

Brussels, 17 June 2008

Questions and Answers on the EU common immigration policy

Why another Communication on immigration and why now?

This Communication comes at a very important moment in the development of the common immigration policy. Following a Commission Communication¹, in December 2007, the European Council has underlined the need for a renewed political commitment and confirmed that "*further developing a comprehensive European migration policy complementing Member States' policies remains a fundamental priority in order to meet the challenges and harness the opportunities which migration represents in a new era of globalisation*". It had furthermore asked the Commission to put forward proposals, in this respect, in the course of 2008.

At the same time, the future French Presidency of the European Union has decided to work towards a renewed political commitment by launching the idea of a European Pact on Immigration and Asylum, to be endorsed by the European Council on 15 October 2008.

This Communication therefore constitutes the European Commission's contribution to the further development of the common immigration policy. Together with the Policy Plan on Asylum, adopted in parallel, it responds to the political mandate of the December 2007 European Council and sets out parameters for a truly common immigration policy for Europe to be endorsed by the European Council of 15 October 2008. Its overall objective is to provide a coherent and efficient response to the challenges and opportunities related to migration.

What exactly is this renewed political commitment that the European Commission is asking of Member States?

The Communication is composed of two sections, both equally important. Its overall objective is to provide a coherent and efficient response to the challenges and opportunities related to migration.

The first section lists the ten common principles on which to base the future developments of the common policy on immigration: they cover the whole spectrum of the immigration phenomenon and have been grouped under the three main strands of the EU policy- prosperity, solidarity and security. Each of these principles is accompanied by a non-exhaustive list of concrete measures to be implemented over the coming years.

The second section addresses the need to strengthen immigration governance at all levels and to develop new tools to monitor and evaluate the implementation of these principles.

The principles therefore represent the philosophy of the EU's approach to immigration, while the methodology addresses the way such an approach should be implemented in terms of governance. They are mutually interdependent.

¹ Towards a Common Immigration Policy, COM(2007)780 final of 5.12.2007

What the Commission is asking the other institutions is therefore twofold: to endorse these principles and to recognise, by agreeing to this new approach to governance, the need to work together in partnership with the aim of building a common immigration policy. This reinforced cooperation shall not only concern areas covered by EC competence, but shall be extended – by means of exchange of information and best practices, open discussion on important issues, etc. – to areas of Member States' competence, when there are issues of common and strategic interest. By agreeing to both aspects of the common policy, the EU and its Member States will recognise the interdependency of their policies in this domain, the effects that one can have on the others, the need to work together and reach a higher degree of political and operational solidarity.

What will be the follow-up?

This Communication is intended to feed into the debate, leading first to the adoption European Council conclusions of 15 October 2008

Following discussion with Member States, and other stakeholders, the European Council will be invited to adopt the common principles together with a selection of concrete actions. It will also be invited to endorse the measures proposed to further develop and reinforce governance of immigration in Europe.

In a second step, in the course of 2009, a new five-year Programme in the Justice, Freedom and Security area will be elaborated, using the Communication and the European Council outcome as a basis. The Communication will also contribute to the definition and implementation of other policy areas, such as the renewed Social Agenda, to be presented before the summer.

Where do the 10 principles come from?

The ten common principles – covering the whole spectrum of the immigration phenomenon – have been elaborated and endorsed at EU level – in a number of cases by the European Council – since 1999, when the EU acquired competence in this area. Besides the milestones of the Tampere European Council conclusions of October 1999², reconfirmed by The Hague Programme of 2004, they originate from the Council conclusions on the Common Basic Principles for Immigrant Integration of November 2004, from the European Council conclusions of December 2006 on the Global Approach to Migration and of December 2006 on the Comprehensive European Migration Policy, to quote only a few examples. They also build on the *acquis* and the achievements in this area, and fully respect the rights, freedoms and principles that are enshrined in the Charter of Fundamental Rights of the European Union. However, it is for the first time these principles are put together in a coherent and well-structured framework so they can be used as a basis of the common European policy on Immigration.

² Presidency Conclusions – Tampere, 15-16 October 1999, Section A.

In a nutshell, what are these ten common principles:

Prosperity and immigration: Clear rules and a level playing field;

Prosperity and immigration: Matching skills and needs;

Prosperity and immigration: Integration is the key to successful immigration and should be strengthened by means of a "two-way-process" actively involving both host society and immigrants;

Solidarity and Immigration: Transparency, trust and cooperation among the Member States within the EU framework;

Solidarity and Immigration: Effective and coherent use of available means so to reach common strategic goals and support specific migratory and geographic challenges faced by Member States;

Solidarity and Immigration: Partnership with third-countries to discuss and address together the whole spectrum of issues linked with the migration phenomenon;

Security and Immigration: A visa policy that serves the interests of Europe by facilitating the entry of bona fide visitors while at the same time enhancing security;

Security and Immigration: Integrated border management to preserve the integrity of the Schengen area without internal border controls;

Security and Immigration: Zero tolerance for trafficking in human beings, while protecting victims, and more effective fight against illegal immigration and undeclared work;

Security and Immigration: Sustainable and effective return policies respecting fundamental rights.

Why wasn't a principle on asylum included in the Communication?

