

Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	2002/2181(COS)	Procedure completed
Immigration: open method of policy coordination and integration in the relations with third countries		
Subject 7.10.08 Migration policy		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		03/09/2002
		PSE TERRÓN I CUSÍ Anna	
	Committee for opinion	Rapporteur for opinion	Appointed
	EMPL Employment and Social Affairs		04/09/2002
		PPE-DE SMET Miet	
	DEVE Development and Cooperation		20/02/2003
		PSE CARRILHO Maria	
	FEMM Women's Rights and Equal Opportunities		10/07/2002
		ELDR DYBKJÆR Lone	
	PETI Petitions		10/07/2002
		V/ALE LAMBERT Jean	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2508	19/05/2003
	General Affairs	2463	18/11/2002
European Commission	Commission DG Justice and Consumers	Commissioner	

Key events			
11/07/2001	Non-legislative basic document published	COM(2001)0387	Summary
02/09/2002	Committee referral announced in Parliament		
18/11/2002	Resolution/conclusions adopted by Council		Summary
19/05/2003	Resolution/conclusions adopted by Council		
	Vote in committee		

12/06/2003			
12/06/2003	Committee report tabled for plenary	A5-0224/2003	
19/06/2003	Decision by Parliament	T5-0292/2003	Summary
19/06/2003	End of procedure in Parliament		

Technical information

Procedure reference	2002/2181(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16495

Documentation gateway

Non-legislative basic document		COM(2001)0387	11/07/2001	EC	Summary
Committee of the Regions: opinion		CDR0093/2002 OJ C 278 14.11.2002, p. 0044	16/05/2002	CofR	
Economic and Social Committee: opinion, report		CES0684/2002 OJ C 221 17.09.2002, p. 0049	29/05/2002	ESC	
Supplementary non-legislative basic document		COM(2002)0703	03/12/2002	EC	Summary
Committee report tabled for plenary, single reading		A5-0224/2003	12/06/2003	EP	
Text adopted by Parliament, single reading		T5-0292/2003	19/06/2003	EP	Summary

Immigration: open method of policy coordination and integration in the relations with third countries

PURPOSE : to proposal an open method of co-ordination for the development of a common immigration policy. **CONTENT** : the European Commission has today adopted a proposal for a Council Directive on conditions of entry and residence of third-country nationals for the purposes of paid employment and self-employed economic activity (refer to CNS/2001/0154). This is a fundamental legal and administrative tool for improving the management of migration flows, since it determines, for the first time, common criteria in all the Member States, a single procedure, which has been simplified and made transparent through the introduction of a single document (stay and work), while establishing the rights of third-country nationals. At the same time, the Commission is proposing a mechanism for open cooperation which will introduce a method for monitoring the development of national immigration policies. The Commission is convinced that the legal instruments already proposed, or about to be proposed, and for whose application the Member States remain responsible, will not be able to deliver their full Community value added, if the Member States do not use them to align national immigration policies more closely on the basis of common principles. If that should happen, the long-term objective of establishing a genuine EU asylum and immigration policy. The Commission had previously declared that zero immigration is quite simply an illusion and that the ex-post regularisation of illegal immigrants is inconsistent. Clear rules are needed, with criteria and a common framework, which will enable each Member State to manage migration flows at national level in accordance with the subsidiarity principle. In its communication of 22 November 2000, the Commission invited the Member States to link immigration policy to all the other policies directly or indirectly associated with economic and social development (training, integrating young people and women into the labour market, combating unemployment, etc.) and to situate that policy in an overall approach to relations with third countries. It is in this context that the Commission is proposing to co-ordinate efforts in an open manner, through an operational instrument for checking the mutual consistency of Member States' policies, which must be constructed around common criteria. Accordingly, it is drawing up an initial series of guidelines concerning the management of migration flows, including measures to combat illegal immigration, the admission of economic migrants, partnership with third countries, and integration. Lastly, the Commission wants an initial inventory of the work and discussions in progress to be drawn up for the inter-institutional conference which is to be organised by the Belgian presidency on 16 and 17 October next, with an eye to the political conclusions to be drawn by the European Council at Laeken (December 2001). ?

