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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**A Common Immigration Policy for Europe:  
Principles, actions and tools**

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(presented by the Commission)

## I. INTRODUCTION

**Immigration into the EU is a reality.** Today immigration, which for the purpose of this paper refers to nationals from third countries and not to EU citizens, represents around 3.8% of the total population in the EU<sup>1</sup>. Since 2002, there have been between 1.5 and 2 million net arrivals per year in the EU. On 1 January 2006, there were 18.5 million third-country nationals resident in the EU.

There are no reasons to believe that immigration flows will decrease.

Based on its humanitarian traditions, Europe must continue to show solidarity with refugees and persons in need of protection. Economic differences between developed and developing countries/regions, globalisation, trade, political problems and instability in the countries of origin, possibilities to find work in the developed countries are among the main push and pull factors for international mobility of people.

In a context of an ageing Europe, **the potential contribution of immigration to EU economic performance is significant.** Europeans are living longer, the so called "baby boom" generation is nearing retirement and birth rates are low. In 2007 the active population in the EU, i.e. the total of those in employment and unemployment, was around 235 million on average<sup>2</sup> According to the latest population projections<sup>3</sup>, by 2060, the working age population of the EU is projected to fall by almost 50 million even with continued net immigration similar to historical levels and by around 110 million without such immigration. Such evolutions present risks for the sustainability of pensions, health and social protection systems and require increased public spending<sup>4</sup>.

**Immigration is a reality which needs to be managed effectively. In an open Europe with out internal borders, no Member State can manage immigration on its own.** We have to deal with an area without internal borders that, since 20 December 2007, includes 24 countries and almost 405 millions persons, as well as with a common visa policy. The EU economies are profoundly integrated, although many differences in the economic performance and in the labour markets still subsist. Moreover, the EU has become an increasingly important player on the global scene, and its common external action is constantly enlarging to new domains; immigration is one of this. All of this means that policies and measures taken by Member States in this domain do no longer affect only their national situation, but can have repercussions on other Member States and on the EU as a whole.

The EU has been working to build a common policy since 1999, when for the first time competence in this domain was clearly recognised by the EC Treaty. A number of Common

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<sup>1</sup> The figure of 3,8% refers to the percentage of the EU population who are third-country nationals: It should be noted that many of these are not themselves immigrants but descendants of immigrants who have not taken citizenship of their country of residence.

<sup>2</sup> Eurostat, population and social conditions statistics.

<sup>3</sup> Eurostat population projections EUROPOP2008, 2008-based convergence scenario, convergence year 2150.

<sup>4</sup> See Economic Policy Committee and European Commission (DG ECFIN), (2006), 'The impact of ageing on public expenditure: projections for the EU-25 Member States on pensions, health-care, long-term care, education and unemployment transfers (2004-2050)', European Economy, Special Reports No 1, 2006.

instruments and policies are in place, which address immigration both in its internal and external dimensions.

These achievements are not sufficient. A common policy vision is needed which builds on past achievements and aims at providing a more coherent and forthcoming framework for future action by the Member States and the EU itself. The added value of the EU will be in providing European instruments where they are needed and providing the right framework for achieving coherence where Member States act on the basis of their competences. Transparency and mutual trust are now more than necessary for this common vision to be effective and deliver results

While to a certain extent immigration may help to alleviate the challenges arising from population ageing, it will play a more crucial role in helping to address future labour and skill shortages as well as to increase the EU's growth potential and **prosperity**, complementing ongoing structural reforms. This is why immigration has become an important factor for the development of the EU's Lisbon Strategy for growth and jobs, which recognises that appropriate management of economic immigration is an essential element of EU competitiveness. This has also been recognized by the 2008 Spring European Council.

Apart from the economic potential, immigration can also enrich European societies in terms of cultural diversity. However, **the positive potential of immigration can only be realised if integration into host societies is successful**. This requires an approach which does not only look at the benefit for the host society but takes also account of the interests of the immigrants: Europe is and shall continue to be a welcoming environment for those who have been granted the right to stay, be they labour immigrants, family members, students or persons in need of international protection. Rising to this challenge poses a complex mix of questions. While access to the labour market is a key path to integration, current figures show that, overall, the unemployment rates for immigrants remain often higher than those for EU nationals although there are great variations between Member States. Furthermore, immigrants are often more exposed to being employed in precarious work, jobs of lower quality or jobs for which they are over-qualified, with the result that their skills are not fully utilised ("brain waste"). This contributes to making immigrants more likely to undertake undeclared work. Female non-EU migrants face particular difficulties in the labour market. In addition, the language skills of immigrants and the educational path of their children remain often unsatisfactory, raising concerns regarding their future personal and professional development.

