

# A Comprehensive European Migration Policy

## 1. political framework

International migration is growing in scope and complexity and has a serious impact –both positive and negative– on the EU and its Member States. The EU needs to deal with migration in the overall socio-economic context of Europe that is increasingly characterised by skill and labour shortages, competition for the highly skilled in an ever more globalizing economy and accelerating demographic ageing of the European population. At the same time efforts aimed at integration of migrants need to be stepped up to ensure peaceful and stable societies, while the EU must also react to increasing migration pressure of illegal migrants trying to make their way into Europe, not only from neighbouring countries but increasingly from countries further a field.

The comprehensive EU migration policy, as defined by the European Council<sup>1</sup>, provides a coherent and efficient manner to respond to the challenges and opportunities related to migration. It builds on the conclusions of the Tampere European Council in 1999, the Hague Programme of 2004 and the Global Approach to Migration adopted by the European Councils in 2005 and 2006. This comprehensive approach involves all stages of migration, aims to harness the benefits of legal migration and covers policies to fight illegal migration and trafficking in human beings. It is based on the general principles of subsidiarity, proportionality, solidarity and respect for the different legal systems and traditions of the Member States. It is also based on respect for human rights and fundamental freedoms of migrants, the Geneva Convention and due access to asylum procedures. It requires a genuine partnership with third countries and must be fully integrated into the Union's external policies. In this manner the EU and its Member States address the challenges and opportunities of migration for the benefit of all, an area that constitutes one of the major priorities for the EU at the start of the 21<sup>st</sup> century.

In its efforts to strengthen the comprehensive approach, the Commission is making a specific effort to do so in a balanced manner by presenting packages of proposals that come from different chapters of the Hague Programme. The September 2005 package consisted of proposals for the establishment of Regional Protection Programs to step up international protection, a proposal for a Directive on return of illegal migrants, a Communication on Migration and Development and a proposal for a Common framework for integration<sup>2</sup>.

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<sup>1</sup> Presidency Conclusions on A Comprehensive Migration Policy, European Council, Brussels, 14<sup>th</sup>-15<sup>th</sup> December 2006. [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/92202.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf)

<sup>2</sup> See:  
[IP/05/1079](#) Commission adopts major package of measures in the field of immigration and asylum  
[MEMO/05/291](#) New orientations on the external dimension of immigration and asylum policies  
[MEMO/05/290](#) Integration of third-country nationals  
[MEMO/05/288](#) Common standards on return

## 2. Implementing the Hague Programme

### 2.1 The external dimension of migration and asylum: partnership with third countries and regions of origin and transit

Managing migration requires dialogue and close cooperation with third countries. The European Council has called for such cooperation in the context of the comprehensive policy and, in a first stage; the focus of implementation has been on Africa. The first ever EU-African Ministerial conference on migration and development was held in Tripoli on 22-23 November 2006<sup>3</sup> and a Ministerial Conference held in Rabat in July 2006 was organised with the aim of developing common responses to migratory flows along the West African route. The AU Commission and European Commission have migration on the agenda of their joint Task Force. Dialogue on the basis of Article 13 of the Cotonou Agreement has been initiated with key African countries and will be extended and the first meeting of the EU-ECOWAS joint working group on migration was held in Luxembourg in April 2007. The Euro-Mediterranean region has also been given priority with preparations now underway for the first Ministerial Meeting on Migration in the framework of the Euro-Mediterranean partnership that will take place in November.

On 16 May 2007, the Commission will present two Communications to strengthen the external dimension of EU migration policy:

The first **"On circular migration and mobility partnerships between the European Union and third countries"** responds to the request from the European Council to consider how legal migration opportunities can be incorporated into the Union's external policies with a particular emphasis on ways to facilitate and encourage circular and temporary migration. In practice mobility between the EU and third countries needs to be enhanced and also better adapted to the specific labour market needs of EU Member States. The communication will propose establishing tailor-made mobility partnerships with countries and regions of origin and transit, comprising commitments both by interested third countries and the EC and Member States.

Mobility partnerships with third countries should also deal with short stays, within the framework of the EU common visa policy, as an important dimension of people to people contacts. Facilitation of such people to people contacts whilst ensuring a high level of security can be achieved through via different, non-exclusive methods: for example the lifting of the visa obligation when a certain third country no longer poses a risk of illegal immigration or a threat to public order; to ensure better practical access of applicants to the visa application procedures, by setting up common application centres and outsourcing; the adoption of more coherent and transparent legislation on the procedures and conditions for issuing visas; the development of an exchange of data on visa applications and applicants (the Visa Information System; the negotiations of visa facilitation with specific third countries (in parallel with negotiations on readmission agreement).

