



European Economic and Social Committee

SOC/427
Integration of third-
country nationals

Brussels, 28 March 2012

OPINION

of the

European Economic and Social Committee

on the

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Agenda for the Integration of Third-Country Nationals

COM(2011) 455 final

Rapporteur: **Cristian Pîrvulescu**

On 20 July 2011, the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Agenda for the Integration of Third-Country Nationals
COM(2011) 455 final.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 29 February 2012.

At its 479th plenary session, held on 28 and 29 March 2012 (meeting of 28 March 2012), the European Economic and Social Committee adopted the following opinion by 170 votes to 14 with 28 abstentions.

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1. **Conclusions**

- 1.1 The Committee welcomes the communication from the European Commission and considers it is a significant step further in understanding and tackling the challenges of integrating third-country nationals in the EU Member States.
- 1.2 The communication covers the key areas of intervention and clarifies roles and responsibilities in the design and implementation of the integration agenda. The emphasis on the role local and regional authorities have to play is well justified but it remains unclear what are the incentives for these authorities to become more involved in the process. The "modular" approach in designing national policies has significant potential but also risks.
- 1.3 The communication's approach is comprehensive and structured yet fails to take proper account of the complicated political and socio-economic challenges European societies have to face. The economic crisis, and its effects, is currently the key driver in the integration agenda. It affects the opinion of the European public and puts national and local authorities under financial pressure. The Committee suggests reconsidering the proposal in the light of current socio-economic context and identifying specific institutional and financial instruments to support the integration objectives. The Committee also draws particular attention to the communication dimension. It is already visible that the economic crisis tends to favour anti-immigration attitudes. It is an absolute priority that the European Commission and other

EU institutions converge in sustained, far-reaching and bold communication actions aimed at curbing anti-immigration discourse and attitudes that in some European countries are moving dangerously close to becoming part of the political mainstream. This is directly affecting the core identity of the EU as an integrated democratic polity.

- 1.4 The Committee notes the diversity of third-country nationals' status and suggests building this diversity into policy thinking and preparation. The category includes citizens of states having membership perspectives, citizens of non-European countries who live and work in the EU and non-EU citizens benefiting from international protection on EU territory. Acknowledging this diversity should not however lead to gaps in policy or discriminatory actions and more importantly, should not converge towards minimal integration standards and actions. The Committee also considers that the broader integration agenda has to include EU nationals living and working in other Member States. The situation of Roma stands out as particularly problematic. The conditions of entry and residence for migrant seasonal workers from third countries are currently being discussed in the European Parliament and European Council, while the EESC delivered its opinion in 2011¹. EU policy must tackle the difficult issue of irregular migrants, who are particularly vulnerable.
- 1.5 The communication places a welcome emphasis on participation of third-country nationals but it fails to convey a more determined message regarding its necessity, support and specific instruments to promote it. Participation in the civic and political life of local and national communities stands out as particularly problematic. The articulation of interests and a capacity to formulate collective proposals in partnership with public and private bodies is in our opinion a prerequisite for a qualitative, participative and efficient integration policy.
- 1.6 The Committee encourages the EU Commission to focus on integration, either in a dedicated European year or as a key element in one of the other upcoming years, and hopes that the Commission, together with the other EU institutions, will continue linking the integration agenda with other major policy priorities, such as the Europe 2020 strategy but also the agenda on the protection of fundamental rights currently under review.
- 1.7 The Committee remains deeply committed to cooperating with the other EU institutions on the development of key policies and programmes for integration of third-country nationals. Moreover, it is determined to work on linking European civil society to the integration agenda and facilitating the participation of third-country nationals in a structured dialogue at European level.

2. **Introduction**

- 2.1 EU cooperation on the integration of non-EU nationals has developed since the Tampere Programme (1999). In 2004, the common basic principles for immigrant integration

¹ OJ C 218, 23.7.2011, p. 97–100.

policy were agreed at EU level. Their aim was to assist EU Member States in designing integration policies and in defining a broader institutional framework composed of various EU, national, regional, and local actors. The Commission's 2005 Common Agenda for Integration aimed at implementing the common basic principles went one step further but did not tackle the key integration challenges, which remain significant. The EU's integration objectives were also included in the 2009 Stockholm programme and the Europe 2020 strategy but their framing in those major policy agendas has not advanced integration policies in any decisive way.