Mechanisms based on **solidarity** among Member States and the EU for burden sharing and policy coordination are needed. This requires funding for border management control, integration policies and other purposes and therefore there is an impact on public finances of national, regional and local communities. Handling immigration well also requires close cooperation with third countries in order to deal with situations of mutual interest, including problems caused by "brain drain" and policy responses such as circular migration.

Managing immigration effectively means addressing also different issues linked to the **security** of our societies and of immigrants' themselves. This requires fighting illegal immigration and criminal activities related to it, striking the right balance between individual integrity and collective security concerns. Illegal employment needs to be tackled as it creates situations of abuse and violation of fundamental rights and freedoms. It also undermines legal immigration and has negative implications with regard to cohesion and fair competition.

This new vision for the further development of the **common European immigration policy** was presented by the Commission in its Communication of 5 December 2007<sup>5</sup>. The European Council in December 2007 stated that the development of a common immigration policy complementing Member States' policies remains a fundamental priority and asked the Commission to put forward proposals in 2008. A common immigration policy represents a fundamental priority for the EU<sup>6</sup> if we want to be successful together in harnessing the benefits and addressing the challenges at stake. This common policy should aim at a co-ordinated and integrated approach to immigration both at a European, national and regional level. This implies looking at the different dimensions of the phenomenon and factoring immigration into the main strands of EU policy - **prosperity, solidarity and security**.

- This policy should be developed in **partnership and solidarity** between the Member States and the Commission, in response to the call for a renewed political commitment on immigration from the December 2007 European Council.
- It should build on a set of politically binding **common principles** to be agreed at the highest political level and then be delivered through **concrete actions**.
- Implementation of these measures should be followed up by means of a specific **common methodology and a monitoring mechanism**.
- It should build on the **universal values** of human dignity, freedom, equality and solidarity espoused by the EU, including full respect of the Charter of Fundamental rights and the European Convention of Human Rights. Based on its humanitarian traditions, Europe will also continue showing solidarity with refugees and persons in need of protection<sup>7</sup>

The wider **EU renewed social agenda for access, opportunity and solidarity**, to be presented by the Commission before the summer will encourage an integrated and inclusive society, where opportunities are open to everyone. In particular, it will provide new tools which will also help develop the new common immigration policy.

This Communication will be adopted together with the Policy Plan on Asylum. Both papers seek to deliver the remaining elements concerning immigration and asylum of the 2004 Hague Programme.

In spring next year, the Commission intends to present a comprehensive communication with specific suggestions on how to take forward the works in the Justice, Freedom and Security area as a whole in view of the new five-year Programme in this domain, to be adopted in the second half of 2009.

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<sup>5</sup> COM (2007) 780 final.

<sup>6</sup> Although developing this policy must go hand in hand with the gradual removal of the existing transitional arrangements that still restrict the free movement of nationals of some EU Member States, this communication only addresses issues related to the immigration of third-country nationals and does not deal with intra-EU or intra-regional movements of EU nationals.

<sup>7</sup> This aspect will be further developed when building the second phase of the Common European Asylum System. See the "Policy Plan on Asylum: an integrated approach to protection across the EU", presented together with this Communication – COM (2008) 360.

## II. COMMON PRINCIPLES UNDERLYING THE FURTHER DEVELOPMENT OF THE COMMON IMMIGRATION POLICY

The text which follows proposes **ten common principles** on which the common immigration policy will be articulated, grouped under the three headings of prosperity, security and solidarity. After stating each principle the text then indicates, to illustrate their future implementation, examples of concrete actions to be pursued at either EU or Member State level as appropriate and designed to implement the principle in practice.