The second Communication aims at **"Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union"** and responds to the request from the European Council to bring forward proposals for the expansion of the geographical scope of the Global Approach by summer 2007. It makes recommendations for enhancing dialogue and cooperation with countries in these regions on the range of migration issues.

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<sup>3</sup> [MEMO/06/437](#) The EU meets the entire African continent in Tripoli to launch a partnership on migration and development

## 2.2. Legal Migration and integration

The Hague Programme recognised the importance of legal immigration in supporting and fostering EU economic growth and competitiveness, in line with the Lisbon Strategy. The Commission was requested to put forward by the end of 2005 "*a policy plan on legal migration including admission procedures capable of responding promptly to fluctuating demands for migrant labour in the labour market*". The **Policy Plan on Legal Migration**<sup>4</sup> responds to this request and foresees, in particular, the presentation between 2007 and 2009 of four proposals for directives aimed at responding to common needs and interests by setting out EU rules for highly skilled and seasonal workers, remunerated trainees and intra-corporate transferees. A General Framework Directive on the legal status of third-country workers admitted to a Member State – will also be presented and responds to the Tampere and the Hague Programme's call to enhance the integration of legally residing immigrants in the EU by ensuring their fair treatment.

The Commission plans to present in September 2007 two legislative proposals (draft directives) on legal migration and a report on integration. The legislative proposals deliver the first phase of implementation of the Policy Plan on Legal Migration: a **directive on conditions of admission to the EU for high-skilled workers** and a directive on the **rights of legal immigrants in employment**. These proposals will respectively aim at rendering the EU attractive for an increasingly needed category of workers and at ensuring that all third-country workers enjoy a comparable level of rights throughout the EU, before they meet the conditions for EC long-term residence status<sup>5</sup>.

The Hague Programme underlined the need for greater coordination of national policies and EU initiatives on integration and called for common basic principles to be established. The **Common Basic Principles on Integration** were adopted by the JHA Council of 19 November 2004<sup>6</sup> and acted as a foundation for the '**Common Agenda for Integration**'<sup>7</sup> put forward by the Commission in September 2005. This Common Agenda suggests concrete measures to put the Common Basic Principles into practice and makes available a set of European tools to facilitate this process: a network of National Contact Points on Integration, Handbooks on Integration for policy-makers and practitioners, Annual Reports on Migration and Integration, an integration website (under development) and various fora for consultation of stakeholders. Integration activities will also be supported by a newly-established European Fund for Integration of third-country nationals. The JHA Council of 12-13 June 2007 is expected to adopt Council conclusions on integration as a follow-up to the Informal Meeting of the EU Ministers Responsible for Integration held in Potsdam on 10-11 May 2007. During this conference, the Commission launched the second edition of the Handbook on Integration for policy-makers and practitioners.

The **Third Annual Report on Migration and Integration** which provides an overview of integration policies and measures in the EU will be part of the package that will be presented in September.

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<sup>4</sup> COM (2005) 699 final of 21 December 2005. See also: [IP/05/1664](#) Economic migration in the EU – Commission presents a roadmap on Legal Migration  
[MEMO/05/494](#) Policy Plan on Legal Migration

<sup>5</sup> Council Directive 2003/109/EC. See also: [IP/06/56](#) Status of third-country nationals who are long-term residents in the EU : deadline for rules to take effect on 23 January 2006  
[MEMO/06/15](#) Status of third-country nationals who are long-term residents in the EU : deadline for rules to take effect on 23 January 2006

<sup>6</sup> Council Document 14776/04. See also the press release: [PRES/04/321](#)

<sup>7</sup> COM (2005)389 final). See also the [MEMO/05/290](#) Integration of third-country nationals

### 2.3. Border control and the fight against illegal migration

The Hague Programme stressed the further gradual establishment of the integrated management system for external borders and the **strengthening of controls at and surveillance of the external borders of the Union**. It underlined the need for solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

In terms of specific actions the Commission was invited to present a proposal, in relation to the European Agency for the management of operational cooperation at the external borders of the Member States of the EU (FRONTEX), on the establishment of teams of national experts to provide rapid technical and operational assistance to Member States as requested, as well as on the executive powers of guest officers serving at the external borders of another Member State. This proposal was presented on 19 July 2006<sup>8</sup> and is expected to be adopted in June 2007.

The conclusions of the European Council on the Global Approach in 2005 and 2006, and the Council conclusions of 5-6 October 2006, outlined a number of specific actions to take forward the overall mandate of the Hague Programme to strengthen border control.

A number of such measures, in particular those of an operational character and with a particular focus on how to maximise the capacity of FRONTEX, were presented by the Commission in its **Communication on reinforcing the management of the EU's southern maritime borders**, presented on 30 November 2006<sup>9</sup>. These measures included a further strengthening of FRONTEX, in particular at the southern maritime borders of the Union, examining the set-up of a European Patrols Network and a European Surveillance system for the external borders, how to engage more closely with relevant third countries, and for developing guidelines on the application of law of the sea in relation to fighting illegal immigration. On the latter issue a staff working paper presenting a study on the law of the sea has recently been adopted.

