manage migration flows;

1.6 **emphasises** that in many parts of the European Union, tax revenues are collected at national level, while the economic burden of dealing with immigration-related exclusion falls on the local level. Lack of consultation between the different levels can be an obstacle to best use of economic resources. That type of burden sharing could complement the exercise at Union level and give positive results in the field;

1.7 a) **recalls** that women are discriminated against both on grounds of gender and ethnic origin. If gender issues are taken into account, efforts for better management of migration flows will be more target-oriented and effective. The importance of women for successful integration must not be underestimated since they often provide a direct link with children in the family;

b) **emphasises** that the achievement of a successful migration policy requires other values — in addition to economic ones — to be taken into account. Immigration opens up perspectives that can enrich individual citizens' lives, just as it can provide the EU with skills that are valuable in a global context;

c) **calls upon** the Council and the Commission to further exploit the expertise local and regional authorities have acquired after decades of hands-on experience of implementing migration policy;

1.8 a) **emphasises** that initiatives designed to ensure that economic support for a common immigration policy is effective must take account of regional differences. Support should encourage flexible solutions, and the

local and regional levels must be given the freedom to choose their approach;

b) **urges** to consider, in the debate about future European cohesion policy, the initiatives carried out in certain regions where Structural Fund support might be reduced and where the immigrant population has increased significantly in recent years. This applies particularly in the major towns and cities;

1.9 **stresses** that immigration is not sufficient to cover EU labour shortages in the long term, and would refer to its opinion on the contribution of older people to the labour market;

1.10 there is an urgent need for strategies to deal with the large group of immigrants that are outside the labour market, for economic, social and political reasons;

1.11 **calls** for measures in order to address effectively the issue that a large number of working persons have entered and live in the EU illegally. Measures must be considered and mechanisms introduced to enable immigrants in breach of current immigration legislation to legalise their position without delay, especially if their illegal stay is due to administrative shortages or special geopolitical circumstances, faced by Member States. Those measures must be of exceptional nature, not repetitive, and combined with a) decent standards of reception of the interested persons, b) establishment of the idea that illegal immigration is not tolerated, c) strict fight against trafficking in human beings and social exclusion d) adoption of effective structures and policies in support of legal labour migration;

1.12 **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;

1.13 **welcomes** the increasing awareness within the EU of immigrants' creativity and entrepreneurship. The growth of entrepreneurship and new businesses is of crucial importance to successful integration processes and represents an important contribution towards achieving the Lisbon Strategy;

1.14 **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 migration related policies and actions (such as integration into the political and social life of the country etc.);

1.15 **welcomes** the Decision establishing the European Refugees Fund, and especially the provision on the integration of the targeted populations. The CoR reminds that the vast majority of the actions proposed as eligible both, for the improvement of the reception conditions and for the integration of refugees, fall in the field of intervention of the regional and local authorities;

1.16 **welcomes** the Decision establishing the External Borders Fund and recalls the fact that some regions of Europe suffer collateral losses, in terms of development and social cohesion, for being at the frontiers of the Union. That reality should be reflected in the decision;

1.17 **notes** that the EU's failure on the integration front is partly due to the fact that the local and regional authorities have not been involved in policy framing. The local and regional authorities are the tier of government that is closest to citizens, but the consequences of implementation at local level have most often been disregarded and not always taken into consideration;

1.18 **recalls** that integration issues must be included in all policy areas if social cohesion is to be achieved. The Community's immigration and integration policy must be in harmony with the EU's more overarching objectives in social policy, economic policy, and foreign and development policy, and comply with such fundamental European values as equal opportunities, human rights, human dignity, tolerance, respect for diversity, measures to combat discrimination, and promotion of increased participation in the community;

1.19 **would highlight** the fact that integration is a duty for society as a whole, requiring input from both immigrants and the local population in order to achieve sustainable social cohesion and growth;

1.20 **acknowledges** that, while labour market issues are of crucial importance for the integration of immigrants, they cannot be taken out of context since the degree of integration also depends on a number of other factors, such as social background, education and language skills, and participation in the life of the community. The successful integration of immigrants is a step towards achieving a society in which everyone has a stake, to the benefit of both the individual, the local community and society in the broader sense;

1.21 **deplores** the fact that in the Solidarity Programme there is a lack of sufficient coverage for the almost 500,000 asylum seekers in the European Union who are awaiting a decision on residence or similar permits, the vast majority of whom are outside the regular labour market;

1.22 **stresses** that the disparity between the national level's focus on the need for immigrant labour, and the local level's efforts to combat exclusion, marginalisation and xenophobia, reinforces the need for dialogue and cooperation between all levels concerned;

1.23 **considers** that actions and policies leading progressively to the formal right to vote, which will help to increase the involvement of immigrants in the democratic process, should be a decisive part of the Solidarity Programme;

1.24 **welcomes** the Decision establishing the European Return Fund, recalling that integrated management of return must include a regional parameter, especially acknowledging the contribution of regional and local authorities at EU borders in the support of voluntary return schemes.

