Guide to Locating Migration Policies in the European Commission
2nd Edition

A report by Mary-Anne Kate and Jan Niessen
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October 2008
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This Guide to Locating Migration Policies in the machinery of the European Commission not only maps the European Commission’s policies related to migration, including the relevant cooperation and consultation mechanisms and funding programmes, it also discusses the issue of the evaluation of policies in terms of impact and effectiveness, as well as the use of indicators.

As with the first edition, it is jointly published by the Migration Policy Group (MPG) and the European Programme for Integration and Migration of the European Network of European Foundations (EPIM).

MPG

The Migration Policy Group is an independent European organisation committed to contributing to lasting and positive change resulting in open and inclusive societies in which all members have equal rights, responsibilities and opportunities in developing the economic, social and civic life of Europe’s diverse societies.

To this end, MPG stimulates well-informed European policy debate, cooperation and action by producing and disseminating information and analysis, and managing international expert networks in the three programme areas of Migration & Mobility; Anti-discrimination & Equality; and Integration & Diversity.

www.migpolgroup.com

EPIM

EPIM (the European Programme for Integration and Migration), was initiated in 2005 by a group of foundations from different European countries. EPIM seeks to improve the lives of regular and undocumented migrants through its grants programme, funding a range of initiatives and issues that impact on constructive integration policies nationally and locally, and inform policy at the European level. It aims to strengthen the role played by NGOs active on migration and integration issues in advocating for a European agenda that benefits migrants and host communities. For its second phase (2008-2011), 11 major European foundations have pooled approximately €3 million which will be used to foster civil society initiatives exploring and promoting positive integration that benefits both migrants and host communities.

EPIM is an initiative of NEF, the Network of European Foundations, and a joint venture of: The Atlantic Philanthropies, the Barrow Cadbury trust, Compagnia di San Paolo, European Cultural Foundation, Freudenberg Stiftung, Robert Bosch Stiftung, Foundation Berhneim, Fundação Calouste Gulbenkian, Oak Foundation, Joseph Rowntree Charitable Trust, and King Baudouin Foundation.

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Global economic, social, cultural and political developments are shaping a seemingly borderless world where persons, capital, goods, services and information move in varying degrees of freedom and pace between countries and regions. They are profoundly changing societies in Europe and elsewhere in the world. The direction and the appreciation of these changes are topics of intense debate in public and civic arenas as well as in political and policy forums. Debates, including those about international migration, often change in terms of content and intensity. Migration policies can be assessed which may lead not only to a better understanding of the rationale and direction of adopted policies, but to new terms of debate which may eventually lead to better policies and greater public support.

The aim of this publication is on the one hand modest, as it does not provide an analysis of European migration debates, and on the other, very ambitious as it attempts to locate migration policy measures in the rather complex machinery of the European Commission.

Migration policies are increasingly a shared responsibility of European, national, regional and local authorities. By locating and summarising the main policy instruments adopted by the European Commission, the authors aim to assist governmental and non-governmental actors to link European migration policies with those adopted at other levels of governance.

To set the stage, this introductory chapter explains how we located migration policy measures, namely by following the migration pathway which begins when migrants leave their country of origin or country of residence and which ends when they are able to participate fully in all aspects of life in receiving societies. For many, the journey along the migration pathway may be completed, not by themselves, but by their children, or grandchildren. In the following chapters, measures are identified which relate to each stage of the migration pathway: mobility reasons, migration purposes, establishment, adjustment and participation.

The first section of this introductory chapter identifies core concepts used in current migration debates which helped us to locate European policy responses. The second section details the reasons behind the report and the third section highlights the structure and content of this report.

## 0.1 European Migration Debates

European migration policy debates can be assessed by looking at how international migration is defined and linked to core values and interests, as well as by identifying actors and beneficiaries. The former relates to the terms of the overall debates whereas the latter seeks to incorporate the perspectives of those directly and indirectly affected, and those acting on migration.
### 1. Mobility Reasons, Definitions and Core Values, Actors and Beneficiaries

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| Sustainable development    | Development agencies               |
| Human rights and dignity   | Humanitarian agencies               |
| Social justice             | Organisations promoting solidarity  |

Debates on the reasons for international migration concern its advantages and disadvantages. They relate to such questions as: Is migration an expression of economic under-development and is it reinforcing under-development? Who benefits (most) from migration: the individual migrants, their families, their regions and countries of origin, the countries of destination? How and what can migrants contribute to the development of their country of origin? How are human rights respected and human dignity upheld? How can protection be offered to voluntary and forced migrants?

Over the last five to ten years migration has been placed reasonably successfully on the development agenda. This can be demonstrated by the inclusion of migration into development co-operation programmes and co-operation mechanisms. Initially, the emphasis was on addressing root causes of forced migration. Supporting countries of origin and transit to set up migration and refugee management systems then gained importance. Recently, the role migrants (can) play in the development of their country and region of origin (financial and social remittances) is appreciated and receiving more attention.

### 2. Migration Purpose, Definitions and Core Values, Actors and Beneficiaries

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Debates on the purpose of migration as a protection regime and a recruitment regime lead to such questions as: Who is a refugee and who is an asylum-seeker? Who are migrant workers and who are students? Who are family members? Other issues related to the composition of the groups of international migrants concern issues of migrant women, unaccompanied minors and irregular migrants. Debates refer to individuals aspiring to build up a life in safety and dignity; their needs, and also relates to countries living up to their responsibility as ‘global citizens’ and making the best out of migratory movements.

Debates have shifted from an initially strong focus on refugees and refugee protection to migration and its role in matching labour market shortages, closing skills gaps and in partially compensating for Europe’s demographic decline. A sharp distinction is being made between various categories of migrants, so as to better ‘manage’ migration and select those that are needed in destination countries and offer protection only to those who are in real need of protection. Irregular migration and the trafficking of human beings are condemned. In a bid to attract certain categories of migrant, countries try to position themselves as a destination country of choice.
Debates on establishment concern the conditions various and distinct groups of immigrants have to meet in order to enter a country and establish themselves. They relate to such issues as visas, temporary and permanent migration, residence permits and return. What are the rights associated to the acquired status (civic citizenship)? How is this status protected by law and in practice? They refer to the length and cost of procedures, providing access and equal opportunity on the basis of clear and transparent immigration rules and border and in-country controls.

In the wake of the terrorist attacks in the US and Europe, security concerns have steadily overshadowed other interests such as those of individual immigrants and of societies’ need to address labour market and demographic imbalances. This has retracted from efforts on facilitating immigration and making public services to immigrants more efficient. In addition, migration control is being externalised by pressing neighbouring countries to increase migration controls.

Debates on adjustment form part of the wider debate on Europe’s changing economy and social model. They relate to adjustments of existing socio-economic arrangements and the adaptability required from the population. They deal with issues of employability and flexibility of workers and entrepreneurs, including migrants. They refer to personal development and the acquisition of skills and competences, as well as equal treatment and anti-discrimination. The differences in the performance and societal outcomes between the ‘national’ population and the immigrant population are also highlighted.

Immigrants and their descendants are still pictured more as a vulnerable group than as contributors to society’s overall well-being. For this reason they are often included in social inclusion programmes. There is an increasing emphasis on the individual responsibility of immigrants. At the same time it is recognised that particular immigrant groups may be in competition with groups among the national population in terms of access to the labour market and public services. This requires comprehensive responses, including compensatory measures for these vulnerable non-immigrant groups.

Debates on participation concern the conditions various and distinct groups of immigrants have to meet in order to enter a country and establish themselves. They relate to such issues as visas, temporary and permanent migration, residence permits and return. What are the rights associated to the acquired status (civic citizenship)? How is this status protected by law and in practice? They refer to the length and cost of procedures, providing access and equal opportunity on the basis of clear and transparent immigration rules and border and in-country controls.

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Debates on participation concern the economic, social, cultural and civic participation of all citizens in society irrespective of their (immigration) background. Debates tackle the issue of achieving an equal and fair reflection of the composition of the population in all aspects of societal life, as well as of service delivery in a diverse society. They refer to a convergence of societal outcomes for ‘old and new’ citizens. They also refer to proactive equality strategies that recognise citizens’ multiple identities, and identifying and removing obstacles to achieving equality.

Debates are going back and forth between socio-economic issues and cultural issues. When socio-economic issues are given priority, the emphasis is on socio-economic mobilisation and equality and inclusion. When cultural issues are prioritised, debates occasionally demonstrate a moving away from the juxtaposition of assimilation and multiculturalism, and become pleas for inter-culturalism, referring to the attitudes, skill sets and competences that are necessary in a diverse and inclusive society. In contrast, it may demonstrate a drive for sharing a common (national) identity where democratic values receive the most attention. In these circumstances, immigrants are often defined in ‘religious terms’ and their capacity to ‘integrate’ is questioned.

From initially being an issue of interest to a small group of persons and actors, migration has grown into an important issue heading the agendas of various policy communities. Figure 1 below shows how international migration policy responses can be categorised and linked to wider policy agendas.

Figure 1: Migration Pathways and Policy Streams

<table>
<thead>
<tr>
<th>Mobility reasons</th>
<th>International relations and development</th>
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</thead>
<tbody>
<tr>
<td>Motivation</td>
<td>Population and human rights policies</td>
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<td>Aspiration</td>
<td>Acting on forced or voluntary movements</td>
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<td>Capacity</td>
<td>Transferability of capital, knowledge and values</td>
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<td>Migration purpose</td>
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<td>Migrant workers, students</td>
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<td>Establishment</td>
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<td>Entry conditions</td>
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<td>Rights and responsibilities</td>
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<tr>
<td>Adjustment</td>
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</tr>
<tr>
<td>Adaptation to socio-economic requirements</td>
<td>Assessing human resources needs</td>
</tr>
<tr>
<td>Acquisition of new competences</td>
<td>Matching supply and demand</td>
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<tr>
<td>Risk-taking and entrepreneurship</td>
<td>Bridging conflicting interest</td>
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<tr>
<td>Participation</td>
<td>Citizenship and societal integration</td>
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<tr>
<td>Economic contribution</td>
<td>Dynamic economies</td>
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<tr>
<td>Social engagement</td>
<td>Open societies</td>
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<tr>
<td>Active citizen</td>
<td>Diversity</td>
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</table>

The interconnectedness of many issues calls for a high level of sophistication in the policy debates and for the recognition of the fact that international migration is simultaneously an opportunity and a challenge affecting different people in different ways in different places and at different times. Migration is more a part of the transformation through which societies are going than the cause of this transformation, requiring it to be addressed in the wider context of overall societal change. At the same time migration-specific contributions, as well as solutions for migration-related problems need to be identified and addressed. Often different communities of governmental and non-governmental actors are faced with different aspects of societal change and with various dimensions of international migration. Sometimes governments and particular governmental departments take the lead, at other times non-governmental actors are leading the way.
There are two main reasons why it is important to be well-informed about the policies that are proposed and adopted at European level. First, national and sub-national policies in many areas are determined or influenced by decisions taken at the European Union level. This is also the case with issues of international migration. As a matter of fact, it is difficult to see how purely national migration policies can be designed and implemented effectively in a unifying and expanding European Union encompassing an internal (labour) market, an area without internal border control, a common social policy agenda and a shared set of values based on fundamental rights, democracy and good governance. Adopted European measures could be more or less binding on Member States depending on their status (Community law, Guidelines, Recommendations, etc.). To understand national, regional and local policies, actors operating on these levels must know how these policies are also shaped by European policies.

Second, the making of European Union policies is a protracted and complicated exercise. Different decision-making procedures apply depending on the issues at hand. Traditionally, two distinctive methods have been used, namely the active involvement of all European institutions (the Community approach), or direct consultations between the Member States about which other institutions are informed (the intergovernmental approach). Both methods involve European institutions, Member States, social partners and various other non-governmental institutions but in different ways and with more or with less powers. In order to be able to influence European policy-making, actors must position themselves in the decision-making process and must keep themselves well informed.

The European Commission plays a pivotal role in all policy-making procedures. It is often the initiator and almost always the co-ordinator. It facilitates the sharing of resources and is the executive agent as well as the monitor of the implementation of Community policy measures by the Member States. Therefore, this publication uniquely focuses on locating policy measures in the often opaque and complex machinery of the European Commission. It is beyond the scope of this publication to highlight the role of other institutional players.

The purpose of this mapping exercise is to get a clearer picture of the Commission’s approach to all dimensions of international migration. This may help policy actors to make their own assessment as to whether the Commission’s efforts have enhanced, or have the potential to enhance, Europe’s ability to act on mobility and diversity.

This publication looks closely at how the Commission’s interventions impact on the migrants’ journey. Chapters 1 to 6 focus on each stage of the immigrant’s journey along the migration pathway and outline the work of the Directorate Generals (DGs) that lead policy design and implementation in that area.

In order to locate the relevant policy interventions, the publication explores:

- international relations and development policy measures that impact on migratory flows (Chapter 1)
- law and policy regarding the admission of migrants (Chapter 2)
- law and policy regarding entry and residence and associated rights (Chapter 3)
- socio-economic policies that facilitate adjustment (Chapter 4)
- policy measures that improve societal integration through the promotion of social inclusion, anti-discrimination, diversity and intercultural dialogue to ensure immigrants participate fully in society (Chapter 5)

Figure 2, at the end of this chapter, provides an overview of the report’s structure and content.

In each chapter, and for each Directorate General (DG) covered in that chapter, the report briefly summarises the target group and then details law and policies, cooperation and consultation mechanisms, and funding programmes. Each of these areas is clearly marked by an accompanying symbol so that the reader is able to quickly find the relevant section of the document. The content of the four areas, and the accompanying symbol for each, are presented below.
The Directorate General of the European Commission

The target group of the DG’s migration-related interventions

Principles and Policies that impact on the migrants’ pathway, including binding law, soft law and papers outlining guiding principles

Cooperation and Consultation mechanisms that directly or indirectly address migration related matters. These include platforms for dialogue and co-operation between governmental actors and with non-governmental actors such as the National Contacts Points and the Open Method of Coordination (OMCs)

Funding Programmes and the financial instruments that underpin them, including details on the scope of eligible actions, eligible actors, budgets and co-financing

References are made to the most important documents in which further information can be found.

This report covers those DGs that have migrant issues within their mandate or explicitly or implicitly mentioned in their main pieces of legislation and policy papers. While all DGs should take into consideration the needs of migrants in the design of their policy interventions, cooperation and coordination mechanisms and funding programmes, it is beyond the scope of this paper to examine the work of every DG in detail.

As good policies create more favourable conditions from which migrants and society as a whole can benefit, the concluding chapter (Chapter 6) provides insight on how policies can be enhanced by regular evaluation of their efficiency, effectiveness, impact and sustainability. It draws attention to the use of impact assessments and tools, including the exchange of good practice and the use of indicators to measure performance, which are currently the subject of lively discussion.
Figure 2. Overview of the report's structure and content

<table>
<thead>
<tr>
<th>CH MIGRATION PATHWAYS</th>
<th>POLICY STREAMS</th>
<th>DG</th>
<th>PROGRAMMES</th>
<th>FUNDING</th>
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</thead>
<tbody>
<tr>
<td>1 Mobility Reasons</td>
<td>International Relations and Development</td>
<td>External Relations (RELEX)</td>
<td>Thematic Programme for cooperation with third countries in the areas of migration and asylum</td>
<td>Financial instrument for the Thematic Programme</td>
</tr>
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<td></td>
<td>Freedom, Security &amp; Justice (JLS)</td>
<td>Solidarity and the Management of Migration Flows</td>
<td>The External Borders Fund</td>
<td></td>
</tr>
<tr>
<td>2 Migration Purpose</td>
<td>Needs assessment and admission</td>
<td>Freedom, Security &amp; Justice (JLS)</td>
<td>Solidarity and management of migration flows</td>
<td>European Refugee Fund</td>
</tr>
<tr>
<td>3 Establishment</td>
<td>Immigration Rules and procedures</td>
<td>Freedom, Security &amp; Justice (JLS)</td>
<td>Solidarity and management of migration flows</td>
<td>European Integration Fund</td>
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<tr>
<td></td>
<td>Employment, Education &amp; Culture (EAC)</td>
<td>National Reform Programmes</td>
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<td></td>
<td>Entrepreneurship, Industry and Enterprise</td>
<td>Multi-annual Programmes</td>
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<td></td>
<td>Education, Education &amp; Culture (EAC)</td>
<td>Education and Training 2010 work programme</td>
<td>Lifelong Learning Programme 2007-2013 and ESF</td>
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<tr>
<td></td>
<td>Urban policies, Regional Policy (REGIO)</td>
<td>Cohesion Policy</td>
<td>European Regional Development Fund</td>
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<tr>
<td>4 Adjustment</td>
<td>Socio-economic policies</td>
<td>Employment</td>
<td>National Reform Programmes</td>
<td>European Social Fund (ESF)</td>
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<tr>
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<td>Regional Policy (REGIO)</td>
<td>Cohesion Policy</td>
<td>European Regional Development Fund</td>
</tr>
<tr>
<td>5 Participation</td>
<td>Citizenship and societal integration</td>
<td>Employment</td>
<td>Programme for Employment &amp; Social Solidarity (PROGRESS)</td>
<td>PROGRESS</td>
</tr>
<tr>
<td></td>
<td>Social inclusion</td>
<td>Employment</td>
<td>PROGRAMME</td>
<td>PROGRESS</td>
</tr>
<tr>
<td></td>
<td>Anti-discrimination and diversity</td>
<td>Employment</td>
<td>PROGRAMME</td>
<td>PROGRESS</td>
</tr>
</tbody>
</table>
Migration can be a survival strategy, as a response to harsh situations and harmful circumstances, such as poverty; uneven distribution of income and opportunities; the breakdown of the economic and social fabric and political repression. Migration can also be an opportunity strategy, as a means to find the best place to realise one’s life and livelihood and to match personal skills with favourable circumstances abroad. In both cases, it is evident that global economic disparities and opportunity gaps between countries act as the key drivers of international migration. Those individuals who chose to migrate, men and women alike, tend to be young, entrepreneurial and risk-taking. Their motivation, aspiration and capacity help to facilitate their integration and enable them to make a positive contribution to the receiving society.

The corresponding policy stream on (cross border) mobility reasons concerns questions of international relations. The international agenda touches on questions of motivation through cooperation on population issues such as urbanisation, balanced population growth, mobility and the promotion of human rights: from civil to political rights, to socio-economic rights and cultural rights.

Intergovernmental cooperation regulates aspirations towards forced and voluntary migration through distinct channels: refugee protection, establishment of and support for migration regimes (in receiving countries as well as in regions of origin and transit), the fight against human trafficking, working on security issues, and so on. The elimination of barriers for the free movement of labour and service provision is also an issue on the international agenda.

The capacities of migrants are addressed in the design of international codes for employment and self-employment, the promotion of transferability of human capital and the recognition of skills and qualifications. The capacities of migrants are affected by the events and developments in their countries of origin (i.e. educational levels, employment opportunities, exercise of democratic laws and civil society freedoms). Conversely, migrants contribute to capacity-development in their countries of origin (transfers of money, knowledge and values).

This chapter explores the work of DG External Relations (DG RELEX) and DG Freedom, Security and Justice (DG JLS). The complementary role of DG Development and DG Regional Policy (DG REGIO) is briefly outlined in Box 1 and Box 2 respectively. Each DG approaches the issue of migration from a different angle. DG RELEX has mainstreamed migration into its external relations policies. Policies aim to ensure migratory movements are not detrimental to the development of good relations with third countries. For DG JLS these movements are to be regulated, among other means, by the strengthening of EU borders, including through actions in countries of origin and on migratory routes. DG Development focuses on the development aspects of migration to capitalise on its positive aspects (remittances and skills transfer) and address its negative aspects (brain drain). And finally, DG REGIO views migration as an issue in terms of EU cohesion.
Although this chapter addresses DG RELEX and DG JLS separately, it is important to highlight that their policies and programmes relating to international relations and migration are highly interrelated and both DGs feed into each others’ policy processes.

### 1.1 DG External Relations (RELEX)

This section explores the work of DG RELEX, the lead EU agency responsible for international relations and development. It focuses primarily on EU cooperation with third countries in the areas of migration and asylum. It outlines DG RELEX’s policy, cooperation and consultation mechanisms and funding programmes.

**Who is the target group of DG External Relations’ migration-related interventions?**

DG External Relations targets aspiring migrants from countries outside the EU, including undocumented migrants, victims of trafficking, labour migrants, and those seeking asylum. It also includes migrants who have reached EU territory but who have no legal status and are to be returned under admission agreements.

### 1.1.1 Principles and Policies

The work of DG RELEX aims to enhance international cooperation, facilitate development, prevent conflicts (Common Foreign and Security Policy) uphold human rights, and create a stable and comprehensive political framework for the EU’s neighbours (European Neighbourhood Policy). Arguably, all of these objectives help to reduce migratory push factors. However, this section only focuses on DG RELEX’s actions that have the expressed intent of preventing, or facilitating, migratory flows.

The 1999 Tampere European Council Presidency Conclusions called for the development of partnerships with countries of origin. They highlighted the need for a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This required combating poverty; improving living conditions and job opportunities; preventing conflicts; and consolidating democratic states and ensuring respect for human rights.

In integrating migration into the external policy of the Community, the Commission is basing its action on the following key principles:

- The integration of migration aspects in the external action of the Community must respect the overall coherence of the external policies and actions. The dialogue and actions with third countries in the field of migration is part of a comprehensive approach, but also differentiated, taking due account of the situation of each individual third country
- Regarding migration, the long-term priority of the Community should be to address the root causes of migration flows. One should duly recognise the effect of long-term development programmes on migratory flows, in particular in poverty eradication, institution and capacity building, and conflict prevention
- Migration aspects should, in the first instance, be taken care of in the geographic strategic framework of the Regional and Country Strategy Papers proposed by the Commission, discussed with third countries, and agreed by the Member States
- However, there is a clear need to complement the geographic approach through an adequate and specific thematic approach aimed at supporting specific and targeted cooperation initiatives in the field of migration. This approach should ensure stronger impact and higher profile for migration initiatives
- Various means are available to give a concrete expression to the integration of migration and asylum related issues in the external policy. These include political dialogue with third countries at regional and bilateral level and cooperation with third countries

In 2000 the Council called for specific cooperation measures in the field of migration and asylum with Afghanistan and the neighbouring regions, Iraq, Morocco, Somalia, Sri Lanka, Albania and the neighbouring areas. In its conclusions of November 2002, the Council stated that cooperation should be enhanced with Albania, China, the Federal Republic of Yugoslavia, Morocco, Russia, Tunisia and Ukraine and considered that cooperation had to
be initiated with Libya. Since the events in Ceuta and Melilla in 2005, the EU’s attention is increasingly focussing on Africa as its first geographic priority.

Migration is also one of the twelve policy areas identified in the May 2005 Council Conclusions on Policy Coherence for Development as an important domain for assisting developing countries in achieving the Millennium Development Goals.

DG RELEX is responsible for the Commission’s relations with international organisations, bilateral relations with third countries, and its participation in the European Neighbourhood Policy. It works in very close cooperation with DG JLS in regard to the external dimension of migration policy.

The Commission is increasingly incorporating questions relating to migration and asylum in its political dialogues with third countries and by mainstreaming these questions in its cooperation strategies. These notably include the European Neighbourhood Policy and cooperation agreements with the following regions:

- African, Caribbean and Pacific Group of States (ACP)
- Southern Mediterranean
- Asia
- Latin America

National, European and international development NGOs represent a powerful lobbying force with regard to EU foreign policy. This section also looks at the avenues the EU has for structured dialogue with civil society. DG RELEX has close relations with the European Economic and Social Council’s (EESC) section for External Relations, which facilitates dialogue with organised civil society in third countries, particularly those countries and regions with which the EU has structured relations. The EESC’s section for External Relations also monitors relations between the EU and third countries. Notably, it has played a vital role in incorporating the views of civil society in the southern Mediterranean and in ACP states.

1.1.2 Cooperation and Consultation

The European Neighbourhood Policy was developed in 2004 in an effort to avoid the emergence of new dividing lines between the enlarged EU and its neighbours (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine). It aims to strengthen the prosperity, stability and security of the region. Relations with partner countries are to be enriched drawing on the experience gained in supporting the process of political and economic transition, as well as economic development and modernisation in the new Member States and candidate countries.

Cooperation on migration, asylum and visa policies are presented as potential priorities in the 2004 Communication on “European Neighbourhood Policy - Strategy Paper”, which highlights the importance of improving border management, cooperation in the fight against illegal immigration, and management of legal migration and implementation of migration plans, such as that with the three central Maghreb countries, Libya and Egypt.

The December 2007 Communication on “A Strong European Neighbourhood Policy” proposes facilitation of legitimate short-term travel as well as longer-term developments in the area of managed migration, potentially involving the opening of Member States’ labour markets where this is to the mutual advantage of the sending and receiving countries. The Communication states that, as mobility can only develop in a secure environment, the promotion of mobility will go hand in hand with the commitment of partners to increase security and justice and fight illegal migration, with efforts to strengthen neighbouring states’ capacity to deal with migratory flows to their countries, and with the security of documents. Following its Communication on “Circular Migration and Mobility Partnerships”, the Commission proposed, in a Strong European Neighbourhood Policy, that a limited number of pilot Mobility Partnerships could be negotiated with selected third countries, particularly those covered by the European Neighbourhood Policy. It notes that partnerships will require pilot countries to commit themselves to cooperating actively with...
the EU on the management of migration flows while offering improved opportunities for legal migration, help in developing the capacity to manage intra-regional migration flows, measures to promote circular or return migration and improvements in the procedures for issuing short-stay visas. It also notes that support measures need to be developed to modernise labour market policies in the European Neighbourhood.

1.1.2.2
Southern Mediterranean (Euromed)

The Euro-Mediterranean Conference of Ministers of Foreign Affairs, held in Barcelona in 1995, marked the starting point of the Euro-Mediterranean Partnership (the Barcelona Process), a wide framework of political, economic and social relations between the Member States and partners of the Southern Mediterranean. At the 10th Anniversary Euro-Mediterranean Summit, partners agreed to the implementation of a Five Year Work Programme, of which migration forms a key strand. The Euro-Mediterranean partnership is to enhance co-operation in order to:

- promote legal migration opportunities. This includes facilitating legal migration (and recognising it as an opportunity for economic growth and a means of improving links between countries); ensuring the fair treatment of legal migrants and developing integration policies; facilitating the transfer of remittances; addressing ‘brain drain’
- significantly reduce the level of illegal migration, trafficking in human beings and loss of life through hazardous sea and border crossings

The first Euro-Mediterranean Ministerial meeting on Migration was held in Albufeira in November 2007. Ministerial Conclusions outline three principal areas for further actions:

- facilitating legal migration, by establishing EU labour market needs and reconciling these with the labour markets of sending countries to prevent brain drain, and promoting circular and temporary migration. It proposes professional and linguistic training courses for potential migrants, information campaigns to make them aware of their rights and to stress the importance of respecting national values and legislation to facilitate their integration and reduce negative attitudes towards migrants in receiving countries
- promoting development in sending countries to curb migration flows, including through the facilitation of the transfer of migrants’ remittances and micro credit opportunities through promotion of transfers via formal banking systems
- managing migration flows, including through the promotion of projects that improve security standards in Euro-Mediterranean partners’ national travel documents and provide training courses for the countries of transit on the detection and identification of false or falsified and counterfeit identity and travel documents; enhance capacity building related to departure flows; strengthen the relationship between fighting illegal migration and search and rescue at sea; and run a workshop on voluntary return and readmission

Structured Dialogue

The Barcelona Declaration invited the EESC to establish links with its Mediterranean counterparts and equivalent bodies in order to contribute to a better understanding of the major issues relevant to the Euro-Mediterranean Partnership. As a result, an annual Euro-Mediterranean Summit of Economic and Social Councils and similar institutions has been held since 1995. Migratory flows were one of the key issues addressed during the summits. EESC has also developed contacts with the Euro-Mediterranean Parliamentary Assembly, and has strengthened its ties with the Euromed NGO platform. The EESC has also been active in monitoring EU relations with the southern Mediterranean. The EESC’s October 2003 Information Report on “Greater involvement of civil society organisations in the Euro-Mediterranean partnership at national and regional level” states that greater efforts are needed to initiate serious and honest dialogue on migration (amongst other issues). It also advises the Commission to be particularly prudent and sensitive in considering matters relating to immigration policy that have particular social, political and economic implications in order to avoid reaching an impasse in a few years’ time.
The 2000 Cotonou Agreement, signed in Cotonou, Benin, for a period of twenty years, set up a new framework for cooperation between the members of the African, Caribbean and Pacific Group of States (ACP) and the EU. It is designed to promote and expedite the economic, social and cultural development of the ACP States, contribute to peace and security and promote a stable and democratic political environment.

Article 13 of the agreement relates to migration. It states that migration shall be the subject of in-depth dialogue in the framework of the ACP-EU Partnership. Article 13 has four key dimensions:

- Securing anti-discrimination: It states that the parties agree to consider that a partnership implies fair treatment. Integration policy is to aim at granting Third-Country Nationals (TCN) rights and obligations comparable to those of their citizens, enhancing non-discrimination in economic, social and cultural life and developing measures against racism and xenophobia. EU nationals who work legally on the territory of ACP partners (and vice versa) are to be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals.
- Reducing socio-economic push factors: It acknowledges the importance of reducing poverty, improving living and working conditions, creating employment and developing education and training opportunities as a long-term strategy to normalise migratory flows.
- Preventing illegal immigration: Illegal immigration is to be placed on the agenda of the Council of Ministers with a view to establishing a prevention policy.
- Facilitating readmission agreements: Member States are to accept the return of and readmission of any of their nationals illegally present in the territory of an ACP partner without further formalities, and vice versa.

The 13th session of the ACP-EU Joint Parliamentary Assembly, held on 23 - 28 June 2007, adopted a Joint Resolution on the migration of skilled workers and its effect on national development. The resolution urges partners to address migration challenges, including brain drain (particularly regarding health workers), develop specific migration policies and regimes towards developing countries where there is large-scale migration of skilled workers, particularly from sub-African countries, with a view to mitigating the adverse economic and social effects of skilled workers’ migration. The resolution expresses concern at current migration policies of the EU and Member States that are focused on security priorities rather than on development priorities; it urges partners to take decisive measures to tackle, what it refers to as ‘brain waste’, such as international or bilateral mutual recognition of diplomas and skills and explicit efforts to fight discrimination at the recruitment stage; and calls on partners to encourage circular migration by agreeing on tangible measures aimed at increasing flexibility of entry and readmission requirements and processes in both countries of destination and origin, and longer, more flexible contracts and re-entry options for circular migrants.

In addition to work occurring under the ACP-EU partnership, considerable activity in the area of migration is being carried out as part of the EU-Africa Platform. At the July 2006 EU-Africa ministerial conference in Rabat, which focused on the west and central migratory routes through Africa to the EU, participants agreed to work together on these migratory routes, and the conference adopted proposals for concrete cooperation. At the first EU-Africa ministerial Conference on Migration and Development, an agreement was made to work together to manage migration in a spirit of mutual partnership and shared responsibility; commit to a partnership between countries of origin, transit and destination; make political commitments and take concrete action, recognising that appropriate policy responses can best be found together; take measures in the field of migration and development, migration management, peace and security, human resources and brain drain, human rights and the well-being of individuals. A joint action plan was agreed upon at the December 2007 EU – Africa Summit.

Structured Dialogue

In Protocol 1 of the Cotonou Agreement, Ministers gave the EESC responsibility for organising meetings and consultations with ACP-EU economic and social interest groups. The Cotonou Agreement also provides for follow-up dialogue between economic and social
interest groups and the ACP-EU Joint Parliamentary Assembly on the one hand, and the ACP-EC Council of Ministers, on the other.

These contacts take place at the following levels:

- Regular meetings of the ACP-EU Follow-Up Committee composed of 12 EESC members and 12 representatives of ACP economic and social interest groups
- Regional seminars in ACP countries designed to provide information on the Cotonou Agreement and monitor its implementation, in addition to informing delegates on the negotiations on the Economic Partnership Agreements and providing a forum for discussing a topic of common interest with civil society representatives in the region
- General meetings of ACP-EU economic and social interest groups every two years in Brussels, with representatives from all the ACP countries. The recommendations from these meetings are forwarded to the political authorities

In addition, the EESC maintains regular contacts with the Economic and Social Councils and similar organisations in the ACP countries, both through bilateral relations and the meetings of the International Association of Economic and Social Councils. The EESC has for many years maintained regular contacts with the Joint Parliamentary Assembly by presenting a report on its activities at the Assembly’s sessions and by inviting the latter’s co-presidents to chair the meetings of ACP-EU economic and social interest groups. The ACP-EU Follow-up Committee also regularly attends the annual meetings of the ACP-EC Council of Ministers and presents the views of economic and social interest groups, including those on migration.

At the inaugural Asia-Europe Meeting (ASEM) in Bangkok in 1996, all participants agreed to work together to create a new Asia-Europe partnership, to build a greater understanding between the two regions and to strengthen dialogue. The Asia-Europe Cooperation Framework was adopted by Heads of State/Government at ASEM 3 in Seoul in 2000. It sets out the vision, principles, objectives, priorities and mechanisms for the ASEM process for the following ten years. Migration is not a key element of the Framework, although it does state that efforts should address global issues of common concern, including managing migratory flows; combating the smuggling and exploitation of migrants and the trafficking of persons in particular women and children; and combating racism and xenophobia.

The First Experts’ Group Meeting on Trafficking in Women and Children was held in Stockholm in November 2000. The Action Plan to Combat Trafficking in Persons, Especially Women and Children was endorsed at the ASEM Foreign Ministers Meeting held in Beijing in May 2001. It aims to strengthen knowledge and overall co-ordination; prevent and combat trafficking; strengthen law-enforcement and protection of victims of trafficking; and promote the recovery, repatriation and reintegration of trafficked women and children.

ASEM held a Ministerial Conference on Cooperation for the Management of Migratory flows between Europe and Asia in April 2002 in Lanzarote. At this Conference, which was co-initiated by Spain, China and Germany, Ministers agreed:

- that migration should be addressed in a comprehensive and balanced manner, considering its causes, manifestations and effects, in the countries of origin, transit and destination
- to share strategic information on migratory flows, including routes used and trafficking and smuggling networks
- to explore other forms of cooperation between ASEM partners such as enhancing the capacity of countries to manage movement of people through information sharing on migratory flows, training and technical assistance
- that greater efforts should be made to raise awareness at all levels, including through public information campaigns, dissemination, and publicising the adverse effects of illegal migration, smuggling, human trafficking and related abuse, and available assistance to victims of trafficking
- to study the possibility of establishing a network of Immigration and Consular Liaison Officers in order to increase cooperation
In recent years, ASEM has held dedicated intercultural and interfaith dialogue meetings in Bali (July 2005), Larnaca, Cyprus (July 2006), Nanjing (June 2007) and Amsterdam (June 2008). The Nanjing meeting, which was co-hosted by China and Italy, resulted in the ‘Nanjing statement on interfaith dialogue’. In relation to Interfaith Dialogue and Social Cohesion and Development, it states “we underscored migrants’ important contribution to the economic, social and cultural development of recipient countries. We called for the adoption of comprehensive and effective management policies to help legal migrants while respecting and preserving as much as possible their original faith and cultural traditions so as to promote social cohesion and peaceful coexistence”.

In December 2005, the European Commission adopted a policy paper on the development of a stronger partnership between the EU and Latin America7 to give new impetus to this strategic partnership by strengthening dialogue and cooperation between the two regions and reviewing strategies and policies to better address emerging global challenges. Migration is not a high priority. The Communication does, however, address migration in the context of supporting Latin America’s efforts to reduce social inequality, poverty and exclusion. It notes that many Latin American nationals faced with economic exclusion seek work abroad and that migratory flows to Europe, which have grown rapidly, have become a major challenge in economic, social and political terms, for the countries of origin. It suggests that particular attention be paid to anti-discrimination policies and that high-migration countries take greater advantage of the potential benefits of migration. The “Latin America Regional Programming Document 2007-2013”8 highlights the link between migration and development, and supports measures to tackle illegal migration and people-trafficking.

The Commission addressed migration and asylum through various cooperation instruments until 2004 when it established the AENEAS programme, a thematic programme of cooperation with third countries aimed at supporting these nations’ efforts in better managing migration flow in all their dimensions. The AENEAS programme responded to weaknesses identified under the preparatory actions as it identified the priorities for interventions and took into account national and Regional strategy papers and indicative programmes to improve the consistency between geographical and thematic approaches. It was granted €120 million for the period 2004-2006. Many projects selected following the first and second calls for proposals are in the implementation phase. While it is still too early to fully evaluate the success of the AENEAS programme, the Commission has commented that:

- the programme was too detailed and inflexible to adapt adequately to evolving migration situations
- only a limited number of NGOs participated as the minimum grant (€500,000) was too high for many NGOs. In addition there are limited numbers of NGOs able to implement
certain types of activities, such as refugee protection, or to operate in a given country
• third countries’ administrations willing to improve their cooperation with EU Member
States administrations, especially in the field of the prevention and management of
illegal immigration, were not reached by the programme in a satisfactory way due to
administrative hurdles (despite not being eligible for the grant, they could co-finance
NGO projects)

1.1.3.1
Thematic Programme
for cooperation with third
countries in the areas
of migration and asylum

AENEAS has been superseded by the Thematic Programme for cooperation with third
countries in the areas of migration and asylum. In August 2005 the Commission adopted the
Communication on “External Actions through Thematic Programmes under the Future
Financial Perspectives 2007-2013”. The Commission then carried out a public consultation
to assist in proposing the scope, objectives and political priorities for the new thematic
programme. The result was the 2006 Commission Communication on “The thematic
programme for the cooperation with third countries in the areas of migration and asylum”.

At the thematic level, the programme covers the major fields of action, which correspond to
the essential facets of the migratory phenomenon; it aims in particular at:

• fostering the links between migration and development
• promoting well-managed labour migration
• fighting illegal immigration and facilitating the readmission of illegal migrants
• protecting migrants against exploitation and exclusion and supporting the fight against
trafficking in human beings
• promoting asylum, international protection and the protection of the statelessness
of persons

While the programme supports opportunities for legal migration, particularly temporary
labour migration, its focus is on preventing the unauthorised entry of migrants into the EU.
This is largely to be accomplished by enlisting the cooperation of third countries in the fight
against irregular migration and conducting capacity building initiatives. This is to be
achieved by:

• Fostering the links between migration and development: Migration is an intrinsic part
of the development process. The Commission’s 2002 Communication on “Integrating
migration issues in the EU’s relations with third countries” recognised that, although
the long term priority of the Community is to address the root causes of migration, more
attention could be given to identifying some concrete orientations likely to have a
positive impact on the link between migration and development

• The Commission September 2005 Communication on “Migration and Development”,
the production of which was led by DG JLS, proposed a toolbox for improving the
linkages between migration and the development of countries of origin. It supported the
development of a thematic programme that would extend greater benefits to countries
of origin. This was to be achieved largely through the creation of greater opportunities
for temporary labour migration, which could improve the financial situation of origin
countries through remittances while mitigating the ‘brain drain’ from the developing
world by encouraging / facilitating the return of migrant workers

• Promoting well-managed labour migration: The Commission emphasised that the
management of economic migration requires dialogue and cooperation with third
countries in order to jointly improve the management of international labour migration. It
suggests that the thematic programme could help to:
  – disseminate information about the legal framework for migration and conditions
    of entry and stay in the EU
  – disseminate information about labour migration opportunities and needs in Member
    States, including the qualifications required
  – support pre-departure training for candidates for legal migration to the EU, including
    information about integration in Member States and migrants’ rights and obligations
  – encourage the definition and implementation of legislative frameworks for migrant
    workers in third countries

Funding is available for various actions which support these objectives. For example,
those which promote and facilitate temporary and circular migration; create mechanisms for better evaluating competences and making better use of human capital of migrants; provide information to potential migrants on the risks linked to illegal immigration, as well as on available channels for legal migration, including the entry requirements to the EU (and other foreign labour markets).