In the light of the aforementioned Council conclusions the next publications expected from the Commission will be reports on the **evaluation of FRONTEX** (already foreseen by the Hague Programme) reviewing the future mandate of the Agency, and on the possible establishment of an **entry/exit system** allowing for registering all movement at the external borders combined with a registered travellers system to speed up border crossings for bona fide frequent travellers. Both reports should be presented by the end of 2007 or early 2008. Moreover, the Commission should come back to the Council with concrete suggestions for how to move towards a **European system for surveillance of the external borders** in the autumn of this year.

Finally, mention should be made of the objective set by the Hague Programme for the **lifting of internal border controls** with Member States having joined the Union in 2004, now on track for end 2007 / spring 2008, and the invitation to the Commission to present a **proposal supplementing the Schengen evaluation mechanism** by the end of 2007.

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<sup>8</sup> See:  
IP [IP/06/1026](#) Package of measures to reinforce solidarity between Member States and the fight against illegal immigration  
[MEMO/06/297](#) Rapid reaction teams of border guards

<sup>9</sup> See [MEMO/06/454](#) Reinforcing the management of the Southern Maritime External Borders

The EU must intensify its efforts to reduce the informal economy, a clear 'pull factor' for illegal migration, as well as a catalyst for exploitation. In its Communication of 19 July 2006 on the future priorities in the fight against illegal immigration<sup>10</sup>, the Commission proposed, inter alia, to reduce the **illegal employment** of illegally staying third-country nationals. The potential to find work is a key pull factor encouraging illegal immigration into the EU. In December 2006 the European Council invited the Commission to present proposals by April 2007. At the same time, the Commission continues to prioritise work on agreeing common standards and procedures for return of **illegally staying-third country nationals** and the negotiation and conclusion of further Community **readmission agreements** with relevant third countries.

As part of the package that will be presented on 16 May, the Commission will present a legislative proposal (draft Directive) on **sanctions against employers of illegally staying third-country nationals**. The aim is to ensure that all Member States introduce similar penalties for infringing employers and enforce them effectively.

#### **2.4. A Common European Asylum System**

Creating a Common European Asylum System (CEAS) emerged from the idea of **making the European Union a single protection area for refugees**, based on the full and inclusive application of the Geneva Convention and on the common humanitarian values shared by all Member States. The four main legal instruments on asylum – the Reception Conditions Directive, the Asylum Procedures Directive, the Qualification Directive<sup>11</sup> and the Dublin Regulation - all aimed at this general objective of levelling the asylum playing field and laying the foundations for a CEAS. Those foundations are now laid and **the first stage of the CEAS is complete**. The Hague Programme takes up the challenge for taking forward the CEAS and looks to the establishment of the common asylum procedure and uniform status for those granted asylum or subsidiary protection. The Commission is invited to adopt second phase instruments with a view to adoption by 2010.

In June 2007 the Commission will release initiatives for preparation of the second phase of development of the Common European Asylum System (CEAS). Before putting forward proposals for the completion of the CEAS, the Commission will host a thorough debate on the issues at stake with all actors involved. This debate will be organised around a **Green Paper**. The result of this debate will inform the preparation of the **policy plan on asylum** policy, to be published at the beginning of 2008, which will, in turn, form the roadmap for Commission work towards the achievement of the CEAS. The first proposals of the second stage instruments will be presented before the summer of 2008. In parallel, the Commission will publish one of the first elements of the evaluation of the first phase of the CEAS, namely the **evaluation of the Dublin system** (Dublin Regulation and EURODAC Regulation). Finally, in the same package, the Commission will propose the **extension of the provision of the Long Term Residence Directive to beneficiaries of international protection** which will improve their opportunities for integration in the host Member State.

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<sup>10</sup> COM (2006) 402 final. See also: [-MEMO/06/296](#) EU policy to fight illegal immigration

<sup>11</sup> See [IP/06/1345](#) Entry into force of key asylum law creating a "level playing field" in asylum policies throughout Europe hampered by failure of timely transposition by most Member States

The Hague Programme also recognizes that **practical cooperation** between Member States will play an important part in fostering the necessary spirit of solidarity and responsibility sharing to achieve these goals. The Commission is invited to establish appropriate structures to assist Member States achieve a Single Procedure, to standardize Country of Origin Information (COI) and to help address particular pressures arising from factors such as geographical location. By the end of 2007 the Commission will start the establishment of an EU wide common portal on COI.

*To find out more about Vice President Frattini's work please visit his website:*  
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