



Committee of the Regions

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**71st plenary session
10 and 11 October 2007**

**OPINION
of the
Committee of the Regions
on
APPLYING THE GLOBAL APPROACH TO MIGRATION TO THE
EUROPEAN UNION'S SOUTHERN MARITIME BORDERS AND TO
THE EASTERN AND SOUTH-EASTERN REGIONS NEIGHBOURING
THE EUROPEAN UNION**

THE COMMITTEE OF THE REGIONS

- considers that European migration policy and the management of the European Union's external borders respectively, are the responsibility of the European Union and the individual Member States, which should act together according to the principles of solidarity and mutual trust, founded on full respect for human rights and European migration policy;
- believes that regional and local authorities are on the front line when it comes to migration policy, either as regards the problems caused by illegal migration (reception and management of arrivals, illegal employment, criminality and urban security) or as regards the services that local authorities are responsible for providing to residents (housing, healthcare, education etc.);
- recommends that immediate action is taken to harmonise laws to put an end to human trafficking and the criminal organisations that carry it out;
- points out that local and regional authorities have an important role in promoting cooperation and twinning programmes with their counterparts, and recalls that local and regional authorities bring know-how and experience to decentralised cooperation. This needs to be included systematically in the development of European immigration policy;
- calls the Commission to encourage and contribute to the identification of practical solutions to reinforce the management of the southern maritime external borders and improve the capacity of the Community, its Member States and its local and regional authorities to deal with critical situations, such as the mass influx of illegal immigrants;
- encourages at the same time local and regional actors to make use, on a project basis, of the funds available and stresses that these funds should be made available without further delays;
- recommends to involve local and regional authorities and their national associations particularly more closely in candidate countries but also in partner countries in EU contributions such as training and twinning of law enforcement officials, cooperation with FRONTEX, social protection and training of officials for labour matters, the rehabilitation of victims of trafficking, the collection of data and the monitoring of migration flows.

Reference documents

- The Global Approach to Migration one year on: Towards a comprehensive European migration policy
COM(2006)735 final
- Reinforcing the management of the European Union's Southern Maritime Borders
COM(2006)733 final
- Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union
COM(2007) 247 final

I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General recommendations

1. considers that European migration policy and the management of the European Union's external borders respectively, are the responsibility of the European Union and the individual Member States, which should act together according to the principles of solidarity and mutual trust, founded on full respect for human rights and European migration policy;
2. supports the efforts of the European Union that since 1999 has taken a series of initiatives towards a comprehensive European Migration Policy and encourages the European Commission to proceed further in this direction, paving the way also for closer cooperation and coordination between the EU and third countries; welcomes in particular also the re-confirmation of the common aim of such a policy contained in the conclusions of the European Council of 21-22 June 2007;
3. believes that regional and local authorities are on the front line when it comes to migration policy, either as regards the problems caused by illegal migration (reception and management of arrivals, illegal employment, criminality and urban security) or as regards the services that local authorities are responsible for providing to residents (housing, healthcare, education etc.);
4. emphasises the key role played by local and regional bodies, owing to the experience they have gained through their relations with countries of origin and their measures to integrate migrants, particularly in the fields of healthcare, housing, education and employment;
5. invites the Commission to launch public awareness and information campaigns with the cooperation of national, local and regional authorities on legal immigration policies and their positive impact, notably in order to dispel public anxiety; in parallel, calls the Commission to support the countries of origin in launching campaigns designed to increase public awareness and knowledge of legal migration possibilities and also to stress the risks of illegal immigration;
6. urges the EC to propose mechanisms to ensure that future regularisations of illegal immigrants takes place in a coordinated manner as part of a common immigration and asylum system; welcomes therefore the Commission's proposal to issue a study in 2007 on the regularisation practices and effects in the Member States and on their regional and local authorities;

7. supports the proposal of the Commission which envisages that when Member States in the region are faced with a critical situation, such as a mass influx of migrants, the capacity of the future Coastal Patrol Network should be reinforced;
8. welcomes the European Parliament's decision to increase the budget allocated to Frontex substantially and its approval to the Rapid Border Intervention Teams budget; recommends that the Rapid Border Intervention Teams include coordination between Member States and other parties involved, including communications with the proposed regional command centres at the southern maritime borders¹ and those regional administrations that are highly effected by the influx of migrants;
9. supports the proposal for the establishment of a pool of experts from Member States administrations that could be made available for deployment at short notice in other Member States facing particular strains on their capacities so as to assist in the prompt initial assessment of individual cases at point of arrival, including the identification of persons; or who may be returned to their countries of origin or transit and the subsequent efficient handling of individual cases, including the assessment of the health conditions of immigrants and refugees as well as any related epidemiologic situation and to address the specific situation of unaccompanied minors and other vulnerable groups;
10. recommends that the pool of experts from Member States administrations should be based as close as possible to the needs of local and regional authorities, including, if requested, representatives of regional or local administrations from the areas concerned or national or regional associations of local authorities and the possibility for regional and local administrations to ask for the intervention of such experts in their territory, as the arrival of illegal immigrants in any Member State has an immediate effect on the locality or region in which they arrive;
11. agrees with the proposal of the Council of Justice and Home Affairs whereby partnership agreements on migration and development oblige the partner countries to recognise principles of democracy and rule of law as well as protection of human rights;
12. recommends that immediate action is taken to harmonise laws to put an end to human trafficking and the criminal organisations that carry it out;
13. agrees with the request of the Commission to Member States to increase their efforts, so as to ensure the swift implementation of those measures already agreed upon and to complement EU action with their own initiatives;