**Fighting illegal migration and facilitating the readmission of illegal immigrants:**
The thematic programme aims to support cooperative projects with third countries in the following areas:

- The prevention and fight against illegal immigration, including through improving capacities in the areas of border, visa and passport management and detection of forged documents
- The fight against smuggling of and trafficking in human beings and in distributing information aimed at discouraging illegal immigration and at raising awareness about its risks
- Implementation of readmission agreements, including social and professional reintegration of returnees with the aim of making their return sustainable
- Assisting third countries in the management of illegal immigration, including the negotiation and implementation of readmission agreements

Readmission agreements require the partner country, at the request of a Member State, to readmit nationals who do not comply with, or no longer comply with, the entry or residence conditions of that State. It also requires that the partner country readmit any TCNs who do not comply with, or no longer comply with, the entry or residence conditions of the requesting Member State if it is proven, or can be validly assumed, that the person in question entered directly and illegally into the Member State after staying in, or transiting through, the partner country. Agreements have been made with Moldova, the Former Yugoslav Republic of Macedonia, the Republic of Montenegro, the Republic of Serbia and Bosnia and Herzegovina, Ukraine (2008); Russia (2007); Albania (2005) and Sri Lanka (2005); and Hong Kong and Macao, which are both Special Administrative Regions of China (2004). Negotiations on readmission agreements are currently underway with Pakistan, Morocco, Algeria and Turkey.

**Protecting migrants in third countries against exploitation and exclusion:**
The thematic programme may also include initiatives to promote opportunities for migrants to be integrated into the host societies of third countries and to protect them against mistreatment. Possible interventions include the development of legislation on admission and equal treatment, promoting integration and non-discrimination, and preventing the trafficking and exploitation of human beings.

**Promoting asylum and international protection of refugees:** The EU supports the view that solutions to refugee problems should be found first and foremost in regions of origin, which often host the largest refugee populations and the host countries also often lack the institutional and financial capacity to address these challenges. The thematic programme’s focus on enhancing support for international protection largely centres on supporting activities outside the EU. These include strengthening the institutional capacities and legal frameworks of third countries, including through the promotion of international standards; supporting the registration, reception and local integration of asylum applicants and refugees; and the durable reintegration of returnees and resettlement programmes.

**The response strategy**

The “Strategy Paper for the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum 2007 – 2010” (September 2007) outlines that:

- the thematic programme will not directly address the root causes of migration but it is particularly adapted to capacity building and to encourage cooperation initiatives in which partners of countries of origin, transit and destination will develop and share experience and working methods on the various aspects of migration
- all third countries covered by the European Neighbourhood and Partnership Instrument, Development Cooperation Instrument, and European Development Fund are eligible for being covered by the thematic programme
the thematic programme is primarily, although not exclusively, about migration to the EU. Therefore, regions of emigration and transit towards the EU have priority.

Despite the fact that the Communication on the Thematic Programme is structured along five migration related themes, the response strategy is based on a geographic approach. This geographic approach has been adjusted in the light of the migratory route concept, although the Commission acknowledge that the concept is complex and can only be used as an approximation. Nevertheless, it distinguishes:

- the Southern migratory route (south/north migration), including flows originating from or transiting through the Sub-Saharan African countries and Northern Africa
- the Eastern migratory route (east/west migration): including flows originating from or transiting through the Russian Federation, Western Newly Independent States, Southern Caucasus and Central Asia
- the migratory flows coming from outside of the above routes (Middle East, Southern and Eastern Asia and the Pacific region, Latin America and the Caribbean)

In parallel to this regional approach, the Thematic Programme also suggests funds be reserved to launch global or multi-regional initiatives addressing various dimensions of the migratory phenomenon: migration and development, asylum, labour migration, smuggling and trafficking in human beings, and prevention and management of illegal immigration during the period 2007-2010.

Box 1 - Regional Protection Programmes

The Commission’s Communication on “The managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin”13 made concrete proposals for wider and more comprehensive action which can enhance protection capacities in the regions of origin, and more generally improve the accessibility, the equitableness and the management of the international protection regime. This is to be achieved by providing practical support in the examination of asylum applications, the reinforcement of subsidiary protection, integration and documentation.

The Commission undertook to implement EU Regional Protection Programmes and this was agreed by the Council14. The stated aim of the programme is to enhance the capacity of areas close to regions of origin to protect refugees and to help create the conditions for durable solutions. Regional Protection Programmes have been established in Eastern Europe (Ukraine, Belarus and Moldova) and in the Great Lakes region (Tanzania) and will be further developed in 2009. The Commission will examine whether further Regional Protection Programmes could be developed in northern Africa, the horn of Africa, Afghanistan and the Middle East, and may potentially make new proposals in this regard.

The budget for the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum for the first four years (2007-2010) is €205 million. This is to be distributed as follows:

- €70 million - Southern Migratory Route (Northern and Sub-Saharan Africa)
- €50 million - Eastern Migratory Route (Eastern Europe, Russian Federation and Central Asia)
- €5 million - Middle East and Gulf Countries (Eastern Mediterranean European Neighbourhood Policy countries, Iran and Iraq)
- €16 million - Southern and Eastern Asia and the Pacific region
- €16 million - Latin America and the Caribbean

There will also be five horizontal initiatives addressing various dimensions of the migratory phenomenon that will benefit all regions:

- €10 million - Migration and Development
- €8 million - Labour Migration
- €4 million - Asylum and Refugee Protection
- €3 million - Smuggling of and Trafficking in Human Beings
- €3 million - Illegal Immigration
The programme also includes specific provisions to react to urgent needs and emergency situations related to migration which may appear in the countries eligible for the programme. A budget of €20 million has been allocated for these ‘special measures’. Following an evaluation that will take place in 2009, the programme will enter its second and final phase in the period 2011-2013 with an additional allocation of €175 million.

The following groups are eligible for funding:

- NGOs or other non-state actors
- international organisations
- research institutes and universities
- in the beneficiary countries, EEA countries, countries receiving Pre-Accession Assistance, and candidate countries: national public agencies; agencies; regional or local public bodies and authorities having a legal personality separate from the state or a ministry (i.e. national public authorities are not eligible)
- in the EU Member States: national, regional or local agencies, bodies or authorities, NGOs or other non-state actors

These groups may act individually or with partner organisations. Partner organisations must fulfil the same eligibility requirements. However, in addition, partners outside the EU may also include national public authorities, and for profit commercial and/or private sector organisations, on condition that they do not make any profit on the grant.

The minimum amount is €500,000 and the maximum amount is €2 million. The duration of an action may not be less than 12 months nor exceed 36 months. No grant may exceed 80% of the total eligible costs of the action. Nor may any grant be for less than 50% of the total eligible costs of the action. The balance must be financed from the applicant’s or partners’ own resources, or from sources other than the European Community budget or the European Development Fund.

**Funding to implement cooperation strategies**

In addition to the thematic programme, funding for migration-related initiatives may also be available to implement cooperation strategies with third countries where migration features highly on the agenda, such as in the European Neighbourhood Policy.

Until 31 December 2006, financial assistance to the countries of the European Neighbourhood Policy was provided under various geographical programmes including TACIS (for eastern neighbours and Russia) and MEDA (for southern Mediterranean neighbours). From 2007 onwards the MEDA and TACIS and various other programmes have been replaced by a single instrument – the European Neighbourhood and Partnership Instrument for supporting the agreed priorities in the European Neighbourhood Action Plans (as well as the Strategic Partnership with Russia, which was previously also covered by the TACIS programme). For the next budgetary period (2007-2013), approximately €12 billion in EC funding is available for a wide array of thematic priorities and key issues, including migration. This amount is 32% greater, in real terms, than the amount available 2000-2006.

One of the 25 objectives of the European Neighbourhood and Partnership Instrument is “promoting cooperation in the field of justice and home affairs, including on issues such as asylum and migration and the fight against and prevention of terrorism and organised crime, including its financing, money laundering and tax fraud”. Up to 3% of the European Neighbourhood Policy Instrument is available for projects concerning or related to migration in respect of its relations with third countries. While 3% is only a small proportion of the budget, this equates to €51.43 million per year, which is slightly more than the annual budget for the Thematic Programme.
Box 2 - The role of DG Development

DG Development’s mission is to help to reduce and ultimately to eradicate poverty in developing countries through the promotion of sustainable development, democracy, peace and security. DG Development plays a key role in reducing the drivers of migration. Recent policy statements with a particular impact on migration include the following Communications by the Commission.

- “Social Dimension of Globalisation”, which highlights the importance of fully addressing migration issues in shaping globalisation and of assessing the development impact of migration policies
- “Thematic programme for human and social development”, which impacts on migration incentives through support for the improvement of living and working conditions in developing countries
- “Policy Coherence for Development - Accelerating progress towards attaining the Millennium Development Goals”, which commits the EU to promoting synergies between migration and development, and to make migration a positive factor for development
- “EU strategy for action on the crisis in human resources for health in developing countries”, which identifies the need to support enabling environments, incentives and working conditions in resource-poor countries, to help retention, and to look at codes of ethical recruitment of skilled health care workers
- The “EU Development Policy - the European Consensus”, which argues that development is the most effective long-term response to forced migration and destabilising migratory flows and that the positive impact of migratory phenomena for developing countries must be maximised

In 2008 EU assistance to the developing world will amount to €2.3 billion from the EU budget and an additional €2.9 billion from the European Development Fund (for development cooperation in the African, Caribbean and Pacific states and overseas countries and territories) used for promoting economic, social and cultural development, as well as for democracy, good governance and respect for human rights and the rule of law in developing countries.

Box 3 - The role of DG Regional Policy (REGIO)

Pre-accession states

DG REGIO provides pre-accession assistance to candidate countries: the Former Yugoslav Republic of Macedonia, Croatia, Turkey, and potential candidate countries: Albania, Bosnia and Herzegovina, Montenegro, Serbia including Kosovo. €1.4 billion of pre-accession aid is available to candidate and potential candidate countries for financing investment in transition assistance, institution building and cross-border cooperation. Candidate countries are also able to use funds for regional development, human resources development and rural development. Although the purpose of funding is to prepare states for the obligations and challenges of future EU membership, the associated actions may also reduce migratory push factors.

The Outermost regions

DG REGIO highlights the importance of the Outermost regions (the Azores, Madeira, the Canary Islands and the four French overseas departments) in migration policy. The 2007 “Communication Strategy for the Outermost Regions” suggests that strategies are required to: meet the major challenges brought by ever-increasing emigration to the mainland; to enhance the integration of legal migrants in these territories; to tackle the root causes of migration to the Outer regions due to their geographical locations in an underdeveloped regional environment; to promote legal/circular migration. It suggests that efforts should be made through existing policy and financial instruments.

1.2 DG Freedom, Security and Justice (JLS)

This section examines the work of DG Freedom, Security and Justice (DG JLS), which is the lead EU agency responsible for the management of migratory flows. It outlines DG JLS’s policy and principles relating to migratory movements; its cooperation and coordination mechanisms, including the FRONTEX agency; and its framework programme Solidarity and management of migration flows.
Who is the target group of DG JLS interventions in relation to migratory flows?

DG JLS targets potential migrants from countries outside the EU. Efforts are largely focussed on stemming the flow of forced and of irregular migrants from non-Western countries. There are also limited measures to facilitate the migration and integration process of legal migrants, particularly skilled migrants.

1.2.1 Principles and Policies

The October 1999 Tampere European Council Presidency Conclusions called for the development of a common EU policy on the management of migration flows, including:

- The efficient management of migration flows: it calls for the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings. It also calls for the further development of a common active policy on visas and false documents, including closer co-operation between EU consulates in third countries and, where necessary, the establishment of common EU visa issuing offices
- Tackling illegal immigration at the source: It proposes legislation that imposes sanctions on those who engage in trafficking in human beings and economic exploitation of migrants. It asks that Member States, together with Europol, focus their efforts on detecting and dismantling criminal networks and upholding the rights of the victims of such activities, particularly women and children
- Enhancing co-operation and mutual technical assistance between the Member States’ border control services
- Providing effective control of the EU’s future external borders by specialised trained professionals
- Promoting voluntary return and helping the authorities of origin countries to strengthen their ability to effectively combat trafficking in human beings and cope with their readmission obligations towards the EU and Member States
- Concluding readmission agreements or including standard clauses in other agreements between the European Community and relevant third countries or groups of countries

In November 2004, the European Council adopted the Hague Programme, which aims to extend and complete by 2010 the actions undertaken in Tampere for building an area of freedom, security and justice. The Hague Programme states that “EU policy aims at assisting third countries, in full partnership, using existing Community funds where appropriate, in their efforts to improve their capacity for migration management and refugee protection, prevent and combat illegal immigration, inform on legal channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return”.

The Commission’s 30 November 2005 Communication on “Priority actions for responding to the challenges of migration, as a first follow-up to Hampton Court” states that initiatives on migration issues presented in the Communication are to be taken forward within the existing framework of the Commission work in the fields of Development, External Relations, in particular the European Neighbourhood Policy, and Freedom, Security and Justice. The Communication was welcomed by the European Council meeting held the following month. Three key actions, which all relate to border security, are identified in the Communication:

- The EU must look into the feasibility of establishing a surveillance system and a Mediterranean Coastal Patrols Network, to eventually cover the whole of the Mediterranean Sea, providing the necessary tools to detect illegal immigration and save lives at sea. It proposes that the FRONTEX agency would coordinate the surveillance activities (see section 1.2)
- The EU Member States and key third countries to jointly develop a strategy and operational cooperation between countries of origin, transit and destination in order to manage migration more effectively along key migration routes. This would include actions aimed at making legal migration a success while enhancing the fight against illegal migration and trafficking in human beings
• The EU will work with Euromed countries to assist them in their efforts to better manage migratory and refugee movements, trafficking in human beings, as well as promoting legal channels for migration. EU support includes technical assistance, equipment and training, and providing financial support to initiatives by EU Mediterranean partners.

In July 2006 the Commission adopted a further Communication on “Policy priorities in the fight against illegal immigration of third country nationals”22. In addition to combating trafficking of human beings including, it proposes cooperation with third countries in the implementation of short and mid-term measures to tackle ongoing illegal immigration in the Mediterranean region, including joint patrols, surveillance and reinforced response capacity; and strengthening the EU’s external borders through the creation of an automated entry-exit system for registration of third-country nationals entering into or leaving EU territory to enable Member States to verify if a third-country national was “overstaying,” as well as facilitating legal migration management. A further approach would consist of an enhanced use of advance passenger data for border and illegal immigration control purposes to develop threat analyses and risk assessments.

The Council adopted the “Global approach to migration: Priority actions focussing on Africa and the Mediterranean23” at their December 2005 Council meeting. The approach was described by the Council as balanced, comprehensive and coherent, and based on policies designed to combat illegal immigration and, in cooperation with third countries, to make the most of the advantages of legal immigration. The strategy involved strengthening cooperation and action between Member States; increasing dialogue and cooperation with African states and with neighbouring countries covering the entire Mediterranean region. This resulted in strengthened political dialogue, including the recent EU missions to Africa, and cooperation with African and EuroMed partners on migration and related issues, including development aspects of migration.

The Commission’s November 2006 Communication on “The Global Approach to migration one year on: towards a comprehensive European migration policy24” states that a great deal of work has been done with African countries and regional organisations on migration and notes that similar work could be done with other regions. It proposes stepping up dialogue and cooperation with Africa on the full range of migration issues: legal and illegal migration, better protection for refugees, and stronger links between migration and development policy. Specific proposals include migration support teams, a European job mobility portal, migration centres and mobility packages.

The Commission proposed in its May 2007 Communication on “Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the EU”25 that the focus be broadened to include Turkey and Western Balkans, Eastern Europe and the Southern Caucasus, Russia, Syria, Lebanon, Jordan, Iran, Iraq and Asia. The European Council Conclusions of 21/22 June and 14 December 2007 underline the importance of implementing the “Global Approach to Migration and its application to the Eastern and South-Eastern regions neighbouring the EU”.

More recently efforts have been made to facilitate well-managed legal migration. The Commission’s May 2007 Communication on “Circular migration and Mobility Partnerships” stresses that mobility between the EU and third countries must be improved and better adapted to labour market needs inside the EU. It proposed that tailor-made Mobility Partnerships be established with countries and regions of origin and transit.

In December 2007 the European Council endorsed the conclusions that Mobility Partnerships could be tested by way of a limited number of pilot partnerships. Mobility Partnerships will provide a framework for managing various forms of legal movement between the EU and third countries. The participation of Member States is voluntary. Pilot Mobility Partnerships with Cape Verde and the Republic of Moldova commenced in 2008. At the June 2008 Justice and Home Affairs (JHA) Council meeting, joint declarations on mobile partnerships with Moldova and Cape Verde were signed and the Commission was invited to take forward exploratory talks with Georgia and Senegal with a view to launching additional pilot Mobility Partnerships.
Third countries in mobility partnerships are expected to: adhere to readmission agreements; discourage illegal migration through targeted information campaigns; improve border control and/or management, supported as appropriate by operational cooperation with Member States and/or FRONTEX; improve the security features of travel documents and of the documents used as a basis for issuing them; cooperate and exchange information with relevant authorities in EU Member States with a view to reducing the security risks linked to international movements of people; implement specific measures and initiatives seriously to combat migrant smuggling and human trafficking; and promote productive employment and decent work; and more generally to improve the economic and social framework conditions to reduce the incentives for irregular migration.

Commitments to be given by the EU and Member States participating, including for example:

- Improved opportunities for legal migration for nationals of the third country. This may include economic migration, migration for study or training; facilitating access to labour markets; and more favourable treatment of the nationals of the country regarding admission of certain categories of migrants
- Financial and/or technical assistance to help third countries develop their capacity to manage legal migration flows, including providing information on the labour market needs of EU Member States, on their values and on the conditions for emigrating there; additional efforts to support the mobility of students, researchers, young professionals, volunteers and those involved in youth organisations from the country in question; providing pre-departure linguistic or technical training for persons with a concrete employment perspective abroad; and job-matching services
- Measures to address the risk of brain drain, for example, through circular migration
- Improvement and/or easing of the procedures for issuing short stay visas to nationals of the third country. This includes better organisation of the consular services of EU Member States in the country in question, such as practical improvements in the application procedures, issuing visas that are valued for up to five years and that allow multiple entry (i.e. which support circular migration); and facilitation agreements for specific categories of people

The Communication looks at how circular migration can be fostered as a tool that can both help address labour needs in EU Member States and maximise the benefits of migration for countries of origin, including by fostering skills transfers and mitigating the risks of brain drain. This is to be achieved through the circular migration of:

- third-country nationals settled in the EU, which gives people the opportunity to engage in an activity (business, professional, voluntary or other) in their country of origin while retaining their main residence in one of the Member States
- persons residing in a third country, which could create an opportunity for persons residing in a third country to come to the EU temporarily for work, study, training or a combination of these, on the condition that, at the end of the period for which they were granted entry, they must re-establish their main residence and their main activity in their country of origin

The Communication looks in particular at legislative and non-legislative measures that could facilitate circular migration and calls for a dialogue amongst Member States and relevant stakeholders on these issues. As circular migration raises a number of challenges, the Commission is also ready to look at the possibility of supporting pilot schemes to test the feasibility of this concept. The Commission will also reflect further on whether a proposal to introduce harmonised admission procedures for other categories of legal migrants could benefit circular migration. In addition, the Commission may in due course consider proposing adjustments to a number of existing legislative instruments in order to promote circular migration. Practical conditions and safeguards will need to be included to ensure that circular migration meets its objectives and brings long-term benefits. The Commission intends to launch a debate on the basis of this Communication, notably with Member States, on the measures required to ensure effective circularity of migration.
In June 2008 the Commission adopted a "Communication on a Common immigration policy for Europe: principles, actions and tools" which proposes ten common principles (these are outlined in Box 4). The sixth principle is Solidarity and Immigration: Partnership with third-countries. This principle states that: the effective management of migration flows requires genuine partnership and cooperation with third countries; migration issues should be fully integrated into the EU'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 frameworks 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 political and sectorial dialogues with the European Neighbourhood countries, Latin America, the Caribbean and Asia to deepen our mutual understanding of the migration challenges faced and to strengthen 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
- 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

DG JLS works in close cooperation with DG RELEX to achieve migration related objectives with third countries. To avoid duplication, cooperation and consultation mechanisms with third countries on immigration and asylum are all addressed in section 1.1.2. This section focuses on cooperation and consultation between Member States in an effort to strengthen the EU's external borders.

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (FRONTEX) was established by Council Decision in 2004 and became operational in October 2005. The aim of the FRONTEX agency is to coordinate operational cooperation between Member States in the field of management of
external borders; assist Member States in the training of national border guards; conduct risk analyses; follow up the development of research relevant for the control and surveillance of external borders; assist Member States in circumstances requiring increased technical and operational assistance at external borders; and provide Member States with the necessary support in organising joint return operations.

FRONTEX operations make it increasingly difficult for irregular migrants to reach EU territory. Over 53,000 persons were apprehended or denied entry at borders; over 2,900 false or falsified travel documents were detected and 58 facilitators of illegal migration were arrested as a result of the joint operations carried out by FRONTEX during 2006 and 2007.

In the November 2006 “Communication on Reinforcing the Management of the EU’s Southern Maritime Borders” the Commission proposed to establish a permanent Coastal Patrol Network for the southern maritime external borders and to create a European Surveillance System for Borders. These actions were agreed in the conclusions of the December 2006 European Council. FRONTEX then set up the European Patrols Network, which has covered defined areas of the Mediterranean Sea and the Atlantic Ocean since May 2007. In February 2008 the Commission adopted a “Communication on a European Border Surveillance System (EUROSUR)” with the main purpose of preventing unauthorised border crossings, reducing the number of illegal immigrants losing their life at sea and increasing the internal security of the EU by contributing to the prevention of cross-border crime. EUROSUR would focus initially on the southern and eastern external borders of the EU.

Immigration Liaison Officers play a key role in preventing irregular migration to the EU. They are representatives of Member States posted abroad by the immigration service in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration. In 2004 the Council adopted the decision to pool the actions taken by the Immigration Liaison Officers and enable officers in a particular region or non-Member State to liaise with one another. The establishment of regional networks of Immigration Liaison Officers involving African countries was a priority action of the 2005 “Global Approach to Migration”. The extension of the global approach to the Eastern and South-Eastern Regions foresees the cooperation and coordination of Immigration Liaison Officers operating in the main countries of origin and transit in that region.

The ARGO Programme covered the period January 2002 to 31 December 2006. Actions under the 2006 ARGO Programme wind down during 2008. ARGO was an action programme for administrative cooperation at EU level in the fields of external borders, visas, asylum and immigration. It, in part, replaced the Odysseus programme. The ARGO Programme funded activities designed to enhance the effectiveness of border control and reduce irregular migration. It also supported activities relating to needs assessment and admission, including the harmonisation of policies and procedures regarding visas; establishing a common European asylum system; the effective and homogeneous application of rules on legal immigration; and the return of illegal residents.

In 2005 the Commission proposed the creation a “Framework programme on Solidarity and Management of Migration Flows for the period 2007-2013”. The negotiations between the Council and the European Parliament on the framework programme were successfully completed in December 2006.

The main objective of the Framework programme is to address the issue of a fair share of responsibilities between Member States in the introduction of integrated management of the external borders of the EU and in the implementation of common policies on asylum and immigration. The framework programme also provides financial support to Member States in proportion to the efforts they undertake for the benefit of the Community as a whole.

The Framework programme consists of four financial instruments: the External Borders Fund and the Return Fund, which will be addressed in this section; and the European Integration Fund and the European Refugee Fund which will be outlined in Chapters 2 and 3.
The External Borders Fund

The External Borders Fund can finance national and transnational actions and actions that are of interest to the Community as a whole. The objectives of the External Borders Fund are:

- efficient administrative organisation, focussing particularly on systems for exchanging information, collecting statistics and improving coordination between border crossing points, and checking, surveillance and registration mechanisms at external borders
- efficient management of flows of persons at external borders, and in particular effective consultation of the European information systems (SIS and VIS) and enhanced collaboration in respect of forged or false travel documents
- uniform implementation of EU legislation, e.g. through promotion of the use of the “Practical Handbook for Border Guards” and of state-of-the-art technology for the surveillance of external borders
- enhancing the activity of consular services, including reinforcement of the operational capacity of the network of immigration liaison officers and the development of common consular offices

The External Borders Fund has a budget of €1820 million for the period 2007–2013, which is divided as follows:

- €1533 million distributed among the states on the basis of objective criteria expressing the burden of each state for external border control and visa policy (‘solidarity’) for actions under national programmes
- €109 million (6% of the total annual resources each year) for Community actions
- €108 million for the Kaliningrad transit schemes (EU-Russia agreement on visa facilitation) implemented by Lithuania
- €70 million (10 million each year) for specific actions addressing weaknesses at strategic border points at the external borders on the basis of risk analyses carried out by the FRONTEX Agency

The fund’s annual resources are allocated to Member States on the basis of the type of border (30% being earmarked for external land borders, 35% for external sea borders, 20% for airports and 15% for consular offices) and according to weighting factors determined by FRONTEX in its annual risk analysis report describing the difficulties encountered by the Member States in carrying out border surveillance.

- National actions

With the exception of the UK and Ireland, all Member States participate in the External Borders Fund (Denmark has opted in). Although Bulgaria and Romania and the Schengen States are able to participate as partners, none of these States are participating in the Fund in 2007-2009.

National actions are implemented by the Member States within the framework of multiannual programming consistent with the Community’s strategic guidelines for the intervention of the Fund. The budget allocated for Community actions is implemented by the Commission. The Commission will approve Member States’ multiannual programmes setting out, on the basis of the Commission’s strategic guidelines, a strategy for, and a description of, the actions designed to achieve their objectives, and additional indications regarding project financing. It will also adopt annual financing decisions approving each annual programme implementing the multiannual programme.

The External Borders Fund can support national actions relating to surveillance infrastructures at external borders and at border crossing points; surveillance equipment; means of transport; investments in state-of-the-art technology; personnel training and exchanges; data-exchange equipment and systems; and studies and pilot projects relating to the implementation of good practices. The fund can also compensate Member States for certain costs relating to the issuing of special transit documents.
The External Borders Fund will provide grants to support actions of a non-profit nature already co-financed by public or private sources. Support from the fund may not exceed 50% of the total cost of national actions. Exceptionally, this may be increased to 75% for projects addressing specific priorities identified in the strategic guidelines. The Community contribution is increased to 75% in Member States covered by the Cohesion Fund. Community Agencies, International Organisations, private bodies and NGOs registered in participating Member States, Bulgaria and Romania may also participate in the projects as partners, provided that they all work on a strictly non-profit basis.

- **Transnational and Community Actions**

The External Borders Fund can support transnational and Community actions, which:

- promote the progressive inclusion of customs, veterinary and phyto-sanitary activities in integrated border management
- provide support services in emergency situations
- assist the uniform application of Community legislation on external borders
- assist the development of statistical tools
- assist the exchange of information and the entrenchment of good practices
- assist the setting up of studies and pilot projects on new forms of cooperation, in particular with regard to common consular offices

The “Work Programme for 2007 Community Actions” outlines four priorities: setting up and further development of common visa application centres; establishing and further development of Immigration Liaison Officers activities; a Ministerial Conference on Border Management organised by the Slovenian Presidency of the EU; and support services to Member States in duly substantiated emergency situations requiring urgent action at external borders.

**The Return Fund**

The Return Fund came into force on 1 January 2008 to support the efforts of Member States to improve the management of the deportation of third-country nationals. The Return Fund supports the concept of integrated return management, including the fair and effective implementation of common standards on return.

The Return Fund expresses a preference for voluntary return of persons who are not under an obligation to leave the territory, including asylum-seekers who have not yet received a negative decision or persons enjoying international protection (these returns were previously covered by the European Refugee Fund).

With the exception of Denmark, all Member States participate (UK and Ireland have opted in). The Return Fund has a budget of €676 million for the period 2008–2013. The Return Fund finances activities to facilitate the returns process, which can even extend to cash incentives for individual returnees.

The technical details of the Return Fund are not explored here as the returns process marks the end of many migrants' journey along the migration pathway.

**1.3 Conclusion**

The policies and programmes of DG RELEX and DG JLS are largely directed at stemming the flow of EU bound migrants. This is achieved by:

- reducing migratory push factors (poverty, limited economic opportunities, lack of basic services, political repression and a lack of respect for human rights)
- enhancing intergovernmental cooperation to regulate forced and voluntary migration by establishing support for migration regimes in origin and transit countries
- strengthening EU borders
There is a sense of global responsibility which can be seen in the increasing recognition that efforts must be made to address the root cause of migration through development policies; that policies aimed at preventing brain drain in third world countries are required; that third countries which shoulder large refugee populations need support; and that potential migrants should be offered opportunities for legal migration. Despite this, the focus remains on the management of migratory flows and border control.

Cooperation on migration, asylum and the prevention of irregular migration is a growing dimension of cooperation strategies with third countries, particularly in migrants’ countries of origin and transit. Efforts to prevent irregular forms of migration have seen increasing activity in the Mediterranean Sea and in third countries on key migratory routes; and in efforts to conclude further readmission agreements with third countries. This is reflected in the allocation of funds. The annual amount of funding for the External Borders Fund\textsuperscript{33} and the Return Fund is, respectively, €260 million and €112.7 million per year. In addition, the thematic programme has a budget of over €51.25 million, but actions to support migration and development and facilitate labour migration are fairly modest.
Box 4 – Common policy on immigration: Ten Common Principles

On 17 June 2008 the Commission adopted the “Communication on a Common immigration policy for Europe: principles, actions and tools”, which proposes ten common principles on which to base the future developments of the common policy on immigration. The ten common principles are based on the Europe commitment to uphold universal values such as protection of refugees, respect for human dignity and tolerance, and they have been grouped under the three main strands of the EU policies: prosperity, solidarity and security.

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 (TCNs) 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 EU 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 on 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 indispensible 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.

The Communication outlines actions required by the EU and Member States to apply these principles. The details of key actions are discussed in relevant sections of this document.

1 COM (2002) 703 final
2 In September 2005 thousands of migrants from various sub Saharan countries used make-shift ladders to scale the three metre high barbed wire fences that separate the Spanish enclaves of Ceuta and Melilla from Morocco. Shots were fired by border guards leading to six deaths at the Melilla border. Five migrants were killed attempting to reach Ceuta.
3 COM (2004) 373 final
4 COM (2007) 774 final
5 COM (2007) 248
6 ACP-EU/100.012/07/fin
7 COM (2005) 636 final
8 E/2007/1417
9 COM (2005) 324 final
10 COM (2006) 26 final
11 COM (2002) 703 final
12 COM (2005) 390 final
13 COM (2004) 410 final
14 COM 2005 388 final and Council document no. 12593/05
16 COM (2006) 18
17 COM (2005) 134
18 COM (2005) 642
19 COM (2005) 311
20 COM (2004) 343 final
21 COM (2005) 621 final
22 COM (2006) 492 final
23 COM (2007) 247 final
24 COM (2006) 735 final
25 COM (2007) 247 final
26 COM (2007) 248 final
27 COM (2008) 359 final
28 COM (2006) 733 final
29 COM (2008) 68
30 Council Regulation 377/2004/EC
31 COM (2005) 123 final
32 C (2007) 6437
33 Calculations are based on an annual average
Box 4
34 The summary of the ten common principles is taken from the Annex of COM (2008) 359 final
Refugees and asylum-seekers move out of fear of persecution. Other persons move in order to find more and better employment opportunities and better and more dignified living conditions. The corresponding policy stream deals with defining migrants by their purpose, by assessing their needs and establishing rights and responsibilities of both migrants and state authorities.

International refugee law and jurisprudence provide the definition of a refugee, and national authorities are bound to humanitarian commitments to offer protection. European and national law also includes definitions of humanitarian and temporary protection. The definition of a migrant comes from the United Nations, whereas European conventions and national laws include categories of migrants for employment, family reunification and study.

Assessments of demographic developments and labour market mismatches may lead to pro-active immigration policies. Migrants are given permission to reside in a Member State on the basis of their skills in order to meet labour market needs.

This chapter explores the work of DG Justice, Freedom and Security (DG JLS) as the lead EU agency responsible for immigration. It looks at DG JLS’s efforts in implementing a common immigration policy. It then examines law and policies relating to the entry of different categories of migrants. The chapter provides an overview of the European Migration Network as the main cooperation and coordination mechanism, and concludes with an overview of the relevant parts of the European Refugee Fund and the European Integration Fund (integration aspects are addressed in Chapter 3).

Who is the target group of DG JLS law and policy on needs assessment and admission?

An examination of EU law and policies suggest that there are two categories of admission policies - those which support desirable migration and those which support necessary migration. Desirable migrants are those which support the implementation of Lisbon objectives, for example, the highly-skilled, scientists and students. Policies which support necessary migration are implemented to uphold human rights norms, for example family reunification, and laws governing international protection. This contrasts with the considerable amount of work being done at the EU level to prevent irregular migration (see Chapter 1) which is viewed as undesirable.

The main objective of the EU’s common immigration policy is to better manage migration flows through a coordinated approach which takes into account the economic and demographic situation of the EU.

The European Council of June 2007 reaffirmed the Tampere principles by clearly stating that “recent events have demonstrated once again the need to make rapid progress in developing a comprehensive European migration policy based on common political principles, capable of taking account of all aspects of migration, based on a genuine partnership with third countries and fully integrated into the Union’s external policies”. Underlining the need for a renewed political commitment, the December 2007 European
Council stressed that further developing a common immigration policy complementing Member States’ policies remains a fundamental priority in order to respond to the challenges and opportunities of globalisation. It is important to recall that the common immigration policy only deals with third-country nationals, and not with EU citizens’ right to free movement.

The shortcomings in establishing a Common Immigration Policy are recognised by the Commission. The December 2007 Communication “Towards a Common Immigration Policy”\(^3\) notes that the European policy on legal immigration described in the Tampere conclusions remains largely incomplete due to, for example, contradictory approaches to the recruitment of third-country workers in different Member States. For this reason, it states that it is necessary to go further with a truly common outlook on questions of immigration and recommends building a new commitment that will lead to a common policy in which national and Community actions will complement each other. In practical terms, the European policy will take into account specific national needs, while national policies will act in a truly European framework in pursuit of objectives established in common.

On 17 June 2008 the Commission adopted a Communication on “A Common immigration policy for Europe: principles, actions and tools” which proposes ten common principles on which to base the future developments of the common policy on immigration; new monitoring and evaluation mechanisms and tools to strengthen the coherence of the EU and Member States policies; and to improve migration governance through enhanced cooperation between the different levels of governance.\(^3\) The first two common principles, both of which fall under the strand Prosperity and Immigration, outline actions relating to needs assessment and admission policies, which are to be taken by the EU and Member States:

- Clear rules and a level playing field: to continue to define clear and transparent rules for the entry and residence of TCNs, including for exercising a paid or self-employed activity; and to 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.
- Matching skills and needs: to engage 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; and to start developing national Immigration profiles 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.

This section outlines the different beneficiaries of admissions policy, notably:

- Economic migrants
- Family members of migrants
- Students, vocational trainees and researchers
- Those seeking international protection, specifically:
  - refugee protection
  - subsidiary protection
  - temporary protection
  - refugee resettlement and protected entry procedures

2.1.1 Economic migrants

In 2003, in its Communication on “Immigration, integration and employment”\(^3\) the Commission highlighted the need for labour migration to address demographic, social and economic challenges. At the beginning of 2005, it issued a Green Paper on a Community approach for the management of economic migration to identify the main challenges and
explore the possible options for setting up a Community legislative framework. The consultation process resulted in the Policy Plan on Legal Migration, which was adopted by the Commission in December 2005. The Plan foreshadows a set of legislative proposals concerning the conditions of entry and residence for third-country nationals in employment, including four specific Directives addressing the conditions of entry and residence of highly-skilled and seasonal workers, intra-corporate transferees and remunerated trainees.

A Directive on the conditions of entry and residence of TCNs for the purpose of paid employment and self-employed economic activities was first proposed by the Commission in 2001. Whilst the other EU institutions gave positive opinions, discussion in Council was limited to a first reading of the text and it was officially withdrawn in 2006. The Policy Plan on Legal Migration foreshadowed the proposal for a Directive on a single application procedure for a single permit for TCNs to reside and work lawfully in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, which was adopted by the Commission in October 2007. The proposal, unlike its predecessor, does not aim to harmonise admission conditions for labour migrants. Its purpose is to simplify and streamline application procedures through a single application procedure that would provide a single permit which allows the bearer to stay and work for the period granted.

In its deliberations over the Policy Plan on Legal Migration in October 2007, the European Parliament expressed the view that a study to examine future labour needs in Europe should precede any further common rules for the admission of other economic migrants. The Commission will launch a study to examine future labour needs in Europe in response to the request expressed by the European Parliament in its October opinion on the Policy Plan on Legal Migration. This may be the basis for discussion on whether or not common rules for the admission of other economic migrants should also be proposed in the future.

Highly skilled migrants

The proposal for a Directive on the admission of highly skilled migrants seeks to establish more attractive entry and residence conditions for TCNs to take up highly qualified employment in EU Member States, known as the “EU Blue Card”. The proposed EU Blue Card will provide an additional channel of entry via a new common process. It will not replace existing visa systems in Member States. The scheme is entirely demand-driven, fully respectful of the principle of Community preference and Member States’ jurisdiction to decide on the numbers of persons admitted.

The proposed EU Blue Card introduces a fast-track procedure, based on common criteria. Commissioner Franco Frattini’s proposed ‘job seekers permit’, which would have enabled highly skilled migrants to enter the EU area to search for employment, is not included in the proposal. Instead, highly skilled migrants need to secure at least a one-year work contract and meet any national quotas or labour market tests in place before reaching the fast-track procedure. Individuals under the age of 30 would face lower hurdles in qualifying for Blue Card status, recognising the need to attract young talent to Europe.

In a bid to avoid negative brain drain effects in developing countries, especially in sub-Saharan Africa, the proposal advocates ethical recruitment standards to limit, if not ban, active recruitment by Member States in developing countries already suffering from serious brain drain, and contains measures to facilitate circular migration.

The proposed system aims to create a level playing field by preventing Member States from applying more favourable conditions for first entry into Europe. Member States wishing to attract highly skilled migrants will be able to provide more generous post arrival conditions.

Seasonal workers, remunerated trainees and intra-corporate transferees

It is expected that the three proposals for Directives relating to seasonal workers, remunerated trainees and intra-corporate transferees will be presented in 2008.
Family reunification

The Commission supports the view that family reunification is a necessary way of making family life possible and facilitating the integration of third-country nationals in a Member State. The purpose of the 2003 Council Directive on the right to family reunification is to determine the right to family reunification of TCNs who are lawfully resident and to determine the conditions under which family members can enter into and reside in a Member State.

Family members eligible for family reunification include the sponsor’s spouse, and children of the couple, including adopted children, who are minors (minors meaning unmarried children below the legal age of majority in the Member State concerned).

The Member States will remain free to adopt provisions allowing for family reunification of first-degree ascendants in the direct line; unmarried children above the age of majority; and unmarried partners. A synthesis report compiled by the European Migration Network published in January 2008 shows that, while the obligatory “shall” clauses in the Directive have been transposed, there are different approaches between the Member States regarding optional “may” clauses. Polygamy is not recognised; only one wife can benefit from the right to reunification. Likewise, children of the ineligible wives are excluded from the right to reunification unless the child’s greater interest warrants it.

Refugees are included in the scope of the Directive, but asylum-seekers and persons with subsidiary or temporary protection are not. Chapter V of the Directive outlines special provisions for refugees acknowledging the particular situation of refugees who are separated from their families as a result of persecution and flight. The Directive allows Member States to use a broader interpretation of family member to enable reunification of family members who are dependent on the sponsor and family members of unaccompanied minors.