### **PROSPERITY: the contribution of legal immigration to the socio-economic development of the EU**

*The 2008 Spring European Council asked the Commission to address the dimensions of "the employment and social impact of migration of third-country nationals" in the context of its proposals for a common immigration policy<sup>8</sup>. Future economic immigration into the EU will need to be assessed inter alia in the light of the match between skills of the immigrants and national labour market needs; promoting opportunities for legal immigration should be based on this assessment. Besides opening up labour immigration avenues, other categories of immigrants should be given the chance and the means to enter and reside legally in the EU, on a temporary or permanent basis. Integration of legal immigrants will be fostered. This requires a clear commitment from both the host societies and the immigrants themselves.*

#### **1. Prosperity and Immigration: Clear rules and a level playing field**

**The common immigration policy should promote legal immigration, which should be governed by clear, transparent and fair rules. Third-country citizens should be provided with the information necessary to understand the requirements and procedures for legal entry and stay in the EU. Fair treatment of third-country nationals who reside legally on the territory of the Member States should be ensured, with the aim of approximating their legal status to that of EU nationals.**

In order to make this happen the EU and its Member States need to:

- Continue to define clear and transparent rules for the entry and residence of third-country nationals, including for exercising a paid or self-employed activity;
- Provide information to potential immigrants and applicants, including on their rights and on the rules they have to comply with once they are legally resident in the EU;
- Clarify the rules and offer assistance and support in countries of both origin and destination for fulfilment of entry and residence requirements;
- Strive for a common visa policy that allows flexible responses to movements of natural persons on a temporary basis and for professional or educational purposes (e.g. intra-corporate transferees, contractual service suppliers, independent professionals and business visitors, students, researchers, government representatives or officials, staff of international or regional organisations).

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<sup>8</sup> Presidency Conclusions, Brussels 13/14 March 2008, point 14.

## 2. Prosperity and Immigration: Matching skills and needs

**As part of the Lisbon Strategy, immigration for economic purposes should respond to a common needs-based assessment of EU labour markets addressing all skills levels and sectors in order to enhance the knowledge-based economy of Europe, to advance economic growth and to meet labour market requirements. This should be done with full respect for the principle of Community preference, for the right of Member States to determine volumes of admission and for the rights of the immigrants and by actively involving social partners and the regional and local authorities.**

In order to make this happen the EU and its Member States need to:

- Engage, as requested by the spring 2008 European Council, in a comprehensive assessment of the future skills requirements in Europe up to 2020, taking account of the impact of technological change, ageing populations, emigration flows and changes in the global division of labour. Current and medium-term labour market needs at all skill levels and sectors in Member States will also be assessed regularly;
- Start developing national "Immigration profiles"<sup>9</sup> that give an integrated vision of the situation of immigration within each Member State at a given moment, in particular as regards the participation in the national labour market and the skills composition of immigration flows (both actual and potential). In support of this, ensure the availability of consistent, comprehensive and comparable data on immigration, including information on stocks and flows, at both EU and national levels;
- Increase the availability and effectiveness of labour-matching policies and tools, including enhanced education and training for third-country workers in order to adapt the skills brought by immigrants to the characteristics of national labour markets, promotion of appropriate mechanisms for the recognition of professional qualifications acquired outside the EU and provision of information and training in countries of origin;
- Analyse the current situation and future trends in regard to immigrants' entrepreneurship as well as the current legislative and operational barriers that may be encountered by immigrants willing to set up business in the EU. On the basis of such assessment, propose measures to support immigrants' entrepreneurship;
- Invest more in measures aimed at bringing unemployed and economically inactive third-country nationals already legally residing in the EU Member States into employment (e.g. training nurses and other health workers), with a particular focus on women;

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<sup>9</sup> "Immigration Profiles" will bring together in a structured manner all the information needed to promote the evidence-based approach to migration management. The labour market needs will be a central aspect of these profiles. Besides gathering information on the current labour market situation, unemployment rates, labour demand and supply, they will also aim at identifying potential skill shortages by sector and occupation. Establishing immigration profiles will allow the EU and its Member States to launch labour matching schemes both inside the EU as well as with third countries. Immigration profiles will also gather information on skills available among transnational communities, the composition of migration flows, also in terms of gender and age, and incoming and outgoing financial flows linked with migration, including migrant remittances.

- Identify measures that can offer a real alternative to illegal employment or create incentives for legal employment.

