

Bruxelles, 7 October 2002

Up-date on the development of a common policy on migration

Following the decision of the European Council, meeting in Tampere in October 1999, the European Union is committed to developing a common policy on migration and asylum with a view to ensuring more effective management of migration flows to the EU. The year 2002 marks the half-way stage in the implementation of the 5-year (1999-2004) programme of work agreed in Tampere to realise this objective. This programme comprises two phases: first the establishment of a basic common legislative framework incorporating minimum standards in a number of key areas and secondly a gradual convergence of policy objectives and implementation of policy through an open coordination method of consultation between the Member States. The approach comprises action on the whole range of aspects of the migration phenomenon: both legal and illegal migration, integration of migrants, development of cooperation with third countries as well as asylum policy.

Legal migration

In this field the Commission is putting forward four legislative instruments to create the basic legal framework for the admission and residence of third country nationals in the EU, designed to harmonise existing national legislation. These concern the admission of family members, of people seeking employment, of students and of those seeking admission for other, non-remunerated purposes, together with proposals to create a common status for long-term resident third country nationals (see list of draft directives attached).

Family reunion

The proposals on family reunion were adopted by the Commission in December 1999 and revised in October 2000. Following continued difficulties in reaching agreement on the text (notably with respect to the definition of family members) the Laeken European Council of December 2002 asked the Commission to prepare a further revised version to resolve these issues. The second amended version was adopted by the Commission on 2 May 2002. A new deadline (June 2003) for the adoption by the Council of this Directive was set by the European Council at its meeting in Seville.

Admission for employment and self employment.

These proposals were adopted by the Commission in July 2001. The Directive will establish a uniform application procedure and a common legal status for migrants admitted. The Directive is based on principles of transparency, simplicity and flexibility so as to respond to the needs of the labour market. The decision on how many migrants to be admitted, if and when they are needed, for identifying the sectors where there are shortages and for the selection of qualified people remain the responsibility of the Member States. Progress on this directive has been slow and it is still in its first reading in the Council.

Status of long-term residents

The proposals were put forward in March 2001. They provide for a certain flexibility concerning movement between Member States and set out the conditions under which migrants granted this status in one country could take up residence in another. The proposals also propose a set of uniform rights they should enjoy which are as near as possible to those of EU citizens. The European Parliament has given a favourable opinion on this text on which discussions are continuing in the Council. A new deadline (June 2003) for the adoption by the Council of the Directive was set by the European Council at its meeting in Seville in June 2002.

Proposals for a European directive concerning the **admission of students and of third-country nationals for non-remunerated activities** are expected to be adopted by the Commission on the 7 October 2002.

Illegal Migration and Security issues

In November 2001 the Commission published a **Communication on a common policy on illegal migration** which sets out an overall action plan to reinforce the EU's efforts to combat these flows. It proposed action in the following areas: visa policy; information exchange, co-operation between and co-ordination of the activities of Member States' enforcement authorities; border management; police co-operation; aliens law and criminal law and return and admission policy. Following consideration of these proposals by the European Council in Laeken in December 2001, the Council adopted (on 28 February 2002) a comprehensive plan to combat illegal immigration and trafficking of human beings in the EU which is now being implemented.

This plan contains a section on readmission and return policy and in order to open discussion on this very sensitive issue the Commission adopted a **Green Paper on a Community Return Policy on Illegal Residents** on 10 April 2002. This document raises a number of issues concerning improving co-operation on return among Member States and suggests the development of a common re-admissions policy for the EU. At Seville it was decided to adopt, before the end of 2002, components of a repatriation programme based on the Commission's Green Paper. A public hearing was held in July 2002 and DG JAI is currently preparing a Communication on a Community Return Policy on Illegal Residents.

As part of the continued efforts to combat smuggling and trafficking, the Commission has also made a proposal for a Council Directive on the issuing of **short-term residence permits to victims of action which facilitates illegal immigration or trafficking who cooperate with the authorities** trying to prevent such actions and to dismantle the networks involved.