- 2.2 In July 2011, the Commission proposed a renewed European agenda for the integration of non-EU migrants, whose focus is on broader and better participation of migrants and enhanced action at local level. It also enables the countries of origin to play a bigger role in policy planning. The main principle of policy-making is flexibility, the EC taking responsibility for putting together a tool-box, available to Member States to use according to their needs and priorities. Common indicators have also been identified in support of the integration agenda².
- 2.3 In pursuing the integration agenda, the EU maintains a institutional and communication infrastructure: a *Network of national contact points on integration*; the *European Integration Forum*, a platform for dialogue involving all stakeholders active in the field of integration; the *European Web Site on Integration*, the main focal point for direct exchanges of information, documentation and on-line data collection; a *Handbook on Integration* for policy-makers and practitioners; the *European Integration Fund*, which supports the efforts of EU Member States in enabling non-EU nationals to integrate into European society. An *Immigration Portal* was launched on 18 November 2011.
- 2.4 The introduction of a new legal provision in the Treaty concerning EU support for the promotion of the integration of third-country nationals residing legally in Member States (Article 79.4 TFEU) creates a more solid basis for coordinated action between the EU Member States and continuous commitment from the EC and other EU institutions.
- 2.5 In the accompanying European Commission staff working paper some key challenges for the integration of third country nationals are indicated: the prevailing low employment levels of migrants, especially for migrant women; rising unemployment and high levels of over-qualification; increasing risks of social exclusion; gaps in educational achievement; public concerns at the lack of migrant integration³.

² Eurostat, Indicators of Immigrant Integration - A Pilot Study, Luxembourg: Publications Office of the European Union, 2011.

³ Commission Staff Working Paper, European Agenda for the Integration.

3. General comments

- 3.1 The EESC welcomes the view that integration is a shared responsibility and urges EU Member States to make integration a priority. This is a way to safeguard an open, inclusive and stable democratic environment at national level⁴. At EU level serious efforts still have to be made. The EU institutions already provide a framework for monitoring, benchmarking and exchanging good practice. Yet, there are several directions in which further attention is needed. The European financial instruments should be better geared towards meeting the integration objectives. Serious analysis of existing legislation, especially on labour procedures concerning third-country nationals must be performed.
- 3.2 In the context of the availability of data, the EESC considers that the EU integration agenda should have clearer objectives and targets. The EESC envisages a system in which EU Member States set specific targets regarding integration and provide their own citizens and other countries with on-going information on their achievement. The overall goal of a competitive and inclusive Europe cannot be achieved if the 4% of the population⁵ represented by third-country nationals are left behind.
- 3.3 The integration agenda is very complex and needs commitment at all levels. The EESC is open to advanced cooperation with the EC, the Committee of the Regions and other EU institutions to give substance to this renewed integration agenda. The focus on the local level is more than welcome. It is also important to empower civil society and businesses active at local level. Migrants themselves should be encouraged to create their own networks and associations that can facilitate access to information, funding and decision-making.
- 3.4 The development of a European toolbox of integration practices is necessary and brings the handbook of integration practices to a higher level of relevance and institutionalisation. This toolbox should be properly communicated together with opportunities of funding for projects with a significant impact. The EESC expresses hope that the toolbox will be used to take on the most relevant integration challenges at national, regional and local level.
- 3.5 Second, the European toolbox should not undermine the coherence of integration policy as a whole. The EESC urges national, regional and local authorities to move forward on the basis of integration strategies drafted in a participatory manner. The EESC encourages the Member States and the EC to further empower the national contact points on integration to act as catalysts for the strategic framing of integration actions.

⁴ See for synthesis of concerns regarding migration of both national and third-country individuals the results of the first Eurobarometer on Migrant Integration, MEMO/11/529, Brussels, 20 July 2011.

⁵ See for complete figures COM(2011) 291 final, EC's Annual Report on Immigration and Asylum (2010).

3.6 The EESC welcomes the recent drafting of the Eurostat study on integration indicators⁶. It is a very valuable instrument allowing close monitoring of the impact of policies and programmes, comparative evaluation of Member State practices and, generally, a better substantiated policy. As pointed earlier, the indicators are not only relevant for monitoring and evaluation. They enable the setting of concrete targets for integration policy and programmes.

4. **Specific comments**

4.1 **Integration through participation**

4.1.1 **The socio-economic contribution of migrants**

4.1.1.1 The socio-economic contribution of migrants is a key dimension of the integration agenda. The EESC advocates a shift of perspective regarding migrants which in many cases are seen as a potential burden on the social security systems or providers of cheap labour as compared with the nationals of EU Member States. The EESC considers migrants as first and foremost bearers of fundamental rights, but also contributors to the society, economy and culture of the host countries. The EESC also considers integration to be a two-way process and encourages migrants to take an interest in social and cultural exchanges with host communities and societies. This means primarily acquiring language skills and participating in the education system. European societies and citizens must be aware that there are serious medium- and long-term demographic challenges that can be partially addressed through regulated migration.

