






Basic information	
2006/2250(INI) INI - Own-initiative procedure Fight against illegal immigration of third-country nationals. Policy priorities Subject 7.10.04 External borders crossing and controls, visas 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	Procedure completed

Key players					
European Parliament	Committee responsible		Rapporteur	Appointed	
	LIBE	Civil Liberties, Justice and Home Affairs	MORENO SÁNCHEZ Javier (PSE)	13/09/2006	
	Committee for opinion		Rapporteur for opinion	Appointed	
	AFET	Foreign Affairs	KASOULIDES Ioannis (PPE-DE)	28/11/2006	
	DEVE	Development	MAVROMMATIS Manolis (PPE-DE)	06/11/2006	
	EMPL	Employment and Social Affairs	The committee decided not to give an opinion.		
	FEMM	Women's Rights and Gender Equality	The committee decided not to give an opinion.		
	Council of the European Union	Council configuration		Meetings	Date
		Justice and Home Affairs (JHA)		2807	2007-06-12
		Commission DG		Commissioner	
European Commission	Justice and Consumers		FRATTINI Franco		

Key events			
Date	Event	Reference	Summary
19/07/2006	Non-legislative basic document published	COM(2006)0402 	Summary

26/10/2006	Committee referral announced in Parliament		
12/06/2007	Resolution/conclusions adopted by Council		Summary
12/09/2007	Vote in committee		Summary
17/09/2007	Committee report tabled for plenary	A6-0323/2007	
26/09/2007	Decision by Parliament	T6-0415/2007	Summary
26/09/2007	Results of vote in Parliament		
26/09/2007	Debate in Parliament	CRE link	
26/09/2007	End of procedure in Parliament		

Technical information	
Procedure reference	2006/2250(INI)
Procedure type	INI - Own-initiative procedure
Nature of procedure	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/41695

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE384.554	12/02/2007	
Committee opinion	DEVE	PE382.637	01/03/2007	
Amendments tabled in committee		PE386.329	08/03/2007	
Committee opinion	AFET	PE384.302	16/04/2007	
Amendments tabled in committee		PE392.134	18/07/2007	
Committee report tabled for plenary, single reading		A6-0323/2007	17/09/2007	
Text adopted by Parliament, single reading		T6-0415/2007	26/09/2007	Summary
European Commission				
Document type	Reference	Date	Summary	
Non-legislative basic document	COM(2006)0402 	19/07/2006	Summary	
Document attached to the procedure	SEC(2006)0964 	19/07/2006		
Follow-up document	SEC(2009)0320 	09/03/2009	Summary	

Fight against illegal immigration of third-country nationals. Policy priorities

2006/2250(INI) - 26/09/2007 - Text adopted by Parliament, single reading

The European Parliament adopted an own-initiative report drawn up by Javier **MORENO SÁNCHEZ** (PES, ES) by 418 in favour, 81 against and 8 abstentions. It began by welcoming the institutional implications of the draft Reform Treaty, in particular the extension of co-decision and qualified majority voting to all immigration policies. It called on the Member States and the Commission, together with Eurostat, to take steps to correct the existing lack of coherent and reliable data.

Members believed that immigration was a challenge at European level and global level and considered it inappropriate to take hasty action to deal with migration flows, given that there had been a constant flow of immigrants for some years now. A medium and long-term approach was needed. The Union must carry out coherent actions both within and outside its borders (the double dimension, internal and external). The Committee stressed the importance of development cooperation as a means of acting on the root causes of migration, and as an instrument that was not an alternative to but complementary to the Union's policies on integration and migration. In particular, the EU must strengthen its cooperation with all Mediterranean partner countries as regards the management of migration flows.