### 3. **Prosperity and Immigration: Integration is the key to successful immigration**

**The integration of legal immigrants should be improved by strengthened efforts from host Member States and contribution from immigrants themselves (“two-way-process”), in accordance with the Common Basic Principles on Integration adopted in 2004. Immigrants should be provided with opportunities to participate and develop their full potential. European societies should enhance their capacity to manage immigration-related diversity and enhance social cohesion.**

In order to make this happen the EU and its Member States need to:

- Strengthen further the mainstreaming approach of the EU Framework for Integration including civic participation, integration into the labour market, social inclusion, anti-discrimination, equal opportunities, education and youth-related measures, intercultural dialogue and diversity management;
- Develop mutual learning and exchange of best practices to strengthen the ability of host countries to manage their increasing diversity, including measures to address the educational challenges faced by immigrant pupils. Develop common indicators and adequate statistical capacity to be used by Member States to evaluate integration policy outcomes;
- Support the development of specific integration programmes for newly arrived immigrants; including facilitation of acquisition of language skills and emphasizing practical intercultural skills needed for effective adaptation as well as the commitment to fundamental European values; this could be further explored by identifying the basic rights and obligations for newly arrived immigrants, in the framework of specific national procedures (e.g. integration curricula, explicit integration commitments, welcoming programmes, national plans for citizenship and integration, civic introduction or orientation courses);
- Foster diversity management in the work place and render advancement opportunities available also for legally residing and working third-country nationals. Policy efforts should aim to ensure a social ladder for all workers in the EU, guarantee fundamental social rights and favour good labour standards and social cohesion. Within this context due attention should be paid to the participation of immigrant women in the labour market and to immigrants who are furthest from the labour market;
- Ensure a non-discriminatory and effective access of legal immigrants to health care and social protection, and an effective application of EU law providing third country nationals with the same treatment as EU nationals as regards the coordination of social security schemes across the EU<sup>10</sup>. Furthermore, the EU and the Member States should promote

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<sup>10</sup> In 2003, the European Parliament and the Council adopted Regulation (EC) No 859/2003 (OJ L 124, 20.5.2003) extends the provisions of Regulation (EEC) No 1408/71 to third country nationals who are (1) legally residing in the EU and (2) in a cross border situation. In July 2007, the Commission adopted a proposal extending the provisions of Regulation 883/04, which will replace Regulation (EEC) No



transparency in the rules applying to pensions entitlements in case migrants wish to return to their country of origin;

- Explore increased participation at local, national and European levels to reflect the multiple and evolving identities of European societies;
- Explore the links between new patterns of immigration, such as circular migration, and integration;
- Assess the implementation and the need for modification of Council Directive 2003/86/EC on the right to family reunification;
- Continue hosting refugees and persons in need of protection and further develop this humanitarian tradition when building the second phase of the Common European Asylum System<sup>11</sup>.

### **SOLIDARITY: coordination between Member States and cooperation with third countries**

*A common immigration policy must be based on solidarity among the Member States, as enshrined in the EC Treaty. Solidarity and responsibility are essential in an area where competences are shared between the European Community and the Member States. The implementation of the common policy can only be successful if it is based on joint efforts. While Member States have different historical, economic and demographic backgrounds that determine their national immigration policies, these clearly have an impact beyond national borders and therefore no Member State can effectively control or deal with all aspects of immigration on their own and therefore decisions likely to have an impact on other Member States need to be coordinated. Financial burden-sharing is another concrete expression of solidarity. Indeed, managing immigration has an impact on public finances. EU funds can be used to promote delivery of the common principles and national resources should also be pooled, where appropriate, to ensure efficiency. An additional dimension of solidarity has been added with the "Global Approach to Migration": with the aim to achieve a better management of migration flows in the interest of all actors involved, including diasporas and immigrant communities, countries of origin and transit need to be associated with EU action and migration issues need to be part of the EU's dialogue with third-countries and its development cooperation policy.*

#### **4. Solidarity and Immigration: Transparency, trust and cooperation**

**The common immigration policy should be founded on a high level of political and operational solidarity, mutual trust, transparency, shared responsibility and joint efforts from the European Union and its Member States.**

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1408/71, to third country nationals who are (1) legally residing in the EU and (2) in a cross border situation – COM (2007) 439.

<sup>11</sup> See the "Policy Plan on Asylum: an integrated approach to protection across the EU", presented together with this Communication – COM (2008) 360.