Other key restrictions contained in the Directive are as follows:

- The sponsor must have at least one year’s residence and have reasonable prospects of securing permanent residence
- Member States may impose other conditions, for example:
  - restricting the access of some family members to employment, including self employment
  - requiring that the TCNs have adequate accommodation, sufficient resources without recourse to public funds and health insurance
  - making the right to family reunification contingent upon compliance with integration measures
- Reunification can be denied on the grounds of ‘public policy’ (this is not clearly defined), public security or public health
- The Directive does not apply in the United Kingdom, Ireland or Denmark

The draft European Pact on Immigration and Asylum, to be endorsed by the European Council on 15 October 2008, will also provide guidance to Member States on family reunification provisions. It invites Member States to take account in their national legislation of their own reception capacities, and the integration capacities of families (their resources, accommodation and knowledge of the host country’s language). The Pact may signal a more stringent approach to family re-unification that takes greater account of the settlement prospects of the potential migrant.

Students, vocational trainees, volunteers and researchers

This section examines legislation surrounding (non-protection) temporary migration. Temporary migration is often an important source of longer-term migration for Member States as temporary migrants frequently extend their stay on the basis of employment, education or the commencement of a spousal relationship with a resident.

Students, vocational trainees, volunteers

In December 2004 the Council adopted a Directive on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. This Directive applies to TCNs who apply to be admitted to the territory...
of a Member State for the purpose of studies, however Member States may also decide to apply this Directive to TCNs who apply to be admitted for the purposes of pupil exchange, unremunerated training or voluntary service.

The Directive establishes a framework for Member States to regulate the entry and residence of TCNs in the categories covered by the Directive. The primary aim of the requirements outlined in the Directive is to ensure that the temporary migrant does not become a burden on the State. There are also some provisions, although not mandatory, which aid the integration process. These include the provision of basic language training to unremunerated trainees, and a basic introduction to the Member State’s language, history and political and social structures for volunteers.

Scientific Researchers

Three Council Directives cover the admission and mobility of scientific researchers. The 2005 Directive sets out a specific procedure for admitting TCNs for the purposes of scientific research and two recommendations addressed to Member States with a view to fast-tracking the admission and issuing of visas to researchers from third countries. The purpose of the three Directives is to contribute to the Lisbon objectives of making Europe the most competitive and knowledge-based economy of the world by fostering the admission and mobility of third country researchers in order to enhance the Community’s attractiveness for researchers from around the world, and boost its position as an international centre for research.

2.1.4 International protection

This section examines legislation and policy that regulates the entry, eligibility and stay of those seeking international protection as a refugee, subsidiary protection beneficiary, and temporary protection beneficiary; and law and policy relating to the admission of asylum-seekers and of refugees under resettlement programmes. It also includes information on the DG JLS’s Policy Plan on Asylum, which foreshadows greater harmonisation of the EU’s international protection regimes.

2.1.4.1 Refugee status

This section examines the Directive on minimum standards for the qualification and status of TCNs, or stateless persons as refugees, or as persons who otherwise need international protection, and the content of the protection granted (the Qualifications Directive) and the Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (the Asylum Procedures Directive).

The Qualifications Directive

The Qualifications Directive aims to harmonise the way in which Member States interpret the definition of refugee (and of subsidiary protection status).

Member States vary in their interpretation of the refugee definition presented in the Geneva Convention. The Directive lends clarity to some key ambiguities, which impacts on the type of claims that give rise to eligibility for refugee status. The Directive contains provisions which lead to both more favourable and less favourable opportunities for those seeking asylum in the EU.

The Directive increases the ambit of persons entitled to protection as it:

- confirms that persecution can also originate from non-State agents where a State is unable or unwilling to provide effective protection
- in initial applications only, confirms a well-founded fear of persecution may arise as a result of the actions of an individual after leaving their country (sur place claims)
- it confirms that forms of persecution can include mental and sexual violence and acts of a gender-specific or child-specific nature
The Directive also allows for narrowing of the ambit of persons entitled to protection as it:

- supports the notion of the internal protection alternative; if effective protection is available in at least part of the country of origin, the application may be refused
- restricts the validity of sur place claims in subsequent applications; refugee status may be denied “if the risk of persecution is based on circumstances which the applicant has created by his own decision since leaving the country of origin”
- supports the notion that actors of protection can include “parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State”
- includes an inconclusive definition of ‘social group’, by which sexual orientation or gender does not alone create a presumption for the applicability of the article on reasons for persecution

This Directive impacts significantly on, not only the asylum-seekers’ prospects of a successful application, but the likelihood of their successful integration. For example, a number of Member States did not accept persecution from non-State actors as valid grounds for protection. Asylum-seekers fleeing persecution from non-State actors would have been refused and may have been given a tolerated status (if they could not be returned) or would be residing illegally in the Member State fearing the consequences of a forced return. Clearly these conditions are not conducive to integration. As a result of this Directive, asylum-seekers fleeing persecution from non-State actors are able to enjoy refugee protection. The same holds true for other favourable provisions. The Directive also, however, allows Member States to continue to provide, or to introduce, less favourable interpretations of the Geneva Convention.

The Policy Plan on Asylum foreshadows amendments to the Qualifications Directive in 2009 to achieve a common interpretative approach, including a more precise ruling on when non-state parties may be considered as actors of protection. In particular, it is expected to stipulate that a potential actor of protection must be able to provide effective, accessible and durable protection. It will also clarify the conditions under which it may be considered that an applicant for asylum has a genuine protection alternative in a certain part of his/her country (the internal flight alternative).

**The Asylum Procedures Directive**

Procedures for granting or withdrawing refugee status differ across the EU due to different constitutional and administrative traditions in Member States. The Directive aims at establishing a minimum level playing field. Providing minimum standards does not bar Member States from enacting more favourable national provisions.

The general approach sets out a series of minimum standards, including:

- Procedural guarantees, including information about the procedure, the opportunity to be interviewed, access to legal assistance
- Decisions are to be taken individually, objectively and impartially, by personnel specialised in asylum and refugee matters and specifically trained for that purpose
- Common standards for the application of certain concepts and practices, including ‘inadmissible applications’, ‘manifestly unfounded applications’, ‘safe third country’ and ‘safe country of origin’
- The right to an effective remedy before a court or tribunal against negative decisions on the application

These minimum standards go some way to ensuring that refugee claims are considered in a fair and impartial way, which leads to an outcome that is consistent with the asylum-seekers need for protection. It does not, however, ensure consistency in decision making across the EU. The Asylum Policy Plan stresses that diverse procedural arrangements and qualified safeguards produce different results when applying common criteria for the identification of persons genuinely in need of international protection. In order to achieve this goal, the Commission foreshadow amendments to the Asylum Procedures Directive, to be proposed in 2009, which primarily aim at:
• the setting up of a single, common asylum procedure leaving no space for the proliferation of disparate procedural arrangements in Member States, thus providing for a comprehensive examination of protection needs under both the Geneva Convention and the EU’s subsidiary protection regime
• establishing obligatory procedural safeguards as well as common notions and devices, which will consolidate the asylum process and ensure equal access to procedures throughout the EU
• accommodating the particular situation of mixed arrivals, including where persons seeking international protection are present at the external borders of the EU
• enhancing gender equality in the asylum process and providing for additional safeguards for vulnerable applicants

2.1.4.2 Subsidiary protection

This section examines the provisions of the Qualifications Directive that apply to people seeking subsidiary protection.

The Qualifications Directive

Rather than creating new protection obligations for Member States, the Directive clarifies and codifies existing international and Community obligations and practice. The definition of subsidiary protection employed in the Directive is based largely on Article 3 of the European Convention on Human Rights and Fundamental Freedoms, Article 3 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment, and Article 7 of the International Covenant on Civil and Political Rights.

Qualification for subsidiary protection is based on the notion of ‘serious harm’, which consists of the death penalty or execution; torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

The scope of qualification is quite limited. Importantly, however, it does place an obligation on all Member States to provide the option of subsidiary protection (some States did not). The increased provision of subsidiary protection should result in an increase in the number of asylum-seekers that face serious harm on return being allowed to remain legally. This, in turn, enhances their integration prospects.

The Policy Plan on Asylum foreshadows amendments to the Qualifications Directive to achieve a truly common interpretative approach. These are set to include further clarification on the eligibility conditions for subsidiary protection.

2.1.4.3 Temporary Protection

This section examines the impact of the Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons.

In the 1990s, the EU witnessed an increased occurrence of mass influxes of displaced persons who could not return to their country of origin. To respond to this development and avoid serious disruption to their asylum systems, most Member States established exceptional temporary protection schemes. The Directive was developed in recognition of the need to have minimum standards at EU level to provide solidarity and burden-sharing among Member States for receiving large number of people at one time, and to reduce disparities between the policies of Member States on the reception and treatment of displaced persons.

This Directive adopted by the Council on the basis of a Commission initiative, defines the decision-making procedure to trigger, extend or end temporary protection. The temporary protection mechanism established by this Directive has not yet been used.

The temporary protection machinery can only be initiated when there is a mass influx of ‘displaced persons’, who come from a specific country or geographical area. Their arrival in the Community can be spontaneous or aided through an evacuation programme.
The Directive defines “displaced persons” as third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and are unable to return in safe and durable conditions because of the situation prevailing in that country, who may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments giving international protection, in particular persons who have fled areas of armed conflict or endemic violence; and persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights.

The Directive stipulates that Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.

The Directive, however, does not seem to do anything to ease admission to the territory for persons arriving outside evacuation programmes, nor does it prevent the imposition of non-entry measures on nationals from countries experiencing large refugee outflows.

In general, this Directive does provide opportunities for a greater number of displaced persons to enjoy more immediate protection than that available through normal channels. This ensures their trauma is not exacerbated further, which is vital to the physical, mental and emotional well-being of the displaced person and impacts significantly on the integration process.

The right to seek asylum in the EU is guaranteed under international, Community and national law. This right, however, does not extend to states facilitating entry. Hence asylum-seekers often enter Member States illegally. This can be a highly difficult and dangerous process. Chapter 1 outlined the policies and programmes aimed at combating irregular migration of which asylum-seekers form a significant part.

In 2003 the Council of Ministers adopted the Dublin II Regulation which establishes a set of criteria to allocate responsibility for examining asylum applications. The regulation states that the Member State that permitted the applicant to enter, or to reside in, their territory, is responsible for examining the application according to its national law and is obliged to take back its applicants who are irregularly in another Member State. The impact of Dublin II is that asylum-seekers that are successful in reaching EU territory only have the right to have their claims heard by one Member State. However, the existing common minimum standards for asylum, agreed at EU level, leave a wide margin of discretion to the Member States as to their application. This does not guarantee equality of protection across the EU.

The Policy Plan on Asylum identifies a number of problems with the existing asylum system. It notes that divergent national practices lead to extreme differences as to the recognition of the right of protection and cause inequalities in the level of protection across the EU; secondary movements and ‘asylum-shopping’ result in an unfair strain on some national administrations and on the asylum seekers themselves; the asylum systems of some Member States are overburdened; legitimate measures against irregular immigration may hamper access to protection in the EU; and that third countries in the developing world shoulder too heavy a burden when it comes to refugee flows and need support.

The measures proposed in the Policy Plan are grouped around three pillars:

1. Reaching better quality and enhanced harmonisation of standards of international protection by further alignment of Member States’ asylum legislation
2. Effective and well supported practical cooperation through the establishment of a European Asylum Support Office that will consolidate all activities related to practical cooperation in the area of asylum: country of origin information, training, common curriculum, asylum expert teams, etc
3. Higher degree of solidarity and responsibility among Member States, as well as between the EU and third countries
Many asylum-seekers have no legal means of entering the EU. Resettlement programmes provide a limited number of refugees residing in second countries with a safe and legal avenue of securing protection in Member States.

In 2000 the Commission highlighted the merit of resettlement in providing access to international protection for UNHCR recognised refugees who would otherwise be at the mercy of irregular immigration or smuggling gangs or have to wait years for recognition of their status. The Commission also highlighted the importance of resettlement practices in the sharing of responsibility for managing refugees with third countries including countries of first asylum.

The Commission’s Communication on “Improving access to durable solutions” proposed an EU wide resettlement scheme to ensure a more orderly and managed entry into the EU for International Protection. Member States, on a voluntary basis would commit themselves to find durable solutions for refugees, opening for them the possibility of resettlement on their territory. In the course of 2009, the Commission will make a proposal on developing an EU resettlement scheme, in which Member States would participate on a voluntary basis, setting common criteria and coordination mechanisms.

A 2002 Commission study suggested that EU member states should consider Protected Entry Procedures as part of a comprehensive approach, complementary to existing territorial asylum systems. The Commission proposed that Protected Entry Procedures should be explored as a way to enable people genuinely in need of protection, who are in their country of origin or a transit country, with a legal and safe passage to the EU to apply for asylum. Protected Entry Procedures could include the flexible use of the Visa Regime or the development of a Schengen Asylum Visa. Some Member States operate Protective Entry Procedures, but they are quantitatively of minor importance. A reason for the small scale implementation might be because of the serious diplomatic problems, as well as security problems for embassy staff and those applying for protection, which arise when the country of origin’s officials become aware that Protected Entry Procedures are in place for their nationals. Nevertheless, the Policy Plan on Asylum states that the Commission will start examining possibilities for a flexible use of the visa regime based on protection considerations in 2009, and in the longer term it could explore the advantages of establishing common procedural standards.

The seventh Common Principle is Security and Immigration: A visa policy that serves the interests of Europe and its partners. It states that a common visa policy should facilitate the entry of bona fide visitors and enhance security.

Visa waiver programmes allow nationals from specified countries into a Member State for a short stay for tourism or to conduct business without having to obtain a visa. Although Member States retain control over their own visa waiver programmes, the Commission is encouraging harmonisation of the waiver programmes of Member States (and in return is pushing for reciprocity with third countries). Visa waiver programmes expedite entry procedures, but as they remove bona fide checks at departure, they have the potential to increase the number of overstayers and requests for asylum.
A 2005 evaluation of EMN commissioned by DG JLS, however, has found that the EMN had not been effective in making an impact with its outputs\textsuperscript{49}. The Commission adopted a ‘Green Paper on the future of the European Migration Network’ to consult relevant stakeholders. The public consultation demonstrated that most stakeholders were in favour of continuing and strengthening the activities of the EMN. In May 2008 the Council adopted a decision establishing a European Migration Network.\textsuperscript{50} The decision formally establishes the network and gives it a legal basis setting its objectives, tasks and structure, as well as other elements important for its operation, such as funding and the setting up of an information exchange system open to the public.

The EMN is intended to meet the information needs of Community institutions and Member States’ authorities as regards migration and asylum, providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policy-making in the EU in these areas. It will also provide the general public with information on these subjects.

The EMN’s tasks are to:

1. collect and exchange up-to-date and reliable data and information from a wide range of sources
2. undertake analysis of the data and information referred to in point (1) and provide it in a readily accessible format
3. in collaboration with other relevant EU bodies, contribute to the development of indicators and criteria that will improve the consistency of information and help in the development of Community activities related to migratory statistics
4. produce and publish periodic reports on the migration and asylum situation in the Community and the Member States
5. create and maintain an Internet-based information exchange system which provides access to relevant documents and publications in the area of migration and asylum
6. raise awareness of the EMN, by providing access to the information it gathers and disseminating the output of the EMN, unless this information is of a confidential nature
7. coordinate information and cooperate with other relevant European and international bodies

The network is composed of National Contact Points (at least three experts) in each member state and the Commission. The network includes key actors in the field of migration. The National Contact Points (NCPs) are designated by the Member States. NCPs are located in ministries, such as home affairs and justice; public bodies, such as national statistical institutes or research institutes; and NGOs or national branches of international organisations.

To ensure active participation from the Member States and ensure that the EMN’s work is sufficiently linked to the EU’s political agenda, a Steering Board is established where every Member State, the Commission and the European Parliament will be represented. The Network will remain closely linked to the Commission, which will adopt the annual programme of activities, provide grants on a co-financing basis to the National Contact Points and select a service provider which will assist it with the coordination tasks of the Network.

In the past, the EMN has undertaken small-scale studies relating to the needs assessment and admission of migrants. It is currently preparing Conditions of entry and residence of Third Country Highly-Skilled Workers in the EU and recently completed the study on Illegally Resident third-country nationals in EU Member States: state approaches towards them, their profile and social situation.
This section examines two financial instruments of the framework programme Solidarity and Management of Migration Flows which support activities relating to needs assessment and admission – the European Refugee Fund (ERF) and the European Integration Fund.

ARGO had provided the opportunity to fund projects relating to the admission of migrants and temporary residents. These opportunities are not available in the framework programme on Solidarity and Management of Migration Flows.

The ERF has been in place since 2000. Currently, the second generation of the Fund is being implemented. All Member States participate, except Denmark (the UK and Ireland have opted in). In addition to supporting and improving the efforts of Member States to grant reception conditions to refugees and protecting the rights of persons requiring international protection (these provisions will be discussed in Chapter 3), the ERF promotes fair and effective asylum procedures.

The new ERF came into force in January 2008. It introduces support for new actions, including for Member States to resettle UNHCR recognised refugees. From 2008 the reserve established for emergency measures in the context of temporary protection can also be used to address particular pressure situations resulting from sudden arrivals of large numbers of persons who may be in need of international protection, and which place significant and urgent demands on Member States’ reception facilities or asylum systems.

The target groups for which the Fund is intended are persons with refugee status, or enjoying a form of temporary or subsidiary protection, or who are being resettled in a Member State. They also include persons who have applied for refugee status or for one of these forms of protection.

€628 million has been allocated for the period 2008–2013. The annual allocation for 2008 is €82 (this increases to €98 in 2009).

This section examines eligible actions of the ERF which assist people seeking protection to gain admission. Actions which assist in the integration process are discussed in Chapter 3.

National Actions

To ensure that the protection claims of asylum-seekers are considered in a fair and impartial way that leads to an outcome that is consistent with their need for protection, the ERF can support national actions which:

- ensure access to asylum procedures for asylum seekers through the provision of appropriate structures and training
- provide information or help with administrative and/or judicial formalities
- provide access to legal aid
- enhance capacity to develop, monitor and evaluate the asylum policies of Member States
- enhance the collection, compilation, analysis, use and dissemination of country-of-origin information
- enhance the capacity to assess asylum applications, including appeals

The ERF provides opportunities for UNHCR recognised refugees to enter Member States legally through resettlement programmes. Funding is available to establish and develop resettlement programmes; assess potential resettlement cases; and provide pre-departure health assessment, medical treatment, material provisions, pre-departure information and travel arrangements.

Between 2008 and 2013, €566 million is to be distributed among Member States on the basis of objective criteria relating to the number of asylum seekers and integrating persons benefiting from international protection.

The ERF will provide grants to support actions of a non-profit nature already co-financed by public or private sources. Support from the ERF may not exceed 50% of the total cost of
national actions. Exceptionally, this may be increased to 75% for projects addressing specific priorities identified in the strategic guidelines.

Community Actions

The ERF can support transnational and Community actions which improve asylum policy through the development of indicators, awareness-raising campaigns; the dissemination of good practice; and the creation of cooperation networks.

€62 million (10% of the total annual resources each year) is available for Community actions, with a particular emphasis on supporting practical cooperation between Member States. Funding is open to national, regional and local authorities registered in one of the participating States, universities, NGOs as well as international organisations working on a strictly non-profit basis. 75% of the actions for implementing specific priorities of the strategic guidelines can be co-financed. Actions may include partners and participants from Denmark and acceding countries, but the costs for their participation may not be covered by the Community contribution and must be financed entirely by non-Community resources. Only national authorities are eligible for country of origin information projects.

The Commission will adopt strategic guidelines for the period 2008-2013, defining Community priorities for each of the objectives of the Fund; and approve the Member States' multiannual programmes setting out, on the basis of the Commission's strategic guidelines, a strategy for and a description of the actions designed to achieve their objectives, and additional indications regarding project financing. It will also adopt annual financing decisions approving each annual programme implementing the multiannual programme.

As the majority of the actions under the European Integration Fund are applicable to settlement, the finer details of the funding programme are discussed in section 3.3. The European Integration Fund includes in its target group TCNs who are on the territory of a third country and who are complying with specific pre-departure measures and/or conditions set out in national law. It supports actions in Member States which:

- facilitate the development and implementation by Member States of admission procedures, inter alia by supporting consultation processes with relevant stakeholders and expert advice, or information exchanges on approaches which target specific nationalities, or categories of third-country nationals
- render the implementation of admission procedures more effective and accessible to TCNs, inter alia by using user-friendly Communication and Information Technology, information campaigns and selection procedures
- better prepare TCNs for their integration into the host society by supporting pre-travel measures which enable them to acquire knowledge and skills necessary for their integration, such as vocational training, information packages, comprehensive civic orientation courses and language tuition in the country of origin

Box 6 - Programmes supporting the entry of students and unremunerated trainees

The legislation on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service is supported in part by three funding streams for students and unremunerated trainees. These are:

- The Erasmus Mundus programme (2009-2013) is an action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries. It provides EU-funded scholarships for TCNs participating in selected Masters programmes
- The new EU-Canada Cooperation Programme in Higher Education, Training and Youth (2006-2013), which amongst other actions, supports consortium projects for student exchange, is expected to support over 4500 student exchanges
- The new EU-US agreement on higher education and vocational training (2006-2013), which amongst other actions, supports transatlantic mobility of students and academic staff and the provision of scholarships to highly qualified professionals for undertaking studies in areas of specific relevance to the EU/US relations
Community legislation has been introduced in relation to the needs assessment and admission of particular categories of migrant, including the family members of migrants, people seeking or enjoying international protection; and students, vocational trainees and researchers. Directives generally provide minimum standards while preserving the right of Member States to adopt or maintain more favourable provisions.

Efforts have been made since 2001 to harmonise admission procedures for economic migrants, but little progress has been made. The proposed EU Blue Card for highly skilled migrants is the first breakthrough. The final proposal, however, was watered down from the original concept of a job-seekers permit and Member States retain control over the numbers of persons to be admitted under the scheme.

The Directive on the right to family reunification regulates the admission of family members of TCNs who are lawfully resident, but has some significant restrictions. The right of reunification is limited to nuclear family members. Not only does it require that the sponsor has one year’s residence, but furthermore ‘reasonable prospects’ of securing permanent residence, precluding many refugees and migrant workers. In addition, beneficiaries of subsidiary protection are explicitly excluded.

The only other categories of migrants that have been included in Community legislation are largely uncontroversial researchers, students, unremunerated trainees and volunteers. The expedited admission process for researchers, in particular, is likely to provide a positive context for integration. The same can be expected from the proposed Directives foreshadowed for seasonal workers and intra-corporate transferees.

Community legislation regarding those seeking international protection is extensive. Although it allows for significant variance in practices between Member States, it does have a measurable impact on the ambit of claims that make an asylum-seeker eligible for protection as well as the quality of decision-making that an asylum applicant can expect. It also allows for expedited processing of displaced persons following a mass influx into the EU. While some gains have been made in this area, the harmonisation agenda is far from complete and the chance of an asylum-seeker being recognised as in need of international protection differs greatly across Europe. The Policy Plan Asylum foreshadows amendments to the current Directives that should lead to a common interpretive approach. It will also ensure that asylum-seekers not only have access to seek subsidiary protection (in the same application process as for refugee status), but will have common rules applied to their claim. The Policy Plan also foreshadows the EU resettlement programme for UNHCR recognised refugees, although the participation of Member States will be voluntary.

Changes to the EMN to secure active participation from the Member States and better align it with the political agenda of the EU have the potential to achieve greater coherence and cooperation on the admission policies of Member States and facilitate further EU policy developments.

Financial programmes largely reflect the EU’s legislative and policy domain. These focus on ensuring that asylum systems are robust, effective, comparable and fair. The integration process can be smoother if an asylum seeker (successful or otherwise) believes that they have had their claims heard fairly and respectfully. Disappointingly, the new framework programme on Solidarity and the Management of Migration Flows does not have a financial instrument that can be used for actions relating to the admission of migrants.
Box 7 - Freedom of movement for EU citizens

EU citizens can move between Member States on similar terms as nationals of a Member State moving around or changing their place of residence inside their own country. EU citizens are not a target group of DG JLS migration and integration policies as they are simply citizens exercising their right to move freely throughout the Union.

European citizens have the right to enter, reside and remain in the territory of any other Member State for a period of up to three months simply by presenting a valid passport or national identity card: no other formality is required. If they intend to remain for a period exceeding three months, a residence permit must be obtained. The conditions for granting a residence permit depend on the status of the citizen (employed or self-employed person, student, retired or inactive person).

Any EU citizen can take up an economic activity in another Member State either as an employed or self-employed person. In this case, he/she will be issued a residence permit by simply presenting an identity document (passport or ID) and proof of employment or self-employment.

If a citizen wants to reside in another Member State without exercising any activity or to study, he/she can do so provided he/she can prove (and in the case of students, declare) that he/she has sufficient financial resources not to become a burden for the host Member State’s social assistance system and that he/she is covered by a health insurance policy. He/she must also prove that he/she has sufficient financial resources and health insurance for each member of his/her family who is entitled to reside with him/her.

Family members, irrespective of their nationality, have the right to accompany and establish themselves with a European citizen who is residing in the territory of another Member State. Family members who can enjoy rights under Community law include the spouse, minor (under 21) or dependent children, and dependent ascendants, though in the case of students only the spouse and dependent children enjoy this right. If the family members are not EU citizens, they may be required to hold an entry visa by the Member State where they intend to accompany the EU citizen. They shall be granted this visa free of charge and with all facilities by that Member State.

EU citizens have secured residence rights and are protected against expulsion. They have to be treated equally and are protected against discrimination.

There are, however, certain restrictions that apply to nationals from the new Member States. During a transitional period of up to seven years after accession of ten Member States to the EU on 1 May 2004 (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia) and of two Member States on 1 January 2007 (Bulgaria, Romania), certain conditions may be applied that restrict the free movement of workers from, to and between, these Member States. These restrictions only concern the freedom of movement for the purpose of taking up a job and they may differ from one Member State to another.

The Accession Treaty allows for the introduction of ‘transitional measures’, which obliges the Member States to declare themselves in May 2006, and again in May 2009, on whether they will open up their labour markets for workers from the EU-8 (Poland, Lithuania, Latvia, Estonia, the Czech Republic, Slovakia, Hungary and Slovenia) or keep restrictions in place. The restrictions will definitely end on 30 April 2011. A similar scheme is in place with respect to workers from Romania and Bulgaria, which joined the EU on 1 January 2007. This means that all labour movement restrictions between the EU’s present 27 member states will be lifted by 1 January 2014.
Immigrants who fall into the different established categories meet different establishment conditions through subsequent entry and residence requirements. Immigration policies and law determine the degree of free movement entitlements for immigrants depending on their conditions of entry. Community law makes distinctions between nationals, EU and EEA nationals and third-country nationals, providing them with different opportunities to integrate.

Immigration rules, procedures and permits can either capture or diminish opportunities for establishment and societal integration. Ideally immigrants obtain with these permits a secure and transparent legal status underpinned by principles of access and equality. Security of status and equal opportunities, rights and responsibilities enhance societal integration. Immigrants are allowed in such settlement circumstances, to learn the language, adapt and improve their skills, and invest economically and socially in the host country.

This chapter explores the work of DG Justice, Freedom and Security (DG JLS) as the lead EU agency responsible for the establishment and societal integration of immigrants. It maps DG JLS’s integration agenda and catalogues the laws and policies regarding different categories of immigrants. The chapter examines the main cooperation and coordination mechanisms and concludes with an examination of the framework programme Solidarity and management of migration flows, including two of its financial instruments – the Integration Fund and the European Refugee Fund.

Who is the target group of DG JLS establishment interventions?

DG JLS target group is determined on the basis of legality, migration category and length of residence. It includes legally resident third-country nationals (TCNs) who migrated for reasons of employment and self-employment, family reunification or humanitarian reasons. More temporary categories of migrant, such as students, researchers, seasonal workers, are excluded. In recognition of the initial establishment hurdles faced by immigrants, the focus is more on newcomers than on settled immigrants or long-term residents. As the target groups of law, policy and funding programmes differ, these are outlined in further detail in 3.1 and 3.3.

This section looks at law and policies that facilitate the establishment of different categories of immigrant. It than examines the societal integration framework.

Defining establishment rights in Community law

The security and transparency of residence conditions and extension of rights are a pre-condition for immigrant’s establishment in the host society. This section examines Community law outlining the rights of particular categories of immigrant, specifically:

- Long-term residents
- Economic migrants
Establishment

Those seeking or enjoying international protection

Temporary residents

It then looks at legislative proposals for providing a common set of rights for third-country workers legally residing in a Member State, and for the proposed EU Blue card for highly skilled workers, both of which are expected to be ratified shortly. Finally, it outlines policy measures for immigrants that fall outside of the scope of these Directives, specifically in regard to irregular migrants and victims of trafficking.

3.1.1 Long-term residents

The November 2003 Directive concerning the status of third-country nationals who are long-term residents gave effect to the Tampere declaration which asserted that TCNs who have been legal residents of a Member State of the EU for a period of time should be granted in that Member State a uniform set of rights which are as near as possible to those enjoyed by EU citizens.

To acquire ‘long-term resident’ status, the third-country national must have been legally resident for an uninterrupted period of 5 years, have a sufficient level of stable and regular income and health insurance, comply with any integration conditions imposed by the Member State, and not constitute a threat to public security or public policy. The Directive excludes those whose situation is precarious, including asylum seekers, subsidiary protection beneficiaries and temporary protection beneficiaries; and those who are expected to reside on a short-term basis, including seasonal workers, students and vocational trainees. It is, however, at the discretion of Member States to adopt or maintain more favourable provisions. The Directive does not apply to the UK, Ireland or Denmark.

Refugees were included in the Commission’s original proposal of 2001, but in the course of the negotiations it was decided to exclude refugees from the scope of the Directive. After taking into account the study on transfer of protection status, it was agreed in the Joint Statement from the Council and the Commission made at the JHA Council in May 2003 that the Commission would table a proposal for a Directive on the extension of long-term resident status to refugees and persons under subsidiary protection. The proposal to amend the Directive was put forward in June 2007. The proposed amendment does not include any special provisions to take into account the particular circumstances of beneficiaries of international protection. They, like other long term residents, will need to demonstrate they have access to stable and regular resources to be eligible.

The Directive allows for TCNs to receive ‘permanent status’, which is evidenced by a residency permit of at least 5 years in length that is automatically renewable. This status entitles the TCN to enjoy equal treatment with nationals in regard to, inter alia, employment, education, welfare, and social assistance. The Directive does not provide freedom of movement throughout the Union to those with long-term resident status. The Directive allows Member States to limit social assistance to core benefits; and to require, for example, proof of appropriate language proficiency, before extending equal access to employment and to education. The Directive provides long-term residents with a greater security of residence as expulsion decisions can only be based on an actual and sufficiently serious threat to public order or domestic security that affects a fundamental interest of society.

3.1.2 International Protection

Refugees and others in need of international protection will often have specific needs that have to be met in order to support their integration into a host society. These needs may be different to that of other immigrant groups due to the forced nature of their migration and past experiences. People in need of international protection form one of the most vulnerable groups in society while also being one of the most resilient. It is important that the special needs of refugees are recognised in policies and practice relating to establishment and integration.

The reception phase and the quality and length of the asylum determination procedure all impact significantly on the establishment and integration process. Those who are successful in seeking asylum may have become demoralised by the time they are ready to fully participate in society. Early access to the labour market prevents exclusion from the host society, promotes self-sufficiency, and facilitates integration. Even those asylum
seekers whose claims are refused are better equipped to return and contribute to their country of origin when they have benefited from integration measures and may be more willing to cooperate with assisted return to their country of origin.

This section examines the legal entitlements of those seeking or enjoying international protection, specifically refugees, subsidiary protection beneficiaries, temporary protection beneficiaries, and asylum seekers.

3.1.2.1 Refugees and subsidiary protection beneficiaries

The Qualifications Directive requires Member States to guarantee a series of rights for persons qualifying for refugee status or subsidiary protection status.

The Qualifications Directive furnishes refugees with more rights than subsidiary protection beneficiaries and gives Member States considerable discretion in the rights allocated to subsidiary protection beneficiaries. The set of rights allocated to refugees and subsidiary protection beneficiaries is not intended to achieve parity of entitlement with nationals. There are, however, a number of rights that allow refugees (not subsidiary protection beneficiaries) to enjoy comparable rights to nationals. These relate to material assistance, vocational education and training for adults, education for minors, health care, and the recognition of foreign qualifications.

Refugees and subsidiary protection beneficiaries are entitled to renewable resident permits (three years and one year respectively), but these may be revoked if it is deemed that their need for protection no longer exists. There is no explicit entitlement to freedom of movement within the Union. However, refugees and beneficiaries of subsidiary protection who are unable to obtain a national passport are entitled to a travel document for the purpose of travel outside the Member State (although Subsidiary Protection Beneficiaries need to have serious humanitarian reasons that require their presence in another State).

Member States are required to take special account of the needs of certain categories (minors in general, unaccompanied minors, disabled people, elderly people, pregnant women, single parents accompanied by minors and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence). For instance, this group of people with special needs is entitled to adequate healthcare under the same eligibility conditions as nationals.

The Directive places Member States under an obligation to give refugees access to integration programmes, but access for subsidiary protection beneficiaries is discretionary.

The Policy Plan on Asylum foreshadows amendments to the Qualifications Directive in 2009. The rights and benefits of beneficiaries of subsidiary protection will be reconsidered as the Commission recognises that efforts need to be made to enhance access to social and economic entitlements, which are crucial for successful integration. While not specified in the Policy Plan, it would be expected that amendments could include an extension of the entitlement to integration programmes to beneficiaries of subsidiary protection.

3.1.2.2 Temporary protection beneficiaries

The Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons guarantees a series of rights for persons qualifying for temporary protection. Specific provisions have been drawn up for unaccompanied minors and for those that have undergone particularly traumatic experiences.

The rights associated with temporary protection are modest. Temporary Protection Beneficiaries are, inter alia, entitled to work; their children are entitled to education (education is discretionary for adults); and if they do not have sufficient resources, they are entitled to necessary assistance in terms of social welfare and means of subsistence. As implied by their title, temporary protection beneficiaries do not enjoy security of status. They are entitled to a residence permit for the whole duration of the period of protection (one to three years). The Directive does, however, give them guaranteed access to the normal asylum procedure.
Temporary protection beneficiaries are not entitled to freedom of movement within the Union, but in cases where the family members are enjoying temporary protection in different Member States, the spouse and minor children must be reunited. Other close relatives may also be reunited taking into account, on a case-by-case basis, the extreme hardship they would face if the reunification did not take place.

3.1.2.3 Asylum seekers

The Reception Conditions Directive\textsuperscript{58}, which lays down minimum standards for the reception of asylum seekers, entered into force in 2003 and applies to all EU Member States, except Denmark and Ireland. The Directive establishes minimum standards for the reception of asylum seekers in the EU, which are deemed sufficient to ensure “a dignified standard of living and comparable living conditions in all Member States”. Member States are able to introduce or retain more favourable provisions. The Directive applies to those who make an application for asylum under the 1951 Geneva Convention as long as they are allowed to remain on the territory as asylum seekers. It is left to the discretion of the Member State to apply the Directive to those applying for subsidiary forms of protection or to cases awaiting removal to another Member State under the Dublin Convention.

The Directive provides asylum seekers with limited freedom of movement. It entitles Member States to restrict freedom of movement to an area assigned to them, so long as they are assured protection of their family life and are able to access all benefits outlined in the Directive. Member States are given powers to control the movement and residence of asylum applicants for certain reasons, for example, expediting asylum processing. Although in such circumstances the Member State should provide for the possibility of granting applicants temporary permission to leave the place of residence.

The rights of asylum seekers are limited. Member States must give asylum seekers access to the labour market after one year (or earlier). These work rights cannot be withdrawn during the appeals process. The Directive does not provide adults with the right to education, but it gives minors applying for asylum and the children of asylum seekers the right to education. Education can be provided in accommodation centres. Education cannot be postponed for more than three months from the date of application\textsuperscript{59}. Member States are obliged to provide material reception conditions which ensure a standard of living adequate for health and to enable subsistence. Material assistance may be provided in kind and/or in the form of financial allowances or vouchers. The Directive also demands that Member States implement the provisions on material reception conditions and health care with due regard to the specific situation of vulnerable persons.

The Commission’s 2007 evaluation report on implementation of the Reception Conditions Directive\textsuperscript{60} identifies a number of problems resulting from the amount of discretion allowed to Member States. The Commission will propose amendments in the course of 2008 to ensure greater harmonisation by extending the Directive to include persons seeking subsidiary protection, and ensuring greater equality and improved standards of treatment with regard to the level and form of material reception conditions. It is hoped that this will curb secondary movements.

3.1.3 Temporary residents: researchers and students

Students and researchers are not included in the integration framework, but Member States have the discretion to include them. Community law, however, provides researchers and students with some basic rights. The 2005 Council Directive on the admission and mobility of scientific researchers\textsuperscript{61} outlines a number of associated rights relating to equity and non-discrimination. In addition to residence rights (the Directive prescribes that the researcher’s residence permit must be for at least one year or the duration of the project; and also stipulates that the residence permit of family members, if Member States agree to their issuance, should be for the same period), it also furnishes the researcher with the right to teach; equal treatment with nationals in regard to the recognition of qualifications; working conditions; access to social security schemes for employed persons; and tax benefits. Freedom of movement is limited, but the researcher does have the right to conduct research in other Member States for periods of up to three months.
The 2004 Directive on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service\textsuperscript{62} provides eligible TCNs with a basic right of residence for the duration of their studies, training or activity. The Directive gives particular rights to students. Students who are participating in a Community or bilateral exchange programme, or who are admitted for more than two years, have the right of free movement to another Member State. Students are also entitled to work, although restrictions apply. This includes restriction on the number of hours a student can work each week (although they must be able to work at least the equivalent of 10 hours per week); and on working during their first year of residence. Students are also entitled to a renewable residence permit.

In the draft European Pact on Immigration and Asylum, to be endorsed by the European Council on 15 October 2008, the European Council will agree to take new measures to promote the reception of students and facilitate their movement within the EU.

**3.1.4 Economic migrants – Proposed Directives**

*Single application procedure/single permit and common set of rights*

In October 2007 the Commission put forward a proposal for a Council Directive on a single application procedure and a single permit and common set of rights\textsuperscript{63}, which would extend a common set of rights to be granted to all third-country workers already legally residing in a Member State. It proposes that employment-related rights be granted to migrant workers that are comparable to nationals of the Member State in relation to pay, access to vocational training and core social security benefit.

*The EU Blue Card for Highly Skilled Migrants*

The Proposal for a Directive on the admission of highly skilled immigrants\textsuperscript{64} seeks to establish more attractive entry and residence conditions for TCNs to take up highly qualified employment in EU Member States and aims to provide enhanced freedom to access labour markets.

Though restricted for the first two years, after this probationary period, the Blue Card holder may seek and gain employment in any other Member State without going through further immigration processes (although this is subject to the limits set by the second Member State on the number of non-nationals accepted). This is intended to promote flexible circulation of labour for European countries, as well as to make working in the EU more attractive to skilled migrants.

Blue Card holders have a three-month grace period if employment is lost; are allowed immediate family reunification; and their spouses have the right to work. Blue Card holders would be treated equally in relation to national workers, limited only in their access to study grants, housing, and social assistance. Thus they enjoy parity with nationals in regard to, for example, social assistance, tax benefits, education, vocational training and the recognition of qualifications.

The EU Blue Card can be withdrawn if the Member State decides, given the state of the labour market, to give priority to EU citizens, nationals from non-EU countries with a preferred status under Community law, or who are legally resident and receiving unemployment benefits in the Member State concerned.