Members emphasised that irregular migrants must not be treated like criminals. It was the responsibility of politicians to implement an effective policy to fight illegal immigration, whilst taking into account the fundamental rights of the individual, while at the same time reminding the public of the contribution made by legal immigration to economic growth and demographic patterns in Europe. All measures to fight clandestine immigration and step up external border controls must be consistent with the existing guarantees and the fundamental rights of individuals. Temporary reception centres for irregular migrants both within and outside the Union must be run on a basis compatible with the protection of fundamental rights. Parliament stated that it was shocked by the inhumane conditions prevailing in various detention centres for migrants and asylum seekers which members of its competent committee had visited. It reiterated its firm opposition to the idea of setting up reception or holding centres for illegal immigrants or asylum seekers outside the Union's borders and in immigrants' regions of origin. Parliament took note of the Commission's review of Regulation (EC) No 343/2003 ('Dublin II'). This Regulation needed to be revised and the review should also address the Regulation's basic principle, that is, that the Member State responsible for handling an asylum application is the country of first entry, given that this places a disproportionate and unsustainable burden on some Member States.

The report makes a number of comments on the priorities set out in the Commission communication:

Cooperation with third countries: the multidimensional character of immigration called for close cooperation with all the third countries concerned. Parliament makes several recommendations. The Rabat and Tripoli ministerial conferences in 2006 and the UN Global Migration Forum in Brussels in July 2007 marked the start of the dialogue between the countries of origin and transit and the European countries receiving immigration. This dialogue must lay the bases of a full-scale partnership grounded in co-development. It must aim to introduce readmission agreements or improve the workings of such agreements. Parliament also discussed the development of the Regional Protection Programmes in cooperation with countries of origin and transit; the launching of an EU Programme on Migration and Development in Africa of an initial amount of EUR 40 million, with the objective of creating new jobs in Africa; the signing of the cooperation agreement with Mali with a view to the opening of the first Migration Information and Management Centre, to be created with funding from that Programme. More generally, Parliament called for questions concerning illegal immigration to have priority in the EU's relations with third countries, especially the countries of origin and/or transit of illegal immigrants. In particular, the Union should pursue a coherent external policy, especially in terms of the compatibility and convergence of the objectives of the common commercial policy and development policy. An "EU Development Plan for Africa" should be considered, where financial support and trade agreements are linked to democracy, human rights development and migration so as to offer an alternative to people to leaving their country of origin. Members recalled that the countries of origin and transit must assume their responsibilities and fulfil their obligations to control illegal immigration. Parliament took the view that the granting of aid requested from the EU by third countries with a view to combating networks of illegal immigrant smugglers active on their own territory should be made contingent on collaboration by those countries and the efforts they make in this area.

Security and integrated management of the external borders: Members stressed the importance of border control and believed that FRONTEX must have the resources that are necessary for its actions. The report deeply regretted the fact that some Member States had failed to honour their undertakings to provide logistic and human support for its operations. The Centralised Record of Available Technical Equipment (CRATE) or the so-called "toolbox" could only be meaningful if Member States fulfilled their pledges with respect to technical equipment. encourages FRONTEX to conclude working agreements with the countries participating in the ENP. The report welcomed the adoption of the regulation on Rapid Border Intervention Teams on the basis of the principle of solidarity between Member States. It noted that the RABITs legislative initiative had, for the first time, made solidarity in the area of immigration compulsory, rather than merely optional. Parliament called on the Commission to put forward a new legislative proposal to the effect that, likewise, the principle of solidarity becomes compulsory with respect to pledges made by Member States to the CRATE. It recalled that each Member State was to ensure the presence of a reserve of qualified personnel and therefore called on the Member States to allow for the creation of genuine European rapid border intervention teams.

It also called on the Council to take action for the swift establishment of the European patrol network and the implementation of the European monitoring system for the southern sea borders. Parliament reminded all Member States and third countries to respect international law and obligations relating to search and rescue of persons at sea, and it considered that Member States are jointly responsible for saving lives at sea. It took note of the proposal made by Malta in the JHA Council for an agreement among EU Member States by which illegal immigrants saved at sea by EU registered vessels in the search and rescue region of a non-EU state which is refusing to assume its responsibilities would be shared between EU Member States on a strictly proportional basis and according to a pre-accepted system.

In the face of the migratory flow from the African continent towards Europe, Southern Member States on the external frontiers of the Union, notably smaller Member States, such as Malta and Cyprus, are currently shouldered with a disproportionate burden which calls for the strengthening of measures for the joint management of the Union's external borders. The Commission should increase, in the framework of the ENP, concrete measures aimed at providing support to neighbouring countries as concerns both the securing of their borders with the EU and their other borders.