In order to make this happen the EU and its Member States need to:

- Strengthen information sharing and joint discussion within the EU, with a view to exchanging best practices, increasing mutual trust and adopting coordinated approaches to issues of mutual interest, while taking into account differences in immigration traditions and realities;
- Set up and/or improve the functioning of the necessary mechanisms to monitor the impact of national immigration measures beyond national borders within the EU, so to overcome inconsistencies and improve coordination at EU level;
- Develop interoperable systems and increase the pooling of technical means (mutual support mechanisms and teams) making strategic use of financial and human resources to achieve a more effective immigration management;
- Improve internal and external communication of EU immigration policies, its objectives and strategies, to allow the Union to speak with a common voice.

5. **Solidarity and Immigration: Efficient and coherent use of available means**

**The solidarity required to enable the common immigration policies to achieve their strategic goals should include a strong financial component that takes into account the specific situation of the external borders of certain Member States and the specific migratory challenges faced by them.**

In order to make this happen the EU and its Member States need to:

- Ensure, in accordance with the principle of sound financial management, the strategic use of the General Programme on Solidarity and Management of Migration Flows (2007 – 2013) as a burden-sharing mechanism to complement Member States' national budgetary resources;
- Explore the full potential of the mix of mechanisms existing in the four instruments of the General Programme to reinforce the capacity of Member States to implement effective policies and at the same time to respond to urgent needs or specific developments, such as situations of mass influx;
- Constantly review for each instrument of the Programme the distribution key for the allocation of the resources to Member States and adjust it as necessary to reflect increasing demands and new developments;
- Improve coordination of activities funded through Community and national resources in view of increasing transparency, coherence and efficiency to avoid overlaps and to fulfil policy objectives of immigration policy as well as other related policy areas.

6. **Solidarity and Immigration: Partnership with third-countries**

**Effective management of migration flows requires genuine partnership and cooperation with third countries. Migration issues should be fully integrated into the Union's development cooperation and other external policies. The EU should work in close tandem with partner countries on opportunities for legal**

**mobility, capacities for migration management, identification of migratory push factors, protecting fundamental rights, fighting illegal flows and enhancing possibilities to let migration work in service of development.**

In order to make this happen the EU and its Member States need to:

- Support third-countries in developing their national legislative framework and establish immigration and asylum systems, with full respect to relevant international conventions;
- Reinforce cooperation, support and capacity-building in partner countries with a view to developing policies for well-managed migration, identifying migratory push factors and supporting the development of effective adaptation measures; mitigating brain drain by actions in particular in the areas of training, recruitment, return, decent work, ethical recruitment standards and by assessing trends in their own national labour markets, complying with decent work standards, developing education and vocational training systems in line with labour markets' needs, realising the development potential of remittances, in particular through the improvement of statistics, the reduction of transaction costs and supporting financial sector development;
- Make coherent and strategic use of all the policy instruments developed in recent years within the framework of the "Global Approach to Migration", including migration profiles of third-countries and cooperation platforms;
- For the candidate and potential candidate countries, which already have well developed cooperation mechanisms with the EU, use the new policy instruments, where appropriate, to reinforce the existing cooperation;
- Engage closely with the African partners with a view to jointly implementing the 2006 "Rabat process" on migration and development and the EU-Africa Partnership on Migration, Mobility and Employment agreed in Lisbon in December 2007;
- Continue using our political and sectorial dialogues with the European Neighbourhood countries and with Latin America and the Caribbean as well as with Asia to deepen our mutual understanding of the migration challenges faced and to strengthen the existing cooperation;
- Agree, together with interested Member States, mobility partnerships with partner countries, paving the way for management arrangements for labour immigration with long-term strategic partners as well as cooperation on return issues;
- Work with countries of origin, in full accordance with the principle of shared responsibility, in order to raise awareness of the need to discourage their citizens from illegally entering and residing on EU territory;
- Provide real possibilities for circular migration, by setting up or strengthening legal and operational measures granting legal immigrants the right to priority access to further legal residence in the EU;
- Include provisions on social security coordination in the association agreements concluded between the EU and its Member States and third countries. Apart from the principle of

equal treatment, such provisions could cover portability of acquired social rights, in particular transfer of pension rights.

- Ensure that appropriate resources are made available and used efficiently within all the relevant national and Community financial instruments to implement the "Global Approach to Migration" in all its dimensions, while respecting the financing already agreed at Community level.