**3.1.5 Undocumented migrants**

The ninth Common Principle is stepping up the fight against illegal immigration and zero tolerance for trafficking in human beings. One of the actions presented to achieve this objective is to ensure that illegally-residing TCNs have access to services that are essential to guarantee fundamental human rights, such as education of children and basic health care. Even if these basic rights are secured, undocumented migrants are unable to accrue further rights. DG JLS acknowledges that regularisation can be an effective measure in addressing undocumented migrants who are unlikely, for whatever reason, to be returned to their countries of origin. DG JLS highlights the difficulties in tolerating a sustained presence of significant numbers of undocumented migrants given that they are not targeted by integration measures due to their status.
Establishment

Over four million persons have been regularised in France, Spain, Italy, Portugal and Greece since the early 1980s. Other EU Member States also use regularisations. Member States have expressed concern that, without internal borders, large-scale national regularisation programmes have repercussions for all Member States. For this reason, the French called for the European Pact on Immigration and Asylum to include a ban on the wholesale legalisation of illegal immigrants; however, this was dropped due to opposition from the Spanish and Italian authorities who have resorted to blanket amnesties.

DG JLS foreshadows a study to determine the information available on practices, effects and impacts of regularisation measures. This study is to constitute the basis for future discussions on this issue, including on whether there is a need for a common legal framework on regularisation of third-country nationals residing without documentation.

Victims of trafficking

The 2004 Communication on “Fighting trafficking in human beings: an integrated approach and proposals for an action plan” aims to prevent and fight against trafficking in human beings committed for the purpose of sexual or labour exploitation. It takes due account of the comprehensive action plan to combat illegal immigration and trafficking in human beings of 2002, and of the reflection and recommendations presented in the Report of December 2004 of the Expert Group on Trafficking in Human Beings that was set up by the Commission at the end of 2003.

The ninth Common Principle on stepping up the fight against illegal immigration and zero tolerance for trafficking in human beings states that the EU and Member States need to 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.

3.1.6 Societal Integration

The EU integration framework was forged at the 1999 Tampere European Council. The presidency conclusions regarding a Common EU Asylum and Migration Policy include the following.

- The fair treatment of third-country nationals (TCNs): The EU must ensure fair treatment of TCNs who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia. The legal status of TCNs should be approximated to that of Member States’ nationals. A person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens; e.g. the right to reside, receive education, and work as an employee or self-employed person, as well as the principle of non discrimination vis-à-vis the citizens of the State of residence. The European Council endorses the objective that long-term legally resident TCNs be offered the opportunity to obtain the nationality of the Member State in which they are resident.

Tampere’s overall promise centres around integration through access to comparable rights and obligations, with EU citizenship as a benchmark and equal access, treatment and opportunity based on anti-discrimination law. Tampere initially specified the policy realms concerned with these rights and obligations to include residence and legal status, education and employment.

Since Tampere, EU policy documents have reiterated that newcomers should garner new rights and obligations over time based on length of residence, which should culminate in a comparable status and ultimately the right to naturalisation.
With a view towards mainstreaming integration, the Thessaloniki Council reasoned that a framework definition should be applicable to integration questions that arise in diverse policymaking realms, including social cohesion, employment, education, language, health and social services, housing and culture. The Commission inserted cultural and religious diversity, citizenship and political rights, due to its particular interest in the idea of "civic citizenship".

The EU framework definition on integration seeks to involve all possible policy realms and all possible actors, above all migrants themselves, in order to encourage concerted participation on a diverse set of integration needs.

On 4 November 2004, the European Council adopted the Hague Programme which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. It underlined the need for greater co-ordination of national integration policies and EU initiatives in this field. It further stated that a framework, based on common basic principles, should form the foundation for future initiatives in the EU.

The stated purpose of the Common Basic Principles is:

- to assist Member States in formulating integration policies by offering a non-binding guide of basic principles against which they can judge and assess their own efforts
- to serve as a basis for Member States to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies
- to assist the Council to reflect upon and, over time, agree on EU-level mechanisms and policies needed to support national and local-level integration policy efforts, particularly through EU-wide learning and knowledge-sharing

The Justice and Home Affairs Council of 19 November 2004 adopted the following Common Basic Principles.

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States
2. Integration implies respect for the basic values of the EU
3. Employment is a key part of the integration process
4. Basic knowledge of the host society’s language, history and institutions is indispensable for integration
5. Efforts in education are critical for preparing immigrants to be more successful and active
6. Access for immigrants to institutions, as well as to public goods and services, on a basis equal to national citizens and in a non-discriminatory way is an essential foundation
7. Frequent interaction between immigrants and member state citizens is a fundamental mechanism
8. The practices of diverse cultures and religion as recognised under the Charter of Fundamental Rights must be guaranteed
9. The participation of immigrants in the democratic process and in the formulation of integration policies, especially at the local level, supports their integration
10. Integration policies and measures must be part of all relevant policy portfolios and levels of government
11. Developing clear goals, indicators and evaluation mechanisms to adjust policy, evaluate progress and make the exchange of information more effective is also part of the process

In May 2005 the European Commission launched its 5 year Action Plan for Freedom, Justice and Security. One of the ten key areas for priority action is to “adopt, support and incentive measures [sic] to help Member States deliver better policies on integration so as to maximise the positive impact of migration on society and the economy”.

In the conclusions of the JHA meeting, held in Luxembourg in June 2007, on the strengthening of integration policies in the EU, the continuing importance of the CBP as the basis of the European approach to integration was emphasised.
Who is responsible for integration?

The Common Basic Principles make it clear that integration is a process that must engage not only the immigrant population, but also the host society. Mutual accommodation across the EU would be anchored in local integration through frequent interaction that targets migrants and the host society respectively, such as private exchanges, community-building, and inter-cultural dialogue.

While mutual accommodation refers to the interaction of migrants and citizens, the host society has been markedly peripheral in many integration policy documents. The 2005 Communication “A Common Agenda for Integration - Framework for the Integration of third-country nationals in the EU” fleshed out this concept of mutual accommodation with initiatives to involve the host society in the integration process at the national level. However, most accommodations outlined in the Common Basic Principles are undertaken by immigrants, whose text obliges them to respect basic values, acquire knowledge of the host society and participate in education, cultural life, the democratic process and the design of integration policies. Despite the intended two-way process of mutual accommodation between migrants and citizens, migrants continued to carry the main integration responsibility.

The concept of mutual accommodation was revisited at an Informal Meeting of EU Ministers Responsible for Integration, held in Potsdam in May 2007, to review the political scope for further actions to strengthen the European integration framework by promoting unity in diversity, and at the June 2007 JHA meeting. The role of local governments and cities in designing and implementing integration programmes was highlighted. The Council concluded that: integration is a dynamic two-way process involving both immigrants and the host society, with responsibilities for both sides, which should be underpinned by an agreed value system. Involving the host society in this process is one of the major challenges to the achievement of successful integration policies and long-term social cohesion. All individuals must assume responsibility in this integration process – as well as state institutions, political parties, media, businesses and civil society. Migrants who aim to stay permanently or for the long term should make a deliberate effort to integrate, in particular learning the language of their host society, and understanding the basic values of the EU.

While recent developments have elaborated on the responsibilities of the host society, the immigrant’s role in the integration process remains paramount. In the draft European Pact on Immigration and Asylum, to be endorsed by the European Council on 15 October 2008, President Nicolas Sarkozy proposed that a compulsory ‘integration contract’ for immigrants, which would have required TCNs to conform with the local ‘national identity’ in order to settle in the EU, form part of the Pact. However, this requirement was dropped as Spain did not find it acceptable.

The third common principle set out in the Commission’s June 2008 Communication “A common immigration policy for Europe” is Prosperity and Immigration: Integration is the key to successful immigration. This principle states that “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.”

The Communication states that, 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 emphasising practical inter-cultural 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 workplace 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 TCNs with the same treatment as EU nationals as regards the coordination of social security schemes across the EU. Furthermore, the EU and the Member States should promote 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

In the European Pact on Immigration and Asylum, to be endorsed by the European Council on 15 October 2008, the Council makes five commitments. Section a) and e) of the first commitment relate to integration. These are, respectively, to:

• establish ambitious policies, in a manner and with resources they deem appropriate, to promote the harmonious integration of host countries of immigrants who are likely to settle permanently; these policies should be based on a balance between migrants’ rights (to education, work, security and public and social services) and duties (compliance with host country laws, etc). They will include specific measures to promote language-learning and access to employment, an essential factor in integration; they will stress respect for the national identities of Member States and the EU and their fundamental values such as human rights, freedom of expression, tolerance, equality between men and women, and compulsory school attendance
• promote information exchange on best practice implemented, in line with the common principles approved by the Council in 2004, in terms of reception and integration, and EU measures to support national integration policies

The target group of the integration agenda

Justice and Home Affairs ministries were instrumental in the selection of target groups for the EU integration framework, which emerged within the context of an Area of Freedom, Security and Justice and the development of a common European asylum and immigrant policy. This interpretation of the target group for integration has been enshrined in EU Council Conclusions, Commission Communications and EU hard law.

Because legality of status represented the most determining factor, Justice and Home Affairs ministers considered that undocumented migrants fall out of the target group scope. Returned emigrants, whose integration obligations are determined by national law, are also absent from the target group. Likewise excluded are EU citizens, whose entitlement to
automatic comparable rights, much like their right to free movement, is safeguarded under EC law.

All legally-resident third-country nationals do not fall under the EU framework definition’s target group. Justice and Home Affairs ministries designated the target group for the EU integration definition to be three categories of legally resident TCNs: migration for employment and self-employment, family reunification and humanitarian reasons.

These ministries have specifically concentrated the EU framework and its fund more on “newcomers” than on settled immigrants or long-term residents. Reference to the ‘descendants’ of TCNs appears repeatedly in the original Common Basic Principles, though only once, concerning education, in the consequent 2005 Commission Communication designed to put these Common Basic Principles into action. The 2006 European Parliament resolution on “Strategies and means for the integration of immigrants in the European Union”69 revived recommendations for the inclusion of immigrant descendents with their call for INTI funding for second- and third-generation immigrants. Nonetheless, these broader interpretations have not been codified at the EU level.

Students, researchers, seasonal workers and persons changing their status also fall outside the scope of the framework, although Member States retain the discretion to include them as additional beneficiaries in programmes focused on the main target groups.

The Thessaloniki European Council called for migrants to be treated as a disaggregate group, with the needs of migrants considered according to their different conditions, sexes and stages of life. The 2003 Commission Communication on “Immigration, Integration and Employment”70 and the 2005 Commission Communication on a “Common Agenda for Integration”71 echoed this appeal for a focus on differentiated target groups of migrants.

This disaggregation is most apparent on the creation of two separate funding streams for immigrant integration. The proposal for the 2007-2013 Integration Fund explicitly excludes asylum seekers and those enjoying international protection, whose integration programmes are developed separately under the European Refugee Fund.

The EU official target group ultimately remains at the discretion of national justice and home affairs concerns that may restrict or expand the personal scope of an EU framework definition on integration. The official TCNs target group has not gone uncontested by EU actors who promote broader definitions in non-binding documents at the European level. The Common Basic Principles encourage Member States to adopt broader target group definitions at the national level that would cover temporary workers, descendents, pre-admission migrants and even refugees.

Immigration and integration have traditionally been extremely unpopular issues within Europe. As a result, DG JLS was hampered in building up the policy infrastructure necessary to design and implement integration policies. Notably, it was not permitted to embark on an open method of co-ordination. Interestingly, many ingredients of such a policy infrastructure have been put in place in the meantime. The Thessaloniki European Council and the Hague Programme endorsed this piecemeal approach. It includes:

- The establishment of the National Contact Points
- The European Migration Network on information exchange (see Chapter 2)
- The publication of an Annual Report
- The adoption of the Common Basic Principles
- The development of Handbook on Integration, followed by an integration website
- The creation of an Integration Forum
- The creation of an Integration Fund

This section outlines cooperation and consultation on the implementation of laws pertaining to the establishment of immigrants through the Odysseus Network; and then looks at cooperation and consultation on issues of societal integration through the National Contact Points on integration; the development of a Handbook on Integration and integration website; and the creation of the Integration Forum.
The academic network for legal studies on immigration and asylum in Europe, known as the Odysseus Network, was created in 1998 with the financial support of the Commission. The aim of the network is to analyse the legislation of EU Member States and legislation of the EU in the areas of migration and asylum. The objective is to furnish universities, policy-makers, practitioners and NGOs with a deeper insight into these issues from a European perspective. The results of the Network’s analyses are presented to the European Institutions, in order to help them prepare legislation based on the provisions of the Treaty of Amsterdam.


The network was selected by the Commission to undertake a study on the conformity checking of measures of Member States to transpose the following ten Directives in the sector of asylum and immigration: Family Reunification (2003), Long-term Residents (2003), Victims of trafficking (2004), Temporary Protection (2001), Reception Conditions (2003), Qualification for Refugees and Subsidiary Protection (2004), Assistance in Transit for Removal by Air (2003), Carriers Liability (2001), Facilitation of Unauthorised Entry and Stay (2002), Mutual Recognition of Expulsion (2001). The research was carried out in 2007 and the final results will be available and assessed in 2008.

A network of National Contact Points on Integration (NCPI) was set up by the Commission as a follow-up to the Justice and Home Affairs Council Conclusions of October 2002 where the need for exchange of information and best practice and the establishment of a network was called for. The Thessaloniki European Council conclusions stressed the importance of developing co-operation and exchange of information within this network with a view in particular to strengthening the coordination of relevant policies at national and European level.

The main objective of the network is to create a forum for the exchange of information and best practice between Member States at EU level with the purpose of finding successful solutions for the integration of immigrants in all Member States and to ensure policy coordination and coherence at national level and with EU initiatives.

At the June 2007 JHA meeting the Council discussed the need to further strengthen the role of the NCPI and it concluded that the activities of the National Contact Points on integration need to be guided by the Common Basic Principles. The Council invited the NCPI to consider approaches to integration that involve the society as a whole, including in particular measures to:

- explore and clarify the various conceptions of, and approaches to, ideas of participation and the various conceptions of citizenship under discussion, taking into account the relevant EC acquis that relate to the integration of immigrants and Member States’ Constitutional and legal systems, as well as exchange views and experiences on naturalisation systems applied by Member States
- examine the added value of developing common European modules for immigrant integration as a full project in the light of experience at national levels with introduction and language courses, the involvement of the host society, promoting the participation of immigrants in local life and various other aspects of the integration process
- analyse measures that can be targeted at the host society in order to improve the public image of migration and to enhance the capacity of public institutions and the media to reflect in a balanced way and manage migration-related diversity in society
- explore how integration programmes and policies can contribute to the prevention of social alienation and radicalisation
• promote the development of common indicators and indexes that could be used by Member States on a voluntary basis in order to assess integration policy outcomes

3.2.3 The Handbook on Integration

The Handbook on Integration acts as a driver for exchange of information and best practice, and enables the development and promotion of policy initiatives. It is based on the outcomes of technical seminars hosted by ministries responsible for integration in different Member States. The seminar participants can be considered the ‘authors’ of the handbook, since the knowledge and examples presented in the chapters are largely based on their (written and oral) presentations and discussions. The European Commission, the National Contact Points on Integration and the independent expert, MPG, can be seen as ‘editors’, preparing a conceptual framework for the seminars, taking stock of the information gathered at each seminar, selecting practices, and supplementing them with additional research.

The first edition (2004) contains best practices and lessons-learned in the following areas: introduction courses for newly arrived immigrants and recognised refugees, civic participation, and indicators. The second edition (2007) of the Handbook looks at mainstreaming; structures and mechanisms used for implementing successful integration strategies; housing; and economic integration. The third edition of the Handbook, which is due to be published in 2009, will examine immigrant youth, education and the labour market; citizenship; public awareness and empowerment; dialogue platforms and coordination mechanisms.

3.2.4 Integration Web Site

The Web Site on Integration will provide a ‘one-stop-shop’ for information and good practices to support the integration of immigrants in all Member States. The Web Site, which is due to be launched at the end of 2008, will cover all dimensions of integration and gather information from a wide variety of stakeholders. It has been designed for use by national, regional and local authorities, by civil society organizations and by practitioners in local organisations. Consultation with stakeholders has been a key part of the development of the Web Site. The project has focused on working with government at the European, national, regional and local levels, international organisations and EU civil society networks, academics and experts, business networks, and social partners.

The Web Site will provide an EU-wide platform for networking on integration that will enable users to exchange policy and practice, locate other practitioners with similar interests, and participate in a moderated online forum.

3.2.5 The Integration Forum

As part of the process launched in September 2005 by the Commission to develop a Common Agenda for the Integration of third-country nationals in the EU, it was decided to involve all stakeholders active in the area of integration by assembling them in a platform for civil society participation, known as the European Integration Forum. The main functions of the forum will be consultation, exchange of expertise and drawing up recommendations to be published on the Integration Website. It will also have close links with the National Contact Points in each Member State. This process is being carried out in cooperation with the European Economic and Social Committee (EESC).

The April 2008 the European Commission, in collaboration with the EESC, held a preparatory meeting on the Integration Forum to discuss the future tasks, functioning and issues to be addressed by the Justice Forum. The EESC Committee of July 2008 adopted the opinion that the Forum should be set up gradually, have a maximum of 100 members and meet twice a year. Its main tasks would be consultation, exchanging expertise and drawing up recommendations. The Commission, Parliament and the Council could consult the Forum on European integration policies. The Forum could draw up own-initiative reports for the EU institutions in order to improve the integration of TCNs. The Integration Forum is expected to meet for the first time in October 2008.
Networking on migration issues at European level between NGOs occurs at a modest scale, which could be attributed partly to interest (‘all integration is local’) and partly to capacity (‘European co-operation costs time, money and language skills’). A number of active and rather powerful networks of NGOs exist at the European level to reflect civil society’s diversity. The strongest networks are those linked to, or part of, established organisations such as churches, human rights or refugee organisations.

The framework programme on Solidarity and Management of Migration Flows for the period 2007-2013 (which was outlined in greater detail in Chapter 4), contains two funding programmes which support integration activities in the EU. These are The European Integration Fund and the European Refugee Fund (ERF).

The European Fund for the Integration of Third-country nationals for the period 2007 to 2013 follows on from INTI (the Preparatory Actions for integration of TCN), which supported the integration of legally-residing TCNs through the promotion of activities at local level, strengthening networks, and exchanging information and good practices between Member States, their regional and local authorities and other stakeholders.

The Integration Fund was established in June 2007 as part of “Solidarity and Management of Migration Flows”. The general objective of the Integration Fund is to support the efforts made by the Member States in enabling third-country nationals to fulfil the conditions of residence and to facilitate their integration into European societies. To this end, the Integration Fund contributes to the development and implementation of national integration strategies in all aspects of society, in particular taking into account the principle that integration is a two-way dynamic process of mutual accommodation by both immigrants and citizens of Member States. According to Article 3 of the Decision, the Integration Fund shall contribute to the following specific objectives:

- Facilitation of the development and implementation of admission procedures relevant to and supportive of the integration process of TCNs
- Development and implementation of the integration process of newly-arrived TCNs in Member States
- Increasing of the capacity of Member States to develop, implement, monitor and evaluate policies and measures for the integration of TCNs
- Exchange of information, best practices and cooperation in and between Member States
- Developing, implementing, monitoring and evaluating policies and measures for the integration of TCNs

Who is the target group of the European Integration Fund?

The target group of the fund is third-country nationals legally residing in the EU Member States. The target group of the Fund also includes TCNs who are on the territory of a third country and who are complying with specific pre-departure measures and/or conditions set out in national law (see section 2.3). Refugees and beneficiaries of subsidiary protection are not covered by the Integration Fund as they fall under the European Refugee Fund. EU citizens exercising their right to move freely within the Union fall outside the scope of the target group. Undocumented migrants are explicitly excluded, despite DG JLS acknowledging the difficulties in tolerating a sustained presence of significant numbers of undocumented migrants without providing integration measures; and that one of the actions required to implement the ninth Common Principle on Immigration is ensuring undocumented migrants have access to a base line of public services, including education for children and basic health care.

The definition of ‘third-country national’ is based on nationality, not length of residence. In DG JLS’s glossary of terms a third-country national is defined as “any person who is not a national of an EU Member State.” Hence, a second-generation immigrant who is not a citizen of the host country falls within the target group, but a more recent arrival who has taken out citizenship would not be eligible. Recent policy developments may indicate a softening of the target group in the future. For example, the Commission’s
Establishment

June 2008 Communication on “A common immigration policy for Europe” talks of managing ‘increasing diversity’ rather than using the term third-country national. While the target group of the Integration Fund is narrow, it is likely that a wider range of immigrants will benefit from it. This was certainly the case with the INTI, which supported projects that included second-generation migrants in their target group.

The Integration Fund complements the European Social Fund.

Financial aspects

The Commission had originally proposed an allocation of €1771 million for the period 2007-2013. The European Parliament and the Council made a compromise amendment that the Integration Fund shall provide €825 million for the period and each Member State shall receive a fixed amount of €500,000 from the Fund’s annual allocation. The annual allocation for 2008 is €78 (rising to €98 for 2009).

Of the €825 million total, €768 million will be distributed amongst Member States on the basis of objective criteria of the number of legally resident TCNs. The remaining 7% (€57 million) is reserved for Community actions.

- National actions

On the basis of Community strategic guidelines and in dialogue with the Commission, each beneficiary Member State will develop their own multiannual programming strategy (2007 – 2013) on the use of the resources they receive each year. The strategy will constitute the framework for the implementation of actions through annual programmes. The Commission approves the annual programme of each beneficiary Member State before 1 March each year.

The call for proposals will be open to national, regional and local authorities registered in all of the Member States with the exception of Denmark (the UK and Ireland have opted in), NGOs, public or private bodies, including university departments, research centres, as well as international organisations. Organisations must work on a strictly non-profit basis. Actions may include partners and participants from Denmark and third countries, but the costs for their participation must be financed entirely by non-Community resources. 50% or, for Cohesion Fund countries and actions implementing specific priorities of the strategic guidelines, 75% of the actions can be co-financed by the Fund. The pre-financing payment is 50%.

Examples of measures to co-finance are intercultural training and dialogue, platforms and networks and tools for comparative learning and programmes and activities in Member States aiming at introducing newly arrived TCNs to the host society and enabling them to acquire basic knowledge about the host society’s language, history, institutions, socio-economic features, cultural life and the fundamental norms and values, including such programmes and pre-departure measures in third countries.

The Integration Fund can support national actions that:

- facilitate the development and implementation of appropriate admission procedures designed to support the integration process
- support the development and implementation of the integration process, particularly in relation to third-country nationals recently arrived in the EU host country
- enhance the capacity of Member States to develop, implement, follow up and evaluate policies for the integration of TCNs
- support the exchanges of information and good practices in and between the Member States by developing, implementing and assessing policies and measures for the integration of TCNs

Eligible actions range from establishing, developing and improving programmes and activities aiming at introducing newly-arrived TCNs to the host society, to developing high quality monitoring tools and evaluation schemes for integration policies and measures.
Community Actions

The Integration Fund can support transnational and Community actions that:

- set up pilot projects and cooperation networks founded on transnational partnerships with a view to promoting the exchange of information and good practices
- organise transnational information and awareness-raising campaigns
- concern the publication of comparative studies and joint pilot projects
- assist the development of statistical tools, methods and indicators designed to measure the level of development of integration policies

The amount of grant per project cannot exceed 80% of the total eligible costs. Funding per project is to be between €80,000 and €500,000 and the duration of the project is not to exceed 18 months.

The three priorities of the 2007 Annual Work programme are to:

- Enhance interaction between TCNs and Member State citizens and promote integration measures and best practices targeted at society as a whole
- Promote integration strategies and measures targeted at different immigrant Groups
- Reinforce the complementary linkage between migration and integration policies

European Refugee Fund

The European Refugee Fund (ERF) is discussed in detail in Chapter 2. This section focuses on the integration aspects of the ERF as contained in the “Council Decision establishing the European Refugee Fund for the period 2005 to 2010”.

The ERF can support national actions relating to the integration of persons seeking or enjoying international protection (refugee, subsidiary or temporary) whose “stay in the Member State is of a lasting and stable nature”. These include:

- advice and assistance in areas such as housing, means of subsistence, integration into the labour market, medical, psychological and social care
- actions enabling recipients to adapt to the society of the Member State in socio-cultural terms, and to share the values enshrined in the Charter of Fundamental Rights of the EU
- actions to promote durable and sustainable participation in civil and cultural life
- measures focusing on education, vocational training, recognition of qualifications and diplomas
- actions designed to promote self-empowerment and to enable these persons to provide for themselves
- actions that promote meaningful contact and constructive dialogue between these persons and the receiving society, including actions which promote the involvement of key partners such as the general public, local authorities, refugee associations, voluntary groups, social partners and the broader civil society
- measures to support the acquisition of skills by these persons, including language training
- actions that promote both equality of access and equality of outcomes in relation to these persons’ dealings with public institutions

The ERF can support transnational and Community actions of interest to the EU as a whole concerning asylum policy and measures applicable to refugees and displaced persons, including integration.

3.4 Conclusion

EU immigration, establishment and integration policies support the view that newcomers should garner new rights and obligations over time. The examination of Community law indicates that rights not only accumulate with time, but on the desirability of the category of immigrant. A newly-arrived researcher, for example, has greater freedom of movement within the EU than persons enjoying international protection who have been living in that Member State for a number of years.
The Long-Term Residence Directive provides its beneficiaries with comparable rights to nationals. It also provides long-term residents with a secure residence status. A long overdue amendment to the Directive will extend its scope to include persons enjoying international protection. This is a welcome development as persons enjoying international protection face the most significant repercussions if they lose their status. A key limitation of the Directive is that it precludes long-term residents who are in precarious financial and employment situations, despite the fact that these vulnerable people are the most in need of integration assistance.

Community law often limits, rather than allocates, rights. The majority of provisions in Community law stipulate that third-country nationals do not enjoy the same rights as nationals. For example, even highly skilled migrants can lose their residence status if the economy takes a downward turn. Hi

Without equality, it is difficult to achieve mutual respect between TCNs and nationals, or to secure the personal development and active participation of TCNs. In short, parity of rights is required if TCNs are to enjoy the four dimensions of well-being (anti-discrimination, recognition, development and participation). Recognising the importance of parity of rights, the Commission has expressed its intention to improve the rights of migrants who are not long-term residents but who are likely to settle permanently. Efforts will even be made to secure basic rights for undocumented migrants.

The integration framework, which advocates integration as a dynamic, two-way process of mutual accommodation, asks more of TCNs than it does of Member States and their residents. Further demands are likely to be placed upon TCNs as the Commission promotes the development of specific integration programmes for newcomers that secure a commitment to fundamental European values.

The Commission is strengthening cooperation and coordination through the National Contact Points on Integration (NCPI) network, and by sharing learnings and identifying good practice through a further edition of the Handbook on Integration, the launch of the Web Site on Integration, and the establishment of the Integration Forum.

The Integration Fund and the European Refugee Fund are vital instruments in funding actions that facilitate integration. However, as their scope reflects the integration agenda, actions may not reach those TCNs most in need of integration assistance (for example those seeking or enjoying international protection whose stay in the Member State may not be lasting or stable) and those who Member States desperately want to integrate (for example second-generation youth).
Settled immigrants work and employ their skills under different circumstances. Their skills may be undervalued or under-utilised at work, where they may equally be vulnerable to exploitation and discrimination. In such cases, immigrants must repeatedly prove their value and adjust their working methods to new and rapidly changing labour situations. Against these pressures, many assert an entrepreneurial spirit to take risks and acquire new skills and competencies. The joint responsibilities of earning their living as employee or entrepreneur and taking care of their families fulfil their migration aspirations and enhance their integration.

Assessments of human resources needs should inform socio-economic policies. Instruments to match supply and demand include reducing unemployment, removal of employment barriers for specific groups (women, minorities, the elderly, etc.), promotion of life-long learning and acquisition of competences, and the recruitment of foreign labour (selective immigration). Conventional assessments consider the impact of immigration in terms of the effect on wages and the employment rates of certain categories of workers. These investigations aim to reconcile any conflict of interest between low-skilled native workers and immigrants or between categories of native and immigrant high-skilled workers. National policy approaches perceive an exchange between the economic benefits of immigration and its social costs on the overall population.

Immigrants also face obstacles in accessing and participating in education. These barriers can have negative consequences for the individual immigrant and the host society, including future unemployment, underemployment and social exclusion. If immigrants are to have a sense of wellbeing and participate fully in society, and if host countries are to realise the full capacity of their human capital and achieve social cohesion, it is vital that education systems provide immigrants with the means to fulfil their potential.

This chapter examines the efforts of a number of DGs in mainstreaming immigrant integration into socio-economic laws and policies, and accompanying cooperation and coordination mechanisms and funding programmes. It examines the following four areas: employment (DG Employment, Social Affairs and Equal Opportunities); entrepreneurship (DG Enterprise and Industry), education and training (DG Education and Culture), urban planning and housing (DG Regional Policy) and health (DG Health and Consumer Protection).

This section examines the work of DG Employment, Social Affairs and Equal Opportunities (hereafter referred to as DG Employment) in relation to the European Employment Strategy (EES) its implementation through the Open Method of Coordination and the European Social Fund (ESF).

Which migrants does DG Employment target in their labour market interventions?

Immigrants (referred to as migrants, third-country nationals and ethnic minorities) are generally targeted in the context of them forming a vulnerable or disadvantaged group.
The role skilled migrants can play in addressing labour shortages and filling skills gaps is also gaining prominence.

On the basis of the new provisions of the Amsterdam Treaty, the Luxembourg European Council of November 1997 initiated the European Employment Strategy (EES), to give direction to and ensure coordination of EU employment policy priorities. The co-ordination of national employment policies at EU level was built around an annual process of guidelines agreed at the Council level, national action plans from the Member States and a joint report by the European Commission.

The March 2000 Lisbon European Council set a strategic goal for the next decade: to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion. The focus was shifted from the reduction of unemployment to regaining the conditions of full employment. The EES was revised in 2005 as a result of its failure to deliver on its targets, particularly related to growth, unemployment and lack of investment in research and development.

The EES was re-oriented towards growth and jobs as a precondition for delivering other elements of the strategy. This focus contains three underlying objectives: achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion. The Commission’s 2002 Action Plan for skills and mobility established four goals to expand occupational mobility and skills development. Immigrants (defined as third-country nationals) and ethnic minorities were mainstreamed into two of these goals and targets:

- Intensify support for integrating disadvantaged people, including ethnic minorities and immigrants, into the education and training system
- Ensure access to lifelong training for all, particularly workers from disadvantaged or minority groups

The 2003 Communication on “Immigration, integration and employment”74 expanded on these two points to incorporate more targets and a disaggregated approach to immigration and gender, age, mother tongue and education. The target group was expanded from solely third-country nationals to include first- and second-generation youth. It highlighted the need for:

- access to training and employment services to increase labour market participation and reduce unemployment by 2010
- develop sanctions and preventative measures to turn undeclared work into regular employment
- closer monitoring of EU labour market needs
- increased job mobility for third-country nationals
- exchange of information and peer review for the promotion of employment incentive measures; the recognition of skills and diplomas; entrepreneurship among first and second generation youth; barriers to integration in the labour market; local employment strategies; language training for professional purposes including fast-track schemes

Community Lisbon Programme

The renewed Lisbon Strategy for Growth and Jobs outlines the need for additional Community level policy actions to complement and strengthen national actions. In December 2007 the Commission proposed the Community Lisbon Programme for the period 2008-2010, which would set out key Community-level measures in a way similar to a Member State national reform programme.

Two of the key objectives to be accomplished by 2010 relate to labour migration. The first objective is the proposal of a renewed Social Agenda. This objective was achieved in July 2008 when the Commission presented the “Renewed social agenda: Opportunities, access and solidarity in 21st century”75. The Communication states that the renewed social agenda
is not to be confined to traditional social domains; it must be cross cutting and multidimensional, covering a wide range of areas from labour market policies to education, health, immigration and intercultural dialogue. It notes that immigration is making a significant contribution to employment, growth and prosperity in the EU; and that the demand for migrants, particularly those with specific skills, is likely to increase over the coming years due to demographic change and labour market shortages in certain sectors and regions. It asserts that, to realise the potential of immigration, it must be accompanied from the start by efforts to facilitate successful integration, including by host country language learning. In relation to the second objective, which is that the Commission make proposals for a common policy on immigration in 2008, it stresses that a common policy on economic migration is essential to meet the increasing demand for higher skilled workers (see Chapters 2 and 3 on the Common Immigration Policy and the introduction of the EU Blue Card for Highly Skilled workers).

4.1.2 Cooperation and Consultation

4.1.2.1 Open Method of Coordination

This section looks at the European Employment Strategy’s (EES) Open Method of Coordination, the Employment Committee and DG Employment’s dialogue with civil society.

A new title on employment in the Amsterdam treaty in 1997 entrusted the European institutions with stronger roles and instruments to complement Member States, who possess the sole competence for employment policy. The subsequent EES operated as an Open Method of Coordination (OMC), ensuring coordination of the employment policies in all the Member States based on a set of common objectives and targets.

The OMC works by fixing guidelines combined with specific timetables for achieving agreed goals; establishing quantitative and qualitative indicators that are tailored to the needs of different Member States as a means of comparing best practices; translating these European guidelines into national and regional policies; setting specific targets and adopting measures, taking into account national and regional differences; and periodic monitoring, evaluation and peer review organised as mutual learning processes.

The OMC components in the current EES are:

- Integrated Employment Guidelines (the Guidelines): following a proposal from the Commission, the European Council agrees every year on a series of guidelines setting out common priorities for Member States’ employment policies
- National Reform Programmes: every Member State draws up a programme in which is described how these Guidelines are going to be designed and implemented nationally
- Joint Employment Report: the Employment chapter of the annual progress report is adopted by the Council to form the Joint Employment Report
- Recommendations: The Council may decide, by qualified majority, to issue country-specific Recommendations upon a proposal by the Commission
- EU annual progress report: the Commission reviews progress made at both national and Community level
- A Mutual Learning Programme

Guidelines

Target groups in Guidelines tend to be defined ambiguously and refer interchangeably to ethnic minorities, immigrants and third-country nationals. The definition process becomes more confused as Member States select their own national definitions from these generally recommended definitions of disadvantaged groups. Disaggregations of immigrants appear rarely.

The 1999 Guidelines introduced a separate guideline on disadvantaged groups. Guideline 9 set the goal of the integration of specified disadvantaged groups and individuals into the labour market, including ‘ethnic minorities’. The Commission significantly expanded this Guideline in 2001 to include migrant workers, to cover combating discrimination and to substitute ‘disadvantaged groups and individuals’ with ‘the promotion of social inclusion.’ The Communication on “The future of the European Employment Strategy” qualified that this integration into the labour market must be ‘sustainable.’ The prioritising of immigrant
inclusion appears in waves of intensity, with rather sparse treatments in 2002 and a heavy focus in 2003 and 2004.

The 2005-2008 Guidelines are less elaborate than its predecessors. Guideline 19 pertains to immigrants; “ensuring inclusive labour markets, enhancing work attractiveness, and making work pay for job seekers, including disadvantaged people and the inactive.” Non-EU nationals are targeted as a specific disadvantaged group. The guidance is broken down into a more detailed explanation, which stresses that the national labour markets must give full consideration to the potential additional labour supply resulting from immigration of non-EU nationals.

In the Guidelines for 2008-201077 Guideline 19 remains the same as in 2005-2008. Immigration makes an appearance in two further guidelines: Guideline 18 on promoting a lifecycle approach to work highlights the importance of integrating immigrants and minorities; and one of the four strategies for implementing Guideline 20 on improving matching of labour market needs is through appropriate management of economic migration.

Targets, Indicators and Benchmarks

The Lisbon Strategy calls for a 70% employment rate by 2010 for the overall population as well as rates for special groups, such as women (60%) and the elderly (50%). Other specific targets address issues, such as access to training and retraining, an increase of the effective average exit age, the provision of childcare and a decrease in the percentage of school dropouts. No EES targets relate to migrants.

The Employment Committee’s working group on indicators annually approves a list of indicators. The criteria employed to select indicators are policy relevance, clarity, statistical availability (preferably from Community sources) and a degree of comparability between Member States. Indicators are developed on two levels: ‘indicators for monitoring’ that measure progress in relation to the objectives defined in the Guidelines, and ‘indicators for analysis’ that support key indicators by placing national policies and performance into perspective. These targets and indicators are incorporated into each new set of integrated guidelines. Each may be adjusted in the yearly joint employment report or the three-year guidelines. The Commission strongly encourages Member States to set their own additional targets in line with the guidelines and identified special groups.

The current list of indicators78 includes two that relate specifically to migrants. The first is in the context of migrants forming a disadvantaged group, and the second is in relation to their role in meeting labour shortages. Guideline 19’s (Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people and the inactive) indicators for monitoring labour market gaps for disadvantaged groups (M5) include, gaps in the labour market, such as difference between the employment, unemployment and activity rates for a non-disadvantaged group in percentage points and the corresponding rates for the disadvantaged group (such as non-EU nationals, disabled people, ethnic minorities, immigrants, low skilled people, lone parents, etc. according to national definitions). Guideline 20 (Improving matching of labour market needs through, inter alia, appropriate management of economic migration) has no indicators for monitoring but includes two indicators for analysis: transparency of job vacancies (20.A1) and vacancies per unemployed (20.A2).

National Reform Programme

Every Member State draws up a National Reform Programme (these were referred to as ‘National Action Plans’ prior to 2005) which describes how the Guidelines are put into practice at the national level. They present the progress achieved in the Member State over the past year and the measures planned for the coming year, so they are both planning and reporting documents.

To what extent is immigrant integration addressed in the most recent National Reform Programmes? The 2007 National Reform Programmes show that the labour market dimension of migration is an important issue for the majority of Member States. In previous
years, a number of Member States outlined the importance of immigration in sustaining their labour markets in the future. However, acknowledgement of the challenge of integrating immigrants has not been evident.

**Joint employment report**

The 2003/2004 joint employment report proposed a more compact set of five targets to guide the actions of the employment task force, Member States and the social partners, namely:

- Greater participation of third-country nationals in education and training programmes for integration into the labour market
- Develop measures to combat discrimination in the workplace
- Incorporate the needs of immigrant women into strategies
- Promote immigrant business creation
- Improve the recognition of qualifications and competences acquired abroad

The 2004/2005 joint employment report highlights the need to promote “the integration of immigrants and people at a disadvantage”. The report acknowledges that the potential of migrants and disadvantaged people is still insufficiently recognised and exclusion from the labour market remains an issue. The report highlights the need for mutual accommodation, explaining that the burden is often placed on individuals to adapt. It notes that migrants (and the Roma) often seem to be portrayed as largely responsible for their own situation.

The 2005/6 joint employment report stresses the need for a continued focus on labour supply and target groups, including immigrants and minorities. It states that comprehensive action with respect to anti-discrimination and labour market integration is necessary to achieve this.

The 2006/2007 joint employment report draws attention to the widening unemployment gap between EU and non EU nationals, especially in Belgium, Germany, the Netherlands, Finland and Sweden (where large gaps already existed). It notes that labour market integration of legal migrants should become a more explicit dimension of employment policies. One of the conclusions of the report is that economic migration may be relevant in alleviating labour shortages.

The 2007/8 joint employment report highlights the role economic migration can play in addressing the needs of the labour market and reducing skills shortages. It therefore considers that the employment and social impact of migration from third-country nationals needs to be addressed in the context of the Commission proposals for a common policy on immigration.

**Country Specific recommendations**

In years past, country-specific recommendations on immigrant integration have been issued to Austria, Denmark, Finland, Germany, the Netherlands, Portugal, Spain and the United Kingdom, which largely corresponds to the list of countries that report statistics on immigrants, foreigners or ethnic minorities. These recommendations are either general (active labour market inclusion measures and incentives) or specific (focus on immigrant youth participation, monitor impact of reforms, etc). Since 2006 country specific recommendations to increase the labour market participation of migrants have been issued to Denmark, Spain, Sweden and Ireland. In addition Ireland has been recommended to introduce cohesive policies for inward migration, and Finland has been asked to take into account the potential contribution of economic migration.

**Annual Progress Reports**

Migrants do not feature heavily in the 2006 annual progress report. Although it does note that, in many Member States, third-country nationals continue to suffer much higher unemployment and that early school leaving is a particularly severe problem among immigrants. The Summary and Conclusions of the Employment Part highlight the worsening unemployment gap between EU and non EU nationals. It also notes that actions to review
and revise the management of economic migration from third countries are in place in a number of Member States. However, it also notes that only four Member States have taken steps to better anticipate future skill needs, and manage immigration accordingly.

