



Committee of the Regions

CONST-IV-017

**77th plenary session
26-27 November 2008**

**OPINION
of the
Committee of the Regions
on
A Common Immigration Policy for Europe**

THE COMMITTEE OF THE REGIONS

- points out that the Committee of the Regions is prepared to collaborate in drawing up a future common immigration policy and to contribute to that policy,
- emphasises that local and regional authorities are first to be significantly affected by a common immigration policy. On the one hand, they are particularly affected by the difficulties of illegal immigration, while, on the other, they are responsible for providing immigrants with a range of services as part of the local integration process. For this reason they must be fully involved in the development of a European framework for legal immigration, in measures to combat illegal immigration and in development cooperation with countries of origin,
- points to the great importance of migrants in the light of their contribution to the socio-economic development of the EU. To ensure the international competitiveness of the European Economic Area, the attractiveness of the EU must be perceptibly improved, so that greater use is made of local and regional capacity,
- notes that the Member States' competence for stipulating how many third-country nationals may enter their territory to seek work there as employees or self-employed workers provides a way of taking national and regional labour market needs into account,
- recognises the crucial importance of mastering the official language or languages of the host country. Successful integration at local and regional level is facilitated by early acquisition of the official language(s),
- stresses that there is a relationship between illegal and legal immigration and that combating illegal immigration is of key importance for framing a policy on legal migration. On the one hand, the fight against illegal immigration must be consistent and comprehensive, so as to effectively combat often organised criminal structures. On the other hand, steps must be taken to facilitate legal migration where there are labour shortages or where the main purpose is the exchange and transfer of knowledge or further training of migrants during a limited stay.

Rapporteur

Werner Jostmeier (DE/EPP), Member of the North Rhine-Westphalia *Landtag*

Reference documents

Communication from the Commission: Towards a Common Immigration Policy
COM(2007) 780 final

Communication from the Commission: A Common Immigration Policy for Europe – Principles,
actions and tools
COM(2008) 359 final

CdR 210/2008 fin DE-IT/MEV/ym

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I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

The role of local and regional authorities

1. supports a common immigration policy, which has been in the process of development since the European Council meeting in Tampere in 1999, and culminating in the European Pact on Immigration and Asylum;
2. points out that the Committee of the Regions is prepared to collaborate in drawing up a future common immigration policy and to contribute to that policy; notes that local and regional authorities are ready to face the new challenges and to promote the exchange of approaches that have proved effective in this area at local and regional level;
3. is satisfied with and appreciates the increased cooperation with the European Commission, which should be continued;
4. welcomes the partnership-based approach adopted by the European Commission. Cooperation and solidarity between the Member States and EU institutions should also allow for involvement of local and regional players. The future challenges call for coordinated and coherent measures, which require effective action by the EU and the Member States as part of a common immigration policy;
5. emphasises that local and regional authorities are first to be significantly affected by a common immigration policy. On the one hand, they are particularly affected by the difficulties of illegal immigration, while, on the other, they are responsible for providing immigrants with a range of services as part of the local integration process. For this reason they must be fully involved in the development of a European framework for legal immigration, in measures to combat illegal immigration and in development cooperation with countries of origin;
6. like the Commission, sees the need for mechanisms based on solidarity between the Member States and the EU in burden-sharing and policy coordination. The local and regional authorities draw attention to the financing of tasks such as monitoring and control of borders as well as integration policy, which has an impact on public finances at national, regional and local levels;
7. considers respect for human rights, the principles of the rule of law, and the promotion of democracy to be key aspects of any immigration policy. The European Union guarantees the freedoms and principles enshrined in the Charter of Fundamental Rights, including human dignity, freedoms, equality, solidarity, citizens' rights and legal rights. The rights of women

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and children are particularly important here. Traditions or practices that violate these principles cannot be tolerated. The shared European values from which the Charter of Fundamental Rights springs are not negotiable. Everyone in the European Union must accept European basic rights as a binding code of values;

8. points out that migrants already constitute an important and integral part of society in many European municipalities and regions. The European Union is a society with a truly rich and diverse cultural heritage, which must be preserved and developed. UNESCO defines culture as a complex that embraces not just art and literature, but also ways of life, basic human rights, value systems, traditions and beliefs. Immigration can help to enhance cultural diversity. The European Union has paid particular tribute to cultural diversity by making 2008 the European Year of Intercultural Dialogue¹;

