

## **SOLIDAR contribution on the European Commission Green Paper “An EU approach to managing economic migration” COM(2004)211.**

**SOLIDAR** is a European network of social and economic justice non governmental organisations (NGOs) working in development and humanitarian aid, social policy, social service provision and life-long learning.

**SOLIDAR** works in Europe and worldwide in alliance with trade unions, organisations of the labour movement and civil society for an equitable and sustainable world. Solidar cooperates closely with organisations of migrants in providing social and educational service for migrants in Europe. At the same time Solidar members work in development and humanitarian aid activities. The combination of this EU internal perspective and global development activities allows a holistic approach to the issues of migration. It is based on these experiences and expertise of its national member organisations that Solidar presents its comments on the European Commission Green Paper on economic migration.

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### **SOLIDAR members call upon the European Commission and EU member states**

- 1. to put in a place a European policy on migration**
- 2. that is based on fundamental rights,**
- 3. integrates a gender perspective of migration,**
- 4. takes the presence of undocumented migrants in Europe into account,**
- 5. focuses on integration measures,**
- 6. and adopts a holistic approach that takes the effects of the migration policy in the countries of origin into account.**

**The development of these policies should be done in full consultation of with countries of origin, as well as civil society organisations in the EU and in countries of origin.**

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### **1. A European policy framework for migration**

Over the last 35 years, the number of persons living outside their country of birth has more than doubled. Worldwide, one in every 35 persons is a migrant; in the EU, one in every 14 people is a non-EU citizen.<sup>1</sup> While some EU member states have been countries of immigration since the Second World War, other traditional EU emigration countries, such as Italy and Spain have now also become places of

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<sup>1</sup> See: IOM: International Migration and Development. The Potential for a win-win situation, 20 June 2003.

immigration. They are in an initial phase of reception of immigrants and must take the first steps towards a normalisation of the relationship between local and immigrant populations.

For a long time, and even more so after September 11, 2001, the discussions about migration have focused on the threat to public security and the social-economic stability of the recipient countries.

However, the growing awareness of a need for international migration and the recognition of its benefits has opened the field to new comprehensive migration management approaches. As the European Commission in its communication on immigration, integration and employment (COM (2003) 336 final) outlines, demographic trends in EU member states suggest that more migration is needed to maintain their level of economic output. In addition to demographic and economic realities, security concerns and questions of socio-cultural identity influence the thinking.

**Migration is a highly complex phenomenon. It is linked to the dynamics of demographic changes, political, ethnic and religious developments, such as local wars and the diasporas that follow conflict. There is a need to stress the European and global perspective of migration. It is essential to raise support for the shifts in the debates about migration and to promote a wide debate in our societies about their implications.**

A common migration and asylum policy could positively contribute to the EU's efforts of facing new demographic and economic challenges. A common European policy creating an area of freedom, justice and security, cannot be efficiently fulfilled by excluding migration and integration from the EU competences.

Concerning the degree of EU harmonisation, Solidar recommends the adoption of a **horizontal approach** covering the conditions of entry and residence of *any* third country national exercising employed, self-employed or other economic activities. This approach, by opposition to the 2 other ones proposed in the green paper, is the only which does not introduce discrimination between migrants, in particular between low skilled migrants and 'specially' or highly skilled migrants.

## **2. Migration policies based on fundamental rights**

The European Union and its policies are based on fundamental rights. The new Constitutional Treaty reinforces this fundamental rights basis. EU policies on migration must also be rooted firmly in fundamental rights. In other words, policies must be framed in a way so that they contribute to ensuring that everyone has access to their fundamental rights (including civil, political, social, economic and cultural rights). The Green Paper's recognition of *"the importance of ensuring that an EU economic migration policy delivers a secure legal status and a guaranteed set of rights"* is an encouraging step in this direction. The approach adopted by the Green Paper however, is not based on the question of fundamental rights and problems for migrants in exercising their rights are insufficiently addressed.

The Green Paper refers to economic migrants as a "stock of manpower" and overall adopts a rather utilitarian approach which is based on the question "how can we best ensure that Europe's needs are fulfilled". Flexibility is the key word of the Green Paper. It does not mention the living conditions of migrant workers moving from one

country to another, their right to social protection and to other fundamental rights. **The numerous problems experienced by migrants, even documented migrants, in their accessing social and economic rights such as housing are not dealt with in the Green Paper.**

The Green Paper only refers to ‘workers’ in connection with economic and social rights. **It is important to include the rights of the families** of migrant workers in ensuring fundamental rights.

**The question of fundamental rights should not be compromised**, i.e. limited according to the length of stay of the migrant worker or to use the incentive of more rights for certain categories of “most-needed” migrant workers.

A first step in this regard would be for the EU to encourage its Member States **to ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** including the optional provision of article 77 regarding individual complaints. The Convention provides a framework of minimum human rights standards as agreed by the international community in 1990 when the UN General Assembly adopted the Convention. The call for universal ratification is supported by a resolution of the European Parliament on 24 February 2005 and is also reflected in the European Economic and Social Committee’s Opinion of 30 June 2004 (SOC/173).