Immigration is more prominent in the 2007 annual progress report\(^6\). The Report outlines actions taken by Member States to improve employment of migrants, such as specific training measures and language courses; activation measures coupled with support from the employment service; wage subsidy schemes for employment of migrants and their descendents; and specific programmes for geographic areas where migrants are highly concentrated. It also indicates that in some countries immigration is seen as an important element in answering labour market needs; some Member States are planning to develop plans to attract highly skilled migrants, and twelve Member States plan to simplify the procedures for work and residence permits in sectors where there are labour shortages. The Companion document reveals that net migration has increased labour input, which in turn has improved economic growth.

The annual progress report also outlines priorities. The first priority area identified is investing in people and modernising labour markets. To achieve this it is recognised that support for migrants (and low-skilled workers, and disabled people) needs to be reinforced, notably by fostering skills development. It also notes that Europe will need to define a regulated immigration policy that is accompanied by measures to improve the economic and social integration of immigrants.

**Mutual Learning Programme**

The main objective of the Mutual Learning programme (which incorporates the former Peer Review Programme launched in 1999) is to encourage mutual learning at all levels and to enhance the transferability of the most effective policies within key areas of the EES. The Mutual Learning Programme has three strands of activities: bi-annual EU-wide Thematic Review seminars, which have an agenda-setting role for the mutual learning process and aim to steer the policy debate under an overall thematic focus; Peer Review meetings in individual Member States, which focus on specific policies and measures within the broad policy priority; and follow-up and dissemination activities, which involve a broader group of national stakeholders and further the co-operation and exchange of good practices between Member States.

The exchange of good practice and implementation measures on the inclusion of immigrants into the labour market within the EES has been minor. It is promising, however, that the most recent Thematic Review Seminar, which was hosted in Brussels in April 2008, was on improving access to the labour market for people at its margins with a special focus on people with a migrant or minorities background.

**The Employment Committee**

The Employment Committee plays an important role in the development of the EES and promoting coordination between Member States on employment and labour market policies. The Employment Committee is a Treaty-based Committee which was formally created by a Council Decision in January 2000. Each Member State and the Commission nominates two Members and two alternates to the Committee. The Chairman of the Committee is elected from among the Members appointed by the Member States. The Chairman is elected for a non-renewable two year term. The Chairman is assisted by four vice-Chairpersons.

The main obligations of the Committee, as defined in the Treaty and in the founding decision, relate to the preparation of the Council proceedings with regard to the EES and its instruments: the Employment Guidelines, the Joint Employment Report and the recommendations on the implementation of national employment policies. The Committee also formulates Opinions at the request of either the Council or the Commission or on its own initiative.

Since its inception, migration has featured on the work programmes of the Committee. The Contribution of the Employment Committee on labour market aspects of immigration (2001)
acknowledges the central importance of the EES in addressing labour market aspects of immigration, including needs assessment and admission policies, integration and anti-discrimination policies and addressing illegal work. The Committee also express their willingness to consider proposals for future work in this area. The Opinion of the Employment Committee on the Commission on immigration, integration and employment (2003), identifies that employment is often the most effective way of integration, and highlights the need to exchange experiences and good practices.

The Opinion of the Employment Committee on migration and integration (2004) is notable for a number of reasons. It emphasises the need to mainstream migration and integration dimensions into all relevant policies, including the EES. Furthermore, the Committee states it should be fully involved in the development of the Common Basic Principles on integration. The Committees reiterates its view that combating irregular immigration should facilitate the sustainable integration of immigrants.

The Committee’s work plan of 2006 foreshadows the preparation of an opinion on the Commission Policy Plan on Legal Migration for their informal meeting that February. However, as no opinion on legal migration was produced that year, it appears that the Committee were not called upon to produce an opinion. Their 2007 work plan includes further discussion on the labour market dimension of migration and on the Commission’s proposals on economic migration, however no opinion was produced. In February 2008 the Employment Committee forwarded key messages to the Spring Council, one of which reiterated the importance of economic migration and the resulting need to consider the employment and social impact of the migration of third-country nationals in the context of the Commission proposals for a common policy on immigration. The 2008 work plan foreshadows further analysis in regard to better integration of economic immigrants in the labour market, entry and residence of highly skilled workers, access to labour market, and the link between the shadow labour market and illegal migration.

The Employment Committee is required to collaborate closely with the social partners, in particular with those represented in the Standing Committee on Employment, and to consult management and labour. The Committee is also to work in cooperation with other relevant bodies and committees dealing with economic policy matters. The 2004 Opinion of the Employment Committee on migration and integration calls for increased dialogue with the Social Partners, the relevant NGOs and immigrant organisations at the EU, national, regional and local level; and acknowledges the need for the Committee to have a regular dialogue with National Contact Points on Integration (NCPIs), both at the EU and national levels, to ensure that the work of this committee will not overlap with the work of the Employment Committee and that of the SPC.

The EES provides opportunities for both social NGOs and social partners to participate. However, the level of involvement varies widely across Member States, and the impact of the participation has also been called into question.

A 2005 report prepared by social partners found that social partners were usually consulted during the preparation of the National Action Plans, however the impact of the consultation process was variable. In some cases their comments were broadly taken into account (Belgium, Cyprus, Finland, Greece, Italy, Luxembourg, Slovenia and Sweden), in others their comments had some impact (Czech Republic, Germany, Latvia, Netherlands, Poland, Spain, UK) or very little impact (France, Ireland and Portugal). In many countries social partners’ joint contributions were included in a distinct manner in the text of the National Action Plan and/or its annexes (Belgium, Czech Republic, Denmark, France, Germany, Italy, Luxembourg, Spain, Sweden and UK). In terms of quality, the consultation improved over the years in one country (Germany), but was seen as unsatisfactory due to an inadequate method of involvement (Spain), insufficient time for consultation (Ireland, Netherlands, Portugal and Spain) and the absence of discussions with government (Austria).

Furthermore, research conducted at the University of Bath in 2005 suggests that the EES provides social partners with a reduced form of collaboration where they appear to be co-opted into a process and a mechanism beyond their influence. The paper concludes that
social partners cannot be said to be systematically involved in all stages of the National Action Plan process or the peer review.

The Commission’s Communication on “The Social Agenda” calls for a stronger link between the EES and the development of social partners’ agreements to make it possible to enhance the adaptability of labour and to support policies for lifelong training and modernisation of the organisation of work.

The development and implementation of EES through the European Social Fund (see below) must also take place in partnership with all the key players at a national, regional and local level. This includes involving relevant partners in the development and implementation of plans and in programme monitoring committees.

The European Social Fund (ESF), created in 1957, is one of the EU’s four Structural Funds set up to promote economic and social cohesion. It is a key element of the EU’s strategy for Growth and Jobs targeted at improving the lives of EU citizens by giving them better skills and better job prospects. Over the period 2007-2013 some €75 billion will be distributed to the EU Member States and regions to achieve its goals. The links between the ESF and the EES are being reinforced so that the ESF can contribute more effectively to the employment objectives and targets of the “Lisbon Strategy for Growth and Jobs”, and its three main objectives of full employment, quality and productivity at work, social cohesion and social inclusion.

A new set of Regulations governing the operation of the Structural Funds was adopted for the period 2007-2013. The ESF provides support under two new objectives: ‘Convergence’, which concerns the least developed regions, and ‘Regional Competitiveness and Employment’, which concerns the rest of the EU.

The Convergence objective aims to help the least-developed Member States and regions catch up more quickly with the EU average by improving conditions for growth and employment. Convergence regions are defined as those with a GDP per head of less than 75% of the EU-25 average. Regions which have a GDP per head of more than 75% of the EU-25 average but of less than 75% of the EU-15 average are eligible for funding as ‘phasing-out regions.

The aim of the Regional Competitiveness and Employment is to strengthen the competitiveness, employment and attractiveness of regions other than those which are the most disadvantaged. This includes ‘phasing-in regions’, with a GDP per head of less than 75% of the EU-15 average in the period 2000-2006, but of more than 75% of the EU-15 average in the period 2007-2013. ‘Competitiveness and employment regions’ applies to all other EU regions.

The ESF focuses on four key areas for action for both the Convergence and the Regional Competitiveness and Employment objectives:

- Increasing adaptability of workers and enterprises
- Enhancing access to employment and participation in the labour market
- Reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people
- Promoting partnership for reform in the fields of employment and inclusion

In addition, under the ‘Convergence’ objective, the ESF also supports efforts to expand and improve investment in human capital, in particular by improving education and training systems; and action aimed at developing institutional capacity and the efficiency of public administrations, at national, regional and local level.

The Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. A broad range of government and non-government actors are able to apply for funding, including national, regional and local authorities, educational and training institutions, NGOs and the voluntary
sector, as well as social partners, for example trade unions and works councils, industry and professional associations, and individual companies.

**The European Social Fund and the integration of migrants into the labour market**

The Commission’s November 2006 paper titled “European Social Fund 2007-2013: Integration of migrants in the labour market” highlights the important role the ESF has played in the integration of migrants into the labour market. It states that within the context of social inclusion evaluations on the Spanish programmes found that 2.2% of the persons benefiting were third-country nationals. For Germany corresponding figures set the level at 0.5% in East Germany and 3.0% in West-Germany. The Italian objective 3 programme found that globally 6.4% were non-Italian nationals (0.6% EU nationals) and for training projects co-financed by the ESF the percentage was 5.6%. These figures do not include actions under the EQUAL Community Initiative, which the ESF also funded.

The current ESF regulation, unlike its predecessor, makes three specific references to migrants. It does not define the term ‘migrant’ so Member States are able to apply their national definition. The Regulation’s preamble states that lessons from the EQUAL initiative need to be integrated into the ESF, and particular attention should be paid to the integration of migrants, including those seeking asylum. The scope of assistance, which is outlined in Article 3, includes “specific action to increase the participation of migrants in employment and thereby strengthen their social integration and to facilitate geographic and occupational mobility of workers and integration of cross border labour markets, including through guidance, language training and validation of competences and acquired skills”. Article 10 states that annual and final implementation reports shall contain, where appropriate, a synthesis of the “implementation of action to increase participation of migrants in employment and thereby strengthen their social integration”.

4.2
Entrepreneurship –

DG Enterprise and Industry

4.2.1
Principles and Policies

This section examines DG Enterprise and Industry’s efforts in supporting and developing ethnic entrepreneurship through its Multi-annual Programmes, the Ethnic Minority Business Network, and the Entrepreneurship and Innovation Programme.

**Which migrants do DG Enterprise and Industry target?**

DG Enterprise and Industry’s target group has traditionally included ‘ethnic entrepreneurs’, although this is less prominent in its new framework.

DG Enterprise and Industry’s mission is to make the EU the most competitive and dynamic knowledge-driven economy by making it more entrepreneurial and innovative and by getting still more from the internal market. Opening doors to minority groups is one of its strategies for achieving this objective.

Actions to encourage ethnic minority entrepreneurship have been coordinated under DG Enterprises’ Multi-annual Programmes 1997-2000, 2001-2004, and 2004-2007. The Multi-annual Programmes have been superseded by the Entrepreneurship and Innovation Programme, which is part of the Competitiveness and Innovation Framework Programme (2007 to 2013).

The “1997-2000 Multi Annual Programme for small and medium-sized enterprises (SMEs) in the EU” proposed the development of measures and initiatives to address the needs of small enterprises and specific target groups of entrepreneurs. The programme identified ethnic minorities as one of these target groups and set in motion a programme on ethnic minority entrepreneurship.

To identify impediments and areas of improvement, DG Enterprise and Industry commissioned the qualitative Middlesex Study. This 2000 study provided some general recommendations for EU action with respect to ethnic minority entrepreneurs, namely to: raise awareness at all levels on the possibilities of entrepreneurship and existing EU support programmes; promote the development of tailor-made local support services and the recruitment of staff from these target groups; facilitate the international exchange of
good practice; and support further research and data collection to inform and monitor policy. It also made the following specific recommendations: to increase access of ethnic minorities to mainstream support provision, including existing EU support programmes; increase access to finance through loan guarantees and micro-credit schemes as well as strategies with mainstream financial institutions; support ethnic minority development in new sectors of activity; and network initiatives to build local capacity. The study formed the basis of a European platform, which was activated with the June 2003 European Conference on Ethnic Minority Entrepreneurs.

The 2004 Commission “Action Plan on the European agenda for Entrepreneurship” gave some shape to this programme, with ethnic minorities appearing on its agenda. Key action 5 of the Action Plan sets the main goal for this programme as the provision by the Commission and Member States of tailor-made support for women and ethnic minorities. DG Enterprise and Industry would apply to ethnic entrepreneurs the methodology of its well-established efforts for another mainstreamed target group, female entrepreneurs. The process would rely on the identification and evaluation of policy measures and good practice in order to encourage ethnic entrepreneurs. DG Enterprise and Industry also ambitiously declared its support for the active involvement of their representative bodies in new policymaker networks to stimulate EU, national and regional dialogue.

In its 2005 Communication on “Implementing the community Lisbon programme - Modern SME policy for growth and employment” the Commission states it will continue to encourage networking among policymakers to identify and promote good practices to assist, amongst others, those from ethnic minority communities. However, the current Entrepreneurship and Innovation Programme (2007-2013) contains no specific reference to ethnic entrepreneurs.

In March 2008 DG Enterprise and Industry presented the findings of its study “Examination and Evaluation of Good Practices in the Promotion of Ethnic Minority Entrepreneurs”. Research was conducted in 32 European countries to identify and examine specific measures and support schemes promoting entrepreneurship amongst ethnic minorities. This comprehensive report provides details of twelve examples of good practice; identifies professional organisations representing the economic interests of ethnic minority entrepreneurs; and outlines the lessons learned about the following policy measures or support schemes: raising awareness among immigrants; improving skills and competencies of individual entrepreneurs; strengthening the social, cultural and financial resources of entrepreneurs; improving market conditions; implementing favourable regulation; strengthening intermediary organisations, such as training bureaus, consultancies, and business associations.

A likely reason that ethnic entrepreneurs are not a target group of the current programme is, in the words of the Ethnic Minority Businesses Network “Migrant and ethnic minority entrepreneurship is a topic that hides a considerable degree of heterogeneity under one label. Given the diversity of the businesses concerned a uniform approach and a general migrant and ethnic entrepreneurship policy will not be possible or successful”.

DG Enterprise and Industry’s current website summarises its involvement in supporting ethnic entrepreneurs. It states “Migrants and people from ethnic minorities face particular difficulties in setting up and running businesses. The Commission has sought to identify the reasons for this and encourages Member States to work to make it easier for budding entrepreneurs from different ethnic backgrounds”, which would indicate that policy developments in this area are unlikely. It will be interesting to see if DG JLS are able to rekindle a more active interest in ethnic entrepreneurship within DG Enterprise and Industry. Matching skills and needs is one of the ten common principles DG JLS adopted in the recent Communication on “A common immigration policy for Europe”. To implement this principle, one of the actions required by the EU and its Member States is to 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 an assessment, it proposes measures to support immigrants’ entrepreneurship.
As concerns the involved partners, DG Enterprise and Industry placed a few civil servants in charge of the promotion of ethnic entrepreneurship. On request, Member States have occasionally contributed the services of local, regional and national authorities responsible for the field. Other expert organisations and academics have also participated in consultations.

Consultation on ethnic entrepreneurship has been with a narrow sample of stakeholders and with a loose and infrequent coordination structure. The programme sought out organisations that provide support services for small business or representatives of their interests. These business support service providers ranged from general to specific support and membership organisations. Regardless of whether they had already developed specific support programmes for ethnic entrepreneurs, business support service providers represented the main partners and beneficiaries. Ethnic entrepreneurs, listed as the other beneficiaries and important partners in consultations, primarily serve as ‘success stories’ in the search for best practice.

While policy developments may be limited, March 2008 saw mutual learning brought to the fore at the Commission’s conference on “Migrant Entrepreneurship / Ethnic Minority Entrepreneurship - Diversity in a united Europe”, which aimed to exchange good practice cases in the promotion of ethnic entrepreneurship to draw policy conclusions and to discuss possible future policy activities in this area with the presentation of a new report and conference about ethnic entrepreneurs. The Concluding document outlines ten critical success factors for business support services that were identified at the conference.

The June 2003 European Conference on Ethnic Minority Entrepreneurs brought together ethnic minority entrepreneurs, representative organisations, European professional organisations and administrators from all levels of governance. The participants discussed impediments concerning isolation and breakout strategies, involvement in the political process and access to finance and support services.

Following this conference, the Commission and Member States established the Ethnic Minority Businesses Network. It consists of national administrators, researchers and representatives from business organisation. According to its mission statement, the Network serves as interlocutor with the European institutions and as a central link with other European networks. The exchange of good practices on immigrant entrepreneurs concerns national public officials and their administrative practices, researchers and their studies on good practice as well as stakeholders and their recommendations. The network met a handful of times. Topics that were discussed included access to finance, the importance of informal network, the use of micro-credits, as well as the outcomes of the March 2008 European Conference in Brussels and the findings of the study.

In May 2008 the Network published its final report titled “Supporting Entrepreneurial Diversity in Europe – Ethnic Minority Entrepreneurship/Migrant Entrepreneurship”. The report makes the following conclusions and recommendations for policy makers throughout Europe:

- Tailor the business support to the individual needs and consider the relation of the individual entrepreneurs with their community
- Provide a broad range of service and support and involve a multitude of service providers. Integrate the support into larger general support structures to avoid a fragmentation of the services
- Apart from services that are targeted at groups or individuals from certain groups also consider developing disadvantaged areas as these usually have a high share of migrant/ethnic groups
- Raise the awareness of migrant and ethnic minority businesses of the support that is available and raise the awareness of administrations and other stakeholders (e.g. banks) as regards the contribution that these businesses can make to the general economy
- Develop basic business skills of migrant and ethnic minority entrepreneurs. Most assistance is needed in the very early phases of the business. Avoid lasting
dependency on support services. Consider that fees can pose a significant acceptance barrier

- Continue the exchange of good practices

In addition to policy infrastructure of DG Enterprise and Industry, the European Employment Strategy, through its Open Method of Coordination, provides opportunities for both social NGOs and social partners to participate through its policy pillar of the development of entrepreneurship.

4.2.3 Funding Programmes

Funding programmes supporting entrepreneurship include the Entrepreneurship and Innovation Programme and the European Social Fund.

4.2.3.1 The Entrepreneurship and Innovation Programme

The Entrepreneurship and Innovation Programme has a budget of €2.17 billion for the overall period of 2007-2013. The budget for 2008 (€320 million) is 68% greater than the budget for 2007. The programme aims to achieve its objectives through the following actions:

- Access to finance for SMEs through “EU financial instruments”
- “Enterprise Europe Network”: a network of business and innovation service centres
- Support for initiatives to foster entrepreneurship and innovation
- Eco-innovation - making sustainable development become a business reality
- Support for policy-making

There are no specific calls for actions that specifically promote and support ethnic entrepreneurship.

4.2.3.2 European Social Fund (ESF)

European Social Fund (ESF) funding is available for activities that develop entrepreneurship. Entrepreneurship can be promoted through subsidies or other support for those starting their own business; information, training and mentoring activities; and it can also be helped by fully exploiting the possibilities offered by certain sectors (local / social economy, new areas of work). More details on the ESF are available in section 4.1.3.

In addition to funding available through the ESF, support for ethnic entrepreneurs was available through the EQUAL programme. Member States based their EQUAL strategy on specific thematic areas under the four pillars of employment, the second of which was to make it possible for anyone to start up a business by providing the tools necessary to do so and to identify new opportunities for employment in urban and rural areas. “Entrepreneurship for All” activities were established with the aim of removing the key barriers or obstacles that prevent disadvantaged groups being able to set up viable businesses.

4.3 Education – DG Education and Culture (EAC)

This section examines the work of DG Education and Culture (DG EAC) in integrating the concerns of immigrants into its laws and policies, the implementation of ‘Education and Training 2010’ through the Open Method of Coordination in education, and projects funded through the ESF and the Lifelong Learning Programme 2007-2013.

Which migrants does DG EAC target in relation to education and training?

DG EAC targets people from an immigrant background in the context of them being disadvantaged learners due to their weak socio-economic position (rather than their language skills and prior education). The current scope of the target group includes first- and second-generation pupils, but not third-generation pupils.

4.3.1 Principles and Policies

DG EAC supports actions in education and training that aim to improve the quality of learning systems and provide greater opportunities for lifelong learning. While each Member State is in charge of its own education and training system, DG EAC focuses on
co-operation with national authorities and European stakeholders on improving policies and exchanging good practice; and the development and administration of funding programmes.

This section examines DG EAC’s strategy for implementing the Lisbon objectives in the field of education (Education and Training 2010) and its relevance for immigrant integration; and specific policy developments, notably the only European legislation governing the education of non-nationals (the Directive on the Education of the Children of Migrant Workers); the European Qualifications Framework; teacher education. It concludes with an overview of the July 2008 Green Paper entitled Migration & Mobility: challenges and opportunities for EU education systems.

4.3.1.1
Education and Training 2010

Lisbon signalled the need for the adaptation of education and training systems to ensure they prepared the people of Europe for living and working in the ‘knowledge society’. The focus of the reform is defined by the three concrete future objectives of education and training systems identified at the European Council in Stockholm in 2000, including increasing the quality and effectiveness of education and training systems, facilitating access for all, and opening up the education and training systems to the wider world.

The European Council at Barcelona set five ambitious goals for education and training. By 2010:

1. The highest quality will be achieved in education and training and Europe will be recognised as a world-wide reference for the quality and relevance of its education and training systems and institutions
2. Education and training systems in Europe will be compatible enough to allow citizens to move between them and take advantage of their diversity
3. Holders of qualifications, knowledge and skills acquired anywhere in the EU will be able to get them effectively validated throughout the Union for the purpose of career and further learning
4. Europeans, at all ages, will have access to lifelong learning
5. Europe will be open to cooperation for mutual benefits with all other regions and should be the most-favoured destination of students, scholars and researchers from other world regions

Progress toward these objectives is to be achieved through the Open Method of Coordination (see section 4.3.2).

4.3.1.2
The Directive on the Education of the Children of Migrant Workers

The Directive on the Education of the Children of Migrant Workers, which dates back to 1977, was adopted to facilitate the free movement of labour within the EU. It applies to children for whom school attendance is compulsory under the laws of the host Member State, and who are dependants of a worker who is a national of another Member State. In its current form, the Directive does not apply to third-country nationals. The Directive requires Member States to “ensure that free tuition to facilitate initial reception is offered in their territory [to the children of migrant workers], including, in particular, the teaching of the official language or one of the official languages of the host State”; and to, “in cooperation with the States of origin, take appropriate measures to promote in coordination with normal education, teaching of the mother tongue and culture of the country of origin”.

The Directive was adopted in a context of bilateral agreements between Member States about guest workers, who were expected to return home. The Directive was out of date at the time of its adoption (bilateral agreements had ceased) as it is now (as it does not cover third-country nationals who constitute a significant portion of resident non-nationals, and migration is now more permanent). Although Member States did not transpose the Directive, access to learning the host country’s language was implemented in all Member States who receive migrants, but this was not the case with teaching in the mother tongue as it was not mandatory (they were only required to ‘promote’ such teaching).

The future of the Directive is now open to debate. In its recent Green Paper “Migration & mobility: challenges and opportunities for EU education systems”, the Commission asks whether the Directive can still make sense as it stands, or whether it needs to be
reformulated or substituted with an instrument which can better take into account the changed context. The Green Paper argues that the two recent enlargements may have enhanced its relevance as a large proportion of non national workers in some EU countries actually originate from EU Member States. It also states that “the challenge now concerns to a considerable extent the education of children coming from third countries. Their situation is not covered by the Directive”, however, there is no explicit suggestion that the Directive could be extended to include third-country nationals.

The Commission is of the opinion that the entitlement to teaching of the host country language seems to have had little impact in shaping of national policies and that Member States have all developed their own approaches to the teaching of the host country language. Therefore, it asks whether Member States are likely to be helped more by the Directive than through a mix of policy exchange and programme support for policy development.

The Commission acknowledges that mother-tongue tuition (which it refers to as ‘heritage language learning’) may be an educationally valid approach and speculates that EU enlargement may bring about a renewed interest in it, but questions whether it is best implemented via legislative instruments based on the Treaty’s different legal regimes for EU citizens and third-country nationals (TCNs) or via the promotion of voluntary arrangements, either within or outside the formal school system, for example, through the creation of networks, school twinning, and teacher training.

The 2005 Directive on the recognition of professional qualifications grants rights to EU citizens for recognition of their qualifications acquired in one Member State with a view to exercising a regulated profession in another Member State. The Directives does not extend to TCNs.

In 2006 the Commission put forward a proposal on “The establishment of the European Qualifications Framework for lifelong learning” that would create a common reference framework serving as a translation device between different qualifications systems, including the relationship between international sectoral qualifications and national qualifications systems. While the proposal refers to ‘citizens’ in its preamble, it states that the European Qualifications Framework will contribute to the effective application of a long-term residents right (as outlined in the 2003 Long Term Residents Directive) to enjoy equal treatment with nationals as regards to the recognition of professional diplomas, certificates and other qualifications, in accordance with the relevant national procedures, including when they exercise their right to intra-EU mobility.

The Council recommendation on the establishment of the European Qualifications Framework came into force in April 2008. Unlike the proposal, it does not mention the rights of long-term residents. It refers only to citizens and contains no provisions for the recognition of qualifications for TCNs. This appears to be contrary to the expectation arising from “A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union” in which the Commission undertakes to facilitate transparent recognition of qualifications through the European Qualifications Framework. In its current form, the European Qualifications Framework fails to address one of the key impediments to immigrant integration. This is disappointing as it could have been used as a structure for facilitating the recognition of prior learning for immigrants in order to ensure that their skills and knowledge are used to their full potential.

At the November 2007 Council meeting on improving the quality of teacher education, it was considered that the ability of teachers to meet the challenges of increasing social and cultural diversity in the classroom is crucial for the development of more equitable education systems and for progress towards providing equal opportunities for all. It was agreed that the acquisition of competences which will enable teachers to effectively teach pupils from diverse social and cultural backgrounds would be promoted during initial teacher training, early career support and through continuous professional development.
DG EAC considers that the recent high inflows from third countries (as well as the increased intra-EU mobility following the two latest enlargements) are having a very important effect on education systems and, as a result, believes that it is time to renew an in-depth debate on how education may better carry out its role in the social and economic integration of migrants. The Green Paper provides the springboard for the debate on how education policies may better address the challenges posed by immigration and internal EU mobility flows. It raises issues such as how to prevent the creation of segregated school settings, so as to improve equity in education; how to accommodate the increased diversity of mother tongues and cultural perspectives and build intercultural skills in the EU; and how to adapt teaching skills and build bridges with migrant families and communities.

The debate about migration and education encompasses a wide range of immigrant pupils. Its intention is to focus on those pupils who are in a weak socio-economic position. Hence it focuses on immigrant pupils on a needs basis, rather than a rights basis. For example, undocumented migrants are included in the scope of the Green Paper on the grounds that “the legal status of pupils bears little importance on school performance.” This contrasts sharply with DG JLS which allocates entitlements based on migration category, length of residence and legality. No differentiation is made between country of origin (it includes third-country nationals and citizens of another EU Member State) or whether or not the pupil is naturalised. Although the terminology in the Green Paper seems unnecessarily confusing, it includes both first and second generation pupils, but not third generation pupils.

DG EAC has launched a public consultation on the issue and interested parties have been invited to make their views known about the policy challenge, policy responses, and the possible role of the EU before 31 December 2008. DG EAC will analyse the results of this consultation with a view to identifying possible lines for future cooperation and publish its conclusions in early 2009.

In order to implement the Lisbon strategy, Heads of Government agreed to a new and voluntary protocol of engagement known as the Open Method of Coordination (OMC) in the relevant policy areas. The introduction of the OMC in the field of education was groundbreaking as the EU Treaty explicitly states that the content of teaching and the organisation of educational systems is a national responsibility, and the OMC would see cooperation and collaboration with Member States agreeing on common objectives and methods of evaluation in order to identify and disseminate best practice in education.

In May 2003 Education Ministers agreed to the implementation of the following five common education and training Benchmarks:

1. An EU average rate of no more than 10% early school leavers should be achieved by 2010.
2. The percentage of low-achieving 15-year-olds in reading literacy should have decreased by at least 20% compared to the year 2000.
3. The average proportion of 22-year-olds in the EU with at least upper secondary education is 85% or more by 2010.
4. The total number of graduates in mathematics, science and technology should increase by at least 15% while at the same time the level of gender imbalance should decrease by the year 2010.
5. The EU average level of participation in lifelong learning should be at least 12.5% of the adult working age population (25-64 age group).

The Council only agreed to establish reference levels of European average performance. In recognition of the different starting points of individual Member States, it did not define national targets nor prescribe decisions to be taken by national governments. However, the objective is also to identify countries which perform well, so that expertise and good practice can be shared with others. The benchmarking process does not portray Member States as rivals. Instead it benchmarks the performance of the EU against itself, over time, as well as against Europe’s main “competitors,” the US and Japan, in achieving its goal of being the world’s greatest knowledge-based economy by 2010.
The strategy for implementing the Lisbon objectives in the field of education is known as Education & Training 2010 (originally referred to as the Detailed Programme on the follow-up of the objectives of education and training systems). The strategy was adopted at the European Council in Barcelona in 2002. It included 13 objectives, an agreed rationale and timetable for action, the identification of key issues, and themes for exchange of good practice and peer review and suggestions for indicators to measure progress.

Immigrant integration was not a specific subject area of Education & Training 2010 and the original Detailed Work Programme on the follow-up of the objectives of education and training systems makes no specific reference to immigrants. Nor is any explicit link made between Education & Training 2010 and the Commission’s 2005 Communication on “A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union”, in which the EU outlined its commitment to improving the participation of immigrants in education. Its fifth Common Basic Principle states that “efforts in education are critical to preparing immigrants, and particularly their descendents, to be more successful and more active participants in society.”

Working Groups were set up over the course of 2001/2002 to produce policy recommendations and/or concrete material to implement Education & Training 2010. Each Working Group was responsible for one or more of the 13 objectives. The Working Groups brought together a wide range of stakeholders. For example, the membership of the Key Competencies Working Group extends beyond government officials to include representatives from adult education, trade unions, student unions, technical and vocational education and training, entrepreneurship research, parents associations, education associations and councils, social NGOs, private business, EUROSTAT, Eurydice and the OECD.

Members of the Working Groups facilitated the implementation of the 13 objectives at the national level by mapping and assessing issues outlined as themes of exchange in the Detailed Work Programme and emerging issues identified by the Working Groups. Each Working Group engaged in exchanges of good practice, study visits and peer learning activities as they deemed necessary to define the target groups/key beneficiaries, map the policy situation and identify areas for improvement for each of the objectives.

In order to strengthen support for the implementation of Education & Training 2010 at national level, working methods were adjusted to enable Member States to focus on their specific policy priorities. The term ‘cluster’ refers to this regrouping of interested countries around a specific theme, corresponding to their national policy priorities. DG EAC advise that the aim of the clusters is to strengthen mutual learning and deepen the exchange of good practice between countries sharing similar concerns, in order to develop a common understanding of success factors for the improvement of policymaking and the implementation of reform. The following clusters were established in 2005/2006:

1. Modernisation of higher education
2. More efficient use of resources
3. Teachers and trainers
4. Access and social inclusion in lifelong learning
5. Maths, science and technology
6. Key competences
7. Information and Computer Technology (ICT)
8. Recognition of learning outcomes.

Participation in the eight clusters varies. For example, in 2007, Cluster 8 - Recognition of learning outcomes, with 23 countries, has the highest participation rate, and Cluster 2 - Making best use of resources, with 10 countries, has the lowest participation rate. The discretionary nature of the participation means that there are a limited number of countries from which to draw best practice and with whom to share best practice. And without consensus among all Member States, clusters are unlikely to produce any strategic EU-wide policy recommendations.

The clusters are open to European social partners, but not to a wider circle of stakeholders. Social partners participating include the Confederation of European Business (UNICE),
European Trade Union Confederation (ETUC), European Trade Union Committee for Education (ETUCE), and UEAPME: the employers' organisation representing the interests of European crafts, trades and small to medium enterprise. In addition to the Social Partners, Cedefop: the European Centre for the Development of Vocational Training, European Training Foundation (ETF) and Eurydice are to participate in the clusters where appropriate. Partnership working is a key element to the implementation of the Education and Training 2010 agenda. Unlike the Education and Training 2010 Working Groups, there are no social NGOs involved in the clusters. Hence there is no organisation to represent the views of those people who are not in education or employment, and who are a key target group for meeting the Lisbon objectives. Immigrant organisations were neither represented on any of the Working Groups, nor have representation in the new clusters.

A limited number of national initiatives relevant to the integration of immigrants have been identified through the exchange of good practice, study visits, and peer learning activities on broader topics. Initiatives may be presented by Member States as ‘good’ or ‘best’ practice, but there is often limited evidence to support this assertion. The membership of the Working Group G (Open learning environment, active citizenship and social inclusion) did, however, have significant representation from members with a focus on human rights, education for democratic citizenship and intercultural education, and this is likely to be a contributing factor to this Group’s focus on issues that have particular pertinence to immigrants.

In the new structure, the cluster on access and social inclusion is the only cluster to have engaged in activities with a specific focus on immigrants. Peer learning activities have been on the following topics: preventative and compensatory measures against early school leaving, with a specific focus on integrating children of immigrant background (Belgium 2006); immigrants’ languages in education and pre-school in (Sweden 2008); and returning migrants (Greece 2008). In addition, the cluster was also consulted in the development of the Green Paper.

As there is no overarching structure to incorporate the concerns of immigrants, efforts to address their needs have tended to be either piecemeal or in the broader context of disadvantaged learners.

The need for a targeted approach towards migrants is now evident. The February 2008 joint progress report of the Council and the Commission on “The implementation of the Education & Training 2010 work programme” states that particular attention is needed as the performance, participation and attainment rates of migrants are typically lower than average. In regard to adult participation in lifelong learning, the report notes that poor skill achievement among migrants causes concern in most countries. It outlines the way forward for implementing Education & Training 2010 and presents ‘using the potential of migrants’ as a strategy for achieving the desired outcome. The report acknowledges that education and training policies and systems are not meeting these challenges posed by migration, and may indeed be contributing to the problem. It concludes by saying that attention must be given to the situation of migrants in order to foster their economic and social inclusion, as well as intercultural dialogue. These sentiments were repeated the following month at the Spring 2008 Education, Youth and Culture Council meeting, where it was concluded that, as a priority, Member States should take concrete action to, inter alia, improve the achievement levels of learners with a migrant background.

This section looks at the European Social Fund (ESF) and DG EAC’s Lifelong Learning Programme for 2007-2013.

4.3.3 Funding Programmes

4.3.3.1 European Social Fund

The role of the ESF in supporting education and training for the period is set out in the June 2006 DG Employment paper “European Social Fund support to Education and Training 2010”.

During 2000-2006 the ESF supported Member States actions in the area of education and vocational training in the context of ‘promoting lifelong learning’. For the period 2007-2013, ESF supports education and training systems, primarily under the ‘human capital’ priority.
The education and training priorities of the ESF support the Education & Training 2010 work programme. Based on the 2006 Joint Interim Report of the Council and the Commission\textsuperscript{105}, three policy areas for education and training were identified as priorities:

- Investing in the future: improving the level of basic competences
- Transformation of systems to make lifelong learning a reality for all
- Increasing the quality and attractiveness of vocational education and training

The DG Employment paper outlines 23 ways in which priorities of the Education & Training work programme can be funded under the ESF – two of which relate specifically to immigrants:

- Increasing access and participation of groups at risk of exclusion, specifically immigrants and ethnic minorities, in compulsory, higher and adult education, are eligible actions under 1(b) - enhancing access to employment and participation in the labour market, 1(c) - reinforcing social inclusion by combating discrimination and facilitating access to formal education and adult education for disadvantaged people, and 2(a) - expanding and improving investment in human capital
- Targeted investment, assessment of prior learning and tailored training and learning provision for low-skilled people and disadvantaged groups such as migrants, refugees, Roma, people in prison, older workers, and people with special educational needs are eligible actions under 1(b) and 1(c)

The financial details of the European Social Fund were discussed in section 4.1.3 of this Chapter.

The Decision establishing a new Lifelong Learning Programme came into force in December 2006\textsuperscript{106}. The Lifelong Learning Programme comprises four sectoral programmes on school education (Comenius), higher education (Erasmus), vocational training (Leonardo da Vinci) and adult education (Grundtvig), each of which will be outlined below. In addition there is a transversal programme focusing on policy cooperation, languages, information and communication technology and dissemination and exploitation of results; and the Jean Monnet programme, which focuses on European integration. The priorities for the Lifelong Learning Programme are outlined in DG EAC’s General Call for Proposals 2008-2010.

**Comenius**

The programme covers pre-school and school education up to the end of upper secondary education, and the institutions and organisations providing such education. Its specific objectives are to develop understanding among young people and educational staff of the diversity of European cultures and its value; and help young people acquire the basic life-skills and competences necessary for their personal development, for future employment and for active European citizenship.

The Comenius programme supports mobility, such as exchanges of pupils and staff, school mobility, training courses for teachers; partnerships between schools for joint learning projects, and between organisations responsible for school education with a view to fostering inter-regional cooperation. The mobility and partnership actions account for at least 80% of the Comenius budget. It also supports multilateral projects on disseminating and promoting best practices, exchanging experience or developing new courses or course content; multilateral networks aimed at developing education, disseminating good practice and innovation, supporting partnerships and projects, and developing needs analysis; and accompanying measures.

Immigrants are specifically mentioned in the priorities for Comenius. Priority 1, on improving motivation for learning and learning to learn, includes projects that strengthen intercultural education and its contribution to social integration; and projects that help meet the needs of the children of occupational travellers and of migrant workers. Priority 4, on language learning and linguistic diversity, includes in its scope the development and dissemination
of tools for teaching and learning migrant languages. Priority 5, on improving literacy skills, highlights that the literacy skills of migrants often needs special attention.

**Erasmus**

The Erasmus programme addresses formal higher education and vocational education and training at tertiary level, whatever the length of the course or qualification may be and including doctoral studies. Unlike the previous programmes, vocational education and training at tertiary level comes under Erasmus now and not under the Leonardo da Vinci programme. Its specific objectives are to support the achievement of a European Area of Higher Education; and reinforce the contribution of higher education and advanced vocational education to the process of innovation. Erasmus aims to improve, strengthen and develop mobility (this includes the Erasmus Mundus programme – see Box 6); cooperation between higher education institutions and between higher education institutions and enterprises; the transparency and compatibility of qualifications gained; innovative practices and their transfer between countries; and ICT developments.

**Leonardo da Vinci**

The Leonardo da Vinci programme addresses vocational education and training, other than at tertiary level. Its specific objectives are to support participants in training in the acquisition and the use of knowledge, skills and qualifications to facilitate personal development, employability and participation in the European labour market; support improvements in quality and innovation; and enhance the attractiveness of vocational education and training and mobility. It aims to develop and strengthen mobility, including placements in enterprises; cooperation between actors; the development of innovative practices and their transfer between countries; the transparency and recognition of qualifications and competences, including those acquired through non-formal and informal learning; language learning; and ICT developments.

The Leonardo da Vinci programme supports the following actions: mobility; partnerships focusing on themes of mutual interest; multilateral projects, in particular those aimed at improving training systems through the transfer of innovation in order to adapt to national needs or through the development of innovation and good practice; thematic networks of experts and organisations working on specific issues related to vocational education and training; and accompanying measures. The mobility and partnership actions account for at least 60% of the budget for this programme.

In 2008, the fifth priority for multilateral projects is raising competence levels of groups at risk. Immigrants are specifically mentioned.