### **SECURITY: effective fight against illegal immigration**

*The prevention and reduction of illegal immigration in all its dimensions is critical for the credibility and public acceptance of the policies on legal immigration. Control of access to the EU territory must be reinforced in order to promote a truly integrated border management, while ensuring easy access for bona fide travellers and persons in need of protection and keeping Europe open to the world. Despite being a phenomenon which also involves many EU citizens, undeclared work and illegal employment can act as pull factors of illegal immigration and must therefore be addressed. Stepping up the fight against migrant smuggling and all aspects of trafficking in human beings is a key priority of the EU and its Member States. A sustainable and effective return policy – based on clear, transparent and fair rules – should support Member States that need to repatriate third-country nationals who do not, or who no longer, fulfil the conditions for staying in the EU. Indiscriminate large-scale mass regularisations of immigrants in an illegal situation do not constitute a lasting and effective tool for migration management and should be prevented. All these policies and measures shall fully respect the dignity, fundamental rights and freedoms of the persons concerned.*

#### **7. Security and Immigration: A visa policy that serves the interests of Europe and its partners**

**The common visa policy should facilitate the entry of *bona fide* visitors and enhance security. New technologies should be used, where appropriate, to enable differentiated, risk-based checks on visa applicants with extensive sharing of information between Member States, whilst fully respecting data protection and privacy laws.**

In order to make this happen the EU and its Member States need to:

- Establish an integrated, four-tier approach so that checks are carried out systematically at each stage when immigrants are travelling to the Union (at consulates, at arrival, inside the territory and at departure);
- Replace the current national Schengen visas by uniform European Schengen visas, allowing for equal treatment of all visa applicants and fully harmonised application of criteria for security checks;
- Issue visas at Common Consular Centres representing several or all Member States, allowing for economies of scale as well as easy access for visa applicants from all third countries;
- Explore the possibility of setting up a system requiring third-country nationals to obtain an electronic authorisation to travel before leaving for EU territory;

- Explore further the opportunities to facilitate visa issuing and to improve coordination in visa procedures, also regarding longer-term visas.

## **8. Security and Immigration: Integrated border management**

**The integrity of the Schengen area without internal border controls on persons should be preserved. The integrated management of the external borders should be strengthened and policies on border controls should develop in coherence with policies on custom controls and on prevention of other safety and security-related threats.**

In order to make this happen the EU and its Member States need to:

- Reinforce the operational dimension of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), including by extending its capacity with regard to operational command, and its powers to initiate operations involving border controls in areas identified as high-risk areas and exposed to exceptional migratory pressure;
- Develop an integrated approach to enhance the use of new technologies, including existing and planned IT tools, moving towards integration of the individual functionalities of different systems forming part of the overall IT architecture; ensure use of the full potential of the 7<sup>th</sup> research framework programme;
- Continue to build on the European Border Surveillance System (EUROSUR) concept, by improving coordination within Member States, between Member States, and between the means used and activities carried out by Member States for the purpose of relevant policies related to surveillance and maintaining internal security;
- Develop a coordinated, strategic approach to cooperation with third countries at European level, with targeted support to build up a sustainable, effective border management capacity in key partner countries of transit and origin, with a prominent role to be played by FRONTEX carrying out border assistance missions in those countries;
- Continue to support the build-up of state-of-the-art, uniform, interoperable capacity of Member States for border control through extended means of European financial solidarity, and to develop new mechanisms for efficient, operational burden-sharing to support Member States facing, currently or in the future, recurrent and massive arrivals of illegal immigrants, by combining European and pooled national resources;
- Increase cooperation between Member States' authorities to develop a one-stop-shop at the land borders, where each traveller is, as a general rule, subject to one check by one authority.