¹ COM(2006) 733, pt. 23.

14. stresses that regional and local governments must be considered as stakeholders and must be involved in all such dialogue initiatives including with countries of origin and transit, particularly through the Committee of the Regions;
15. stresses the importance, and looks forward to actively participate to future editions, of conferences such as “Integrating cities: European policies, local practices” organised in 2006 for the exchange of best practices and strengthening cooperation between regions, and recommends the EU to exploit the potential of the regions forming its maritime border as a platform for developing mutually beneficial relations with third countries;
16. points out that local and regional authorities have an important role in promoting cooperation and twinning programmes with their counterparts, and recalls that local and regional authorities bring know-how and experience to decentralised cooperation through their public health and education services, urban services, territorial economic development, together with the provision of institutional support for local management, experience in local and regional democracy and functioning democratic institutions. This needs to be included systematically in the development of European immigration policy;
17. calls the Commission to encourage and contribute to the identification of practical solutions to reinforce the management of the southern maritime external borders and improve the capacity of the Community, its Member States and its local and regional authorities to deal with critical situations, such as the mass influx of illegal immigrants;
18. stresses its unanimous call of 13 February 2007 (CdR 258/2006)² for the setting up of an Agency specifically responsible for tackling the issue of illegal migration and asylum seeking by third country nationals, which Agency should be situated in Malta;
19. calls for a special attention for regions of the European Union situated in the Mediterranean and Atlantic area experiencing a particularly heavy inflow of illegal migrants and suffering from a lack of means to deal with a large number of immigrants with due human dignity levels requiring immediate and decisive action at local, regional, national and European levels, in order to prevent further tragedy among illegal migrants who die in large numbers in attempting to reach the shores of the European Union and the consequences for security and cohesion in the whole EU; therefore underlines that a short term policy is required to deal urgently and effectively with the problems created by influxes of illegal immigrants and urgently calls for the creation of a financial instrument aimed specifically at regions with the highest immigration levels, and at transit areas with large inflows of illegal migrants;
20. stresses the need for Member States to manifest solidarity in practice by taking concrete measures to alleviate the pressures exerted upon frontline States and Regions by continuous

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Opinion of the Committee of the Regions on "Towards a Future Maritime Policy for the European Union" unanimously adopted at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February 2007).

waves of mass influx of migrants, through allowing the relocation and hosting of such migrants on their territories until such time when a final decision is taken concerning their status;

21. encourages at the same time local and regional actors to make use, on a project basis, of the funds available, namely the External Borders Fund, the Return Fund, the European Refugee Fund and the Integration Fund and stresses that these funds should be made available without further delays, and notes with concern that these funds should have been in operation in January 2007 whilst the return fund would not even be available until 2008 at the earliest;
22. calls for Member States to associate, in respect of the principle of subsidiarity, local and regional authorities in the elaboration of migration policies and in the establishment of national plans for integration and employment, including the number of foreign workers to be admitted in their territory; furthermore considers that the local and regional dimensions must be included in the analyses, statistics, and reports which serve to frame European immigration policies;

Concerning Relations with Africa

23. supports the approach of increasing the dialogue and cooperation on migration issues with Africa, covering the whole range of migration issues, from legal and illegal migration to strengthening protection for refugees and better harnessing the links between migration policy and development policy;
24. recalls that, with regard to the North African countries, further developments will be sought, and will promote and foster bilateral protocols at regional level, within the framework of the European Neighbourhood Policy (ENP) and of the Wider Neighbourhood Action Plan for the Outermost Regions (ORs) and their neighbouring countries in sub-Saharan Africa, which takes into account migration issues whilst work would also have to continue in the EUROMED context as well as enhancing further the bilateral cooperation with the Mediterranean partners involving local and regional authorities within this framework;
25. stresses that, in this framework of bilateral cooperation, it is crucial to make use of the experience built up by some regions, such as the Outermost Regions (ORs), which, due to their specific geographical situation and proven experience, provide the EU with a unique platform for cooperation with neighbouring countries;
26. supports the EU cooperation with Africa as defined by the EU Strategy for Africa which primary aims are the achievement of the Millennium Development Goals for the promotion of sustainable development, security and good governance through a continued dialogue with ACP countries based on the agenda of Article 13 of the Cotonou agreement;