Following the events of 11 September 2001, the Council asked the Commission to examine the issue of security and asylum and migration policy. Accordingly a Commission **working document on safeguarding internal security while complying with international protection obligations and instruments** was issued on 5 December 2001 which included a review of provisions in existing and proposed EU legislation to ensure that sufficient safeguards were included. The issue of safeguarding security while ensuring that bona fide refugees and asylum seekers are protected is being taken up further in consultations with Member States over the next few months.

The **European Council in Seville** underlined the need for a balanced approach to migration management, which combines measures on legal immigration and integration hand in hand with the reinforcement of action to combat illegal immigration and respect for the rights of asylum seekers and refugees.

Integration of migrants

Concerning the **integration of migrants** DG JAI is currently preparing proposals for preparatory actions to support the efforts of Member States in this area. The objective of the preparatory actions is to support networks and the transferral of information and good practices between Member States, regional and local authorities and other stakeholders in order to facilitate open dialogue and identify priorities for a European integration policy. The actions will support the Member States efforts in this area and at the same time complement the efforts under the existing Community Programmes addressing indirectly or directly the issue of the integration of immigrants, notably efforts to combat racism, social exclusion and other programmes financed from the European Structural Funds and projects carried out under the European Refugee Fund. It is hoped that the programme will be operational in 2003 (subject to the allocation of the necessary budgetary allocations (12 million € over 3 years).

The Commission, in co-operation with the Economic and Social Committee organised a **conference on immigration, integration and civil society** on 9-10 September 2002 in Brussels, following the adoption in March 2002 by the Economic and Social Committee of an opinion on this issue. The conference brought together representatives of civil society from the Member States and the candidate countries to discuss the objectives and different roles which each must play in promoting the successful integration of immigrants.

Partnership with countries of origin

Improved dialogue with third countries is a major element of Community migration policy not only to facilitate orderly migration flows but also to fight illegal immigration more effectively and to develop new policies to mitigate the negative effects of migration on countries of origin. In this area the programme of the High Level Working Group on Asylum and Migration is continuing, notably with respect to the countries for which specific action plans were developed. These activities are supported by a specific budget line for co-operation with third countries in the area of migration (B7-667) which has a budget of 12.5 Million Euro for 2002.

Migration issues are progressively gaining higher priority in EU relationships with third countries. The Laeken Council called for the integration of issues concerning migration flows into the external policy of the EU. The Commission is responding by including migration matters in the Country Strategy Papers which it is preparing progressively for all third countries. At the 5th Euro-Mediterranean Ministerial Conference on the 22 and 23 April 2002 in Valencia, Spain, an Action Plan for co-operation on justice and internal affairs, in which matters concerning migration have an important role, was adopted. Asylum and migration issues are included in the special programmes with the candidate countries who will progressively be more closely involved in EU discussions on these issues. Migration is also an element in the CARDS programme for the Balkan States and in the EU common strategies on Russia and the Ukraine.

With respect to the rest of the world a formal dialogue with China on illegal migration has now been established and following the EU-ASEM meeting in Lanzarote on 4-5 April 2002 partnership with a number of Asian countries has also been established. A specific article on migration issues was already included in the Cotonou Agreement with the ACP countries two years ago.

The open coordination method

In July 2001 the Commission adopted a Communication on the establishment of an open coordination method for the Community immigration policy. This suggested ways in which greater convergence in the implementation of migration policy in the EU could be obtained as a complement to the legal framework, notably by reinforcing the exchange of information and best practice with the aim of setting European objectives with respect to migration issues. A similar method was also put forward in November 2001 for asylum policy.

As a first step, pending the adoption of European legislation on migration and in accordance with the request of the European Council in Laeken that the exchange of information on migration be re-inforced, the Commission services have introduced consultative meetings to provide a forum for discussion on migration issues in the EU. The meetings began in March 2002 and the third took place on 23 September 2002. It is intended that these regular consultations on matters of common interest will continue.