## **9. Security and Immigration: Stepping up the fight against illegal immigration and zero tolerance for trafficking in human beings**

**The EU and its Member States should develop a coherent policy on fighting illegal immigration and trafficking in human beings. Undeclared work and**

**illegal employment<sup>12</sup> in their various forms should be effectively combated via preventive measures, law enforcement and sanctions. Protection and support for victims of human trafficking should be reinforced.**

In order to make this happen the EU and its Member States need to:

- Provide for appropriate financial and human resources to investigate smuggling and trafficking cases and to raise the number and quality of controls, in particular in the form of workplace inspections;
- Involve workers' and employers' representatives actively in the fight against undeclared work and illegal employment;
- Develop risk analysis tools and enhance cooperation and cross-checks by different administrations in order to increase the rate of detection of undeclared work involving both illegally and legally residing third-country nationals;
- Facilitate exchanges of good practices, more systematic policy evaluation and better measurement of undeclared work and illegal employment;
- Increase the use of biometrics as an important tool to fight against illegal immigration and human trafficking;
- Ensure that illegally residing third-country nationals have access to services that are essential to guarantee fundamental human rights (e.g. education of children, basic health care);
- Protect and assist victims of human trafficking, in particular women and children by assessing and reviewing the existing common regime; continue developing legal and operational possibilities to facilitate victims' recovery and reintegration in the host or home society, including by means of specifically targeted programmes;
- Strengthen the existing legal framework on combating the facilitation of illegal entry and stay as well as the sexual exploitation of children and child sexual abuse material to take new criminal phenomena into account;
- Step up EU action at regional and international level, so as to ensure that the international instruments applicable in the area of migrant smuggling and human trafficking are effectively implemented, by means of more consistent, continuous and effective cooperation.

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<sup>12</sup> Undeclared work and illegal employment of EU nationals should also be tackled by Member States. The internal EU side of this problem is not developed in this paper.

## 10. Security and Immigration: Effective and sustainable return policies

**Effective return measures are an indispensable component of the EU's policy on illegal immigration. Indiscriminate large-scale regularisations of illegally staying persons should be avoided, while leaving open the possibility for individual regularisations based on fair and transparent criteria.**

In order to make this happen, the EU and its Member States need to:

- Give a genuine European dimension to return policy by ensuring full mutual recognition of return decisions;
- Reinforce practical cooperation among Member States in the implementation of return measures and strengthen the role of FRONTEX with regard to joint return operations by air;
- Monitor the implementation and application of the directive on common standards and procedures in Member States for returning illegally staying third-country nationals (once in force);
- Devise measures to facilitate identification of undocumented returnees and to prevent identity theft;
- Take steps to ensure that all third countries comply with the obligation to accept readmission of their own nationals;
- Evaluate all existing readmission agreements with a view to facilitate their practical implementation and to draw lessons for the negotiation of future agreements;
- Develop a common approach on regularisation, including minimum requirements for early information sharing;
- Consider the possibility of introducing a European laissez-passer to facilitate the return of undocumented migrants.

### III. CONCLUSIONS: GOVERNANCE OF IMMIGRATION

The **European Council** is invited to endorse the common principles proposed by this Communication on which the common immigration policy will build upon. These principles will be implemented through concrete actions, as suggested above, and followed up regularly through a new monitoring and evaluation mechanism including a regular assessment.

The common immigration policy will be delivered in **partnership and solidarity** between the Member States and the EU institutions. This framework should be flexible enough to adapt to change, mainly linked to the economic situation, market and technological developments. In particular, the common immigration policy will be taken forward through:

1. **Coordinated and coherent action** by the EU and its Member States:

- The common principles and concrete measures of the common immigration policy will be implemented **in full transparency** at European, national or regional level, as appropriate;
- In order to strike the right balance between labour market needs, economic impacts, social outcomes, integration policies and external policy objectives, there will be stronger **coordination between the EU and the national, regional and local level**, especially in the areas of statistics and economic, social and development policies;
- **Immigration issues will be taken into consideration in all other policies** which may be connected to it ("mainstreaming"). The economic, social and international dimensions of immigration should be factored into all related policy areas, including development; trade; cohesion policy; employment and social policy; environment; research; education; health; agriculture and fisheries; security and foreign policy and economic and fiscal policy;
- Mechanisms to promote timely **consultation of relevant stakeholders** on further policy developments, including the regional and local authorities, social partners, academic experts, international organisations, immigrant associations and civil society will be established and/or strengthened;
- Exchange of **best practices**, mutual learning at all levels and wide and effective dissemination of knowledge about the most effective immigration and integration policies will be fostered.