27. notes that article 13 of the Cotonou agreement provides that *“Each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member States of the European Union at that Member State’s request and without further formalities. ACP States will provide their nationals with appropriate identity documents for such purposes”*;
28. stresses that the EU should promote the enforcement of this article and increase substantially its efforts to oblige countries of origin to take back those immigrants who do not qualify for asylum and who have nevertheless taken the route of illegal passage;
29. notes the proposal for the creation of platforms on migration and development bringing together African countries, EU Member States and International organisations in an effort to manage migration more effectively in the interests of all; believes that local and regional authorities, particularly those that are directly concerned, should participate, possibly via their national and regional associations, in these cooperation platforms and in the level of dialogue with ACP countries since such participation would be to the benefit of all parties concerned;
30. supports the initiative of the Commission to promoting investments in labour-intensive sectors in regions in Africa with high outward migration and to inviting Member States to complement this contribution, whilst not forgetting that such investment cannot be promoted without the effective involvement of private business, for which instruments facilitating such investment must be provided;
31. supports the Commission proposal of creating migration profiles for each interested developing country, and, of migration support teams (MISTs) made up of Member State experts which could provide the necessary assistance to requesting African States including initiatives by the Commission stimulating the establishment of a pan-African network of migration “observatories” and/or migration research institutes but stresses that local and regional authorities are to be equipped with the necessary expertise and moreover stress that experts coming from regions and cities are able to provide a sure added value to these teams;
32. stresses that local and regional administrations can contribute in the collection of information presented in the Immigration Portal, in the European Job Mobility Portal, in the EURES network, and in the European Researchers Mobility Portal that as stated above would provide African countries with information on the legal possibilities for working in Europe, including through specific information campaigns and in facilitating the management of seasonal workers, the exchanges of students and researchers and other forms of legal movement of people;

Combating illegal immigration and strengthening integration measures

33. supports the proposal for new legislation aiming to impose penalties on the persons employing illegal immigrants and initiatives whereby EUROPOL will dedicate attention to combating facilitated illegal immigration and trafficking in human beings;
34. stresses the need to equally endeavour the adoption of all measures needed to put an end to human trafficking and the persons and/or criminal organisations which carry it out, as well as combat the black economy which gives rise to such activities;
35. supports the Commission in strengthening its activities on integration measures, whereby instruments will be developed that allow for the wider participation of the different stakeholders, including migrants themselves, thus contributing to the promotion of an effective integration strategy; believes that regional and local governments must be considered as stakeholders and must be involved in all such dialogue initiatives;
36. notes that the instruments will include a) the establishment of an integration platform where relevant partners can exchange views on a regular basis; b) the consolidation of the role played by local authorities; and c) the creation of an Integration website and new editions of the Integration Handbook and the Annual report on migration and integration;

Concerning Frontex

37. recommends the activation of Article 7 of Regulation (EC) 2007/2004 establishing Frontex as this constitutes an important solidarity measure between Member States by the voluntary pooling of Member States' technical equipment under the agency's management which could be at the disposal of requesting Member States following a needs and risk assessment carried out by Frontex;
38. notes that in order for Frontex to be able to produce targeted and general risk analysis, with a view to preventing and managing critical situations, it would require access to information gathered by Member States' Immigration Liaison Officers (ILOs);
39. supports the Commission's proposal for an amendment to Regulation (EC) 377/2004 on the creation of the Immigration Liaison Officers' Network in order to cater for access to information by Frontex and its participation in meetings organised in the framework of the Network since such information should be a useful resource and thus such access to information is being supported;
40. stresses that the Commission ensures that the sea border patrols by Frontex particularly off the Canary Islands and the central Mediterranean area are effected during the entire periods of calm seas, particularly from mid Spring up to beginning Autumn in order to prevent further immigration flows to the EU Member States;

41. encourages the Commission to propose incentives to engage the northern African states in working together to prevent people-trafficking on Europe's Mediterranean coasts. Nevertheless, the best method for achieving a long-term solution is to implement policies to aid development in the countries in which migration originates;