**Grundtvig**

The Grundtvig programme addresses all forms of adult education. It aims to respond to the educational challenge of an ageing population in Europe; and help provide adults with pathways to improving their knowledge and competences. The operational objectives are to improve the quality and accessibility of mobility; improve cooperation; support and find alternatives for underprivileged and vulnerable persons; support the development of innovative practices and their transfer between countries; support the ICT developments and improve pedagogical approaches and the management of adult education organisations.

It supports action including mobility of individuals; learning partnerships; multilateral projects aimed at improving adult education systems through the development and transfer of innovation and good practice; thematic networks of experts and organisations; and accompanying measures.

The 2008 priorities for Grundtvig include supporting the integration of migrants (for Partnerships); and promoting adult learning for marginalised and disadvantaged citizens and migrants (Multilateral projects), which included projects on identifying and disseminating mechanisms for the assessment of competences and recognition of formal, non-formal and informal learning of migrants. The integration of migrants is not a new theme
in the Grundtvig programme. For example, in 2004-2006 Grundtvig supported six projects that developed training tools and courses for teaching migrant and ethnic communities and 105 learning partnerships that promoted languages in adult education focussed on migrant and ethnic communities (33% of the total number of partnerships).

Financial details

The Lifelong Learning Programme budget for 2007-2013 for the total period is around €7 billion. Just over €1 billion is available for 2008, which is 20% greater than the previous year.

Eligibility criteria:

- Mobility: Applicants must be located in a country participating in the Lifelong Learning Programme. In 2008 this includes 27 EU Member States, Iceland, Liechtenstein, Norway and Turkey. Entitlements include subsistence, travel and other costs
- Partnerships: (Comenius, Grundtvig, Leonardo da Vinci). Grants are awarded in the form of a lump sum to each partner as a contribution to all eligible partnership costs: travel, subsistence during mobility periods and local project activities
- Multilateral projects and Networks, Accompanying measures, Studies and Comparative Research: 75% of the project cost can be co-financed. Evidence of co-financing does not have to be provided for grants under €25,000

Applications may be submitted by legal bodies, for example:

- Institutions or organisations providing initial and/or in-service training for teachers and other school education staff
- Schools, whether providing general (pre-primary, primary and secondary), vocational or technical education, whether public or private
- Institutions or organisations active in school education such as research centres, training centres active in the field of education management or guidance and counselling, educational authorities and public or private companies
- Authorities, institutions or organisations which are not in themselves educational, but whose action can contribute to developing high-quality education
- Networks, voluntary associations and other not-for-profit organisations and undertakings active in the field of education

This section examines DG Regional Policy’s (DG REGIO) mainstreaming of immigrant integration into urban policies. It identifies the scope for tackling housing issues, a particular impediment to immigrant integration, at the EU level; explores EU cooperation and coordination mechanisms on housing and urban issues, including the Inter-service Group on Urban Development; the URBACT network, European network Cities for Local Integration Policy (CLIP); and Integrating Cities. It concludes with an examination of the URBAN Community initiative, including its relevance for immigrants; and cohesion funding.

Which migrants does DG REGIO target in relation to urban policies?

DG REGIO targets immigrants who live in deprived urban areas. To a much lesser extent, it also targets aspiring highly skilled migrants on the basis of their potential economic contribution.

DG REGIO aims to strengthen economic, social and territorial cohesion by reducing disparities in the level of development among regions and Member States.

The Commission’s June 2006 Communication on “Cohesion Policy and cities: the urban contribution to growth and jobs in the regions” proposes policies and actions. It presents and proposes actions to make cities more attractive; supporting innovation, entrepreneurship and the knowledge economy; the creation of more and better jobs; managing disparities within cities; governance; and financing urban renewal. Immigrants are targeted in the context of them forming a disadvantaged group. This is evident in the following ‘guidelines for action’ which explicitly mention immigrants and ethnic minorities:
• Access to service facilities: Immigrant and disadvantaged populations may suffer from particular health and social service problems. They may also face barriers in accessing these services. An increased participation of persons with different backgrounds and of different ages in the planning and delivery of these services should help prevent discrimination and ensure that the services take account of cultural barriers.

• Culture: An active cultural policy is a valuable tool for building bridges between communities and fostering the integration of immigrants and other newcomers to the city; and cities should tackle their weaknesses, boosting employability among those groups within the population which find it hardest to access employment (e.g. women, young people, older workers, ethnic minorities, the long term unemployed, the homeless and the handicapped).

• Improving employability by raising levels of educational achievement and training: Cities can target support at those groups which disproportionately suffer disadvantages in the labour market (e.g. early school leavers, low-skilled young people, older workers and certain groups of immigrants and ethnic minorities).

• Promoting social inclusion and equal opportunities: Actions for breaking-up of patterns of segregation and the integration of migrants, including language and more general training. It is essential to involve the target community in planning and providing such training. The inclusion of immigrant women in training actions is one of the keys to successful integration; and measures to raise women’s skills and qualifications, facilitating their return to the labour market after periods of absence, supporting single mothers and other women (including those from ethnic minorities) facing labour market obstacles, and also giving the opportunity to obtain knowledge and qualifications regarding entrepreneurship and self employment. Specific training and encouragement is of particular benefit to women.

• Actions for SMEs and micro-enterprises: Outreach to specific groups, such as young or female entrepreneurs or those from disadvantaged groups, including ethnic minorities. Access to finance can be a particular issue in deprived areas - public authorities and NGOs can play the role of facilitators, for example by guaranteeing the quality of projects.

While the Communication on “Cohesion Policy and cities” gives particular attention to immigrant integration, migration tends to recur more as a background theme in urban policies.

The October 2006 Council Decision on “Community strategic guidelines on cohesion” constitutes an indicative framework Member States must comply with when drawing up their national strategic reference frameworks and their national and regional operational programmes. The Guidelines state that cities and urban areas tackle the specific problems facing urban areas, such as unemployment, the working poor, social exclusion, high and rising crime rates, increased congestion and the existence of pockets of deprivation within city boundaries. One of the actions it suggests to address these issues is to attract and retain very highly skilled personnel, with accompanying measures relating to accessibility and the supply of cultural services. This, and the fact that the Guidelines also emphasise the need for the positive management of economic migration, indicate that the term ‘very highly skilled personnel’ is intended to include third-country nationals. Although migrants are presented as part of the solution in the strategic guidelines on cohesion, there is no mention that immigrants also form part of the challenge.

The Commission’s May 2007 Working Paper “Territorial and Urban Dimension in the National Strategic Reference Frameworks and Operational Programmes” recognises the impact of demographic changes due to, inter alia, immigration; and suggests that these challenges require a long term vision of the future of the urban or metropolitan area and the setting up of adequate planning tools and mechanisms. This sentiment was reiterated at an informal meeting of ministers responsible for urban and spatial development held in Leipzig in May 2007. At this conference Ministers adopted the “Leipzig Charter on Sustainable European Cities”, which includes a recommendation to make greater use of integrated urban development policy approaches. It states that policy instruments can facilitate early beneficial coordination of housing, economic, infrastructure and services development by taking account of, inter alia, the impact of migration trends.
Box 8: The Urban Audit

The Urban Audit is an initiative of DG REGIO and Eurostat that allows national statistical offices in all the EU member countries to work together in order to compile a wide range of indicators on the quality of life in European cities.

The first full scale European Urban Audit took place in 2003. Its 2007 ‘State of European Cities Report’ examines the role of migration in current patterns of population growth and stagnation. The report concludes that inward migration is certainly acting as a key driver of population growth in a number of cities; and it suggests that, when discussing issues of social cohesion, attention tends to be focused on non-EU citizens, who have different cultural, linguistic, social backgrounds and face considerable adjustment problems on arrival in Europe and often for a lengthy period thereafter.

This section outlines the serious integration impediments housing poses to immigrants, and then examines the work being done at the EU level to secure housing a place on the EU agenda.

Immigrants experience higher levels of homelessness and overcrowding than nationals of equivalent socio-economic status. Restricted choices in the housing hunt forces many immigrants to live in poorer quality dwellings that are concentrated in economically disadvantaged and often segregated neighbourhoods. These housing impediments have a detrimental impact on overall integration. Poor access to housing can disrupt the establishment process and weaken the material condition of newcomers. Poor mental and physical health, restricted access to places of work, lower income and higher poverty levels are all linked to housing conditions and locations. Impediments in housing also carry non-material consequences for educational attainment, family life, social interactions and public perceptions. These material and non-material conditions place immigrants at a structural disadvantage that may become institutionalised and exacerbated in time and over generations.

Housing is not a competence of the Commission. In the October 2006 Council Decision on "Community strategic guidelines on Cohesion" the only reference to housing is in the context of promoting social inclusion.

The European Parliament has been active in trying to secure housing a place on the EU agenda. In April 2006 its URBAN-Housing Intergroup adopted a European Charter for Housing. In light of the failure of market forces to adequately address housing needs, the Charter calls for the right to accommodation to be established as a fundamental right. It also calls for Structural Fund eligibility for the renovation of social housing, and highlights the growing problems of housing exclusion, including severe forms such as homelessness, particularly in large urban areas.

The European Parliament’s Committee on Regional Developments own initiative report of March 2007 on housing and regional policy (the Andria report) explores what can be undertaken at European level in policies connected with housing, while acknowledging the limits of eligibility within the European Regional Development Fund (ERDF) as well as the limited responsibility in housing at European level. The report states that problems relating to housing accessibility and quality cause problems relating to the social integration of migrants, which have resulted in ‘repeated violent upsurges in the cities of several Member States.”

Efforts to secure housing a place on the EU agenda appear to be having some impact. The Commission’s May 2007 "Working Paper on the Territorial and Urban Dimension in the National Strategic Reference Frameworks and Operational Programmes (2007-2013)", which constitutes an indicative framework to be complied with by Member States, foreshadows financial investments related to housing infrastructure amounting to almost €900 million.
4.4.2 Cooperation and Consultation mechanisms

This section outlines two DG REGIO cooperation mechanisms, namely the Inter-service Group on Urban Development, and the networks coordinated under the URBACT programme. It also looks at the European network Cities for Local Integration Policy (CLIP), and Integrating Cities, both of which address the urban dimension of immigrant integration at the EU level.

4.4.2.1 Inter-service Group on Urban Development

In December 2005 the Commission established the Inter-service Group on Urban Development to coordinate the urban dimension in community policies and other urban initiatives. It is chaired by DG REGIO and has representation from the following DGs: Justice, Freedom and Security; Employment, Social Affairs and Equal Opportunities; Research; Energy and Transport; the Environment; the Information Society and Media; Enterprise and Industry; Health and Consumer Protection; Education and Culture; Agriculture; Internal Market; Competition; EuropeAid and the Secretariat-General. It pursues the following three objectives:

- To promote an integrated approach to sustainable urban development when programming and implementing the assistance of the Structural Funds
- To identify the initiatives under the various Community policies aiming to support sustainable development of urban areas and to ensure the necessary cooperation between the Commission services in this respect
- To ensure partnership between the Commission, the European Parliament, the Committee of the Regions, the associations of towns and urban areas and to establish regular dialogue allowing exchanges of views and the gathering of observations from these bodies on the consideration given to the urban dimension

In 2007 the Inter-service Group on Urban Development produced the Guide titled “The urban dimension in Community policies for the period 2007-2013”. Its aim is to increase the visibility of the urban dimension of all Community policies by identifying the initiatives under these various policies with direct and indirect implications for the sustainable development of urban areas.

4.4.2.2 URBACT

URBACT aims to foster the exchange of experience among European cities and the capitalisation and dissemination of knowledge on all issues related to sustainable urban development. URBACT I (2002-2006) involved 217 cities across Europe working on 38 different projects. One of the four themes of the URBACT I programme was ‘populations of foreign origin’, which was in recognition of the fact that newly arriving people of foreign origin often live in deprived urban areas. In the framework of these activities, many of the URBACT I networks have dealt with the topic of integration of immigrants, refugees and ‘other people of foreign origin’. URBACT I networks explored:

- how cities can provide residents of foreign origin with better access to information and public services
- how participation and citizenship for this target group can be developed and supported on the local level
- how integration and mediation at school level can deliver an important pre-condition to overcome situations of exclusion
- how access to employment and income for immigrants can be supported in order to overcome their economic and social exclusion

The second cycle of the URBACT II programme (2007-2013) is structured around three priorities: Cities, Engines of Growth and Jobs; Attractive and Cohesive Cities and Technical Assistance. Its objectives are to:

- provide an exchange and learning tool for policy decision-makers, practitioners and other actors involved in developing urban policies. URBACT II is an exchange platform used to set up Thematic Networks and Working Groups, known as ‘projects’. Each project is essentially composed of cities, but in addition local authorities, universities and research centres can also get involved
• learn from the exchanges between URBACT partners that share experiences and good practices. Draw conclusions and build on them using a thematic approach and expertise
• disseminate good practices and lessons learned from exchanges to all European cities
• assist city policy-makers, practitioners and managers of operational programmes to define action plans. The URBACT activities must have an actual impact on local urban sustainable development practices and policies

The URBACT II programming document110 adopted by the Commission in October 2007 outlines the importance of integration policies for newcomers and immigrant communities. It highlights the importance of appropriate and well-coordinated services designed to facilitate the integration of new arrivals, including undocumented migrants, whose situation may be very difficult due to little or no knowledge of the local language, lack of money, or health problems. In relation to more established migrants and their communities, it highlights the value of projects designed to promote good relations. It outlines the problem that certain immigrant communities are excluded, or are moving towards exclusion, together with the neighbourhoods in which they reside. Often isolated from the rest of the city, these are areas where unemployment and poverty are rampant. It suggests that paths can be explored in efforts to improve integration of these population groups into the fabric of urban life, such as adapting public services to the needs and specificities of these population groups; develop, if necessary, new services (in partnership with other institutional players and private stakeholders); and ease access to services (education, support systems for development of small businesses, job market, health, etc.).

The October 2007 call for proposals for URBACT II included the priority of “Managing Migration, facilitating social integration”. DG REGIO expressed interest in networks that included the following issues:

• Actions to manage diversity in neighbourhoods, urban policies against ghettoisation and marginalisation. This includes measures to combat structural/institutional racism and to strengthen the capacity of public and private service providers to interact with immigrant populations via intercultural interpretation and translation, mentoring, and “one-stop shop” information points
• Enterprises development or self-employment for ethnic minorities. This also includes business support services, access to appropriate finance (e.g. micro-credit) and measures to access the market
• Actions to foster the inclusion of immigrants in the labour market, through job opportunities, vocational training or lifelong learning and with specific focus on women, newcomers, early school leavers, disabled immigrants, Roma, victims of Human Trafficking, etc.
• Access to services, such as housing polices, education, health, counselling, and childcare
• Actions to increase the participation of immigrants and ethnic minorities in the European information society (e.g. multi-language and user-centric e-Government services, training for ICT skills and ICT-enabled education, multicultural digital libraries and new social media projects)
• Actions to support small immigrant organisations as important tools for the empowerment of immigrants in local communities

Two thematic networks specifically relating to migration and integration were selected. These are:

• OpenCities – Openness and the Competitive Advantage of Diversity (Thematic Pole on Growth and Job Creation). The aim of the project is to identify what makes a city open and attractive to international migrants, and how cities can develop more pro-active policies to create open cities to better attract or retain ‘mobile international populations’. The project will also address how cities that attract migrants can be responsible towards cities that are losing population and how the successful integration of international populations can impact on attractiveness and competitiveness over the long term
The URBACT programme has recognised the importance of mutual learning on immigrant issues in its policy documents and, to a lesser extent, projects supported.

European network Cities for Local Integration Policy (CLIP) is coordinated by the European Foundation for the Improvement of Living and Working Conditions, which is an autonomous body of the EU. CLIP’s aim is to bring together 25 large European cities in a joint learning process over several years. Through structured sharing of experiences, the network will enable local authorities to learn from each other and to deliver a more effective integration policy for migrants. CLIP shares good practice on a wide range of integration-related issues, including on housing.

In December 2007 CLIP produced a report entitled “Housing and integration of migrants in Europe”, which presents successful practices and strategies from 20 cities participating in the first module of CLIP. This was followed up by the March 2008 “Good practice guide: Housing and integration of migrants in Europe”, which looks at the role of cities and local authorities not only in the implementation of integration policies, but also in the development of innovative policies on housing, education and cultural diversity. Access to housing was also a focus of the April 2008 CLIP conference held in Brussels, entitled “European cities integrating migrants - From Amsterdam to Zagreb: Fostering a dialogue about successful policies”.

The ‘Integrating Cities’ Process was launched in 2006 by the Commission and EUROCITIES as a series of conferences aiming to establish a dialogue on integration and create bridges of cooperation between the local, national and European level. The first Conference ‘Integrating Cities’ was hosted in 2006 by Rotterdam and Commissioner Frattini with the support of Commissioners Hübner (DG REGIO); Spidla (DG Employment), and Figel (DG Education). The conference brought together key experts, decision-makers and practitioners in the area of immigrant integration and presented ideas for the practical implementation of the Common Basic Principles and the European Framework for Integration at local level. The fourth theme for the conference was Urban Regeneration and Cohesion, which highlighted the importance of preventing segregation, exclusion and seclusion, both in a physical and social sense.

The second Conference was hosted by the city of Milan in November 2007. It included workshops on the role of housing in integration; migrant entrepreneurs; supporting migrant children; and catering for multicultural dietary requirements in public services.

The Milan Conference also marked the official opening of the project “INTI-Cities: Benchmarking Integration Governance in European Cities”, which focuses on benchmarking successful integration governance structures in European cities and promoting an innovative model for integration governance that is based on creating links between different actors at local, national and European levels. INTI-CITIES assesses three dimensions of integration policy: policies in support of individual migrant empowerment; structures and effectiveness in administrative cooperation; and policies creating and supporting partnerships with civil society and migrant associations. The project is co-financed by the INTI-Programme as one of the pilot actions for 2006, bringing together 12 cities from nine member states. INTI-Cities is coordinated by EUROCITIES and implemented in cooperation with the MPG and ‘Ethics etc’.
Box 9: Cooperation and Coordination on Housing in the Social OMC

DG Employment’s Open Method of Coordination on Social Protection and Social Inclusion Process (Social OMC), which is outlined in Chapter 5.1.2, does extend to cover issues of homelessness and housing deprivation. The Social OMC is addressing the issue through the elaboration of common definitions and indicators as the prevention of homelessness and the re-housing of homeless people require an understanding of the pathways and processes that lead there and hence a broad perception of the meaning of homelessness. In 2006, the Social OMC enabled a number of organisations, through European Projects on mutual learning or the Key European Networks, to continue developing and improving social inclusion policies related to homelessness and housing exclusion, through a number of projects, campaigns, studies and meetings involving the Commission, the Member States, parliaments and local authorities.

4.4.3 Funding Programmes

This section outlines the URBAN Community Initiative, URBACT, and financial Instruments for Cohesion Policy.

4.4.3.1 The URBAN Community Initiative

The URBAN Community Initiative was an instrument within EU Cohesion Policy dedicated to the regeneration of urban areas and neighbourhoods in crisis.

URBAN I (1994-1999) was launched in 1994, following the first wave of Urban Pilot Projects. It provided funding opportunities to geographically identifiable areas in cities of more than 100,000 people which had high unemployment, decayed urban fabric, poor housing conditions and a lack of social amenities. The programme areas had an average unemployment rate of over 20% (in some districts this was as high as 40%) and included high concentrations of immigrants and ethnic minority groups (representing up to 70% of the target population of programme areas). While the programme had a number of strengths, its scope excluded some important elements relating to urban deprivation such as housing, crime prevention and transport.

The URBAN II (2000-2006) programme had a number of improvements, including the inclusion of small and medium sized cities and a network of the URBAN II projects (URBACT) to exchange information and experience on sustainable urban development across the EU. The URBAN II Guidelines drawn up by DG REGIO outline that funding is available to finance projects that:

- improve living conditions, for example by renovating buildings and creating green areas
- create jobs, for example in environment, culture, and services to the population
- integrate the less-favoured social classes into the education and training systems
- develop environmentally friendly public transport systems
- create effective energy management systems and make greater use of renewable energy
- use information technologies

URBAN II provided funding to 70 programmes across the EU, covering some 2.2 million people. As with URBAN I, these areas often face quite severe deprivation and specific challenges. For example, unemployment and crime rates in URBAN II areas are both on average around twice the EU average and the proportion of immigrants is more than double the average for EU urban areas.

As Urban II has drawn to a close, the financial arrangements are not explored in this paper.

URBACT

URBACT is funded under the ERDF (2007–2013) Objective 3: European Territorial Cooperation. The URBACT programme area consists of the EU 27 Member States, Norway and Switzerland, Instrument for Pre Accession (IPA) countries. Other countries anywhere in the world can participate with their own funding.

Total available budget for Exchange and Learning for the period 2007-2013 is €38 million.
(including €700,000 of estimated budget for the participation of cities from the Partner States to networks and working groups). The Exchange and Learning Operations are implemented by Thematic Networks and Working Groups.

**Thematic Networks**

The total budget for each thematic network is to be between €300,000 and €710,000. Thematic networks are co-financed by ERDF and national contributions. The average European Regional Development Fund (ERDF) co-financing rate of a network is calculated on the basis of the different co-financing rates for the single partners. The partners from the Convergence regions are co-financed at up to 80% by ERDF, and partners from the non-Convergence regions are co-financed at up to 70% by ERDF (Partners from Norway and Switzerland are co-financed at up to 50% by national funds).

Beneficiaries of the URBACT II Programme must be in the 27 EU Member States or Norway and Switzerland; and can be cities (municipalities, infra-municipal bodies and organised agglomerations), regions or the Member state itself, universities or research centres. In addition other partners can participate in URBACT II projects, usually at their own cost, e.g. national and transnational associations of cities and private sector organisations.

Each thematic network must consist of between 8 and 12 partners (from at least 3 different Member/Partner States), plus either one or two observer cities (non Member or Partner State). No more than three partners in any thematic network can be non-city partners (i.e. regional and national authorities, universities and research centres). Non-city partners are to be from three different countries.

**Working Groups**

Working Groups have a maximum duration of two years. Eligible beneficiaries are the same as for Thematic Networks. Working groups are to have between 6 partners and 8 partners from at least 3 different Member/Partner state. Two non EU, non Norwegian nor Swiss cities can participate as observers. At least two partners must be cities. The total budget for any single working group must be between €75,000 and no more than €300,000. Co-financing arrangements are the same as for Thematic Networks.

For the 2007-2013 programming period, the guiding principles of the URBAN programme have been integrated into the objectives of convergence and regional competitiveness and employment. The three financial instruments for cohesion policy for 2007-2013 are the European Regional Development Fund (ERDF), the European Social Fund (See section 4.1.3); and the Cohesion Fund (which is not explored here given it provides support for infrastructure projects in the field of transport and the environment).

Article 8 of the ERDF Regulation is of particular relevance to urban policy. It allows the regions covered by the convergence and regional competitiveness and employment objectives to support integrated urban development projects based on participative strategies to tackle the high concentration of economic, environmental and social problems affecting urban areas. This possibility allows the intervention method, piloted under the URBAN Community initiative, to be extended to all the actions financed by the Structural Funds. Strategies to promote sustainable urban development can include activities, inter alia, promoting local employment, entrepreneurship, community development, and the provision of services to the population to take into account changing demographic structures as a result of, for example, immigration.

The ERDF may finance up to 75% of the total cost of a programme if the urban area is a region whose development is lagging behind, and up to 50% elsewhere. In cash terms, the European contribution ranges between €3.5 and €15 million.

**European Regional Development Fund funding for housing**

In the preamble of the 2006 “Regulation on the European Regional Development Fund” it is stated that the Fund should contribute to the provision of good quality accommodation.
for lower income groups, including recently privatised housing stock, as well as accommodation for vulnerable social groups. It also states that the Fund would support limited actions to renovate housing in areas experiencing or threatened by physical deterioration and social exclusion in the Member States that acceded to the EU on, or after, 1 May 2004. While not explicitly mentioned, measures to improve the housing situation of immigrants in order to improve social inclusion do fall within the scope of the Fund.

To be eligible for ERDF funding for housing, spending must be in the context of an integrated urban development initiative or the upgrading of rundown areas or localities threatened by social exclusion. The ERDF funding is only available for housing projects in the new EU Member States. The expenditure is limited to multi-family housing or buildings owned by public authorities or non-profit operators (for use by low-income households or people with special needs). The regions selected to benefit from these measures must satisfy certain criteria relating to the social and physical characteristics of the housing. Eligible beneficiaries include an operator, body or firm, whether public or private, responsible for initiating or initiating and implementing operations. Available funding will amount to a maximum of 3% of the ERDF’s contribution to the relevant operational programme or 2% of the Fund’s total contribution. The Community contribution under the ERDF ranges between 75% and 85% of the eligible expenditure for the convergence regions and amounts to a maximum of 50% for the regional competitiveness and employment regions.

This section examines the work of DG Health and Consumer Protection (DG SANCO) and the Executive Agency for Health and Consumers (EAHC), formerly Public Health Executive Agency, in the field of public health. EAHC was created in January 2005 and implements EU Health Programme in close cooperation with DG SANCO.

**Which migrants does DG SANCO target in health interventions?**

Migrants are a specific target group of policies relating to communicable diseases (this extends to potential migrants in third countries). In policies to address health inequalities, immigrants and ethnic minorities are identified as an ‘at risk’ group.

This sections looks at the incorporation of health into strategic documents and in relation to specific health issues. It also highlights health and migration as an emerging theme.

Migration does not feature highly in strategic policy documents on health. The October 2007 Council Decision on “Establishing a second programme of Community action in the field of health (2008-13)”\(^{112}\) does not make any reference to immigrants as a disadvantaged or vulnerable group.

Migration is mentioned once in the October 2007 White Paper “Together for Health: A Strategic Approach for the EU 2008-2013”\(^{113}\) in relation to the mounting pressure EU Health systems are under to respond to the challenges of population ageing, citizens’ rising expectations, migration, and mobility of patients and health. The White Paper’s companion document\(^{114}\) states that the health of migrants should have a particular focus. The Impact Statement\(^{115}\) accompanying the White Paper examines the relationship between globalisation and health, but does not address the health of migrants in the EU. It highlights the risk mass migration poses to the spread of communicable diseases, and also draws attention to the ‘brain drain’ of health professionals from developing countries.

The February 2008 Commission Decision on the adoption of the work plan for 2008 for the implementation of the second programme of Community action in the field of health (2008-2013)\(^{116}\), highlights the need to involve non-traditional actors for health, including wider civil society whose primary aims are not limited to public health (ethnic groups are specifically mentioned).
European Pact for Mental Health and Well-being

An EU High-Level Conference “Together for Mental Health and Well-being”, which took place in Brussels in June 2008 established the "European Pact for Mental Health and Well-being". In the Pact ethnic minorities (alongside all age groups, different genders, ethnic origins and socio-economic groups) are mentioned only in the context of achieving equity. Migrants receive slightly more attention in the documents supporting the implementation of the Pact. “Improving Mental Health in the Population: Policy Briefs” includes, in relation to the mental health of older people, migrants and members of ethnic minorities in scope of ‘other vulnerable groups’; and in relation to the prevention of depression and suicide, the ‘at risk’ group of suicide includes ‘some migrant groups’. In “Mental Health in the EU - Key Facts, Figures, and Activities: A Background Paper” it states that key groups whose social and economic circumstances may put them at increased risk of mental health problems include ethnic minority groups and recent migrants and refugees.

Communicable diseases

Migrants are a particular target group of interventions (including screening, prevention and treatment) to prevent the spread of communicable diseases. At the EU level, the Network on Communicable Diseases was established in 1999. It builds on work done with Member States and consists of two pillars – surveillance and early warning. The list of communicable diseases to be placed progressively under EU-wide surveillance, and the criteria for their selection, is specified in a Commission Decision. The network’s main task in this regard is to monitor and track developments. The early warning and response system was created by a Commission Decision to alert public health authorities in Member States and the Commission on outbreaks with greater than national dimensions, so that a co-ordinated EU action may be required.

Migrants are a target group of HIV/AIDS interventions at the EU level. The Commission’s December 2005 Communication on “Combating HIV/AIDS within the EU and in the neighbouring countries (2006-2009)” states, in regard to the prevention of new HIV infections, that one of the Commission’s aims is to address the specific needs and requirements of migrant populations for non-discriminating access to information and prevention, treatment, care and support. To this end, the Commission is to promote the development of tailor-made training curricula for health care personnel and other professionals involved in services dealing with people living with HIV/AIDS and with populations that are particularly vulnerable to HIV/AIDS (including intravenous drug users and migrants). It notes that in several countries the lack of experienced service providers to reach these vulnerable groups can further complicate management of treatment.

Health and Migration – an emerging theme

Particular attention was given to the issue of migrant health during the Portuguese presidency of the EU Health Council. The Conference on “Health and migration in the EU: Better health for all in an inclusive society” (September 2007), held in Lisbon, was organised with the support of DG SANCO, the collaboration of all Member States and the contributions of the World Health Organization, the Council of Europe and other relevant stakeholders, including governmental and NGOs.

Two technical reports underpinned the debate: “Demographic dynamics and analysis of migratory flows in Europe in the last decade; health conditions of migrant populations and its determinants; political and legal framework in terms of migration and health”; and “Good practices in migrants’ Access to health care in the EU”.

“Good practices in migrants’ Access to health care in the EU” aims at presenting and describing existing best practices in the EU in relation to migrants’ health, access to health promotion, prevention and care. Good practices were selected from a pool of proposals sent by Member States which included the public sector, private sector and NGOs. Good practices focus on several target populations, including refugees and asylum seekers, undocumented and irregular migrants, disadvantaged populations, women and children and adolescents.
In regard to European cooperation, the report found that, because of language barriers and lack of international cooperation, experience gained in one country is often overlooked in another. It found that many good practices were not sustainable as they were often project based (running for a limited duration) and may have evolved without official support; and as a result, the turnover of promising interventions is high. It concluded that it is crucial that innovations aimed at improving migrant health should be structurally embedded in the policies of service providers, health authorities and governments; and that comprehensive databases on all aspects related to migrant health and networks should be created to enhance the transferability of good practices.

The Conference produced a number of general and specific conclusions and recommendations to be taken forward at Community level (while noting EU instruments already available that could provide the basis for an immediate take-up of these recommendations) and at the national, regional, local and global levels. It stresses that it is the politicians’ task to decide on how to address them and that this should be done innovatively and rapidly.

The General Conclusions highlight the facilitatory role of health in the integration process; that migrants are a disadvantaged group, which is often a product of social and environmental factors; that migrants require particular services, but that diversity of the migrant population needs to be taken into account when designing policies; that there is a clear need for more data and knowledge on migrant health and better sharing of information across the EU; and that migrant health needs to be included in the European Health Strategy and the Health Services Framework, and mainstreamed into relevant policy areas including in work with third countries.

The specific conclusions are:

- There are shortfalls on available information and gaps in knowledge. Thus, surveillance and research on health issues, focussing on specific mobile populations, should be conducted. The EU research agenda and information systems should reinforce migrant health related topics and indicators.
- A “Health in all policies” approach has been identified as a philosophy to guide intervention and action in migrant health. There is a need to incorporate migrant health and equitable access to care into mainstream health policies, accounting for different barriers: geographical, social and cultural.
- New tools, such as health impact assessments, should be used to anticipate and adjust for potential negative effects of other sectors’ policies on migrant health.
- Migrants are particularly vulnerable to some infectious diseases such as TB, HIV/AIDS and STI. In view of the global nature of such conditions, the EU countries should look for consensus and convergence in their approaches to policies and strategies for prevention, control, and treatment.
- Non-communicable diseases, such as cardiovascular diseases and diabetes, also largely affect migrants. They require specific approaches, such as those aiming at the whole population, but also at high-risk individuals.
- Health is a main element of human rights. Migrants and their descendents should have access to health care as a way to promote the integration and the well-being of the whole population, if necessary adopting positive discrimination practices.
- Due to the particular circumstances of migration and settlement, migrants may be particularly vulnerable to mental health problems. Special emphasis should be set on entitlement and accessibility to mental health services, on the promotion of high-quality and culturally-sensitive mental health care and on encouraging migrants to actively participate to the provision of services and the definition of their own needs.
- The workplace and the residence can be used as entry points for delivery of health services and health information to migrant workers and their families and to promote health and combat major health threats. Intersectoral collaboration and coherence between health, employment and migration strategies need to be further enhanced.
- Migrant women and children, which are among the most vulnerable of the migrant populations, should be considered a priority and targeted, if necessary through outreach programmes. Specific actions should include access to family planning services and education, sexual and reproductive health, guarantee vaccination and immunisation programmes, and prevention of domestic violence and human trafficking.
In order to help prevent disease and ill health among migrant population, strengthening health systems in the countries of origin is a must. So there is a need for a growing dialogue between countries of origin and countries of destination for a better articulation of their efforts.

Although the Conference did not focus specifically on the migration of health professionals, ethical responsible recruitment to avoid brain drain was fully endorsed. Circular migration can contribute to strengthening health systems in countries of origin.

In 2006, the Open Method of Coordination on health was streamlined into one integrated OMC for Social Protection and Social Inclusion (Social OMC). The Social OMC is outlined in detail in Chapter 5.1.2. One of the dimensions of the Social OMC is National Strategy Reports. The “Guidance Note for preparing National Strategy Reports on Social Protection and Social Inclusion 2008-2010” includes advice on developing a National Strategy for Health and Long Term Care. In relation to ensuring universal access and equity in access to care, it states that migrants and ethnic minorities should be given particular attention.

Civil society participation in health policymaking is promoted in the Health Programme 2008-2013. Major initiatives are to take full account of consultation with stakeholders, and health policies will be shaped in partnership with citizens and stakeholders. DG Health and Consumer Protection (SANCO) is seeking views on which priorities should be included in the work plan for 2009.

This section outlines three coordination and consultation platforms: the High Level Committee on Health, the EU Health Forum and the Health Policy Forum, and the Health and Migration Advisory Group.

4.5.2 Cooperation and Coordination Mechanisms

4.5.2.1 The High Level Committee on Health

The High Level Committee on Health is an informal advisory body to the Commission. It consists of senior officials from the Health Ministries of EU Member States and Candidate Countries. It meets two to three times a year and operates with a number of working groups to cover policy areas in depth. Migrant Health is not currently a subject area of the Committee.

The Committee provides strategic advice to the Commission on matters related to the development of the health strategy, acts as a forum for the exchange of information on important health related developments at European level and in Member States, and also has a particular role in disseminating information in the Member States and helping to create and strengthen the networks needed to consider strategic policy issues.

4.5.2.2 The EU Health Forum

The EU Health Forum serves as an information and consultation mechanism to ensure that the aims of the Community’s health strategy are made clear to the public and respond to their concerns. It provides an opportunity to representative organisations of patients, health professionals and other stakeholders, such as health service providers, to make contributions to health policy development, its implementation, and the setting of priorities for action.

The EU Health Forum is composed of two complementary elements: An Open Forum as a platform for general exchange of information and for a discussion with a broader range of groups and interested parties, and the EU Health Policy Forum with a consistent set of member organisations, for the discussion of key policy areas.

The objective of the Open Forum is to provide a platform for networking and exchange of ideas and views of different stakeholders of the European health community (health professionals’ organisations, public health NGOs, patient groups, and service providers and funders). There have been two Open Forum conferences (May 2004 and November 2005) and a third is scheduled for December 2008. Migrant health is not yet a discussion point for the Open Forum.

The aim of the EU Health Policy Forum is to bring together umbrella organisations representing stakeholders in the health sector to ensure that the EU’s health strategy is
open, transparent and responds to the public concerns. The intention is to provide an opportunity to organise consultations, to exchange views and experience on a wide range of topics, and to assist in the implementation and follow-up of specific initiatives. The EU Health Policy Forum meets regularly in Brussels. The meetings review the EU work in various areas of public health and adopt recommendations on them.

The Forum has 49 member organisations. These include NGOs, organisations representing health professionals and trade unions, health service and insurance providers, and health insurance; and industry with a particular health interest. There is no group that represents the views of immigrants.

The Health Policy Forum has made five recommendations. Two have particular relevance for migrants. Access to health information is an identified barrier for immigrants, however the Recommendations on Health Information (May 2005) overlook this issue. Migrants are given more attention in the Recommendation on Health and EU Social Policy (December 2003), which states that “the human rights of refugees, asylum-seekers and illegal immigrants of access to appropriate and high quality healthcare facilities needs to be safeguarded”.

4.5.2.3 Health and Migration Advisory Group

The Health and Migration Advisory Group was originally convened to provide advice and support on the issues of health and migration, which were prioritised by the Portuguese Presidency. It was created through nomination of Member State representatives.

The DG EAC report on the Health and Migration Advisory Group Meeting of February 2008 highlights the level of interest and cooperation on the issue of health and migration at the EU level. It states that 45 participants attended the Group’s third meeting, including representatives from Member States, staff from the Commission services and European Centre for Disease Prevention and Control, project leaders and participants from migration and health related projects from the Public Health Programme, WHO, Council of Europe and invited experts. The main objectives of the meeting were to provide an update on recent activities in health and at EU and international levels; review and create linkages with current projects on health and migration funded under the public health programme; consider related EU policy developments in the areas of public health; migration, employment, equal opportunities and research; and exchange information and contribute to the planning and organisation of future work on the topic of health and migration. Project coordinators expressed their willingness to work together and build complementarities and share the knowledge base by developing a common taxonomy, organising meetings and exchange of methods and tools. Following the typology of the projects they will be pooled in four main areas: undocumented, information gathering, HIV prevention and ethnic minorities. It foresees communication channels being created through the link to EAHC, through participation in relevant meetings at European and major International events. It looks at establishing a knowledge base repository, where experiences identified at the project and national authority levels can be brought together. The report concludes by stating that the Commission will continue to facilitate exchange of information and coordination of policies between Member States in this area and will discuss with Member States the most appropriate mechanisms for doing so within the context of the development of structures for implementation of the EU Health Strategy (2008-2013).

4.5.3 Funding Programme – multi annual programme for years 2008-13

The multi annual programme for years 2008-13 was adopted by a decision by Parliament and the Council on 23 October 2007. The three objectives of the multi annual programme are:

1. Improve Citizens’ Health Security: This includes protecting citizens against health threats developing the capacity of the EU community to respond to communicable and non-communicable diseases and health threats from physical, chemical and biological sources, including bio-terrorism; and improve citizens’ safety, promoting actions related to patient safety.

2. Promote Health and Reduce Health Inequalities: This includes actions on key health factors such as nutrition and physical activity, drug consumption, sexual health, focusing on key settings such as education and the workplace; measures on the
prevention of major diseases and focus on Community added-value action in areas such as gender issues, children’s health or rare diseases; promoting healthier ways of life and the reduction of health inequalities thus increasing healthy life years and promoting healthy ageing; promoting and improving physical and mental health and addressing the health effects of social and environmental determinants.

3 Generate and Disseminate Health Information and Knowledge: Exchanging knowledge and best practice on health issues supporting European reference networks; and collecting, analysing and disseminating health information focusing on health monitoring system with appropriate indicators and ways of disseminating information to citizens such as Health Portal, conferences and regular reports on health status in the EU.

Although there is no specific mention of migrants in the programme, the three objectives all leave scope for actions in migrant health.

The total operational budget for actions under the Health Programme is €286.4 million. The breakdown for 2008 is €45.2 million. The multi annual programme provides opportunities for:

- Co-financing of projects and conferences intended to achieve a Programme objective;
- Tendering actions to achieve a Programme objective;
- Joint actions by the Community and one or more Member States;
- Co-financing of the operating costs of a NGO or a specialised network in the field of health;
- Joint actions with other Community programmes, which will generate coherence between this instrument and other Community programmes;
- Except for specific tenders, the co-financing is usually up to 50 or 60%. If the action is deemed to be of “exceptional utility” funding can be up to 80%.

Except for specific tenders, the co-financing is usually up to 50% or 60%. If the action is deemed to be of “exceptional utility” funding can be up to 80%.

The EU Member States enjoy full rights to participate in the Health Programme. Organisations from any EU Member State, the EEA, accession and candidate countries, and European Neighbourhood countries and western Balkan countries included in the stabilisation and association process (provided agreements establishing the principles for their participation have been signed with the authorities of each country concerned).