Steps towards a common immigration policy

9. in the light of previously adopted Committee of the Regions opinions, calls for local and regional players to be involved in the next stages of a common immigration policy for the future²;

Prosperity and immigration

10. points to the great importance of migrants in the light of their contribution to the socio-economic development of the EU. To ensure the international competitiveness of the European economic area, the attractiveness of the EU must be perceptibly improved, so that greater use is made of local and regional capacity;
11. considers clear and transparent rules – and compliance with them - to be urgently needed for reasons of legal certainty and the fair treatment of third-country nationals;
12. sees systems to encourage integration, with attractive residence conditions for third-country nationals and their families, as an important way of acquiring the needed labour for the European economic area. Effective programmes for managing migration in a way that is appropriate to the labour market should also take issues of family reunification as defined in Directive 2003/86/EC into account;
13. observes that by simplifying administrative procedures, a common immigration policy could lead to a substantial reduction in red tape, both for the Member States and for regional and local authorities;

¹ Regulation (EC) No 1983/2006 of the European Parliament and the Council of 18 December 2006 on the European Year of Intercultural Dialogue (2008).

² Since the Communication COM(2008) 359 final concerns only issues relating to immigration of third-country nationals, this opinion does not consider migration of EU citizens within the EU or within certain regions.

14. considers it important for the Commission to evaluate what will be required of regional and local authorities as a result of the measures which it is proposing should be taken at EU or national level. It is also important that the tasks that may be required of local and regional authorities should be financed at national level or through EU funding;
15. notes that the Member States have different labour market needs. Consideration must therefore be given to the varying requirements of national, regional and local labour markets, maintaining the autonomy of the Member States and respect for the subsidiarity principle when introducing any EU-wide standards, procedural rules and residence permits such as the planned EU Blue Card. The Member States' competence for stipulating how many third-country nationals may enter their territory to seek work there as employees or self-employed workers provides a way of taking labour market needs into account;
16. in this context welcomes the Commission's proposal that local and regional authorities be actively involved in improving the balance between skills and sectoral needs, and it is here that particular local and regional characteristics can be taken into consideration;

Integration as the key to effective immigration

17. notes the importance of local and regional authorities playing an active role in the integration of immigrants. The specific needs of municipalities and regions must be taken into account in the future common immigration policy and in the accompanying measures, for instance operation of the European Integration Fund, without prejudice to the principles of subsidiarity and proportionality;
18. links the exercise of basic rights to responsibility and duties towards other people, society and future generations. Honouring the European value consensus is an obligation to show respect and tolerance, a prerequisite for peaceful and democratic co-existence. Intercultural dialogue can play an important role in encouraging this;
19. considers active cooperation between all parts of civil society and a positive attitude on the part of immigrants and of host societies to be important prerequisites for integration. Countries of origin can make a contribution to the integration of their nationals in European host countries;
20. recognises the crucial importance of mastering the official language or languages of the host country. Successful integration at local and regional level is facilitated by early acquisition of the language(s). Immigrants and most especially their children should be strongly encouraged to learn the official language(s) of the host country, while their right to have a perfect command of their mother tongue should also be respected and supported;

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21. considers the provision of basic, understandable information on the city, area or district of destination and the most common lifestyles in these places, to be a priority;
22. emphasises the importance of possessing a basic familiarity with the history and institutions of the host society. Enabling immigrants to acquire this basic knowledge is crucial to successful integration;
23. advocates holding reception programmes and activities for recently arrived third-country nationals, so that they can acquire a basic knowledge of the language, history, institutions, socio-economic features, cultural life and key values of the host society;
24. it supports funding for innovative programmes or integration models that include language learning and communication workshops, together with information on cultural, political and social aspects of the host society;
25. believes that education plays a key role in integration. Local and regional authorities have important tasks in relation to education in terms of promoting equality of opportunities for everyone. The Green Paper published by the Commission on *Migration & mobility: challenges and opportunities for EU education systems*³ sets out this key role played by education in relation to integration. The Commission should thereby take particular account of local and regional remits when evaluating consultation;
26. notes the important role of work in the integration of migrants. Unemployment is often an obstacle to successful integration, especially where it affects young people. Immigration of third-country nationals must take place in line with the labour market requirements of the different Member States. It is crucial for integration that migrants have their own gainful employment, especially since this ensures that they are covered by social security systems. Without this, migrant access to social security systems would place a particular burden on regional and local authorities and could not be explained to the public in the Member States;