Concerning the Eastern and South-Eastern Regions Neighbouring the European Union

42. notes that the key objective in applying the Global approach to Eastern and South Eastern regions neighbouring the EU is the need to maintain policy coherence and to ensure complementarity with ongoing dialogue and cooperation initiatives on migration and related areas already taking place in the overall context of the EU external relations policy;
43. supports the opinion of the Commission that dialogue with candidate and partner country authorities would include how the developmental impact of migration can help strengthen stability and foster growth in the region including the promotion of policies to prevent brain drain including investment in training and capacity building to improve work conditions and increase labour opportunities;
44. proposes to work closer to the Congress for Local and Regional Authorities of the Council of Europe in relation to countries which are members of the Council so as to improve the capacity of partner countries to treat illegal migrants in accordance with international standards and the needs of victims of trafficking and other vulnerable persons;
45. recommends to involve local and regional authorities and their national associations particularly more closely in candidate countries but also in partner countries in EU contributions such as training and twinning of law enforcement officials, cooperation with FRONTEX, social protection and training of officials for labour matters, the rehabilitation of victims of trafficking, the collection of data and the monitoring of migration flows;
46. welcomes the proposal that FRONTEX should be given a more prominent role including development of cooperation with Russia, Ukraine, Moldova, Georgia, the Western Balkans and Asian countries but stresses that this agency should first strengthen its current operations and risk analysis as these have commenced late during the year and suspended during summer when in the southern region of Europe the influx of illegal immigrants is extremely high;
47. supports the proposal to deepen a comprehensive dialogue with Russia on all migration-related issues including asylum, the protection of internally displaced persons in line with international standards, the fight against illegal immigration and trafficking in human beings, labour migration and all relevant social aspects of migration;

48. reiterates that those states which have doubted the efficacy of such joint patrols to be more willing to allocate resources to FRONTEX, not only out of a spirit of burden-sharing but also out of self-interest because illegal immigration is a pan-European problem, not simply affecting those countries bordering the Mediterranean.

Brussels,

The President
of the
Committee of the Regions

Michel Delebarre

The Secretary-General
of the
Committee of the Regions

Gerhard Stahl

II. A. PROCEDURE

Title	The Global Approach to Migration one year on: Towards a comprehensive European migration policy
Reference(s)	COM(2006) 735 final
Legal basis	Optional referral, Article 265, first para.
Procedural basis	-
Date of Commission letter	20.3.2007
President's decision	20.3.2007
Commission responsible	Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (CONST)
Rapporteur	Mr Ian Micallef (MT/EPP) , Councillor, Gzira Local Council
Analysis	DI/CdR 64/2007
Discussed in commission	3.7.2007
Date adopted by commission	3.7.2007
Result of the vote in commission	Adopted by majority
Date adopted in plenary	Adopted by a majority on 11.10.2007
Previous Committee opinions	Opinion of 13.2.2007 on the <i>Policy Plan on Legal Migration, Fight Against Illegal Immigration, Future of the European Migration Network</i> COM(2005) 606 final - COM(2005) 669 final - COM(2006) 402 final

II. B. PROCEDURE

Title	Reinforcing the management of the European Union's Southern Maritime Borders
Reference(s)	COM(2006) 733 final
Legal basis	Optional referral, Article 265, first para.
Procedural basis	-
Date of Commission letter	20.3.2007
President's decision	20.3.2007
Commission responsible	Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (CONST)
Rapporteur	Mr Ian Micallef (MT/EPP) , Councillor, Gzira Local Council
Analysis	DI/CdR 64/2007
Discussed in commission	3.7.2007
Date adopted by commission	3.7.2007
Result of the vote in commission	Adopted by majority
Date adopted in plenary	Adopted by a majority on 11.10.2007
Previous Committee opinions	Opinion of 13.2.2007 on the <i>Policy Plan on Legal Migration, Fight Against Illegal Immigration, Future of the European Migration Network</i> COM(2005) 606 final - COM(2005) 669 final - COM(2006) 402 final

II. C. PROCEDURE

Title	Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union
Reference(s)	COM(2007) 747 final
Legal basis	Optional referral, Article 265, first para.
Procedural basis	-
Date of Commission letter	16.5.2007
President's decision	20.3.2007
Commission responsible	Commission for Constitutional Affairs, European Governance and the Area of Freedom, Security and Justice (CONST)
Rapporteur	Mr Ian Micallef (MT/EPP) , Councillor, Gzira Local Council
Analysis	DI/CdR 64/2007
Discussed in commission	-
Date adopted by commission	-
Result of the vote in commission	-
Date adopted in plenary	Adopted by a majority on 11.10.2007
Previous Committee opinions	Opinion of 13.2.2007 on the <i>Policy Plan on Legal Migration, Fight Against Illegal Immigration, Future of the European Migration Network</i> COM(2005) 606 final - COM(2005) 669 final - COM(2006) 402 final