2. **A common methodology** for the EU and its Member States to ensure transparency, mutual trust and coherence. This methodology consists of the following elements:

- The common principles will be translated into **common objectives and indicators** for the EU and each Member State to ensure their implementation.
- The agreed common objectives and indicators will be factored into **national immigration profiles** that will be developed in cooperation with each Member State to increase knowledge of immigration flows. These profiles will ascertain the national labour market situation and immigration patterns and help to strengthen the evidence base for immigration policies that effectively address the priority needs of the Member States. They will bring together all relevant information needed and their scope will cover both immigrants already in their territory and potential immigrants. These profiles will look at the skills composition of the immigrant population and identify future labour needs;
- In order to monitor, evaluate and follow-up the development of action on immigration, the **Member States will annually report to the Commission** on the implementation of the common objectives and on their national immigration profiles.
- Member States national reports will serve as the basis for the **Commission's annual synthesis report** which will also be sent to European Parliament.



- On the basis of the Commission's synthesis report, the annual **Spring European Council** will make a **political assessment** of the situation and issue recommendations, as appropriate.

## ANNEX

### SUMMARY – THE TEN COMMON PRINCIPLES

(1) **Prosperity and Immigration: Clear rules and a level playing field**

The common immigration policy should promote legal immigration, which should be governed by clear, transparent and fair rules. Third-country citizens should be provided with the information necessary to understand the requirements and procedures for legal entry and stay in the EU. Fair treatment of third country nationals who reside legally on the territory of the Member States should be ensured, with the aim of approximating their legal status to that of EU nationals.

(2) **Prosperity and Immigration: Matching skills and needs**

As part of the Lisbon Strategy, immigration for economic purposes should respond to a common needs-based assessment of EU labour markets addressing all skills levels and sectors in order to enhance the knowledge based economy of Europe, to advance economic growth and to meet labour market requirements. This should be done in full respect of the principle of Community preference, for the right of Member States to determine volumes of admission and of the rights of the immigrants and by actively involving social partners and the regional and local authorities.

(3) **Prosperity and Immigration: Integration is the key to successful immigration**

**The integration of legal immigrants should be improved** by strengthened efforts from host Member States and contribution from immigrants themselves (“two-way-process”), in accordance with the Common Basic Principles on Integration adopted in 2004. Immigrants should be provided with opportunities to participate and develop their full potential. European societies should enhance their capacity to manage immigration-related diversity and enhance social cohesion.

(4) **Solidarity and Immigration: Transparency, trust and cooperation**

The common immigration policy should be founded on a high level of political and operational solidarity, mutual trust, transparency, shared responsibility and joint efforts from the European Union and its Member States.

(5) **Solidarity and Immigration: Effective and coherent use of available means**

The solidarity required to enable the common immigration policies to achieve their strategic goals should comprise a **strong financial component** that takes into account the specific situation of the external borders of certain Member States and the specific migratory challenges faced by them

(6) **Solidarity and Immigration: Partnership with third-countries**

An effective management of migration flows requires **genuine partnership and cooperation with third countries**. Migration issues should be fully integrated into the Union's development cooperation and other external policies. The EU should work in close tandem with partner countries on opportunities for legal mobility,

capacities for migration management, identification of migratory push factors, protecting fundamental rights, fighting illegal flows and enhancing possibilities to let migration work in service of development.

(7) **Security and Immigration: A visa policy that serves the interests of Europe**

The **common visa policy** should facilitate the entry of *bona fide* visitors and enhance security. New technologies should be used, where appropriate, to enable differentiated, risk-based checks on visa applicants with extensive sharing of information between Member States, whilst fully respecting data protection and privacy laws.

(8) **Security and Immigration: Integrated border management**

The integrity of the Schengen area without internal border controls on persons should be preserved. The **integrated management of the external borders** should be strengthened and policies border controls should develop in coherence with policies on custom controls and on prevention of other safety and security related threats.

(9) **Security and Immigration: Stepping up the fight against illegal immigration and zero tolerance for trafficking in human beings**

The EU and its Member States should develop a coherent policy on fighting **illegal immigration and trafficking in human beings**. Undeclared work and **illegal employment** in its different dimensions should be effectively combated via preventive measures, law enforcement and sanctions. Protection and support for victims of human trafficking should be reinforced.

(10) **Security and Immigration: Sustainable and effective return policies**

**Effective return measures** are an indispensable component of the EU's policy against illegal immigration. Indiscriminate large-scale **regularisations** of illegally staying persons should be avoided, while leaving open the possibility for individual regularisations based on fair and transparent criteria.