2. The Committee of the Regions' recommendations

The Committee of the Regions

2.1 **stresses** that a balanced policy which will promote measures to ensure equitable levels of legal migration together with measures to discourage illegal migration and fight against smuggling and trafficking in human beings, is essential. The CoR emphasises also 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;

2.2 **stresses** that the local and regional authorities should be more involved in framing and implementing of the asylum policies. The CoR proposes considering extension of the scope of funding under Regional Cooperation and the New Neighbourhood Policy, which are included in the third main objective of the Structural Funds for the 2007-2013 period, to cover these tasks and hopes that the joint multilateral programmes conducted under that objective and the bilateral action plans that will be implemented as part of neighbourhood policy will be coordinated effectively;

2.3 **stresses** that it is imperative to provide for concrete involvement of regional and local authorities both in designing and executing of actions under all four Funds, in order to materialise the horizontal provision on partnership;

2.4 **proposes** the strengthening of actions and measures involving education in the efforts for the management of migratory flows, especially in the fields of integration of migrants and refugees;

2.5 **proposes** the inclusion of specific horizontal provisions — clauses as follows:

Recommendation 1

Article 3

Text proposed by the Commission (COM(2005) 123 final — 2005/0049 (COD))	CoR Amendment
<p style="text-align: center;"><i>Article 3</i></p> <p style="text-align: center;">Specific objectives</p> <p>1. The Fund shall contribute to the following specific objectives:</p> <p>(a) The introduction and improvement of the organisation and implementation of integrated return management by Member States;</p> <p>(b) The enhancement of the co-operation between Member States in the framework of integrated return management and its implementation;</p> <p>(c) The promotion of an effective and uniform application of common standards on return according to the policy development in the field.</p>	<p style="text-align: center;"><i>Article 3</i></p> <p style="text-align: center;">Specific objectives</p> <p>1. The Fund shall contribute to the following specific objectives:</p> <p>(a) The introduction and improvement of the organisation and implementation of integrated return management by Member States, <u>notably by establishing, where appropriate, cooperation mechanisms between national, regional and local public authorities;</u></p> <p>(b) The enhancement of the co-operation between Member States in the framework of integrated return management and its implementation;</p> <p>(c) The promotion of an effective and uniform application of common standards on return according to the policy development in the field.</p>

Reason

Since the Commission proposal is based on legal basis for which co-decision applies, the Committee of the Regions should strive to present concrete amendments to the Commission proposal according to the model used by the European Parliament.

Recommendation 2

Article 4.1

Text proposed by the Commission (COM(2005) 123 final — 2005/0049 (COD))	CoR Amendment
<p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;">Eligible actions in the Member States</p> <p>1. Actions relating to the objective laid down in Article 3(1), point a), and in particular the following, shall be eligible for support from the Fund:</p> <p>(a) Establishment or improvement of an effective, stable and lasting operational co-operation of Member States' authorities with consular authorities and immigration services of third countries, with a view to obtaining travel documents for the return of third country nationals and ensuring speedy and successful removal procedures;</p> <p>(b) Promotion and facilitation of voluntary returns of illegally staying third country nationals, in particular through assisted voluntary return programmes, with a view to ensuring the sustainability of returns;</p> <p>(c) Simplification and implementation of enforced returns of illegally staying third country nationals, with a view to enhancing the credibility and integrity of immigration policies and reducing the period of custody of persons waiting for forced removal.</p>	<p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;">Eligible actions in the Member States</p> <p>1. Actions relating to the objective laid down in Article 3(1), point a), and in particular the following, shall be eligible for support from the Fund:</p> <p>(a) Establishment or improvement of an effective, stable and lasting operational co-operation of Member States' authorities with consular authorities and immigration services of third countries, with a view to obtaining travel documents for the return of third country nationals and ensuring speedy and successful removal procedures;</p> <p>(b) Promotion and facilitation of voluntary returns of illegally staying third country nationals, in particular through assisted voluntary return programmes, with a view to ensuring the sustainability of returns;</p> <p>(c) Simplification and implementation of enforced returns of illegally staying third country nationals, with a view to enhancing the credibility and integrity of immigration policies and reducing the period of custody of persons waiting for forced removal.</p> <p><u>(d) actions which would help to improve the coordination between different levels of national, regional, local, urban and other public authorities.</u></p>

Reason

Since the Commission proposal is based on legal basis for which co-decision applies, the Committee of the Regions should strive to present concrete amendments to the Commission proposal according to the model used by the European Parliament.