Participation in the Health Programme is open to a wide range of organisations, including research institutes and universities, public administrations, NGOs and commercial firms.

### 4.6 Conclusion

EU institutions are increasingly realising the importance of providing immigrants with the means to fulfil their potential in the realms of employment, enterprise, education. Without such opportunities, the skills, knowledge and aspirations of immigrants will be squandered and the EU will be unable to realise the full capacity of its human resources. The importance of immigrant integration in meeting the socio-economic objectives of the Lisbon strategy, however, is not consistently reflected in policies, programmes or funding structures. The European Employment Strategy has not shown consistent commitment in its prioritisation of immigrants as a disadvantaged group. However, recent developments demonstrate that DG Employment is increasingly acknowledging the importance of immigrants as a labour source and how vital it is to accompany migration programmes with integration measures. DG Enterprise and Industry has been active on ethnic entrepreneurship in the past. They are however, unlikely to develop policies in relation to ethnic entrepreneurship due to the acknowledged difficulty in finding a uniform approach for such diverse businesses. With the Ethnic Minority Business Network producing its final report, and no specific provision for funding ethnic minority business, it suggests that actions to target ethnic entrepreneurs are winding down.

DG Education and Culture’s (EAC) laws on education and the recognition of qualification do not currently extend to third-country nationals and the Education and Training 2010 work programme has, until recently, undertaken few concrete actions to overcome low
participation and achievement rates of immigrants in education. However, DG EAC is also increasingly realising the importance of targeting immigrants in their policies and programmes, particularly in light of the disappointing progress in meeting the 2010 Benchmarks on early school leaving, low-achieving 15-year-olds in reading literacy, completion of upper secondary education, and participation in lifelong learning. It is also likely that migration-related issues would feature more strongly on socio-economic agendas if the policy infrastructure of all DGs provided avenues for structured dialogue with immigrant organisations. Integrating immigrant integration into the socio-economic portfolios may also be difficult due to the fact that the responsibilities of the DGs overlap. Entrepreneurship is imbedded in DG Employment (and is also a rising issue in Education and Culture as one of the eight domains of key competences); and education and training is a key part of DG Employment’s European Employment Strategy. It is not only the responsibilities of the DGs that overlap, but funding programmes. The ESF is one of the EUs most fundamental financial instruments and it provides funding for a broad range of actions. It provides more opportunities for funding for entrepreneurship than DG Enterprise does and provides a significant portion of funding for education and training.

Cohesion policies and funding programmes, notably the Urban Community initiative, outline the impact of immigration on the demography of urban areas and highlight issues that affect immigrants disproportionately, for example barriers to education, the labour market, entrepreneurship, health, social inclusion, social cohesion, health and civic participation; all of which are addressed in other portfolios and by other funding streams. The Inter-service Group on Urban Development plays a pivotal role in mainstreaming urban development given it is such a cross-cutting issue. It is not surprising that, to avoid duplication, the URBAN initiative has been incorporated into the Cohesion fund. If efforts to secure a place for housing on the EU agenda are successful it is likely to be of benefit to immigrants given that they are overrepresented in deprived urban areas, which are the focus of community interventions.

As with other policy areas, immigrant health is not restricted to the work of DG Health and Consumer Protection (SANCO). Work is also being done in the context of the integration agenda and social inclusion. DG SANCO and EAC have traditionally targeted immigrants in the context of them potentially carrying infectious diseases that pose a risk to public health. Migrant Health is an emerging theme in recognition of the often poor health of immigrant groups, and the barriers they face in accessing appropriate and high-quality healthcare facilities. Access to health care is presented by DG SANCO as a basic human health. This needs-based approach does not take into account issues of legality, and undocumented migrants are targeted in policy interventions, as are the needs of particularly vulnerable groups, such as victims of trafficking. It is notable, however, that DG SANCO has not given specific attention to the mental health needs of those in need of, or enjoying, international protection who are also survivors of torture and trauma.
Participation: Citizenship and societal integration

The independence and self-reliance that emerges from the economic participation of immigrants lays the foundation for their societal integration. Employment and self-employment imply that immigrants interact with their local environment and may expand their participation beyond the labour market to actively contribute to an open and diverse society’s well-being, as volunteers and members of trade-unions, religious groups, and community and political organisations.

Open and dynamic economies mobilise human resources and increase competence levels of all members. Inclusive societies offer equal opportunities for all through anti-discrimination policies and social inclusion strategies. Therefore policies can at once capitalise on diversity and address its challenges. The integration of immigrants begins with the opening up of mainstream institutions for people with different cultural backgrounds, religious belief and ethnic and racial backgrounds. The mobilisation of human resources and competences hinges on the tailoring of public and private services to the needs of a diverse population.

Actions to level the playing field (anti-discrimination) and actions that reveal and promote the skills and talents of players from different backgrounds (diversity) enable the effective participation of immigrants in socio-economic and civic and political life. EU actions have traditionally focussed on anti-discrimination; however, diversity is a rapidly emerging theme within the work of the EU.

The EU is increasingly recognising how important it is for open societies to engage in intercultural dialogue in an effort to foster respect for cultural diversity and greater mutual understanding in developing equal opportunities for all.

This chapter examines the work of DG Employment, Social Affairs and Equal Opportunities (hereafter called DG Employment) to increase the participation of immigrants through efforts to achieve:

- social inclusion
- anti-discrimination and diversity

It then looks at the work of DG Education and Culture in relation to the promotion of intercultural dialogue.

5.1 Social inclusion – DG Employment

Who are the target group of the Social Inclusion agenda?

Immigrants and ethnic minorities are a specified target group. The target group is not prescriptive as it is up to Member States to decide which immigrant and ethnic minorities they wish to include as beneficiaries of interventions. As the social inclusion agenda has a needs-based approach, its beneficiaries are often the most vulnerable, for example,
undocumented migrants, asylum seekers, unaccompanied minors, victims of trafficking, and elderly people from migrant backgrounds; many of whom are not targeted by the integration agenda and/or other mainstream programmes.

5.1.1 Principles and Policies

DG Employment heads the EU’s strategy on social inclusion. The subject area was set out in the 2000 Lisbon summit’s call for “greater social cohesion” in the EU, with social exclusion and poverty identified as the two greatest impediments. The European Council asked for Member States and the Commission to undertake a social inclusion strategy with the central goal of eradicating poverty by 2010.

Since the launch of the Lisbon Strategy, the EU has assembled new mechanisms to tackle these challenges. The intersection of immigration and social cohesion emerged within the Social Inclusion Strategy and the current Open Method of Coordination on Social Protection and Social Inclusion (Social OMC). Migrant integration is included as a focus of this OMC. The EU approached social cohesion in diverse societies from the perspective of the combat against social exclusion and poverty. Each year, the Commission and Member States have used these mechanisms to direct increased attention to immigrants, who are framed as a group vulnerable to social exclusion and poverty. The work of the Social OMC in implementing the social inclusion strategy is addressed in section 5.1.2.

EU action has created a clear consensus about the key challenges in the field of social inclusion. One of the five challenges is to overcome discrimination and increase the integration of people with disabilities, ethnic minorities and immigrants. Immigrants are defined as a vulnerable group as they exhibit lower scores on social inclusion such as employment rates, income in employment, and higher scores in school drop-out rates, homelessness, financial exclusion and criminal propensity.

The importance of social inclusion of migrants is highlighted in the “Renewed Social Agenda: Opportunities, access and solidarity in 21st century Europe”, which was adopted by the Commission in July 2008. The Renewed Social Agenda focuses on empowering and enabling individuals to realise their potential, while at the same time helping those who are unable to do so. It also recognises that efforts must be cross-cutting across a wide range of areas “from labour market policies to education, health, immigration and intercultural dialogue.” The Renewed Social Agenda states that, if immigration is to reach its potential, it needs to be accompanied from the start by efforts to facilitate successful integration, including by host country language learning, and requires efforts in different sectors such as health, housing and education. This commitment is accompanied by a financial package of €1.2 billion to increase migrants’ participation in employment and their social inclusion (in addition to the Integration Fund).

5.1.2 Cooperation and Coordination – Social Open Method of Coordination

Since 2001, Member States have coordinated their policies on social inclusion on the basis of an Open Method of Coordination process of policy exchanges and mutual learning.

In 2003 the Commission, along with Member States and involved NGOs, proposed a streamlined OMC with greater effectiveness, visibility and linkages with other policy fields and actors. As of 2006, three strands (eradicating poverty and social exclusion; adequate and sustainable pensions; and accessible, high-quality and sustainable health and long-term care) were incorporated into a new OMC called the Social Inclusion and Social Protection strategy (Social OMC), whose time schedule was synchronised with the European Employment Strategy.

The Social OMC framework of political coordination without legal constraints involves:

- agreeing to common objectives which set out high-level, shared goals to underpin the entire process
- agreeing to a set of common indicators which show how progress towards these goals can be measured
- preparing national strategic reports, in which Member States set out how they will plan policies over an agreed period to meet the common objectives
- evaluating these strategies jointly with the Commission and the Member States
The Social OMC will engage in a mutual learning process, which involves the scrutiny of specific policies, programmes or institutional arrangements presented as good practice in the national strategic reports.

Each of these elements is outlined in the following section. This is followed by an overview of the work of the Social Protection Committee and the Network of Independent Social Inclusion Experts, and consultation within the Social OMC.

**Common objectives**

The three common objectives of the Social OMC are:

- To promote social cohesion, equality between men and women and equal opportunities for all through adequate, accessible, financially sustainable, adaptable and efficient social protection systems and social inclusion policies
- To promote effective and mutual interaction between the Lisbon objectives of greater economic growth, more and better jobs and greater social cohesion and the EU’s Sustainable Development Strategy
- To promote good governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy

**Common indicators**

In June 2006, the Social Protection Committee (SPC) adopted a set of common indicators for the social protection and social inclusion process. It mainly includes commonly agreed EU indicators that allow for comparative assessment across Member States; but also includes commonly agreed national indicators to measure national progress that do not allow for direct cross-country comparisons. In May 2008, the Social Protection Committee agreed on a full list of indicators to monitor the health care and long-term care objectives.

All but one of the 22 primary and secondary indicators proposed in the SPC’s 2006 report were common EU indicators. The only national indicator is ‘employment gap of immigrants’, which is defined as the percentage point difference between the employment rate for nationals and non-EU nationals (those ‘born abroad’). The indicator is disaggregated for gender and by whether or not ‘migrants’ are from the EU25 or from third countries. It is noted that “this indicator needs to be supplemented by relevant national data covering other key aspects of inclusion of immigrants”.

In 2008 the Social Protection Committee’s Indicators Sub-Group plans to establish guidelines for reporting on social aspects of migration.

**National Strategic Reports**

Member States translate the common objectives into National Plans for each of the three areas (Social Inclusion, Pensions and Health and Long-Term Care). These plans, which cover a period of two years, are submitted to the Commission in the form of a National Strategic Report.

In the “Guidance Note for preparing National Strategy Reports on Social Protection and Social Inclusion 2008-2010” it states that in preparation of:

- ‘Assessment of the Social Situation’ a specific section should address the main social aspects of migration/ethnic minorities
- ‘Overall Strategic Approach’, in relation to increasing the potential for comparisons and mutual learning, it suggests that examples could be taken from the fields of social inclusion of migrants and ethnic minorities

National Strategy Reports on Social Protection and Social Inclusion includes a National Action Plan on Social Inclusion. The guidance note states that, in relation to the National Action Plan’s aims and focus, the social integration of migrants was recognised in the joint assessment of 2006-2008 National Strategy Reports as an area that warrants more attention (although it reminds Member States that the choice of key priorities
Participation depends on their situation, on the evaluation of progress and on whether there are new emerging concerns).

**Joint Reports**

Joint Reports provide a joint analysis and assessment by the Commission and the Council of the National Reports on Strategies for Social Protection and Social Inclusion submitted by the Member States. They assess progress made in the implementation of the Social OMC, set key priorities and identify good practice and innovative approaches of common interest to the Member States.

Two Joint Reports on Social Inclusion have been adopted, in 2002 and 2004, drawing respectively upon the National Action Plans on Social Inclusion of 2001-2003 and 2003-2005. To reflect the structure of the new OMC, from 2005 joint reports have covered social protection as well as social inclusion.

The 2006 Joint Report noted that most Member States frame immigration and integration as a policy challenge. It notes that the first key priority, increased access to mainline services and opportunities, has not been addressed through the mainstreaming integration policy, as the National Action Plans do not sufficiently situate the social inclusion of migrants within the wider context of integration and social cohesion policy. The Report recognises that a targeted approach to immigrant needs is hampered by the unclear and incomplete national definitions (the 2006 National Action Plans demonstrate a wide range of target group definitions with most of these being very general – ‘ethnic minorities’, ‘immigrants’, ‘non-nationals’ and ‘third-country nationals’). The 2006 Joint Report also outlined seven priorities, one of which was overcoming discrimination and increasing the integration of people with disabilities, ethnic minorities and immigrants. It called for Member States to implement this key priority by increasing access to mainline services and opportunities; enforcing legislation to overcome discrimination; and developing targeted approaches for ethnic minorities and migrants, with special attention to the difficulties faced by the Roma population.

The 2007 Joint Report commences with key messages, one of which is about reducing child poverty by breaking the cycle of deprivation through access to quality education and training (focussing especially on pre-schooling and on tackling early school leaving), with particular attention given to the situation of immigrants and ethnic minorities. The Report makes an encouraging observation that several Member States are adopting a more holistic approach to the integration of migrants that involves addressing educational disadvantages, developing language skills, fighting discrimination and promoting participation in civic life more broadly. It highlights challenges to the social inclusion of migrants, including employment (migration policies, youth unemployment, skills recognition); health (universal access to health care, and the need for migrant health care professionals); and urban issues (housing in deprived areas).

The Report includes a section on immigrants, ethnic minorities and Roma, which notes the often considerable gaps between these groups and the rest of the population with respect to employment and unemployment, income, education, early school-leaving, health and poverty. It identifies that there is an increasing focus on the acquisition of language abilities and civic orientation as means for successful integration; that the policy priorities of eight Member States address the specific problems faced by ethnic minorities and/or immigrant women. It notes that there has been little trace of measures to improve information on equal rights; and that the lack of data on immigrants and ethnic minorities remains a problem.

One of the key messages in the Joint Report on Social Protection and Social Inclusion 2008 is that inclusion and anti-discrimination policies need to be reinforced “not least in relation to immigrants and their descendants and to ethnic minorities”. The companion document to the report highlights the need for better social inclusion of migrants across a wide range of areas, including employment (labour market integration); education (early school leavers, host country language learning, and the unmet needs of refugee or asylum seeking children, unaccompanied minors and undocumented children); health (poor health outcomes and access to health care); and children and families (services for families living in deprived areas and addressing multiple deprivation).
The Mutual Learning dimension of the Social OMC includes peer review, transnational exchange, awareness raising and studies, each of which is outlined below.

- **Peer review**

Peer review aims to promote the identification and exchange of good practices in the field of social inclusion policies throughout the EU. Peer review was a strand of the Community Action Programme and has since been incorporated into the PROGRESS programme (see section 5.1.3). Immigrants and ethnic minorities have been the subject of a number of Peer Reviews, including:

- France 2004: The reception and integration of newly arrived migrants
- Sweden 2004: The promotion of local development agreements as a tool to combat spatial segregation, in particular of ethnic minorities
- Czech Republic 2005: Field social work addressing ethnic minorities, notably Roma communities
- Spain 2006: Eradication of shanty towns through provision of access to standard housing, backed by social and labour market measures
- Denmark 2007: Social aspects of human trafficking, which examines support for victims and prevention of human trafficking

In addition, ethnic minorities and immigrants were identified as a main target group in the Netherlands, where experiments took place with new tools of social activation. In Denmark, older migrants were noted as particularly at risk of homelessness, and in Austria, young migrants, as being in need of special orientation in educational matters.

- **Transnational Exchange Projects**

Transnational Exchange Projects are supported on the basis that they enable the comparison of social situations between Member States or regions to identify strengths and weaknesses and help set priorities; and that knowledge of the programmes carried out in other countries broadens the range of options available to decision-makers, triggers new policy developments but may also help them avoid costly mistakes.

The first transnational exchange programme (2002-2005) supported two phases of projects on social inclusion and social protection. Phase I actions mapped current data on immigrant and policy situations on a particular issue through transnational and multisectonal partnerships. The programme envisioned specific objectives and proposals to be developed by these partners that would sustain a longer-term network for cooperation.

Phase I laid the groundwork for Phase II, where the same partnerships applied to gear their networks towards concrete outputs, such as seminars, short studies or literature reviews. Leading partners organised each network of similar partners in three to nine other EU Member States. 38 of the 95 (or 40% of) projects addressed issues of immigration and ethnic diversity. 8 of the 31 in Phase I addressed impediments to social inclusion through culture, citizenship, service delivery and labour market inclusion. Of Phase II’s 64 projects, 29, or the largest single category of projects, consisted of follow-up actions to Phase I projects on immigration as well as new initiatives on psychological care, health concerns and civic engagement.

The leading partners on immigration and ethnic diversity included international, governmental, NGO and private sector stakeholders from Austria, Estonia, France, Germany, Greece, Italy, the Netherlands, Portugal, Spain and the UK. Lead partners were coupled with networks of additional partners in all EU-15 countries plus Norway. The specialised nature of each project allowed immigrants to be treated as a disaggregate group, with particular attention to adolescent immigrants and refugees, migrant women, elderly and specifically elderly women and unaccompanied minor asylum seekers.

In 2007 the only migrant-focused project that was selected was “Building Inclusion: Access to housing and inclusion of immigrant people in Europe”, which aims to identify successful
practices that could support the coexistence between different groups with integration difficulties in the cities. Member States involved include Spain, Germany, The Netherlands, Italy, Portugal, Austria and Finland.

- **Awareness-Raising Projects**

Awareness-Raising Projects are supported to highlight the positive role played by good social protection and inclusion policies and to support the modernisation of policies. They can target both the general public and relevant stakeholders such as the media, national, regional and local authorities, non-governmental organisations, trade unions, businesses, specialised bodies and those directly experiencing poverty and social exclusion.

A number of awareness-raising projects have included migrant groups in their target group. Only two however, have had a specific focus on migrants. These include Active Health (2006), a project by a Berlin NGO, that aims to develop strategies for improving immigrant access to healthcare through awareness-raising and empowerment; and a project by the European Academy for Sustainable Rural Development that investigates the impact of education and lifelong learning policies on the prospects of inclusion of vulnerable groups, in particular immigrants and ethnic minorities.

- **Studies**

One of the studies has focussed on immigrant integration. The aim of the 2005 study on “Policy measures to ensure access to decent housing for migrants and ethnic minorities” was to identify and analyse the most effective policy measures to ensure access to decent housing for immigrants with legal status and ethnic minorities. The study recommended that the European institutions encourage National Action Plans to specify and analyse policies on access, identify common targets and establish monitoring procedures.

**Social Protection Committee**

The Social Protection Committee was established in 2000 to serve as a vehicle for cooperative exchange about modernising and improving social protection systems between DG Employment and the Member States (each of which is represented by two high-level officials). The tasks of the Committee are to:

- monitor the social situation and the development of social protection policies in the Member States and the Community
- promote exchanges of information, experience and good practice between Member States and the Commission
- prepare reports, formulate opinions or undertake other work within its fields of competence, at the request of either the Council or the Commission or on its own initiative

The Social Protection Committee’s work led to the application of the Open Method of Coordination (OMC) in 2001. In fulfilling its mandate, the Committee has contact with the social partners and social NGOs; committees dealing with social and economic policy matters, for example, the Employment Committee, the Economic Policy Committee (which may include joint projects on migration issues in 2008), the Employment and Social Affairs Committee of the European Parliament, and the High Level Group on Health Services and Medical Care.

The Social Protection Committee has been involved in immigrant issues. It has also formulated opinions on the matter. The Committee’s opinion on the Commission’s 2003 Communication on “Immigration, integration and employment” highlights the negative consequences the combination of illegal immigration and undeclared work has for social cohesion. It also produced an opinion on the Commission’s October 2006 Communication on “The demographic future of Europe – from challenge to opportunity” in which it recommends that increased measures are needed to target the growing population of migrant workers. The opinion notes that social inclusion is a two-step process, and beyond their employment, the integration of migrants and ethnic minorities presents challenges that need to be met with across-the-board policies.
Network of Independent Social Inclusion Experts

The Network of independent social inclusion experts currently includes 30 experts: one from each EU Member State, plus one expert from the associated countries: Croatia, the Former Yugoslav Republic of Macedonia and Turkey. Experts are largely affiliated with universities, research institutes and private consultancy firms. The experts undertake three activities:

- Policy assessment activities: The experts are to analyse the perspectives of administrations, political parties or politicians, social partners, the media and NGOs in order to provide general periodic reviews on their respective countries, cross-country thematic reviews, surveys of innovative practices, and independent policy assessments. An assessment of how the activities carried out in the framework of the OMC contribute to the implementation of the revised Lisbon strategy is an integral part of the experts’ tasks.
- Providing semester reports: The experts provide bi-annual reports on their respective countries, which outline recent developments, key trends and policy, legislative and budgetary developments. It also prepares a synthesis report.
- Contributing to the assessments of the National Strategy Reports for the Commission.

The independent experts also give support to the Commission for the assessment of the ‘social inclusion strand’ of the National Strategy Report on Social Protection and Social Inclusion that Member States have to submit under the new streamlined framework and of the national Lisbon implementation report. They contribute to assess how each Member State has addressed key challenges in regard to the overall objectives of the Social OMC. Experts also assess how action taken by the Member States supports the Lisbon efforts, and the extent to which the ‘feeding in’ and ‘feeding out’ mechanisms have been set up and are working.

The theme for the second semester report for 2006 was “Feeding in and Feeding out, and Integrating Immigrants and Ethnic Minorities”. It covers the 25 countries that were EU Member States in 2006 and provides an analysis of ‘feeding-in’ and ‘feeding-out’ between the National Action Plans on Social Inclusion and the National Reform Programmes, and an overview of national policies on immigration and ethnic minorities. The synthesis report outlines the following areas for Member States to concentrate on in the evolution of policies towards immigrants and ethnic minorities:

- Looking beyond the labour market to include other facets of active inclusion
- Adapting education systems to the special needs of these groups
- Reinforcing efforts to prevent discrimination
- Optimising the balance between the ‘melting-pot’ and ‘multicultural’ approaches
- Recognising the differences between different sub-populations
- Making appropriate use of targets and indicators to guide policy

Consultation within the Social Open Method of Coordination

The Social Open Method of Coordination (OMC) specifically incorporates the involvement of stakeholders in policymaking and implementation as one of its three overarching objectives. Most Member States set up committees involving relevant ministries and agencies to coordinate the preparation of national contributions. Whether or not a range of different actors is consulted in drafting these contributions varies considerably across the EU. Some Member States directly involve different ministries and representatives of other actors (social partners, regional and local government, NGOs) in working groups, while others limit the involvement of non-governmental actors to meetings, seminars and written submissions.

The Social Protection Committee allows both the Commission and Member States to steer the OMC structure and serves as a clear leading vehicle for policy exchange. Its indicators sub-group provides a distinct forum for the design of common analytical and implementing tools. These two bodies at the European level have designed and refined an OMC structure that has worked out questions of transparency, synergy and comprehensiveness over time.
The Social OMC is widely recognised as being the OMC with the most developed dialogue with civil society. It has cultivated relations with key European networks of organisations involved in the fight against poverty and social exclusion to enable these organisations to contribute to the OMC by providing a better understanding of the most concrete forms of social exclusion, a regular monitoring of the implementation of the national action plans at a level closer to their main beneficiaries, and a greater awareness of the European strategy in the public opinion, as well as ensuring that this strategy takes into account the experience of people exposed to social exclusion.

Although there is active dialogue with civil society, there are still limitations. Member States are not always inclusive of partners in their initial stages of policy development. The European Trade Union Conference signalled an insufficient involvement of social partners in drafting the National Actions Plans on social inclusion throughout Europe. They are often only consulted in the final drafting stage when the scope for influencing matters is limited. This view is shared by UNICE, the European Employers’ Organisation, and other NGOs who report significant limitations to the consultative process.

Community Action Programme to combat social exclusion (2002-2006) was succeeded by PROGRESS. This section gives a short overview of the EQUAL initiative (2001-2006) which had a strong focus on securing the social inclusion of immigrants, and then looks at the PROGRESS programme.

An Overview of EQUAL

The EQUAL programme has come to an end. The Structural Funds regulations 2007-2013 integrate EQUAL’s principles into the main programmes. The EQUAL Initiative was a laboratory for new ideas to the European Employment Strategy (EES) and the Social inclusion process. Its mission was to promote a more inclusive work life through fighting discrimination and exclusion based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. EQUAL was instrumental in developing and sharing good practice that facilitates participation of immigrants in society as a whole.

EQUAL funded a significant number of Development Partnerships (DPs) designed to facilitate immigrant integration. Many of these have been funded under the employability strand. Approximately 100 DPs (more than 20%) of all ‘employability’ themed DPs in EQUAL’s first round catered for immigrants or ethnic minorities, either as the sole focus or amongst other target groups. These DPs aimed at improving the existing situation and creating a climate that is more conducive to the social and professional integration of immigrants and ethnic minorities; and/or improving their employability through a range of training and employment measures126.

The European Thematic Activities were clustered around five fields: employability, entrepreneurship, adaptability, equal opportunities and asylum seekers. Building on Diversity was chosen as the initial issue on which the EQUAL European Thematic Group on Employability would focus its activities. To do this it established five working groups, one of which was dedicated to ethnic minorities and migrants.

Perhaps the finest example of an immigrant group being targeted by mainstream funding is the inclusion of asylum seekers as a European Thematic Activity. It is also notable as the remaining four activities are based on the four pillars of the EES. Hence, EQUAL has made the bold move of including a group that is not a priority of the EES and whose merit for receiving assistance is contested. EQUAL’s work on asylum seekers has played a key role in identification and dissemination of good practice in helping asylum seekers integrate into society and in mainstreaming their needs.

EQUAL has made a considerable investment in projects that support the social and professional integration of immigrants and that take action to overcome barriers such as difficulties in having overseas qualifications and experience recognised, limited language skills, the reluctance of many employers to hire immigrants, and poor information and advisory services.
EQUAL awarded at least €355 million to projects that catered for immigrants or ethnic minorities, and for asylum seekers specifically. The work of EQUAL to overcome discrimination and promote diversity was also substantial, as was its budget (€478.3 million through its equal opportunities strand alone).

With the view of fostering greater coherence and simplification in the way Community programmes are delivered, the Commission established the framework programme Programme for Employment and Social Solidarity (PROGRESS), which brings together actions undertaken under the Community Action Programme to combat social exclusion, the strategy on gender equality, Community Action Programme to promote organisations active at European level in the field of equality between men and women, as well as those activities undertaken at community level in relation to working conditions.

More specifically, PROGRESS supports:

- the implementation of the European Employment Strategy
- the implementation of the Social Open Method of Coordination
- the improvement of the working environment and conditions including health and safety at work and reconciling work and family life
- the effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies
- the effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies

The vision of PROGRESS is a European Community that can fully play its part in promoting more and better jobs and equal opportunities for all, and whose positive contribution is recognised and valued. Its aim is to effectively and efficiently fulfil the Treaty-delegated tasks and powers in employment and social solidarity to the benefit of European citizens by:

- shaping and focusing the EU policy agenda on the most EU pressing concerns
- promoting the coordination and convergence of national policies towards EU objectives
- ensuring maximum compliance with EU law
- partnering with key stakeholders and getting support and ownership on all EU policies and objectives

The general objectives of PROGRESS are to:

- improve the knowledge and understanding of the situations prevailing in the Member States
- support the development of statistical tools, methods and common indicators
- support and monitor the implementation of Community law and policy objectives in Member States, and assess their effectiveness and impact
- promote networking and mutual learning, identification and dissemination of good practice and innovative approaches at EU level
- enhance the awareness of stakeholders and the general public about EU policies and objectives
- boost the capacity of key EU networks to promote, support and further develop EU policies and objectives

PROGRESS complements action under the European Social Fund (ESF). It finances studies, awareness-raising campaigns, exchanges of information and good practice; monitoring and evaluation exercises and networking initiatives.

Immigrants did not feature in the objectives of PROGRESS or in the 2007 Work Programme\textsuperscript{127}. Migration is, however, a theme of the 2008 Annual Plan of Work\textsuperscript{128}. In relation to informing and influencing the policy debate on future employment and social issues, it states that the work plan will also contribute to improving knowledge and understanding of migration, in particular on the related employment and social aspects, through collection of statistics and social and economic research. In relation to the implementation of the European Employment Strategy, the Work Plan states that emphasis...
will be put on combating undeclared work, better forecasting skills needs and improving knowledge and understanding of migration and mobility patterns.

The Commission has proposed a budget of €628 million for PROGRESS from 2007-2013. PROGRESS’s budget for 2008 is €93.4 million, of which €28 million has been allocated to the operational costs of social protection and inclusion (this represents an increase of 25% from 2007).

It will provide support for three types of activities:

- Analytical activities that improve the understanding of the Social Policy Agenda’s issues, contribute to its effective implementation and help to improve coordination with other EU policy areas and strategies
- Activities involving mutual learning, exchanges of information, awareness-raising, identifying and promoting good practice and measures related to monitoring and evaluation (e.g. peer reviews) that help to establish the state-of-play in Member States and, in this way, improve the application of Community rules
- Activities that support the main stakeholders in order to promote the exchange of good practice, sharing of information, preventive awareness-raising measures, as well as discussion processes (e.g. setting up working parties of national officials, developing networking at EU level or funding networks of experts in the different areas)

PROGRESS will be open to public and private bodies and relevant actors and stakeholders. It is geared towards Member States, local and regional authorities, public employment services and national statistics offices. It is open to candidate countries. Specialised bodies, universities and research institutes, as well as the social partners and NGOs are also able to participate in the programme.

There is a maximum of 80% of co-financing for projects. As an exception, Community support to the operating costs of European level networks of NGOs may be above this limit, taking into account that such Community funding will gradually decrease annually. The co-financing arrangements are broadly similar to those under the Community Action Programme.

5.2 Anti-discrimination and diversity – DG Employment

This section examines law and policy relating to anti-discrimination, anti-racism and diversity. It then looks at consultation and cooperation mechanisms and funding opportunities through the PROGRESS programme.

Which migrants are targeted in anti-discrimination and diversity measures?

Anti-discrimination law protects, inter alia, people from different racial or ethnic origins (who may or may not be immigrants); the Council Framework Decision on combating racism and xenophobia covers persons of a different race, colour, religion, or national or ethnic descent (i.e. including immigrants); and anti-discrimination and diversity policies target disadvantaged ethnic minorities (who may or may not be immigrants).

5.2.1 Principles and Policies

Immigrants may experience discrimination on a number of grounds, including on the basis of their immigration status, nationality, culture, racial or ethnic origin, religion or beliefs (or on a combination of these grounds). European law prohibits discrimination on the latter four grounds.

Support at European Community level in combating discrimination has been expressed through a variety of joint declarations, charters, resolutions, and legislation related to the
promotion of equal opportunities and equal treatment between men and women. Further to the broadening of its powers relating to discrimination in the 1997 Amsterdam Treaty, the Community went one step further in 2000 and gave a specific legal base for action to promote equal treatment through the Racial Equality Directive\textsuperscript{129} and the Employment Equality Directive\textsuperscript{130}.

The Racial Equality Directive prohibits direct and indirect discrimination based on racial or ethnic origin in both the public and private sectors. It prohibits discrimination in relation to access to employment, self-employment and occupation, including in recruitment and promotion; access to vocational guidance and vocational training; employment and working conditions; membership of and involvement in trade unions and professional bodies; social protection, including social security and healthcare; social advantages; education; and access to and supply of goods and services which are available to the public, including housing.

The Employment Equality Directive prohibits direct and indirect discrimination based on religion or belief, disability, age or sexual orientation in both the public and private sphere. The Directive has the same provisions relating to employment and occupation as the Racial Equality Directive, but unlike the latter, it does not extend beyond the workplace. In July 2008 the Commission adopted a proposal for a Directive that will prohibit discrimination on grounds of religion or belief, disability, age or sexual orientation in relation to social protection, including social security and health care; social advantages; education; access to and supply of goods and services which are available to the public, including housing (i.e. the scope will mirror the Racial Equality Directive).

Disappointingly, nationality was not included as a discrimination ground in the Racial Equality Directive, the Employment Equality Directive or in the proposed Directive. Racial Equality Directive expressly states that it “does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals (TCNs) and stateless persons on the territory of the Member States, and to any treatment which arises from the legal status of TCNs and stateless persons concerned”. Nevertheless, the Directive’s recital states that any direct or indirect discrimination based on racial or ethnic origin should be prohibited throughout the Community. This prohibition of discrimination should also apply to TCNs, but does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of TCNs and their access to employment and to occupation.

Several Member States have already gone further than the requirements of EU law in terms of providing protection from discrimination. The Commission was not satisfied, however, that some Member States had properly respected their obligations under the two Directives and it launched infringement proceedings against:

- in relation to the Racial Equality Directive: Spain, Sweden, Czech Republic, Estonia, France, Ireland, United Kingdom, Greece, Italy, Latvia, Poland, Portugal, Slovenia and Slovakia
- in relation to the Employment Equality Directive: the Czech Republic, Estonia, Ireland, Greece, France, Italy, Hungary, Malta, Netherlands, Finland and Sweden

These Member States were given two months to respond, failing which the Commission could decide to take them to the European Court of Justice. The problems mainly relate to failure to cover all the persons and areas covered by the Directives, definitions of discrimination that differ from the Directives and inconsistencies in provisions to help victims of discrimination.

Although the policies tackle anti-discrimination more broadly, the importance of addressing discrimination against immigrants is also highlighted. The 2004 Green Paper on “Equality and non-discrimination for all in an enlarged EU”\textsuperscript{131} states that “anti-discrimination policy is an important part of the EU’s approach to immigration, inclusion, integration and employment. By clarifying rights and obligations and highlighting the positive benefits of diversity in a multicultural society, it can help to guide a process of change based on mutual respect between ethnic minorities, migrants and host societies.” A wide public consultation...
was conducted in 2004 on the basis of the Commission’s Green Paper. On the basis of the feedback from consultations, a framework strategy ‘Non-discrimination and equal opportunities for all’ was designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted. The Framework Strategy included “a special effort to protect disadvantaged ethnic minorities”, which included the establishment of a high-level advisory group on social and labour market integration of disadvantaged ethnic minorities (see section 5.2.2).

The Commission’s July 2008 Communication on “Non-discrimination and equal opportunities: A renewed commitment” looks, not only at further developing the legal framework and implementing the existing legal framework, but at strengthening policy tools for the active promotion of equal opportunities. It suggests:

- the need for stronger policy pools in non-discrimination mainstreaming; measuring discrimination and evaluating progress; positive action through specific measures to prevent, or compensate for, disadvantages; awareness-raising and training activities; promoting the benefits of diversity at the workplace
- developing dialogue on non-discrimination and equal opportunities, including through the establishment of the non-discrimination governmental expert group (see section 5.2.2); and through funding smaller networks of NGOs representing those who experience discrimination on more than one ground
- applying better tools to advancing the social inclusion of the Roma

5.2.1.2 Combating racism and xenophobia

In 2001 the Commission put forward a proposal for a Council Framework Decision on combating racism and xenophobia in 2001. Political agreement was reached in April 2007 after six years of negotiation. This Framework Decision is limited to combating particularly serious forms of racism and xenophobia by means of criminal law in light of the fact that Member States’ cultural and legal traditions are to some extent different, particularly in this field, and full harmonisation of criminal laws is currently not possible.

The Framework Decision provides for minimum harmonisation of the criminal provisions to combat racism and xenophobia. The focus is on the prohibition of public incitement to violence and hatred against persons of a different race, colour, religion, or national or ethnic descent. This prohibition is the common prerequisite for imposing criminal liability for any conduct of this sort. However, the Framework Decision does not prohibit specific symbols per se, such as swastikas. Key provisions of the Framework Decision are:

- Public incitement to violence and hatred for reasons of racism or xenophobia will be criminalised and the dissemination of writings with such content will be prohibited as well
- Public approval, denial or gross trivialisation of genocide, crimes against humanity and war crimes will be criminalised if the crime is directed against a group of persons because of their race, colour, religion, descent or national or ethnic origin
- Racist and xenophobic motives are to be considered aggravating factors in other criminal offences, for example bodily injury, and that such motives may be taken into consideration by the courts in fixing the penalty
- No criminal complaint necessary. Criminal prosecution authorities must ex officio initiate an investigation into the offences listed in the Framework Decision
- Protecting the right to freedom of expression. The Framework Decision contains various provisions which take into consideration the special tensions that exist between the prohibition and the right to freedom of expression

Since important amendments have been made to the Framework Decision subsequent to the original proposal of the EU Commission, which was drawn up with the involvement of the Parliament in 2002, the Parliament was consulted again in November 2007 and the Council will subsequently assess the Parliament’s observations before formally adopting the Framework Decision.
The '2007 European Year of Equal Opportunities for All' was the centrepiece of "Non-discrimination and equal opportunities for all - A framework strategy"\textsuperscript{135}, which was adopted by the Commission in June 2005. The Communication also recognises the need to “develop appropriate responses to the different needs of new migrants, established minorities of immigrant origin and other minority groups”.

The '2007 European Year of Equal Opportunities for All' had four core themes:

- Rights – raising awareness of the right to equality and non-discrimination
- Representation – stimulating a debate on ways to increase the participation of under-represented groups in society
- Recognition – celebrating and accommodating diversity
- Respect and tolerance – promoting a more cohesive society

The '2008 European Year of Intercultural Dialogue' will be discussed in section 5.3.

This section provides an overview of the High-level advisory group on social and labour market integration of disadvantaged ethnic minorities, the Network of independent legal experts, and consultation with civil society.

The high-level advisory group on social and labour market integration of disadvantaged ethnic minorities and their full participation in the labour market\textsuperscript{136} comprises 10 experts from civil society, the world of research, business, the national and local authorities, as well as ethnic minorities and other stakeholders. The group focuses on issues such as good practices in the integration of disadvantaged ethnic groups in the labour markets and on the promotion of pragmatic, workable concepts in this area.

The work of the group concentrates on those people whose ethnicity is different from that of the majority in the given society. It only deals with them, however, insofar as they are socially disadvantaged or vulnerable, particularly in terms of labour market access or full participation in economic and social life.

The group’s December 2008 report "Ethnic Minorities in the Labour Market: An Urgent Call for Better Social Inclusion" is based on the deliberations of the Group, the results of the hearings with key actors and external experts, working papers submitted by Group members and on a thorough analysis of the “Study on the Social and Labour Market Integration of Ethnic Minorities” conducted by the Institute for the Study of Labour in Bonn\textsuperscript{137}.

In its Report, the Group makes the following policy recommendations on how the EU can approach the problems of social and labour market exclusion for disadvantaged minorities.

- Make the inclusion of members of ethnic minorities into the society, in particular into the labour market, a priority of the political agenda
- Pursue equality and gender mainstreaming
- Identify and address specific barriers to inclusion of members of ethnic minorities (this recommendation outlines strategies for addressing the lack of information, education and training, language skills, recognition of skills and qualifications, access to professions, access to citizenship, integration policies, mobility due to segregated neighbourhoods; stereotypes, prejudices and negative attitudes; industrial change; disincentives through welfare systems; discrimination; labour market competition; and unpaid work)
- Establish a sustainable long-term policy for promoting inclusive labour markets, using a targeted, but not ethnically segregated approach
- Mobilize all relevant actors, making use of the opportunities and value the contributions from members of ethnic minorities to the society
- Allocate the necessary resources
- Support mutual learning by highlighting good practice and developing knowledge and strengthen the analytical tools
- Focus specifically on the implementation of policies to improve the situation of Roma in terms of education, employment, health and housing
The Network of independent legal experts in the non-discrimination field provides independent information and advice on the implementation of the Article 13 anti-discrimination Directives in all Member States. MPG and Human European Consultancy have established and manage the network for the Commission.