### **3. Integrating a gender perspective into migration policies**

Feminisation of international migration is a global trend. While for a long time women only migrated following their husbands, today they migrate in their own capacity as workers.

When integrating in the host country, **gender becomes a factor that increases the female migrants’ vulnerability** with respect not only to women’s insertion into the labour market and the society, but also concerning their economic development during their stay. Their status as women, as non-nationals and as workers in gender-segregated labour markets makes women migrant workers particularly vulnerable to various forms of exploitation and discrimination. All too often, women are found working in the informal economy and experiencing low wages, long shifts, unhealthy and dangerous conditions, and psychological, physical and sexual aggression.

The question of the differential impact of economic migration policies on both women and men must be taken into consideration. In the Green Paper however, the gender perspective is absent. The discrimination faced by women and the often very different and more vulnerable situation of women migrants are not being addressed.

When women are accompanying their husbands or partners, as is often the case, it is crucial that they are **accorded individual rights and an independent legal status.**

### **4. Including illegal migrants working and living in Europe**

One group of migrants is noticeably absent from the discussion in the Green Paper – undocumented migrants already present in the European Union. Large numbers of migrants, who have entered either legally or illegally, are currently living and

working in the European Union. These migrants are, furthermore, very vulnerable to exploitation given their irregular situation.

**Some suggestions made in the Green Paper will even further increase the risk of illegal migration:**

- Not allowing migrants to change employer. In some situations migrants might still decide to do so and end up in an illegal situation;
- Strictly linking the residence permit to the work permit;
- Not allowing for a reasonable time to look for a new job when the first job is lost;
- Not leaving an option to leave the job in case of exploitation.

For a EU policy framework on economic migration to function, it is vital that it **includes an element of regularisation of undocumented migrant workers**. The “Study on the links between legal and illegal migration” (COM(2004) 412 final) showed that there are limits to the existing channels for legal immigration, and that therefore many member states are establishing ways to regularize undocumented migrants. The Commission also states that by carrying out regularisation operations, governments attempt to bring such migrants into society rather than leaving them on the margins, subject to exploitation. These findings have to be taken into account in the further discussions.

## **5. Focus on integration**

Integration policies are an essential element of a comprehensive migration management system. Successful integration is not only a question of working towards the well-being of immigrants and the fulfillment of their fundamental rights, but also about limiting social problems that are often exacerbated by racism and xenophobia. The challenge is to take full account of the complexities of accommodating the increasing number of divergent cultural influences within host societies, while preserving their coherence and unity.

Integration is a **multifaceted process establishing mutual acceptance between migrants and host communities**, creating a feeling of belonging to a society. It comprises a wide range of aspects, such as access to economic, social, civil and political rights of migrants, self-organisation and representation, neighbourhood and community policies, the link to anti-discrimination practices and diversity management, creating social and cultural interaction, education, and the role of voluntary work in these processes.

In this context, it is important **to foster cross-national exchange and cooperation between progressive integration services providers and immigrant organisations**, in order to create a body of knowledge about the integration of migrants. There is a need for increasing the active participation of migrants and to facilitate dialogue and learning between the stakeholders.

## **6. Co-development**

Migration offers gains for both receiving and originating countries: it can help fill gaps in EU labour market, take pressure of domestic labour markets of the home countries of the migrants, and can provide a valuable source of foreign currency for the migrants and their communities in the originating countries. This is especially critical for developing countries with UN studies (2000) estimating a 10% increase of

GDP for some developing countries through remittances. The same studies also estimate that the contribution of this capital to progress on the Millennium Development Goals has been significant.

On the return to their home country, migrants can provide benefits from the experience, knowledge and training received. At the same time, migration can cause problems for both receiving and sending countries: tension due to failed integration in receiving countries and the risk of losing key skills as a result of brain drain for sending countries.

Co-development is positively linking migration and development cooperation processes so as to achieve sustainable development. In order to create a sustainable and equitable system of migration that can benefit all parties (the migrants themselves, originating countries and receiving countries), there is a need to develop migration policies that take into account both the EU perspective and the perspectives of countries of origin.

We welcome that the Green Paper mentions the concept of co-development under "accompanying measures". However, it is still dealt with marginally and there is a **need to set out a strategy to ensure a co-development perspective in all EU migration policies to maintain coherence between policy areas**. Links and synergies between migration and development and social inclusion policies need to be better developed. Pre-departure programmes for example, can lead to a better integration in countries of destination and can contribute significantly to the success and well being of migrants.

In this context, it is very important to clarify the link between an EU policy on economic migration and the Mode 4 of the General Agreement on Trade in Services (GATS). The current negotiations on Mode 4 potentially have widespread implications for immigration policy and the Green Paper needs to be clear on the EU position regarding Mode 4 issues.

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**solidar** promotes economic and social justice in Europe and worldwide by working in alliance with trade unions and labour movement organizations.

**solidar** is a member of the Platform of European Social NGOs and of the Civil Society Contact Group that launched the act4europe.campaign on the Convention on the future of Europe.

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