Security of travel and identity documents: the report recalled that the development of biometric tools makes border crossing easier for bona fide travellers and that it must take place on a basis of respect for data protection pursuant to Directive 95/46/EC for activities falling under the first pillar. For those covered by the third pillar, it awaited the adoption of a specific framework decision, and in this context supports the action of the German Presidency.

The fight against trafficking in people: combating trafficking in human beings, particularly trafficking in women and children, was an EU priority, and adequate financial resources must be allocated to that activity. It was high time to establish clear targets, for example that of halving the number of

victims of trafficking in people in the next ten-year period. Nonetheless, the overriding goal must of course be to eliminate this form of crime entirely as soon as possible. The report recalled that illegal immigration involved the transfer of large amounts of money into the hands of the mafias who control the human trafficking rings. It expressed deep shock at the sheer organisation of criminal networks responsible for boat crossings from Africa to Europe and at Europe's inability to stop them.

The regularisation issue: Parliament recalled that numerous Member States had carried out regularisations or said they would do so. These decisions are a matter for Member States but quite often a signal of lack of appropriate measures in place to deal with a phenomenon which forms a part of societies in most Member States. It believed that en masse regularisation of illegal immigrants should be a one-off event since such a measure did not resolve the real underlying problems. It was aware that changes to immigration policy in a Member State could influence migratory movements in others. Member States should operate a mutual information system for national measures on migration and asylum that are liable to affect other Member States or the Community.

Illegal employment: the report welcomed the Commission's submission of a proposal for a directive providing for sanctions against employers of illegally staying third-country nationals, providing essentially for administrative penalties, and, for the worst offences, criminal penalties. However, it felt that the adoption of measures against illegal employment had come late in the day, even though it is one of the main factors of attraction for illegal immigrants. The different Councils competent in the matter must redouble their coordination efforts in the discussion of this directive.

Policy on return: the report called on the Commission to undertake an evaluation of policy on return and wanted the development of European agreements with the third countries concerned.

Improving the exchange of information: all the players concerned must step up their exchanges of information, including, whenever necessary, FRONTEX and Europol. Cooperation between immigration liaison officers should be a priority. Parliament should be kept regularly informed on the development and results of the ICONet network

Fight against illegal immigration of third-country nationals. Policy priorities

2006/2250(INI) - 12/06/2007

The Council endorsed Conclusions on Extending and Enhancing the Global Approach to Migration. The conclusions will now be submitted to the General Affairs and External Relations Council, for adoption.

The Council underlines the importance of the issue of migration for the EU and its Member States. It notes the first set of priority actions for the purpose of the Global Approach focussed on Africa and the Mediterranean region. Strengthened political dialogue, including the recent EU missions to Africa, and concrete cooperation with African and EuroMed partners on migration and related issues, including development aspects of migration, are important recent achievements. The strengthened capacity to manage the control of external borders, in particular through joint maritime operations, is another important achievement. The Council believes that these measures should be further intensified in the light of recent events.

The Council, while underlining the need to continue these efforts as a matter of urgency, also reaffirms the need to both extend the geographical scope and to enhance the content of the Global Approach in general. It calls on the Member States and the Commission to ensure that sufficient human and financial resources are allocated, within the existing financial framework, in order to enable the timely implementation of the comprehensive approach to migration.

1) Extending the Global Approach - Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union: the Council underlines the necessity for the EU to achieve a more efficient management of migration given the considerable numbers of migrants coming from or through the eastern and south-eastern regions. Existing cooperation structures in the region need to be enhanced and fully integrated in EU-relations with the third countries concerned, in order to create a more comprehensive and coherent approach. This applies, in particular, to dialogue and effective cooperation in matters such as enhancing border control, combating illegal immigration, organised crime and trafficking in and smuggling of human beings. This also applies to ensuring well-managed migration for social, cultural and business purposes and harnessing the opportunities to strengthen the links and synergies between migration and development in these regions.