The task of the Network is to produce information on the transposition of the Directives, their practical implementation, national initiatives in the field of anti-discrimination legislation and related policy developments, the impact of national court rulings that have the effect of establishing jurisprudence on the level of protection provided by national law against discrimination, the potential conformity of national developments with the requirements of Community law; and the impact of judgments of the European Court of Justice and the European Court of Human Rights on national law.

The network produces a bi-annual European Anti-discrimination Law Review setting out key legal developments at national and EU levels; a series of thematic reports aimed at deepening understanding of a particular topic; and country reports, which describe in detail how the two Directives have been transposed in each of the Member States. They cover issues such as changes in national law, preliminary rulings, enforcement mechanisms and positive action measures.

The anti-discrimination unit is in regular contact with the Platform of European Social NGOs, which was created in 1995, and has 39 member organisations operating in the social sector. Via these members, it brings together over 1700 organisations, associations and other voluntary bodies at local, regional, national and European level, representing a wide range of civil society, including migrants. The anti-discrimination unit organises jointly with the European Platform of Social NGOs bi-annual meetings where NGOs are invited to discuss different Community matters. NGOs are given an opportunity to comment on ongoing issues and the Commission also announces new initiatives. The anti-discrimination unit also organises ad hoc meetings as needed.

One of the key umbrella organisations funded by the Commission is the European Network Against Racism (ENAR), which has around 600 member and associated organisations throughout Europe, ranging from grassroots organisations to advocacy organisations, from information centres to faith-based organisations and to trade unions. ENAR’s aim is to foster a collective civil society voice and to influence decision-making in the EU in order to redress the negative consequences of discrimination based on colour, ethnicity, national origin, religion or culture; promote diversity and create the conditions for equal participation in a community characterised by a plurality of values; and ensure that anti-racism and anti-discrimination are mainstreamed across all sectors of EU public policy. One of ENAR’s strategic objectives for 2007-2010 is to promote the development of progressive migration and integration policies. To this end, ENAR works towards the full political, social, economic and cultural participation of third-country nationals, ending all forms of discrimination based on citizenship and nationality, and ensuring that the rights of third-country nationals are protected in all circumstances.

The five-year Community Action Programme to combat discrimination, which ended on 31 December 2006, was subsumed into the PROGRESS programme (2007-2013). The principles of EQUAL Initiative (which draws to a close in 2008) which support actions to combat discrimination and exclusion have also been incorporated into PROGRESS. One of the five themes of the PROGRESS programme is “anti-discrimination and diversity”, which aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies by:

- improving the understanding of the situation in the field of discrimination, in particular through analysis, studies and the compiling of statistics and indicators where relevant, as well as by assessing the impact and effectiveness of existing legislation, policies and practices
- supporting the implementation of EU anti-discrimination legislation through reinforced monitoring, organising seminars for practitioners and creating networks of specialised bodies engaged in combating discrimination
raising awareness, disseminating information and promoting the debate on the major challenges and policy issues at stake in the discrimination field and in mainstreaming anti-discrimination in all EU policies, as well as among the social partners, NGOs and other stakeholders

developing the capacity of the principal networks at European level to promote and further develop the Community strategies and political objectives in the field of the fight against discrimination

The "2008 Annual Plan of Work" outlines PROGRESS’s priorities for funding. These include:

- awareness-raising on non-discrimination issues through national events or seminars
- EU legislation on non-discrimination and gender equality through the setting-up of legal experts networks and legal seminars and trainings addressed to legal and policy practitioners
- combating discrimination faced by ethnic minorities
- equal participation of women and men in decision-making through the setting up a European network and the updating of the database on women and men in decision-making
- gender mainstreaming in Member States

€20.5 million has been allocated in 2008 to the operational costs of anti-discrimination and diversity (gender equality has its own budget line of €10.7 million).

Further information on the PROGRESS programme and its financial rules can be found in section 5.1.3.

5.3
DG Education and Culture: Intercultural Dialogue

This section examines DG Education and Culture’s (EAC) work in promoting intercultural dialogue, including through the ‘2008 European Year of Intercultural Dialogue’; the creation of the Civil Society Platform for Intercultural Dialogue; and funding opportunities within the Culture Programme.

Who is the target group of intercultural dialogue?

Efforts to foster intercultural dialogue are aimed both at European societies more generally (although young people, disadvantaged social groups, and civil society organisations are particular targets) and individuals and groups belonging to different cultures, including immigrants.

5.3.1
Principles and Policies

Intercultural Dialogue is a relatively new policy area for the EU. The December 2006 Decision of the European Parliament and the Council concerning the European Year of Intercultural Dialogue (2008) gives context to the addition of intercultural dialogue to the EU agenda. In its preamble it states that:

- Intercultural dialogue is having an increasingly important role to play in fostering European identity and citizenship as Europe is becoming more culturally diverse due to EU enlargement, deregulation of employment laws and globalisation, all of which have increased the multicultural character of many countries, adding to the number of languages, religions, ethnic and cultural backgrounds found on the continent. European citizens, and all those living in the EU temporarily or permanently, should therefore have the opportunity to take part in intercultural dialogue and fulfil their potential in a diverse, pluralist, solidarity-based and dynamic society, not only in Europe but also in the world
- At the heart of the European project, it is important to provide the means for intercultural dialogue and dialogue between citizens to strengthen respect for cultural diversity and deal with the complex reality in our societies and the coexistence of different cultural identities and beliefs. Furthermore, it is important to highlight the contribution of different cultures to the Member States’ heritage and way of life and to recognise that culture and intercultural dialogue are essential for learning to live together in harmony
The meaning of ‘intercultural dialogue’ is not specifically defined. The Decision does not provide guidance on what exactly intercultural dialogue is, but rather what it does and how it can be achieved. It highlights the importance of intercultural dialogue in fostering respect for cultural diversity and greater mutual understanding between individuals and groups belonging to different cultures; supporting equal opportunities, solidarity and social justice; enabling the EU to forge partnerships with other countries and make its voice better heard in the world.

The first-ever European agenda for culture in a globalizing world was launched by the Commission in May 2007. Its three main objectives – promotion of cultural diversity and intercultural dialogue, promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy, and promotion of culture as a vital element in the EU’s international relations – all relate to a contemporary European and global society faced with intercultural challenges.

The following strategic objectives in relation to intercultural dialogue were adopted in the November 2007 Council Resolution on a European agenda for culture:

- As regards to the promotion of cultural diversity and intercultural dialogue: promoting intercultural dialogue as a sustainable process contributing to European identity, citizenship and social cohesion, including by the development of the intercultural competences of citizens
- As regards culture as a vital element of international relations: fostering intercultural dialogue and interaction between civil societies of EU Member States and third countries

The main objective of the EYID is to promote intercultural dialogue as an instrument to assist European citizens and all those living in the European Union, by acquiring the knowledge and abilities to deal with a more open and more complex cultural environment. The EYID also aims to raise the awareness of European citizens of the importance of developing an active European citizenship which is open to the world, respectful of cultural diversity and based on common values in the EU. Its key message is that “intercultural dialogue contributes to:

- mutual understanding and a better living together
- exploring the benefits of cultural diversity
- fostering an active European citizenship and a sense of European belonging”

The main actors in the EYID are DG Education and Culture; a National Coordinating Body, usually a representative of the Ministry of Culture and/or Education, in each Member State; and civil society organisations (see section 5.3.2 for details on the Civil Society Platform for Intercultural Dialogue). The EYID draws on a series of specific projects through programmes and other Community actions in the areas of culture, education, youth, religion, minorities, migration, multilingualism, the media and the workplace.
The Civil Society Platform for Intercultural Dialogue, ‘the Rainbow Platform’, was initiated in 2006 by the European Forum for Arts and Heritage (now Culture Action Europe) and the European Cultural Foundation. It comprises over 200 civil society organisations and their individual members engaged in intercultural action throughout Europe at the local, national and international level. As the Platform is not legally established, it does not have members and is open to any interested body or individual with a stake in the issue. The Platform has a loosely constituted steering group assembled by its coordinator. Thus it has no representative mandate and one of the recognised challenges of the Platform is managing the number of languages, interests and priorities of contributors.

The key objectives of the Platform are to:

- heighten the impact and effectiveness of the European Year of Intercultural Dialogue and ensure it has a legacy
- share the concepts and practice of intercultural dialogue
- work towards integrated strategies for intercultural dialogue
- mobilise all sectors concerned so that they have a voice
- contribute to policy analysis and development
- influence cultural policymaking

The Platform has given particular priority to issues linked to migration and movement.

The Platform’s first year of work culminated in the January 2008 ‘Rainbow Paper’ entitled “Practice Makes Perfect: A Learning Framework for Intercultural Dialogue”. The paper outlines some emerging ‘principles’, although it notes that these may be principles of action or viewpoints or elements of a consensus amongst the Platform participants. It also offers the following definition of intercultural dialogue: “a series of specific encounters, anchored in real space and time between individuals and/or groups with different ethnic, cultural, religious, and linguistic backgrounds and heritage, with the aim of exploring, testing and increasing understanding, awareness, empathy, and respect.” It goes on to say that “the ultimate purpose of Intercultural Dialogue is to create a cooperative and willing environment for overcoming political and social tensions, whether through new or existing structures (administration, governance, public opinion, values, attitudes)”. In January 2008 the Platform began work on developing the ‘emerging principles’ into recommendations. The draft Rainbow Paper II contains recommendations to civil society organisations and to the EU on how to practice respect for cultural diversity. Rainbow Paper II will be presented at the closing event of the European Year of Intercultural Dialogue on 17-19th November 2008 in Paris.

The Rainbow Platform was originally conceived as a two-year initiative. But given the political elevation of this platform to being an official element of the structured dialogue between the EU and the cultural sector, options for a continuation of this initiative beyond the EYID are under consideration.

The Programme is aimed at three specific objectives, one of which is the promotion of intercultural dialogue. DG Education and Culture’s “Programme Guide – Culture Programme (2007–2013)” sets out the programme’s objectives, eligible actors and actions, and financial details.

The Programme supports projects, organisations (public, private and NGOs), promotional activities and research in all branches of culture. Cultural operators, including cultural enterprises, can participate in the Programme as long as they are acting in a non-profit-making cultural capacity.

Countries eligible under this Programme are EU Member States, EEA countries, candidate countries (Croatia, Turkey and Former Yugoslav Republic of Macedonia) plus Serbia. The countries of the western Balkans (Albania, Bosnia-Herzegovina and Montenegro) could become eligible in the future, subject to the conclusion of a Memorandum of Understanding concerning the participation of each of those countries in the Programme.
Participation

The total budget for the period 2007–2013 is €400 million. The annual allocation is for 2008 is €55 million, representing an increase of 31% from 2007.

Eligible actions to foster intercultural dialogue include:

- Multi-annual Cooperation Projects (strand 1) aim to foster multi-annual, trans-national cultural links by encouraging a minimum of six cultural operators from at least six eligible countries to cooperate and work within and across sectors to develop joint cultural activities over a period of three to five years. Funding of between €200,000 and €500,000 per year are available, but EU support is limited to a maximum of 50% of the total eligible cost. The funding is intended to help set up or extend the geographical reach of a project and make it sustainable beyond the funding period.
- Cooperation Projects (strand 2) have a duration of maximum 24 months and involve a minimum of three cultural operators from three different eligible countries; funding of between €200,000 and €500,000 is available, but support is limited to a maximum of 50% of the total eligible cost.
- Support for Analyses and for the Collection and Dissemination of Information and for Maximising the Impact of Projects in the Field of Cultural Cooperation (strand 3).

The EYID has been funded as part of the Culture Programme. It has a budget of €10 million to support actions at European Level, notably co-financing of seven flagship projects; a launch event and a closing event; co-financing of projects at national level, one in each Member State; an information and awareness raising campaign; and studies and evaluation.

5.4 Conclusion

The broad inclusion of ‘immigrants’ as a target group in the social inclusion strategy has acted as both a hindrance and a help. The failure to disaggregate immigrants by the length of settlement (newly arrived, settled, second-generation) or migration experience (forced or voluntary category) and reason for migration (international protection, skilled migration or family reunion) can make it difficult to address the specific needs of different immigrant groups. However, it also has the advantage of allowing for a greater range of beneficiaries to be included in target groups than is catered for by DG Freedom, Security and Justice’s (JLS) Integration and Refugee Fund. For example, it enables second-generation immigrants and irregular migrants to benefit from funded programmes.

The Social Open Method of Coordination has been an effective mechanism to facilitate the societal integration of immigrants. Factors that have contributed to its success include the incorporation of immigrants as a target group, structured dialogue with funded European NGOs, the inclusion of ethnic minorities and immigrants as a topic in the Semester Reports of the networks of independent national experts; the transnational exchange programme in providing a better understanding of strategies to improve immigrants’ access to the labour market, health and psychological care and civic engagement.

Immigrants have now been included as a target group for social inclusion actions within the Programme for Employment and Social Solidarity (PROGRESS). The PROGRESS programme also has a smaller budget than the Community Action Programme to combat social exclusion for activities relating to social inclusion and social protection and is gradually reducing funding to European level networks of NGOs.

Anti-discrimination measures are vital in achieving the participation of disadvantaged groups. EU law does not prohibit discrimination on the basis of nationality or immigrant status, but does prohibit discrimination on grounds which are relevant to many immigrants (race, ethnicity, religion and belief). There is, however, an implementation gap in a number of Member States and greater efforts are required to ensure people are able to exercise their right to equal treatment under the Racial Equality and Employment Equality Directives. The Commission acknowledges the importance of accompanying legislation with policy measures to prevent discrimination. Although not included in the scope of legislation, discrimination against immigrants is being addressed in policy measures.

The Council Framework Decision on combating racism and xenophobia will provide minimum harmonisation of the criminal provisions relating to public incitement to violence.
and hatred against persons of a different race, colour, religion, or national or ethnic descent. Cooperation and consultation mechanisms are strong in the area of anti-discrimination, including structured dialogue with funded European NGOs, and the network of independent legal experts in the non-discrimination field.

In 2007 PROGRESS’s broad remit did not allow for targeted actions to ensure the social inclusion of immigrants and it appeared that it was not capitalising on the significant gains made through the two Community Action Programmes and EQUAL. However, the 2008 work programmes show that actions to improve the social inclusion of immigrants and anti-discrimination measures against ethnic minorities are again being given priority.

The European Year of Intercultural Dialogue has placed intercultural dialogue on the U agenda, not only in DG Education and Culture, but across a range of portfolios. With intercultural dialogue as one of the three priorities of the Culture Programme 2007-2013, efforts to foster intercultural dialogue should continue beyond the EYID. Efforts may be further be enhanced if the Rainbow Platform becomes a more permanent structure for structured dialogue.
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<tr>
<td>Cooperation with third countries in the areas of migration and asylum</td>
<td>Thematic Programme for cooperation with third countries in the areas of migration and asylum (2007-2013)</td>
<td>NGOs, non-state actors, international organisations, research institutes and universities</td>
<td>50-80%</td>
<td>€51</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In the beneficiary countries, EEA, candidate and pre-accession assistance countries: national public agencies; agencies; regional or local public bodies and authorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>In Member States: national, regional or local agencies, bodies or authorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solidarity and management of migration flows</td>
<td>The External Borders Fund (2007-2013)</td>
<td>National partners can include public authorities, international organisations, NGO’s social partners</td>
<td>50%</td>
<td>€260</td>
</tr>
<tr>
<td></td>
<td></td>
<td>75% for cohesion countries and specific Community priorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solidarity and management of migration flows</td>
<td>European Integration Fund (2007-2013)</td>
<td>National, regional and local authorities registered in one of the participating Member States, NGOs, public or private bodies, including university departments, research centres and international organisations</td>
<td>50%</td>
<td>€78</td>
</tr>
<tr>
<td></td>
<td></td>
<td>75% for cohesion countries and specific Community priorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solidarity and management of migration flows</td>
<td>European Refugee Fund (2007-2013)</td>
<td>National, regional and local authorities registered in one of the participating Member States, NGOs, universities, international organisations</td>
<td>50%</td>
<td>€82</td>
</tr>
<tr>
<td></td>
<td></td>
<td>75% for cohesion countries and specific Community priorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>European Employment Strategy</td>
<td>European Social Fund (2007-2013)</td>
<td>Member States and regions can allocate funding to educational and training institutions, NGOs and the voluntary sector, trade unions, works councils, industry and professional associations, and individual companies</td>
<td>For Convergence: 75% (80% cohesion fund) Regional Competitiveness and Employment: 50%</td>
<td>€11000</td>
</tr>
<tr>
<td>Education and Culture</td>
<td>Lifelong Learning Programme (2007-2013)</td>
<td>Legal entities</td>
<td>75% (n/a for actions under €25,000)</td>
<td>€1006</td>
</tr>
<tr>
<td>Regional Policy</td>
<td>European Regional Development Fund</td>
<td>Member States and regions</td>
<td>50% 75% for cohesion countries</td>
<td>€33000</td>
</tr>
<tr>
<td>Public health and consumer protection programme</td>
<td>Health Programme (2007-2013)</td>
<td>A wide range of organisations, including research institutes and universities, public administrations, NGOs and commercial firms</td>
<td>50- 60% (80% exceptional utility)</td>
<td>€45</td>
</tr>
<tr>
<td>Social Inclusion</td>
<td>Programme for Employment and Social Solidarity (PROGRESS) (2007-2013)</td>
<td>Public and private bodies, and relevant actors and stakeholders</td>
<td>maximum of 80%</td>
<td>€28</td>
</tr>
<tr>
<td>Anti-discrimination</td>
<td>PROGRESS (2007-2013)</td>
<td>Public and private bodies, and relevant actors and stakeholders</td>
<td>maximum of 80%</td>
<td>€20</td>
</tr>
<tr>
<td>Education and Culture</td>
<td>Culture Programme 2007-2013</td>
<td>organisations (public, private and NGOs)</td>
<td>maximum of 50%</td>
<td>€55</td>
</tr>
</tbody>
</table>
On evaluating migration policies

The Introduction provided a framework which has been used to identify and qualify migration policy measures. This framework can also be used to assess migration debates which can help to better understand the rationale and direction of adopted laws and policies with a view to securing better interventions and greater public support. Chapters 1 to 5 located migration policies in the machinery of the European Commission. They specified which Commission departments are in the lead of policy design and implementation and described various policy instruments, which include policy papers outlining guiding principles, platforms for dialogue and co-operation among and between governmental and non-governmental actors, binding Community law, other policy measures and financial instruments. This final chapter offers some ideas on how to evaluate policies.

Debates develop a vision, set overall goals and priorities, indicate which means and resources are to be used, and provide an appreciation of the results achieved. Policies help to create a favourable environment for achieving agreed goals. Policy-making includes dialogue and negotiation for balancing or making choices between conflicting interests. Policy instruments include legislative and other measures, delivery of services and allocation of resources. Whether or not policy measures produce the desired results is a perpetual question in policy debates. Calls for systemic evaluations have become louder during the last ten years and various methods have since been proposed and tested, which vary from thorough policy analyses to cursory reviews. Whatever their format, ideally they should be learning exercises that answer precise questions and feed into policy design and implementation.

Big issues such as migration are usually covered by many policy fields and are based on various sets of values and policy goals. Often they are embedded in overall social, economic and cultural policies, as well as citizenship policies (figure 2). Therefore, evaluations are better broken down by relevant policy areas between which a causal relationship may or may not exist. Such a relationship can be assumed (by a theory of change or a political philosophy) and is tested in evaluations. These can take place before or after policies are put in place. The former is known as prospective impact assessment, the latter as retrospective impact assessment. For example, prospective regulatory impact assessments estimate what the social, economic and environmental effects will be of a proposed and new piece of legislation. These assessments are required at the EU level and in a handful of Member States. Prospective equality assessments estimate how policies and law affect the equality of persons. Retrospective assessments identify the changes that policies have brought about and the factors which caused the changes. Both types of assessments involve a large amount of data collection and analysis, for which various techniques are applied including the use of indicators. Although over the last couple of years many policy- and opinion-makers have been quick to pronounce that immigration or integration has ‘failed,’ the actual use of assessment is not yet widely practiced.

A lighter form of evaluation, although usually not labelled as such, is the identification of good practices. This is the search for policy measures that have proven to work. In the process ‘critical success or failure factors’ are located and analysed. The search can be undertaken by policy-makers themselves, together with their colleagues (in peer reviews) and/or beneficiaries (in citizens’ panels and customer satisfaction surveys). Indicators lend
themselves very well to describing, summarising and qualifying practices. Impact assessments and exchange of good practice are becoming standard tools of European policy-making (the debates on good governance) and consequently so are indicators.

The European institutions have been significant supporters of the use of good governance indicators in shaping international cooperation on integration. At the European level, it is not surprising that the link between indicators for policy evaluation and international cooperation on integration first emerged and received the greatest attention at the Council of Europe, often referred to as Europe’s ‘laboratory of ideas.’ A 1997 report provided a conceptual framework defining indicators and integration, both buzz words at the time. Three key types of indicators (policy, outcome, and attitude) were distinguished and later extensively elaborated into various dimensions, a stockpile of common indicator examples, and checklists for the implementation of integration policies and actions. The Council of Europe has made a considerable contribution to the form and content of comparative integration indicators, which in recent years has been mainstreamed into its wider good governance framework on social cohesion where migrants figure as one specific vulnerable group.

The main accomplishments of the European Union institutions with regard to integration indicators have been in agenda-setting, moving in the opposite direction of the Council of Europe from mainstreamed social cohesion indicators and later to immigrant integration. Integration emerged in the context of the outcome indicators at the 2001 Laeken conference and its’ “Report on Indicators in the Field of Poverty and Social Cohesion”. EU Member State governments later introduced evaluation as a specific priority for the EU’s agenda on Justice and Home Affairs, known as the 2004-2009 Hague Programme. The aim of the
The development of different types of comparative integration indicators is still considered avant-garde in a European debate on integration policy evaluation that is only a decade-old. The European Commission has, besides funding projects, been less successful in designing and using common integration indicators within its own work. The closest the European Union comes to integration indicators is in its ex ante and ex post evaluations of EC legislation. The European Commission’s Green Papers and Impact Assessments draw on comparative statistics and legal/policy mappings, but without the explicit intention of benchmarking or evaluation. Monitoring exercises on the legal transposition of EC directives into national laws often provide output indicators based on comprehensive expert reports or questionnaires of yes/no indicators. These exercises highlight areas where transposition is correct, incorrect, or incomplete. The latter two scores lead recalcitrant Member States down the long road towards infringement proceedings. Transposition monitoring does not tend to benchmark the different Member States’ performance or consider the outcome or impact of these national changes in achieving the overall objectives and principles set out in the EC directives (Bonin et al. 2008).

The European Commission has also been less successful in winning over the Member States to the adoption of common integration indicators within the EU’s various cooperation structures. The Handbook on Integration, a product of close cooperation between the National Contact Points on Integration and the European Commission, chose not to
propose common indicators or an overall framework in its chapter on Indicators. Rather, the Handbook clarified the various types of indicators necessary for policy evaluation and provided conclusions about their design and use. The European Union has called for common indicators for immigrant integration policy tied to the Lisbon Strategy’s social, economic and educational indicators. Yet few have been developed by the Member States to set targets or measure progress in DG Justice, Liberty, and Security, DG Employment, Social Affairs, and Equal Opportunities, DG Enterprise, or DG Education (see Niessen and Huddleston 2007). Immigrants have been repeatedly identified as a target group in the Open Methods of Cooperation on Employment and Social Protection/Social Inclusion. Only two common integration indicators adopted have been adopted on outcomes in the labour market. These two are comparative employment and unemployment rates for third-country nationals. Current efforts at the EU level to adopt common integration indicators have so far produced weak analytical tools, modest Member State implementation, and light benchmarking.

The Commission’s third annual report on migration and integration observed that governments are increasingly aware of the need for tools and indicators, comparative or not, to improve their integration policy evaluation. A few countries like Norway, Sweden, and the UK are obligated at least in law to conduct Equality Impact Assessments as ex-ante evaluations. A few others have coordinated ad hoc internal or external ex-post evaluations. A wide spread of non-comparative indicators have been designed as part of ambitious integration plans or as one-off commissioned reports. Within the EU’s OMC on Social Protection/Social Inclusion, just a handful of leading benchmarker countries in Western and Southern Europe have put forward their own non-comparative indicators. On the basis of various reports of the National Contact Points on Integration to the European Commission, it appears that Member State governments understand Common Basic Principle 11 as referring to input and output indicators and target outcomes.

However there is a significant discrepancy between so-called ‘awareness’ and the actual use of integration indicators for policy evaluation. The Commission’s third annual report, after acknowledging this greater awareness, goes on to state diplomatically that in practice “further progress is necessary.” Reviews of European practices have concluded that there is a startling inconsistency between public discourse on the usefulness of various integration indicators for policy evaluation and the sparse use of indicators, let alone an evaluation framework. As expected, many of these evaluation initiatives in Europe pale in comparison to the new initiatives adopted in traditional countries of immigration. The evidence base used most by migration policymakers in Europe is not research or evaluation, but public opinion polls in response to often sensational events. This confidence in public opinion indicators dominates, even if the polling method does not provide those surveyed with sufficient background to counter sometimes egregious misconceptions and make an informed decision.

6.2 The use of indicators

The different types of indicators and their combination in a coherent framework for evaluation require greater attention. Despite continual recognition of this need by European and national policymakers, indicators are sparsely used and very often confused. This section clarifies the different types and links between indicators by applying a good governance framework to migration and integration policy. Indicators are most useful if policy actors want to see whether or not certain policies stimulate societal change. Governments, organisations, and funders have an interest in providing evidence for their theories of change and respect of good governance. Moreover the public in a liberal democracy expects this sort of accountability. Indicators can only be developed once there is an agreed vision of change—the impact that policy aims to have on social realities. This vision is stated and reset with changes in government, funding cycles, and policy proposals. Evaluations operationalise this vision of change. In the ex ante evaluations (prospective impact assessments) that sometimes accompany policy formulation, policymakers start out with the results they want to achieve and work backwards. They use their vision of change to fix targets for results and then fix the resources and policies. In ex post evaluation (retrospective impact assessments), the order is reversed; evaluators begin with the policies and inputs provided before moving on to assess their results.
To determine whether a policy has helped bring about this vision of change, evaluation frameworks must look at **intermediate indicators** and **results indicators**. With intermediate indicators, evaluators are looking for the policies, inputs, and outputs provided to achieve the vision of change. Indicators measure the quantity and quality of policies, resources, and activities provided by government. With results indicators, evaluators are looking at the societal effects of their policies, resources, and activities. Indicators measure outcome and impact again relative to the vision of change.

Both sets of indicators are vital for ex ante and ex post evaluation. Policymakers developing evaluation frameworks tend to neglect intermediate indicators, known as the ‘missing middle,’ due to a discomfort with enforcement/oversight mechanisms and a preference for measures of their impact and achievement. NGOs may fear that these indicators lead to sterile and self-satisfied tick-the-box exercises to the detriment of a focus on results and practice. It will not be possible for stakeholders and the public to understand the ends of policy without understanding its means, since intermediate indicators are most susceptible to government action and describe the conditions for achieving the results that are supposed to bring about change.

The table below demonstrates how intermediate and results indicators are broken down into five **main indicator** types is a link along the evaluation chain from **policy and input**, to **output, outcome, and impact**. To the extent that ex post evaluation establishes that there was causality in the chain, each of these indicators is linked together sequentially; the outputs of one are the inputs of another. The scope of policy action determines the scope of the administrative and financial inputs, which determines the scope for outputs, and so on. Skipping one link in the chain would be to neglect one potentially significant explanatory factor and give a misleading interpretation of integration policy performance. These main types of intermediate and results indicators are linked together by linkages that are called **performance (also known as efficacy) indicators**. Performance or efficacy indicators measure how well outputs on the first link in the chain translate into outputs at the next link. How efficient are policies and inputs in producing outputs? How effective are outputs in changing outcomes? Did outcomes have a sustainable impact? Together these main and efficacy indicators allow for an evaluation of policy success at each step towards the overall vision.

But where does one draw the line between intermediate and results indicators? The line is roughly between output indicators, measuring the provision of deliverables, and outcome indicators, measuring the effect of those deliverables on the lives of participants and target groups. In practice this line is blurred by policy actors who publically speak about output indicators as if they were outcome indicators. For example, the fact that 2,000 immigrants have passed a test at the end of a language course does necessarily mean that their language skills improved, that their overall employability increased, or that the course was responsible for such changes in the first place. This confusion may come from an assumption that deliverables have a societal impact in and of themselves (as if the only impact that integration policies intend to have is requiring immigrants to spend three hours a day sitting in a classroom). This confusion may also come from a simple lack of data on the short and medium-term outcomes of their policies.

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**Figure 5: Indicators for an evaluation framework of social change**

<table>
<thead>
<tr>
<th>INTERMEDIATE INDICATORS</th>
<th>RESULTS INDICATORS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main Indicators</strong></td>
<td></td>
</tr>
<tr>
<td>Policy &amp; Input</td>
<td>Output</td>
</tr>
<tr>
<td>Output</td>
<td>Outcome</td>
</tr>
<tr>
<td>Efficacy indicators</td>
<td>Impact</td>
</tr>
</tbody>
</table>

- **Vision of change**
- **Efficiency**
- **Effectiveness**
- **Sustainability & Risk/enabling factors**
Policy indicators measure whether the normative principles that make up a vision of change have been translated into concrete laws and policies. Policies are a major resource in the policymaker’s toolbox to set the conditions for government action and the later allocation of financial and administrative resources. The legal framework is deemed successful (or best practice is achieved on the legal framework) when its various components are found coherently favourable for promoting the normative vision.

- **Input indicators** measure whether implementing actors are equipped with the supporting resources to properly deliver on these policies. They measure the quantity and quality of administrative support (i.e. implementing agreements, structures, programmes, evaluation mechanisms, etc) and material support (i.e. funds, human resources, training, equipment, materials, etc). Best practice is achieved on inputs when they meet the demands of the normative vision and certain good governance benchmarks. **Performance or process indicators** are a series of benchmarks in the process of producing the targeted inputs.

- **Output indicators** measure whether implementing actors are producing the deliverables as promised in the implementation of policy and the provision of inputs. They measure the quantity and quality of deliverables (goods and services) in terms of the target group’s access, uptake, and satisfaction. Best practice on outputs occurs when the deliverables have reached the target levels that policymakers have theorised will stimulate the desired change in the target group’s situation.
  - **Efficiency indicators** are performance/efficacy indicators that measure the ratio of inputs needed per unit of output produced (in terms of financial and administrative support). Policies are deemed efficient when a few key inputs produce major outputs.

- **Outcome indicators** measure whether these deliverables are changing the situation of the target group in the short-term. A monitoring system (also known as **relevance or contextual indicators**) on the comparable situation of the target group and the whole population provides the background statistical information needed to construct possible outcome indicators. **Participant indicators** are designed at the **micro level** to measure the effect on the direct beneficiaries, ideally by comparing the situation of participants with that of a control group. **Target group indicators** are designed at the **macro level** to measure the wider impact on a specific part of the population, by comparing its situation with that of the overall population.
  - **Risk and enabling indicators** are performance/efficacy indicators that need to be taken into account in any assessment of outcomes or impact. Evaluators are looking to see if policies have induced changes in outcomes in the desired direction, knowing that change depends on many external factors. Policymakers would hope that these external factors have a favourable or at least a negligible influence on policy performance, but many are beyond government control. This stage of analysis must measure the status of the exogenous factors assumed to have a direct and significant influence on outcomes. Outcomes for participants or for the wider target group are deemed successful when analysis of the risk and enabling indicators finds that there is still a strong casual link between policy outputs and ‘desirable’ changes in the situation.
  - **Effectiveness indicators** are performance/efficacy indicators that measure the ratio of outputs per unit of project outcome (or in other words the degree to which policy outputs affect outcomes). Policies are deemed effective when a few key outputs lead to major improvements in the outcomes of the target group on the ground. Again risk and enabling indicators should inform this calculation.

- **Impact indicators** measure whether these deliverables and targeted outcomes have had the desired results on the medium and long-term well-being of the overall population. Again this analysis must take into account risk and enabling factors including the target group’s share, position, and relationships with the overall population. Best practice is attained here when the changes in participant and target group outcomes have had the desired change on society in general.
  - **Sustainability indicators** are performance/efficacy indicators that can be thought of as longitudinal outcome indicators, following the same participants or target group over time. They measure whether gains attained in the short-term are
Monitoring systems and longitudinal surveys are two statistical instruments that help link explanations of short and long-term and of target group outcomes and wider societal impact.

An example of a typical World Bank project can clarify how indicators are designed and used in the international good governance domain. Policymakers in a developing country want to have an impact on eradicating extreme poverty and empowering women, two of the main UN Millennium Development Goals. Based on their ex ante evaluation, they believe that they will best achieve this vision by improving literacy outcomes among disadvantaged adult women. They design targets for the number of women to reach, the number and quality of courses, teachers, curriculum, and teaching materials to provide, and the necessary changes to make in legislation and budget lines.

The ex post evaluation of this national poverty reduction programme to improve women’s literacy would then test achievements on each type of indicator over time. **Policy indicators** on promoting women’s empowerment measure whether disadvantaged women have access under law to comprehensive educational opportunities and targeted literacy programmes. **Input indicators** not only measure the quantity but also the quality of administrative and financial inputs for disadvantaged women in comparison to other target groups and the overall population. Similarly for **outputs**, quantitative indicators can measure the number of courses and participants, whereas qualitative indicators can measure the quality of the learning environment and the appropriateness and usefulness of the curriculum. **Efficiency indicators** measure how much money, human resources, and policy action was required per participant. **Participant outcome indicators** measure changes in reading and comprehension levels, taking into account risk and enabling factors like participant’s age, level of education, household and employment situation. **Effectiveness indicators** measure how much outputs were required per unit improvement in participant literacy levels.

It is interesting to note that the World Bank does not require its projects to go beyond the measurement of participant outcomes, acknowledging that it is extremely difficult to attribute larger target group outcomes to specific policies or programmes. However evaluators could also invest in **target group outcome indicators** to measure the impact of their policies on literacy rates among disadvantaged women in different communities and regions and at the national level. **Sustainability indicators** can check participant levels or target group rates over time, while **impact indicators** can look for any link between changes in women’s literacy rates and overall poverty rates.

This general evaluation framework from international good governance can apply to immigrant integration policies. For example, policymakers in an increasingly diverse society want to improve political participation and make politics more representative. They can pursue this overall vision in many policy domains. In terms of their integration policy, they can aim to improve opportunities for migrant participation in politics and/or facilitate their access to nationality. Their ex ante evaluation can assess various target groups (EU citizens, third-country nationals, naturalised citizens, ethnic minorities born in the country, etc.). For the sake of argument, let’s say policymakers focus on the political participation of third-country nationals, perhaps with reference to the 1992 Council of Europe Convention on the participation of foreigners in public life at local level. In the long-term, they would like to see equal participation and proportional representation rates for third-country nationals as for nationals or EU nationals. In the short-term they want to see a movement towards equal participation by opening various opportunities for political participation and developing support programmes in partnership with relevant stakeholders.

Ex post evaluation tests whether political participation policies to promote integration are creating more equitable and greater participation. **Policy indicators** could measure whether third-country nationals have access to various forms of political participation: electoral rights, political party and NGO membership, and consultative bodies. In this case government action could have focused on granting local active and passive electoral rights. **Input indicators** consider the financial and administrative resources like the design of information, voter registration, and political party outreach campaigns. **Output indicators**
could be the number of and satisfaction with, campaigns completed; the number of political parties conducting outreach activities; and the numbers of third-country nationals reached and voters registered. An 
**efficiency indicator** could be how much money was spent on political party outreach per migrant candidate who eventually stood for election. **Participant outcome indicators** could be the number and experience of new migrant voters, party members, candidates standing for election, and elected representatives. An **effectiveness indicator** could compare the number of migrant residents registered with the number voting in the election.

At this point, project evaluators face the same handicaps as the World Bank in registering broader target group outcomes on integration. For instance in the Commission’s Second Annual Report on Migration and Integration, the Netherlands, one of the countries with the most developed integration evaluation tools, stated that “in general terms, it is often difficult to quantify the effective results of integration programmes, as mutual understanding or acceptance can hardly be measured.” If policy evaluation was so ambitious in this case, **target group outcome indicators** could be comparative participation rates of eligible third-country nationals and nationals/EU citizens in terms of voting and political party membership rates. These indicators could also measure whether third-country nationals’ demographic representation in elected positions is proportional to their share of the local population. They would take into account **risk and enabling factors** like age, level of education, socio-economic background, years of residence, country of origin, and previous activist experience. **Sustainability indicators** can track movements in participation and representation rates after the date that electoral rights were granted and the first information and outreach campaigns were launched. It can also follow the careers of migrant politicians and the voting patterns of migrants before and after naturalisation. **Impact indicators** can measure whether greater political participation among migrants has led to greater overall political participation rates, and whether greater demographic representation among politicians has improved substantive representation in decision-making.

This example can also be applied to the European Union’s work on migration and integration, for instance the adoption and transposition of an EC asylum Directive (Lewis and Naqvi 2008). In ex ante evaluations, Commission impact assessments of social and economic impact act like **policy indicators** by guiding how EC asylum principles are translated into the design and negotiation of EC Directives. The Commission often takes care of intermediate monitoring (**inputs**) through the creation of structures for exchange and gathering of information, funding programmes, monitoring and evaluation mechanisms, and scoreboards to track transposition. The outputs measured in ex post evaluations are often whether or not Member States have properly transposed the EC Directive in national laws. Evaluations could go further to measure **outcomes** (i.e. whether Member States have seen improved levels of protection for asylum seekers and a reduction in fictitious claims) as well as **impact** (whether the EU has guaranteed minimum levels of protection across all Member States).

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140 The EU level discussion on good governance also touched upon evaluations [http://ec.europa.eu/governance/governance_eu/index_en.htm](http://ec.europa.eu/governance/governance_eu/index_en.htm)

141 This section builds on various conference papers and pieces in the preparation of a forthcoming book chapter in Legal Instruments for the Integration of Third Country Nationals and edited by Thomas Huddleston and Jan Niessen (Nijhoff Publishers).
‘Non-governmental organisations look to Brussels for policies that enhance social inclusion and equality across the entire Union. In this up-to-date Guide the Migration Policy Group has compiled a unique resource making the European Commission’s activities on migration and integration more transparent and accessible. Civil society organisations can dip into the Guide to find out where to secure funding, find allies, share their savoir-faire and have their voices heard.’
Roshan Di Puppo, Director of the Social Platform

‘The European Commission develops legislation, policies and programmes relating to the topics of equal treatment, social justice, and the improvement of living and working conditions at many levels, in different departments and targeting different stakeholders across the EU. This Guide, Locating Migration Policies in the European Commission, provides direction through the labyrinthine EU system to show where and how these policies affect migrants and where organisations can find support for grassroots projects and European-wide partnerships to enhance their own efforts in improving migrant integration policies. Although the Guide requires a certain initial level of knowledge about the EU-institutions, their functioning, and the jargon used, it is a useful tool for trade unions and other organisations who are interested in influencing those policies as well making full use of the Commission’s programmes for supporting them in their activities.’
Catelene Passchier, Confederal Secretary of the European Trade Union Confederation

‘On the issue of migration, which is taking an ever-more European dimension, little is known about the European Commission’s immigration policies and the impact they will have on the employment sector. National and multi-national companies need to design CSR strategies which might span different countries across Europe; businesses must stay informed about issues such as the status and conditions for migrants entering the EU and their subsequent access to the labour market; as well as anti-discrimination and diversity policies which have an impact on recruitment. This Guide not only sets out these policies, but shows how businesses and organisations such as CSR Europe can get involved by providing input to the EC or developing new initiatives targeting migrants.’
Jan Noterdaeme, Senior Advisor on Strategy, EU and Stakeholder Relations of Corporate Social Responsibility EUROPE