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European Commissioner responsible for Justice, Freedom and Security

“Chances and Risks of Migration and its Significance for the Security of the European Union”

Check Against Delivery
Seul le texte prononcé fait foi
Es gilt das gesprochene Wort

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In my intervention I have been asked to focus on the possibilities for a *targeted steering* of immigration.

Let me stress, from the outset, that the aim of a well-managed immigration policy should be to achieve – in an optimal case – a "*triple win situation*": both the host and home country as well as the migrant himself should benefit from migration.

How, then, can we "*steer*" – in practical reality – the migration process ?

The answer to this question depends on what we understand by "*steering*":

- If steering is understood as encouraging immigration of certain groups of third-country nationals, selected on the basis of ethnic or religious criteria, the answer is certainly "*no*". Any such policy would be an outright infringement of Community non-discrimination law and therefore legally not possible.
- If it is understood as encouraging immigration of third-country nationals based on their nationality, for instance under bilateral agreements on labour migration, the answer is "*yes*". From a legal point of view, such privileged treatment of third-country immigrants is possible and currently many Member States practice it, taking into consideration their specific links with certain third countries. By its nature and given the historic links of many Member States with specific third-countries, such an approach is rather a national one than a European one.
- If "*targeted steering*" is understood as an active policy which focuses on the individual qualifications and the potential of migrants notwithstanding their country of origin, then the answer is also "*yes*". This third option, of looking into the individual qualifications of potential migrants before admitting them is an option which we consider as particularly apt for the construction of an EU policy on legal migration. The philosophy of our upcoming proposal for a *Directive on highly skilled workers* will follow this approach.

Currently, Member States admission policies take mainly professional qualifications and diploma as criterion for admission. Some MS accept a certain – relatively high - income level as sufficient evidence for being "*highly qualified*", others assess the candidates based on a mix of professional and general criteria (notably language knowledge), sometimes using "*point-systems*". We haven't made up our mind yet which concrete approach we will follow in our upcoming legislative initiative. Currently we are studying the different existing models and we are intending to build upon best Member States practices.

This approach needs of course to be combined with reinforced co-operation with specific third countries, taking into particular consideration issues such as remittances, "*brain drain*" and facilitation of circular migration.

An effective migration policy can of course not be limited to instruments for the admission of immigrants. Other equally important legislative and operational measures are necessary, as immigration represents a complex phenomenon that needs to be addressed coherently across all its dimensions. One particularly important aspect is the fight against illegal immigration.

The Union must step up its efforts and become even more effective in combating illegal immigration in order to improve the management of migratory flows. This is necessary to ensure the credibility of our policies both on legal migration (and on asylum). The Commission is doing everything it can to promote European cooperation in this area.

In July we adopted a *communication on policy priorities in the fight against illegal immigration* from third countries. The approach is multidimensional and provides for measures at each stage of the migratory process. Referring to the Hague Programme the communication identifies nine priority areas:

- *Strengthening cooperation with third countries*, aimed at improving cooperation and dialogue with the countries of northern and sub-Saharan Africa. Also, we should address the problems related to the push-factors for illegal immigration, such as poverty, ethnic conflicts and persistent lack of job opportunities. In this context one of our priorities is to implement the Action Plan adopted by the Union and African countries in Rabat in July. A further occasion to take this work forward would be the Tripoli Conference which is co-organised by the European Union and the African Union (22-23 November). During this Conference, we will discuss how to address international migration and its interrelations with development strategies for Africa.

- *Ensuring security at external borders* via a common approach for integrated management or via the use of new biometric techniques (in particular the creation of an automated entry/exit system). A new Communication on the management of the Southern maritime borders is also in the pipeline. We try to promote cooperation between Member States and the role of the Frontex Agency will be crucial in the years ahead. Moreover, we are finalising a study on the possibility of having an external satellite system at EU level.

- *Enhancing the fight against human trafficking* by ensuring the rapid implementation of the EU Action Plan of December 2005.

- *Securing travel and ID documents*, on the basis of common guidelines for minimum security standards.

- *Addressing regularisations* by adopting and implementing a mutual information system on national measures in the coming months and launching a study in 2007 in order to see whether there is a need for a common legal framework at EU level. I also wish to remind you that EU Regulation on the mutual information system entered into force on 4 November 2006, obliging Member States to inform the Commission and the others before announcing future programmes or regulations.