As a matter of priority, particular attention should be given to strengthening the dialogue and cooperation with the regions directly neighbouring the EU, i.e. the countries of the Western Balkans, Turkey, the ENP countries – including issues that could affect them, such as the consequences of the Iraqi refugee situation – and the Russian Federation. Furthermore the dialogue on migration issues should be intensified with Central Asian and Asian countries of origin and transit identified in accordance with the migratory routes concept.

The Council invites the Commission to report back on the implementation of the Global Approach thus extended.

2) Enhancing the Global Approach - Circular Migration and mobility partnerships between the European Union and third countries: the Council reiterates that active consideration must be given to how legal migration opportunities can be incorporated into the Union's external policies in order to develop a balanced partnership with interested third countries. These would need to be adapted to the specific EU Member States' labour market needs as well as to the cooperation results achieved from the third countries concerned. The Council believes that these two concepts could make an important contribution to a comprehensive approach, which combines measures aimed at facilitating legal migration opportunities with those reducing illegal immigration. Such a strategy could, in particular, be directed to promoting sustained cooperation with third countries along the migration routes towards the European Union.

The Council underlines that these mobility partnerships will be considered in those cases where they bring added value both to the EU and the third country on the management of migration flows and on the understanding that the willingness to contribute to this partnership and to cooperate actively is the basis for the opportunities offered by them. Such partnerships should, as far as appropriate, include the offer of legal migration opportunities, adapted in particular to the specific Member States' labour market needs, while fully respecting the competences of the Member States and the principle of Community preference on the one hand, and a genuine cooperation on preventing and combating illegal immigration, trafficking in and smuggling of human beings as well as effective readmission and return policy while respecting the protection of human rights, on the other hand.

The Council believes that the concept of mobility partnerships between the European Union, Member States and third countries could be tested by way of a limited number of pilot partnerships. The Council therefore invites the Commission to consult Member States on the further development of this concept, including, in particular, on the terms of reference, and with a view to exploratory talks with interested third countries on pilot partnerships in close cooperation with the Presidency and interested Member States. The Commission is invited to report back to the Council on the outcome of these consultations in order to enable the Council to decide by the end of 2007 whether to invite the Commission to launch pilot partnerships. The Council

agrees that legal migration opportunities, including well-managed circular migration can potentially benefit all partners involved. All possibilities for a well-managed circular migration should therefore be explored in close cooperation with all relevant stakeholders with a view to the adoption of Council Conclusions not later than the end of 2007.

Fight against illegal immigration of third-country nationals. Policy priorities

2006/2250(INI) - 19/07/2006 - Non-legislative basic document

PURPOSE: the presentation of policy priorities in the fight against illegal immigration of third country nationals.

CONTENT: the term "illegal immigrant" covers a wide variety of persons. It can refer to: i) a third-country national who has entered the territory of a Member State illegally either by land, sea or air through the use of fake documents or with the help of organised criminal networks (people smugglers); ii) a third-country national who has entered the county under a valid visa or who entered under a visa-free regime but who "overstayed" or changed the purpose of stay without the approval of the authorities; and iii) unsuccessful asylum seekers who fail to return to their country of origin following a negative ruling on their application to stay.

The EU has sought to fight illegal immigration on a number of fronts: stepped up border security; fighting illegal employment; supporting a policy of return; and developing co-operation policies with third countries. In light of mounting migratory pressures the purpose of this Commission report is to set out new policy priorities as well as to present a number of practical, action-orientated measures.

One of the EU's key elements to tackling illegal immigration is the need for solidarity, mutual trust and shared responsibility between the Member States. Illegal immigration can pose a particular burden on those Member States who control an external border.

As far as the policy priorities are concerned the Commission argues for a multi-faceted approach capable of targeting measures at all stages of the migration process. This report examines nine different priority areas. They are:

1) *Third country co-operation:* Dialogue on co-operation between EU countries, countries of origin and countries of transit are crucial and therefore need to be strengthened. Such co-operation has been developed with, for example, the EU's southern and eastern neighbours as well as with Libya. Illegal immigration is also rising from Latin America and certain Asian countries. The EU will continue to address the "push-factors" for illegal immigration most notably poverty, unemployment, conflict, environmental degradation, bad governance, lack of access to education and lack of access to good health services.