4.1.1.2 Acquiring language knowledge is an important factor in facilitating integration. It is not however clear what are the specific instruments the European Commission is ready to use to further this objective.

4.1.1.3 Participation in the labour market is a key issue in determining the success of integration. The communication rightly indicates that the employment levels of migrants should be significantly closer to those of nationals, especially women's, which seem particularly affected. Yet this purely quantitative measure does not capture the whole context of employment. Recognition of previous qualifications, pay, benefits, including their transfer, access to training and job security are other related dimensions that must be fully incorporated into the integration agenda. Further emphasis is needed on the employment of women.

4.1.1.4 The EESC acknowledges with great concern the direct and indirect effects of EU legislation on the status of migrant workers⁷. Although progress has been made with the EU blue card, the single permit directive and the seasonal workers directive, there are well-founded

⁶ Eurostat, 2011, Indicators of Immigrant Integration - A Pilot Study.

⁷ OJ C 218, 23.7.2011, p. 97–100 and OJ C 354, 28.12.2010, p. 16–22.

concerns that the directives regarding labour discriminate against workers/migrants on the basis of their origin and skills and reinforce inequalities⁸. EU labour regulations make a distinction between highly-skilled and low-skilled workers granting them differing levels of rights.

- 4.1.1.5 The EESC warns that encouraging circular migration with inadequate means could lead to more irregular migration and a very low level of protection for the workers. This particular policy is also ethically questionable as long as it aims at sending workers back to their home countries without them being able to transfer benefits or work a reasonable amount of time in the host country.
- 4.1.1.6 More effort is needed in the education system to increase the participation of youths from migrant backgrounds. Efforts should also be targeted towards early childhood education as a way of increasing participation at a later stage. The communication indicates possible examples of actions including mentoring programmes, parent training and the recruitment of migrant teachers. The EESC considers all these to be useful but asks for a more determined dissemination of such practices and better financing for programmes organised in and around educational institutions.
- 4.1.1.7 Ensuring better living conditions must remain a priority for the integration agenda. The communication singles out the beneficiaries of international protection as targets of local and national efforts in this direction. While the EESC fully acknowledges the needs of this particular group, it also draws attention to other vulnerable groups. The EESC suggests that the Commission should be attentive and give priority to situations where several vulnerability factors are combined, as in the case of Roma women, for example. Furthermore, the EU now has a powerful, visionary tool in the EU Charter of Fundamental Rights, which could guide legislation on integration.
- 4.1.1.8 The EESC regrets that the Commission's treatment of the Roma population is so lacking. Many Roma from third countries live in very difficult conditions in the host countries, lacking access to basic infrastructure and services. The EESC considers that although there are major legal differences (between third-country nationals and Member State nationals), the problem of vulnerable groups is the same. Furthermore, fundamental human rights should be protected irrespective of a person's legal status.
- 4.1.1.9 Better use of EU funding is necessary to meet the objectives of the integration agenda. The EESC notes that the financial crisis puts public spending on social programmes under strain and considers that EU financing could prove critical in supporting key projects that at least build up a solid base of good practice. Information about funding should be easily available and the funding should provide enough incentives for local authorities, and public and private

⁸ European Association for the Defense of Human Rights, Foreign workers in the EU: moving towards multiple standards, founded on unequal treatment, 17 October 2011.

institutions to become involved. The available resources should be used to encourage the civil society organisations to connect and act at grassroots level, putting emphasis on the participation of migrant communities.

4.1.1.10 The EU should be open to local, regional and national migrant networks and organisations. Building up networks and social capital helps bottom-up integration and creates an environment in which migrants feel empowered and responsible for the assertion of their rights and potential. Networks and organisations should however support integration and not become vehicles for further segregation. The EESC suggests that these organisations and networks establish partnerships with organisations in the host countries. The EU should be open to new forms of participation and cooperation, facilitated by information technology and increased mobility.

The EESC recommends that the European Commission take action in rethinking legislation on migrant labour, a vehicle for discrimination and inequality in its current formulation, and continue its work on facilitating the efforts of Member States toward more and better integration.

4.1.2 **Rights and obligations – achieving equal treatment and a sense of belonging**

4.1.2.1 The EESC welcomes the special attention granted to the political participation of the migrants, as elected officials or voters or as part of consultative bodies. This is a major test case for European democracy. Only having a political voice can secure the medium- and long-term integration of migrants and prevent them suffering discrimination. A political voice and institutionalised forms of collective action can bring migrants into the political process. This prevents alienation and radicalism. Political participation should be supported by rethinking the current citizenship rules in each country. The EESC thus supports granting voting rights in local, regional, national and European elections for third-country nationals and a corresponding right to stand for election. Linked to that, a possible option would be to grant legal migrants EU citizenship. The EU can once again be at the forefront of democratic innovation and test new forms of participation and cooperation.