- *Fighting against illegal employment* by way of a legislative instrument (directive) obliging employers to verify the immigration status of third country nationals (as is already the practice in some Member States), with criminal punishment for those who do employ illegal immigrants. A new proposal will be tabled next April, during the German Presidency

- *Improving the exchange of information* by encouraging the use of ICONet and facilitating cooperation between immigration liaison officers abroad. Also Frontex is now able to work with ICONet which is very useful, for instance, to transmit up-to-date information about the routes taken by human traffickers.

- *Developing an efficient return policy* based on the establishment of the Return Fund; the organisation of joint return flights; the concluding of more readmission agreements and the adoption of the proposal for a Directive on common standards and procedures in the Member States. Unfortunately, the discussion in the Council and in the Parliament hint to the fact that the approval is not around the corner. Although I consider the text proposed by the Commission very balanced, both European institutions wish to change it substantially. This may delay further the adoption of this important tool which is intended to complement all the other EU legal instruments.

The use of asylum, immigration and visa data for internal security purposes may also be an important aspect when discussing security concerns. In our recent Communication on improved effectiveness and interoperability among European databases in the area of Justice and Home affairs, we identified that the absence of access by internal security authorities to VIS, SIS and Eurodac data is considered by the law enforcement community to be a serious gap in the identification of suspected perpetrators of crimes.

In our view, this is a perfectly legitimate concern and we indicated ways for future improvements. It goes without saying that data protection considerations must be taken very seriously in this sensitive field, but fighting crime and terrorism is also a legitimate and important aim and progress can be made in full respect of existing data protection rules.

Another, equally important aspect of a holistic immigration policy which aims to tackle problems and address security issues even before they arise is the integration of legally resident immigrants and their descendants.

I am aware that the issue of integration will be a top priority for the upcoming German Presidency and I would like to use this opportunity to express my gratitude to Germany for having made this policy choice.

The European Commission is not planning to go for heavy-handed European legislation in the field of integration, laying down in great detail what it means to integrate into Greek or Finnish or French society. We are looking at what works well, what doesn't work so well and trying to distil a set of best practices.

What we are aiming for – which is easy to say of course but more difficult to achieve – is a cohesive society based on mutual respect and tolerance – cultural and religious, but of course within the clear boundaries set by the law and the common values of the European Union.

The 11 *Common Basic Principles (CBP) on integration*, which have been endorsed by Member States two years ago, constitute the roadmap of our activities in this field. All of these "Common Basic Principles" contain suggestions for action which may have direct or indirect "security relevance" – looked at from a "preventative angle".

I am thinking in particular about the encouragement to ensure respect for the full scope of values and responsibilities under Member States laws; the encouragement to foster employment of migrants as a key part of the integration process; the emphasis given to educational achievement of migrants and the encouragement to give priority to avoiding all forms of migrant youth delinquency.

Fostering dialogue and participation can help migrants and Europe's citizens to get to know one another better, thereby breaking down the harmful "barriers of distrust". For migrants, integration is about getting more acquainted with the new environment where they have to live and work.

The key point is to help them see their new environment in a positive way and thus encourage them to take the decision to become an integral part of their new society. This is very important as integration rests on an individual's decision and we have to provide migrants with all they need to come to this decision.

On the other hand, integration needs Europeans to realise that migrants are not in the European Union to take their jobs or to increase the country's crime rate. Migrants are here because we have to provide a "European shelter" for those who really need international protection and because our labour markets still need more people, be they low-skilled, unskilled or highly-skilled.

In my Communication on 'A Common Agenda for Integration' we also put forward several concrete proposals designed to increase the participation of third-country nationals in local elections: projects such as awareness-raising campaigns and the removal of obstacles to their participation in the democratic process.

I'm talking about providing practical information on employment and immigration rights – to prevent abuse and horrible forms of exploitation -; guidance on government and community institutions; and advice on how to gain access to essential services.

I would like to underscore the role that NGOs, trade unions, employers' associations, immigrant networks, recruitment agencies and universities can play in this context, even though their resources are often over-stretched.

The Integration Fund, which will soon be adopted, should make local capacity-building in Member States a clear priority and thus ensure that introductory programmes and language courses are made available to all newcomers.

Dialogue concerning the formulation of integration policies and measures, especially at local level, is of the utmost importance. Giving immigrants a voice in the development of policies and activities which directly affect them results in policies that better serve immigrants and enhance their sense of belonging.

Ways of stimulating this engagement and generating mutual understanding can be reached by structured dialogue between immigrant groups and associations and authorities at various levels.

Steering immigration in the right direction is a big challenge. But I am confident that we are on the right way.

Thank you for your attention.