Solidarity and immigration

27. stresses that there is a relationship between illegal and legal immigration and that combating illegal immigration is of key importance for framing a policy on legal migration. On the one hand, the fight against illegal immigration must be consistent and comprehensive, so as to effectively combat often organised criminal structures; therefore, it is important for agreements with third countries to incorporate provisions with regard to the fight against illegal migration including, in particular, the readmission of illegally residing third-country nationals. On the other hand, steps must be taken to facilitate legal migration where there are labour shortages, in the case of highly skilled labour, or where the main purpose is the

³ COM(2008) 423 final.

exchange and transfer of knowledge or further training of migrants during a limited stay - something that is also conducive to the subsequent development of the countries of origin;

Efficient and coherent use of available resources

28. calls for comprehensive information to be provided about the relevant EU funds and assistance programmes so that all local and regional stakeholders can make use of existing funds and programmes;
29. believes that under the future EU immigration policy it may be necessary to extend the capacity of FRONTEX in the field of border control and prevention of threats to security, by allocating financial and human resources to enable this agency to perform its task effectively;
30. explicitly notes that under the future EU immigration policy, account is taken of the need to boost the capacity of local and regional authorities to manage migration flows, in particular by allocating appropriate financial resources and ensuring access to EU funding and programmes. Failure to establish a sustainable and effective immigration policy – i.e. one that is accepted by all stakeholders - would have high socio-economic costs and would jeopardise our welfare, social harmony and economic development;
31. calls for financial support for integration policy and especially educational tasks at local and regional level. The Green Paper on immigration and mobility will address the issue of the contribution made by Community programmes and funds to supporting integration policy. Local and regional integration-specific tasks in the sphere of education must be backed up by the European Integration Fund;

Partnership with third countries

32. points out that under the future EU immigration policy the key importance of promoting dialogue and cooperating with countries of origin and transit countries must be borne in mind, using instruments of European neighbourhood policy, the Union for the Mediterranean and implementing effective development cooperation. Local and regional authorities play an important role in promoting such cooperation. This is particularly the case with authorities that can serve as cooperation platforms for joint efforts with neighbouring third countries;
33. draws attention to the global dimension of migration, which has far-reaching consequences for countries of origin and for the European Union. For this reason, particular account must be taken of the way the issues of migration and development are interlinked. It should be borne in mind that the emigration of skilled workers must not have a negative economic impact ("brain drain") on developing countries. In the case of circular migration, workers could use or pass on the skills they have acquired once they return to their country of origin;

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Security and immigration

34. believes that, given the challenges associated with illegal immigration, when framing future EU immigration policy the focus must be on the need for practicable, coordinated measures to combat people trafficking and criminal organisations, so as to prevent human tragedies;

Stepping up the campaign against illegal immigration and zero tolerance of human trafficking

35. urgently backs European Union measures to prevent illegal immigration, which often encourages exploitation, especially of women and children. Consistent measures must be taken here. The networks of people smugglers and the groups that organise or participate in human trafficking must be combated in cooperation with the countries of origin and transit countries. Local and regional authorities must be involved in cooperation measures as appropriate;

Outlook

36. recognises the opportunities inherent in an effective immigration policy which can contribute to economic growth and cultural diversity. Local and regional authorities support such a policy, which contributes to enhancing the economic and social potential of the European Union; at the same time reiterates that the European Union can fully enjoy the benefits of legal migration if the fight against illegal immigration is comprehensive and successful.