4.2 **More action at local level**

4.2.1 The focus on the local level is fully justified. Apart from being a focal point of service provision, the local level creates the immediate environment for integration. Depending on the size of the local community, successful integration projects can have a significant impact on the life of communities and migrants. It is vital that interested local authorities and private entities have good information and access to funding, either EU or national.

4.2.2 The EESC recognises that urban settlements, especially large ones, are problematic. They draw a larger number of migrants who in many cases build peripheral and rather isolated neighbourhoods. Access to public services and jobs is just part of the problem. A broader

challenge is urban planning, which has to be both sustainable and inclusive. The EESC recommends the EC actively support projects that take the integration agenda further to include the fundamental issues of housing and urban planning.

- 4.2.3 The bottom-up approach is very promising but only if it is adequately promoted and funded. It is very important that for the next financial perspective the EC keeps its commitment to simplify the funding procedures and direct adequate resources to local projects⁹. More coordination between different sources of funding, like the proposed Asylum and Migration Fund, which deals with asylum, integration and return, the proposed Internal Security Fund, the European Social Fund and the European Regional Development Fund, can be critical in empowering local-level actors.

4.3 **Involvement of countries of origin**

- 4.3.1 Bringing the countries of origin into the process is a very necessary step in building a comprehensive integration agenda¹⁰. There are EU countries demonstrating good practice in establishing links with countries of origin. Yet, we have to note that many such countries have, for various reasons, little incentive to cooperate with the EU on migration matters. In the case of potential beneficiaries of international protection the limitations are more obvious¹¹. The EU's Global Approach to Migration provides a good institutional framework facilitating cooperation with third countries and solving pressing matters regarding mobility. However, framing migration mainly within the EU's labour market demands might lead to a lower level of protection for migrants and even discrimination.
- 4.3.2 The EU should continue working with countries of origin in order to ease the pre-departure procedures. It has to be noted that in many countries departing to the EU is a sought-after opportunity and this can create grounds for corruption. The EU must be determined in curbing this potential as it increases the costs for future migrants and affects their motivation to return to the country of origin.
- 4.3.3 The EESC considers that the best way to contribute in the long term to the development of the countries of origin is to design sensible labour regulations but also to empower migrants to start transnational businesses or return to the country of origin and transfer skills and motivation. The EESC recommends developing support schemes for start-ups and entrepreneurial initiatives on a bilateral basis for migrants returning in their country of origin. Both countries of origin and host countries can work in partnership to create opportunities for

⁹ See Commission communication COM(2011) 749 final, *Building an open and secure Europe: the home affair budget for 2014-2020* and the related proposals of regulation 750-751-752-753.

¹⁰ OJ C 44, 16.2.2008, p. 91–102. The topic on EU immigration and cooperation policy with countries of origin to foster development was dealt too by the 6th meeting of the European Integration Forum (see link: <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-european-integration-forum-6>).

¹¹ OJ C 18, 19.1.2011, p. 80–84.

their citizens, companies and communities. There are examples of cooperation where the needs of employers are matched with the skills of migrants.

- 4.3.4 Encouraging circular migration is legitimate as long as the instrument is not legislation affecting, directly or indirectly, the rights of third-country nationals¹².

Brussels, 28 March 2012.

The President
of the
European Economic and Social Committee

Staffan Nilsson

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N.B.: Appendix overleaf

¹² See footnote 5.

Appendix to the opinion of the European Economic and Social Committee

The following compromise, which received at least a quarter of the votes cast, was rejected in the course of the debate (Rules 51(6) and 54(3) of Rules of Procedure):

Compromised amendment

Point 4.1.2.1

The EESC welcomes the special attention granted to the political participation of the migrants, as elected officials or voters or as part of consultative bodies. This is a major test case for European democracy. Only having a political voice can secure the medium- and long-term integration of migrants and prevent them suffering discrimination. A political voice and institutionalised forms of collective action can bring migrants into the political process. This prevents alienation and radicalism. Political participation should be supported by rethinking the current political participation~~citizenship~~ rules in each country. The EESC thus ~~supports~~suggests granting voting rights in local, regional, ~~national and European~~ elections for third-country nationals and a corresponding right to stand for election. ~~Linked to that, a possible option would be to grant legal migrants EU citizenship.~~ Better participation on EU level should also be encouraged. The EU can once again be at the forefront of democratic innovation and test new forms of participation and cooperation.

Voting

For: 70

Against: 77

Abstentions: 28