Immigration: open method of policy coordination and integration in the relations with third countries

The General Affairs Council recalled the Seville conclusions regarding cooperation with third countries of origin and transit to jointly combat illegal immigration, and makes clear its wish to intensify EU partnership cooperation with countries and regions of particular relevance. The Council underlines that the overall objective of the initiatives taken is to offer strengthened cooperation with such countries within the migration field in order to further improve the capacity of these countries to fulfil their roles in the international endeavours to deal with the many-faceted problems caused by illegal migration. Taking account of the Council conclusions of 25-26 April 2002 regarding criteria for identifying third countries with which new readmission agreements need to be negotiated, the following set of criteria has been used to identify countries of origin or transit, with whom the Council considers that intensified cooperation should be established: - Nature and size of migratory flows towards the EU; - Geographical position in relation to the EU; - Need for capacity building concerning migration management; - Existing framework for cooperation; - Attitude towards cooperation on migration issues. Based on these criteria, the Council considers it important that intensified co-operation is developed, in the first instance, with the following countries with which there is existing cooperation capable of forming a basis for further progress: Albania, China, the Federal Republic of Yugoslavia, Morocco, Russia, Tunisia and Ukraine. The Council also considers it essential to initiate cooperation with Libya. Finally, the Council considers it important to continue and further strengthen cooperation with the EU candidate state Turkey, inter alia, given its geographical position. Based on the above list, the Council agrees that a comprehensive dialogue shall be pursued with each individual country with a view to strengthening cooperation. The initiatives taken shall be based on a country-specific needs assessment conducted in consultation with the countries in question. Furthermore, the Council will come back on this item by May 2003 on the basis of a progress report, drafted by the Commission. Considering the need of strengthening the cooperation, the Council stresses the political importance of developing the efforts to fully integrate the external dimension of the JHA issues in the existing and future relations of the EU with third countries. Therefore, all existing or future comprehensive dialogues pursued with the identified countries should, where relevant, include subjects such as return, readmission and documentation, implementation of agreements on management of migration flows, preventive policies and technical assistance geared towards institutional capacity building. Recalling the conclusions of the European Council in Seville, which urged that any future cooperation, association or equivalent agreement which the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration, the Council considers it essential that such a clause should contain the following elements: - An in-depth dialogue on the issue of migration. - Commitment to take into account, in the framework of national strategies for economic and social development, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate. - Joint examination of issues arising from illegal immigration and trafficking in human beings, including the issue on how to combat illegal immigration and networks of traffickers, with a view to establishing, where appropriate, the means for a prevention policy. - The return, under humane and dignified conditions, of illegally residing third country nationals and stateless persons. - Confirmation of the obligation, upon request and without further formalities, to readmit any of their nationals illegally present on the territory of the other party, to provide their nationals with appropriate documents and to extend to them the administrative facilities necessary for such purposes. - The conclusion of readmission agreements. These agreements shall also cover, as defined in the negotiating mandate given to the Commission, arrangements for readmission of third country nationals and stateless persons. - Cooperation regarding migratory flows to promote a fair treatment of individuals residing legally on the territories of the parties through an integration policy favouring nondiscrimination and fight against racism and xenophobia. The European Community will, where relevant, be ready to consider the provision of adequate assistance to implement such clause. Lastly, the European Community expects third countries to fulfil their readmission obligations, in conformity with international law, and to respond positively to requests from the Community or its Member States in this regard. The Council agrees that, until negotiating directives have been given to the Commission to negotiate a readmission agreement, the country concerned should be ready to conclude a bilateral agreement with a Member State of the European Community on the request of that Member State, which contains the specific readmission obligations between this country and the requesting Member State, including the obligation to readmit nationals of other countries and stateless persons.?

Immigration: open method of policy coordination and integration in the relations with third countries

OBJECTIVE: to integrate the issue of migration into EU external relations. **CONTENT:** With this communication, the Commission pioneers the approach that concerns related to legal and illegal migration need to be integrated into the external policy and assistance programmes of the EU. It elaborates how the EU's various external policies and instruments, including development policy, can make an important contribution in addressing the underlying causes of migration flows. The document also contains a report on the effectiveness of financial resources available for repatriation of immigrants and rejected asylum seekers, for management of external borders, and for asylum and migration projects in third countries. The Seville European Council in June 2002 had asked the Commission to submit both proposals for the integration of immigration policy into the EU's relations with third countries and an overview of the use of existing instruments. The Commission pursues three main objectives with this communication: 1) puts the migration issue into a broader context, taking account of the driving forces of international migration, the specific case of people in need of protection and the effects of international migration on developing countries; 2) gives an overview of the Community migration policy and how migration issues are being integrated in Community external cooperation programmes and policies. 3) indicates the possible policy developments that could improve the Community contribution to a better management of migratory flows, including the curbing of illegal migration. On the basis of the Amsterdam Treaty and following the policy orientations established by the European Councils of Tampere (December 1999) and Seville (June 2002), the Commission has progressively formulated the main components of a common policy on migration and asylum. The Commission's communication focuses in particular on EU relations with low and middle-income countries in Africa, Asia, Latin America and Europe, with the exception of the EU candidate countries. Until now, the Commission has proposed the establishment of a basic common legal framework and the gradual convergence of legislation, policy and practice through an open method of coordination between the Member States towards an EU migration policy. Migration issues have been successfully introduced into the dialogue between the EU and many countries. Substantial direct and indirect Community assistance (totalling some EUR 935 million for the period between 2000-2006) has been programmed to provide support to third countries in their efforts to address legal and illegal migration issues. The Commission has also facilitated regional cooperation on migration issues in the Balkans, the Mediterranean region and the former Soviet Union and tackled the root causes of illegal immigration by supporting sustainable growth and development and reducing poverty. Equally, the Commission is in the process of negotiating several readmission agreements between the European Community and third countries in which both parties reciprocally agree to accept the return of illegal migrants into their territory (with Hong Kong, Sri Lanka and Macao). Readmission agreements are being negotiated with Russia, Pakistan, Morocco and Ukraine and negotiations will be begun shortly with Albania, Algeria, China and Turkey. As regards ACP countries, the Cotonou Agreement requires the Parties to readmit their own nationals illegally present in the territory of another party. This obligation is legally binding. Concerning the future orientations, the Commission has drawn up four key principles for integrating migration concerns into the external policy of the Community: 1)