Recommendation 3

Article 4.2

Text proposed by the Commission (COM(2005) 123 final — 2005/0049 (COD))	CoR Amendment
<p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;">Eligible actions in the Member States</p> <p>(...)</p> <p>2. Actions relating to the objective laid down in Article 3(1), point b), and in particular the following, shall be eligible for support from the Fund:</p> <p>(a) Cooperation in the gathering and provision to potential returnees of information on the country of origin;</p> <p>(b) Cooperation in developing effective, stable and lasting operational working relationships between Member States' authorities and consular authorities and immigration services of third countries, to facilitate consular assistance in obtaining travel documents for the return of third country nationals and ensuring speedy and successful removal procedures;</p> <p>(c) Design of joint integrated return plans and their implementation, including joint voluntary return programmes on specific countries or regions of origin, former residence or transit;</p> <p>(d) Studies on the current situation and possibilities for enhancing administrative co-operation among Member States in the field of return as well as on the role of international and non-governmental organisations to be played in this context;</p> <p>(e) Exchange of information, support and advice in dealing with the return of particularly vulnerable groups;</p> <p>(f) Organization of seminars for practitioners on best practices focusing on specific third countries and/or regions;</p> <p>(g) Joint measures enabling the reception of readmitted persons in countries of origin, former residence or transit;</p> <p>(h) Joint development of actions to ensure the durable reintegration of persons in the country of origin or former residence;</p> <p>(i) Joint measures to monitor the situation of returnees and sustainability of their situation after return.</p>	<p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;">Eligible actions in the Member States</p> <p>(...)</p> <p>2. Actions relating to the objective laid down in Article 3(1), point b), and in particular the following, shall be eligible for support from the Fund:</p> <p>(a) Cooperation in the gathering and provision to potential returnees of information on the country of origin;</p> <p>(b) Cooperation in developing effective, stable and lasting operational working relationships between Member States' authorities and consular authorities and immigration services of third countries, to facilitate consular assistance in obtaining travel documents for the return of third country nationals and ensuring speedy and successful removal procedures;</p> <p>(c) Design of joint integrated return plans and their implementation, including joint voluntary return programmes on specific countries or regions of origin, former residence or transit;</p> <p>(d) Studies on the current situation and possibilities for enhancing administrative co-operation among Member States in the field of return as well as on the role of international and non-governmental organisations to be played in this context;</p> <p>(e) Exchange of information, support and advice in dealing with the return of particularly vulnerable groups;</p> <p>(f) Organization of seminars for practitioners on best practices focusing on specific third countries and/or regions;</p> <p>(g) Joint measures enabling the reception of readmitted persons in countries of origin, former residence or transit;</p> <p>(h) Joint development of actions to ensure the durable reintegration of persons in the country of origin or former residence;</p> <p>(i) Joint measures to monitor the situation of returnees and sustainability of their situation after return.</p> <p><u>(j) organization of seminars and joint training for the staff of the competent national, regional, local, urban and other competent administrative, law enforcement and judicial bodies</u></p> <p><u>(k) promotion of a 'Handbook of Best Practices', a common initiative of the Council of the European Union, the European Commission, the European Parliament and the CoR. This handbook should comprise contributions from national, regional and local public authorities and include strategies for bringing citizens closer together, for cooperation with associations and non-governmental organisations, for the establishment of local networks, data collection and studies, and for cooperation with police forces and institutions;</u></p> <p><u>Where appropriate, action shall take into account regional and local, public authorities.</u></p>

Reason

Since the Commission proposal is based on the legal basis for which co-decision applies, the Committee of the Regions should strive to present concrete amendments to the Commission proposal according to the model used by the European Parliament.

2.6 **regrets** that expenditure for technical assistance in all four Decisions is low although public awareness campaigns are crucial in the success and effectiveness of all policies in the field of Freedom, Security and Justice;

2.7 **encourages** local and regional administrations to exchange training programmes and to work towards synergy and partnership with appropriate European and national authorities;

2.8 **encourages** local and regional authorities to contribute to a fast and effective implementation of measures proposed in the framework Programme;

2.9 **launches** a Committee of the Regions action plan to foster the spirit of a fair share of responsibilities between Member States and within the Member States between national, regional, local, urban and other public authorities in the field of migration;

2.10 **stresses** that it must be considered as a relevant and Community-focused partner, helping more effectively to clarify the responsibilities of local and regional representatives as regards issues of funding and managing of migration flows for the period 2007-2013 and thus helping to integrate these into the cooperation mechanism that the Union wishes to implement.

Brussels, 16 November 2005.

The President
of the Committee of the Regions
Peter STRAUB