The communication highlights that "*based on its humanitarian traditions, Europe will continue showing solidarity with refugees and persons in need of protection. This dimension will be further concretised when building the second phase of the Common European Asylum System*".

The common asylum policy is part of the comprehensive EU immigration policy addressed in a separate Policy Plan³, adopted in parallel to this Communication. The two must be read – and shall be dealt with – together and are complementary.

Who will implement these principles and measures, the EU or the Member States? Will this not impinge in Member States' competences on immigration?

The principles are quite general, and will need to be implemented by both the Member States and the EU. Concerning the specific actions, the situation is different and it is not possible to provide an overall reply to this question. Following the endorsement of the principles, together with a selection of concrete measures, at the European Council, of 15 October, the Commission and Member States will have to look at each and every principle to verify whether there is EC competence to act, as well as to assess the subsidiarity and proportionality principles.

³ Asylum – an integrated approach to protection across the EU.

However, it must be underlined already at this stage that neither the principles, nor the actions, will impinge on Member States' competences: for example, the determining of the volume of immigrant workers to be admitted will remain under the full responsibility of each Member State. This is to say that there will be neither quotas fixed by the European Union, nor a right of admission for immigrant workers set out in future directives. Furthermore, the common immigration policy will have to be devised and implemented in full respect of the principle of Community preference, *in primis* as defined in the Acts of Accession of 2003 and 2005.

A similar approach was taken in 2005, when the Commission adopted its 2005 Communication on "a Common Agenda for Integration"⁴, which put forward a framework for the integration of third-country nationals in the EU. This Communication was based on the Common Basic Principles on integration, adopted by the Council on 19 November 2004, and for each principle it listed a series of actions to be implemented, either at EU or at Member States' level, respecting the division of competences.

What is the methodology proposed to ensure that these principles are effectively applied?

The Commission is proposing to Member States, and the other EU institutions, to build the common immigration policy in partnership. In particular, the Communication proposes:

1. To enhance the coordination and the coherence of EU and Member States' policies and measures and to ensure full transparency at all levels. To do that, there should be a stronger coordination between the different levels of governance (EU, national, regional and local) and throughout the different policy areas involved ("mainstreaming the immigration policy in all other policies"). Transparency should be also increased by promoting the timely consultation of the relevant stakeholders. Exchange of best practices on immigration and integration is another essential component of this approach.
2. To set up a common methodology for the EU and its Member States. As it is crucial to base the common immigration policy – and in particular its economic component – on the economic and immigration situation of each Member State and of the EU as a whole, immigration profiles for each Member State should be developed with Member States. These immigration profiles will take stock of the labour market situation in Member States – including by identifying future labour market needs – and examine the immigration patterns, so to provide the necessary elements to better adapt labour immigration policies to the actual needs of the Member States. Furthermore, objectives and multi-annual guidelines – together with quantifiable benchmarks and indicators – will be defined in order to ensure the implementation of the common principles and the concrete measures.
3. To agree on a monitoring and evaluation mechanism that would include an annual political assessment and recommendations by the Spring European Council, on the basis of a Commission report on the immigration situation at European and national level. Such annual reports are to be drafted on the basis of the national immigration profiles.

⁴ COM (2005)389 final

Does the European Commission see a need for more labour immigration into Europe?

The European Commission has been pointing to the possible need for more immigrant labour to support the economy and competitiveness of the EU since 2003. In particular, it has drawn attention to the labour market and demographic situation and trends in the EU, with its 2005 Policy Plan on Legal Migration⁵ and with its 2006 Communication on demography⁶. Two proposals for directives – one dealing with the admission of highly qualified workers (the so-called "EU Blue Card") and the other creating a single procedure for a single permit and providing for a secure legal status for third-country workers once admitted in a Member State⁷ – have been adopted by the Commission in 2007, and they are currently being negotiated in the Council and the European Parliament.

The reason for this stand is that an overall decline in employment can be expected in the coming years, as a result of demographic changes in the EU. Europeans are living longer, the so called "baby boom" generation is nearing retirement and birth rates are low. Labour and skills shortages are already noticeable in a number of sectors and they will tend to increase. According to the latest population projections produced by Eurostat, 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. By 2060, without such immigration, the working age population would be around 110 million lower than today which would mean that in the EU, overall, the number of people over 65 per person at working-age would more than double by 2060. Such evolutions present risks for the sustainability of our pensions, health and social protection systems and require increased public spending.

Solutions to compensate for the negative impact of demographic ageing on the labour market are to be found in the context of the Lisbon strategy for growth and jobs. Immigration is one of them, but not in itself "the" solution. When addressing this problem, the EU must first make use of its existing human resources (EU nationals and third-country nationals already resident on EU territory) through the achievement of the Lisbon objectives, including by bringing unemployed people back into the labour market. However, it is clear that labour immigration may help to alleviate the challenges arising from population ageing, and therefore play a 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 has also been recognised by the 2008 Spring European Council.

⁵ COM(2005)669 final of 21.12.2005

⁶ The demographic future of Europe – from challenge to opportunity, COM(2006)571 of 12.10.2006.

⁷ Respectively, COM(2007)637 and 638 of 23.10.2007.