Other activities

The Council has adopted the Commission's proposal for the establishment of a programme for administrative cooperation which includes the field of immigration (the **ARGO action programme**) and which has a total budget in 2002 of 3 million €. The first call for applications is on-going.

European Migration Observatory. The Commission has invited Member States to nominate institutions for selection as members of a virtual observatory which is to be created and which has a budget of 1 million Euro for 2002. Its main objective is to monitor developments on migration and asylum in the EU.

Relations with the Council of Europe

DG JAI cooperates closely with the Council of Europe in the field of migration notably in the work of its European Committee on Migration and that Committee's sub and expert groups (eg on the legal status of migrants, on Roma and on integration) and a Commission delegation participated in the meeting of Ministers responsible for migration held in Helsinki on 16-17 September 2002. The Council of Europe has participated in a number of recent events organised by the Commission (eg the recent Conference on integration and civil society) and close contacts are maintained with the Council's Secretariat.

INDEX OF JHA PROPOSALS

Asylum Policy

- COUNCIL REGULATION of 11 December 2000 concerning the establishment of « Eurodac » for the comparison of fingerprints for the effective application of the Dublin Convention on the state responsible for examining applications for asylum lodged in one of the European Union Member States (2000/2725/EC) of 11 December 2000
- COUNCIL REGULATION of 28 February 2002 laying down certain rules to implement Regulation (EC) n° 2725/2000 concerning the establishment of « Eurodac » for the comparison of fingerprints for the effective application of the Dublin Convention (2002/407/EC) of 28 February 2002
- COUNCIL DECISION of 28 September 2000 establishing a European Refugee Fund (2000/596/EC)
- Communication from the Commission to the Council and the European Parliament on a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum COM (2000) 755 final of 22.11.2000
- Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status COM (2000) 578 final of 20.09.2000
- COUNCIL DECISION on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (2001/55/EC)
- Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States COM (2001)181 of 3 April 2001
- Proposal for a Council regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national. ('Dublin II') COM (2001) 447 final of 26.07.2001
- Proposal for a Council Directive laying down minimum standards for the qualification and status of third country nationals and stateless persons as refugees, in accordance with the 1951 Convention relating to the status of refugees and the 1967 protocol, or as persons who otherwise need international protection COM(2001) 510 final of 12.09.01
- Communication from the Commission to the Council and the European Parliament on a common asylum policy, introducing an open coordination method. First report by the Commission on the application of Communication COM(2000)755 final of 22 November 2000 COM(2001)710 final of 28.11.01
- Commission working document on the relationship between safeguarding internal security and complying with international protection obligations and instruments COM(2001)743 final of 2.12.01
- Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities COM(2002)71 final of 11.02.02

Immigration Policy

- Proposal for a Council Directive on the right to family reunification
- JO C 116 E/66 of 26.04.2000 and COM (1999) 638 final of 1.12.1999
- Amended proposal for a Council Directive on the right to family reunification COM (2000) 624 final of 10.10.2000
- Amended proposal for a Council Directive on the right to family reunification COM(2002)225 final of 02.05.02
- Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy COM (2000) 757 final of 22.11.2000
- Proposal for a Council Directive concerning the status of third country nationals who are long term residents COM (2001) 127 of 13 March 2001
- Communication from the Commission to the Council and the European Parliament on an open method of coordination for the Community immigration policy COM(2001) 387 final of 11.07.01
- Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities COM(2001)386 final of 11.07.01
- Council Decision adopting an action programme for administrative co-operation in the fields of external borders, visas, asylum, and immigration (ARGO) 2002/463/EC
- Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration COM(2001)672 final of 15 .11.01
- Green Paper on a Community return policy on illegal residents COM(2002)175 final of 10.04.02

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- Proposals for a Council Directive on the conditions of entry and residence of third country nationals for the purpose of study and vocational training and for non remunerated purposes COM (2002) 1886 of 7 October 2002