2) *Secure Borders through an Integrated Management of External Borders:* The Community Borders Code, the Regulation on local border traffic and the FRONTEX Regulation, represent a legal and operational framework through which border controls can be further developed. The Community will continue exploiting modern biometric technology systems to control the EU's external borders. In other areas the "e-borders" initiative will be included in the fight against illegal immigration as well as streamlining the technology used for entering or exiting the EU. The Visa Information System (VIS) will play a vital role in fulfilling these intentions.

3) *Fighting human trafficking:* The Community will continue to fund measures that address the primary cause of illegal migration namely, poverty, discrimination and lack of access to basic and higher education. Community initiatives will be channelled through its Action Plan to fight human trafficking.

4) *Making travel and ID documents secure:* Document security not only plays a vital role in controlling the borders but also plays an important role in post entry measures. Common guidelines should therefore be developed on minimum security standards particularly with regard to issue procedures.

5) *Addressing the matter of regularisation:* Current Community law does not contain any provisions on regularisation (the discretionary decision to grant a third-country national the right to stay). Regularisation is a matter for the Member States and some have embarked upon large-scale regularisation programmes in recent years. Such measures do, however, impact upon other Member States. As well as agreeing to a new mutual information system on national measures in the areas of migration and asylum which may have an impact on other Member States or on the Community as a whole, the Commission is launching a study on current practices, effects and impacts of regularisation measures in the Member States. This study will constitute the basis for future discussion on whether there is a need, or not, for a common legal framework on regularisation at an EU level.

6) *Tackling illegal employment:* The possibility of finding work in the EU is a strong "pull" factor for illegal immigration. Illegal employment, seriously undermines the credibility of legal migration channels and erodes Member States' tax revenues. It can also lead to serious exploitation. This is not always limited to organised crime. The Commission, therefore, proposes to target the employment of illegally present third-country nationals or persons who work in violation of their residence status.

7) *Establishing a policy of Return:* Returning illegal immigrants remains a key policy initiative. An effective return policy is deemed key to ensuring public support for elements such as legal migration and asylum.

8) *Improving information exchange through existing instruments:* Operational co-operation between the Member States can only be successful if they are able to share information of a technical and strategic nature. ICONets is now operational and Frontex and Europol access to the net should increase its effectiveness.

9) *Making carriers liable:* An assessment of measures set out in Directive 2001/51/EC and 2004/82/EC, the Carriers Liability Directive, will be undertaken with a view to addressing any shortcoming or gaps.

Fight against illegal immigration of third-country nationals. Policy priorities

2006/2250(INI) - 09/03/2009 - Follow-up document

The Commission presents the third annual report on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders, and the return of illegal residents.

This report provides an overview of the main developments between mid2006 and the end of 2008 in key areas to curb illegal immigration, as also highlighted in the Commission's Communication on a [Common Immigration Policy for Europe](#) as well as in the European Pact on Immigration and Asylum. The Commission hereby also fulfils its obligation to report to the Council on progress made in implementing the measures announced in the July 2006 Communication on [Policy priorities in the fight against illegal immigration of third-country nationals](#).

The data presented in this note do not support the idea that illegal immigration to the EU is increasing. In recent years, there have been fewer refusals at the border, and the level of apprehensions and removals has been stable. The overall figures for the EU, however, hide some key differences in trends in the Member States. Mediterranean Member States have generally seen increases in most of the categories for which data are available. The growing number of people arriving after dangerous maritime crossings is particularly worrying.

Some third countries are the source of large flows of illegal immigration into the EU. Morocco, Albania and Ukraine would be the three main ones, followed by Serbia, Turkey, Brazil, Belarus, the Republic of Moldova and Iraq. Nationals of Sub-Saharan countries do not feature prominently in the main categories but they make up most of the arrivals by sea in countries like Spain, Malta and Italy (but not in Greece where most migrants come from further east, rather than south). Concerning the return policies of the Member States, it appears that between a third and half of the return decisions are effectively carried out. Although a 1/1 ratio may be impossible to achieve, there is still room for improvement.