Brussels, 28 November 2008

The President
of the
Committee of the Regions

Luc Van den Brande

The Secretary-General
of the
Committee of the Regions

Gerhard Stahl

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II.A. PROCEDURE

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| Title | Communication from the Commission: <i>Towards a Common Immigration Policy</i> |
| Reference | COM(2007) 780 final |
| Legal basis | Optional referral, Article 265(1) |
| Procedural basis | |
| Date of Commission letter | 5.12.2007 |
| Commission responsible | Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice |
| Rapporteur | Werner Jostmeier (DE/EPP), Member of the North Rhine-Westphalia <i>Landtag</i> |
| Analysis | DI CdR 31/2008 |
| Discussed in commission | 12.6.2008 |
| Date adopted by commission | 15.10.2008 |
| Result of the vote in commission | Adopted unanimously |
| Date adopted in plenary | 26 November 2008 |
| Previous Committee opinions | <p>CdR 296/2007 <i>A global approach to migration: developing a European policy on labour immigration in conjunction with relations with third countries</i>, COM(2007) 248 final, COM(2007) 249 final, COM(2007) 637 final, COM(2007) 638 final (rapporteur: Ms Terrón I Cusí, ES/PES)⁴</p> <p>CdR 64/2007 on the Communications on <i>The global approach to migration one year on: towards a comprehensive European migration policy, Reinforcing the management of the European Union's southern maritime borders, and Applying the global approach to migration in the eastern and south-eastern regions neighbouring the European Union</i>, COM(2006) 735 final, COM(2006) 733 final and COM(2007) 247 final (rapporteur: Mr Micallef, MT/EPP)⁵</p> |
| | <p>CdR 233/2006 on the Green Paper on the <i>Future of the European Migration Network</i>, the Communication from the Commission: <i>Policy Plan on Legal Migration</i>, and the Communication on <i>Policy priorities in the fight against illegal immigration of third-country nationals</i>, COM(2005) 606 final, COM(2005) 669 final and COM(2006) 402 final (rapporteur: Ms De Esteban Martín, ES/EPP)⁶</p> |

⁴ OJ C 257 of 9.10.2008, pp. 20-25.

⁵ OJ C 305, 15.12.2007, pp. 43-47.

⁶ OJ C 146, 30.6.2007, pp. 1-9.

II.B. PROCEDURE

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|---|---|
| Title | Communication from the Commission: A Common Immigration Policy for Europe – Principles, actions and tools |
| Reference(s) | COM(2008) 359 final |
| Legal basis | Optional referral, Article 265(1) |
| Procedural basis | - |
| Date of Commission letter | 17.6.2008 |
| Commission responsible | Commission for Institutional Affairs, European Governance and the Area of Freedom, Security and Justice |
| Rapporteur | Werner Jostmeier (DE/EPP), Member of the North Rhine-Westphalia <i>Landtag</i> |
| Analysis | DI CdR 36/2008 |
| Discussed in commission | 15.10.2008 |
| Date adopted by commission | 15.10.2008 |
| Result of the vote in commission | Adopted unanimously |
| Date adopted in plenary | 26 November 2008 |
| Previous Committee opinions | CdR 296/2007 <i>A global approach to migration: developing a European policy on labour immigration in conjunction with relations with third countries</i> , COM(2007) 248 final, COM(2007) 249 final, COM(2007) 637 final, COM(2007) 638 final (rapporteur: Ms Terrón I Cusí, ES/PES) ⁷ |
| | CdR 64/2007 on the Communications on <i>The global approach to migration one year on: towards a comprehensive European migration policy</i> , <i>Reinforcing the management of the European Union's southern maritime borders</i> , and <i>Applying the global approach to migration in the eastern and south-eastern regions neighbouring the European Union</i> , COM(2006) 735 final, COM(2006) 733 final and COM(2007) 247 final (rapporteur: Mr Micallef, MT/EPP) ⁸ |
| | CdR 233/2006 on the Green Paper on the <i>Future of the European Migration Network</i> , the Communication from the Commission: <i>Policy Plan on Legal Migration</i> , and the Communication on <i>Policy priorities in the fight against illegal immigration of third-country nationals</i> , COM(2005) 606 final, COM(2005) 669 final and COM(2006) 402 final (rapporteur: Ms De Esteban Martín, ES/EPP) ⁹ |

⁷ OJ C 257 of 9.10.2008, pp. 20-25

⁸ OJ C 305, 15.12.2007, pp. 43-47.

⁹ OJ C 146, 30.6.2007, pp. 1-9.