the integration of migration aspects in the external action of the Community needs to encourage third countries to cooperate rather than to penalise those unwilling or unable to do so; 2) the long-term priority of the Community is to address the root causes of migration flows with its development programmes aiming at poverty eradication, institution and capacity building and conflict prevention; 3) the Commission proposes to give greater weight to migration aspects within the Regional and Country Strategy Papers. These papers form the basis of the EU's assistance programmes relating to migration; 4) additional funding will be needed to provide specific and complementary support for the preparation and implementation of readmission agreements by third countries. This support would be financed from the budget line for cooperation with third countries in the field of migration, endowed with appropriate additional resources. In a report featured in the second part of the communication, the Commission assesses the effectiveness of financial resources available at Community level for dealing with migration. It is expected that this communication will be followed by another Commission communication scheduled for March 2003, dedicated to the various interactions between immigration, employment and social policies in the European Union.?

Immigration: open method of policy coordination and integration in the relations with third countries

The European Parliament adopted a resolution drafted by Anna TERRON I CUSI (PES, Italy) on Community immigration policy. Parliament regretted that the Council had not adopted the legislative instruments put forward by the Commission and called on the Council to take up a position on the Commission's communications at the earliest opportunity. An open method for the coordination of national policies cannot under any circumstances take the place of the legislative measures called for. The method could prove difficult to introduce if it were to be misused for the purpose of further delaying the legislative process or concealing the fact that deadlock has been reached. On the question of economic migrants, Parliament asked the Council to adopt the directive on the conditions for entering the EU for employment purposes, as a first and necessary step towards ensuring simple and transparent procedures for legal entry into the EU. An ageing population and a lack of low-skilled and very highly-skilled workers are common features of all the Member States, which use immigration as a remedy against this situation. Member States retain responsibility for selecting and establishing the number of economic immigrants required to cover national labour market needs. Parliament stressed that coherence between Community policy on immigration and other EU policies, particularly those relating to employment and social inclusion, is essential. It also asked Member States to take urgent steps to shed light on illegal employment, especially in the domestic help sector, in which a very large number of female migrant workers are employed. A new solution must be found which permits families employing such workers to draw up a legal employment contract entitling them to social security cover. On the matter of the integration of third country nationals, Parliament felt that full integration of migrants is a key factor in measuring the success of European immigration policy. Various actions have been developed in the Member States to address the increasing pluralism of present-day societies. The experience acquired in this area, both successes and failures, is an asset that the Commission should harness, evaluate and make available to all key actors. Member States should not misuse integration policy as a way of rendering immigration impossible in practice. Parliament condemned the imposition of integration tests and language requirements which immigrants are required to comply with before they enter a Member State. Parliament went on to state that readmission agreements represent one aspect of EU external policy. EU Member States should accept their obligations with a view to improved management of migration flows, but this must not form the EU's sole priority as regards relations with countries of origin in the migration context. Factors which encourage unwanted emigration must be examined. Cooperation with third countries should include measures to support the establishment of positive trends both for countries of origin and transit and host countries. This means promoting co-development projects and coordinated action in the field of education and training, examining economic and other opportunities linked to people's mobility, and assisted return policies. Co-development policies should remain one of the objectives of budget line B7-667 and of EU external action programmes. Parliament drew attention to the need to take into account, along the lines mentioned by the Commission, the enormous financial flows which the money sent home by immigrants constitutes. It asked the Commission to take the initiative in order to ensure that these earnings can be sent back legally, cheaply and easily, to benefit co-development initiatives.?