

**COMMISSION COMMUNICATION ON AN OPEN METHOD OF COORDINATION FOR
THE COMMUNITY IMMIGRATION POLICY**

UNICE POSITION PAPER

I. Introduction

1. UNICE has noted the Commission communication on an open method of coordination for the Community immigration policy.
2. In this communication, the Commission proposes to establish an open procedure for coordination of immigration policy at Community level in order to complement a common legislative framework.
3. This method would consist in
 - preparing multi-annual European guidelines for national immigration policies,
 - developing national action plans implementing these guidelines,
 - monitoring and evaluating the implementation of these guidelines,
 - drawing conclusions of this evaluation in a synthesis report.
4. These guidelines would cover four areas:
 - management of migration flows,
 - admission of economic migrants,
 - partnership with third countries,
 - integration of third country nationals.

II. General comment

5. UNICE strongly condemns the economic exploitation of illegal immigrants and believes that it is in the interest of both European citizens and immigrants to the EU, that migration flows are managed in a properly organised framework. Even though, the main responsibility for immigration policy remains national, with the abolition of controls at internal borders, purely national answers are no longer sufficient. European companies therefore strongly support the idea of using the open coordination method as a complement to appropriate EU legislation in this area.
6. However, UNICE insists on the need to avoid creating a heavy and bureaucratic co-ordination process as a duplicate of the Luxembourg process. The process should be simple and multi-annual.
7. European employers agree that
 - the management of migration flows must be accompanied by flanking policies to promote a smooth integration of legal migrants in their country of adoption,
 - partnership with concerned third countries is necessary in order to better manage migration flows,
 - coherence between Community immigration policy and other EU policies, in particular in the area of employment and social inclusion is essential.

8. Nevertheless, UNICE believes that the proposed guidelines are far too broad to be efficient. Rather than trying to tackle all issues which could have an impact on immigration, they should focus on what is necessary to underpin EU indicative targets: the management of migration flows and the monitoring of admission of economic migrants. The more general statements should be put in an explanatory part. The guidelines themselves should be shortened and limited to operational recommendations on national immigration policies.

III. Detailed comments on the proposed guidelines

9. Guideline 1 aims at indicating the means to be followed in order to develop a comprehensive and coordinated approach to migration management at national level by taking account of the linkages and interactions between different categories of immigration (humanitarian, employment, study, etc).
10. UNICE agrees with the general thrust of this recommendation. However, when implementing it, it is essential to bear in mind the differences between these categories. For example, whereas decisions on political migrations should be taken on humanitarian grounds, decisions on economic migrations should be taken on the basis of labour market needs.
11. Guideline 1 also suggests to evaluating the effects of opening up to economic migration on asylum and illegal immigration, as well as the relationship between economic migration and undeclared work, the balance between resources needed to integrate migrants and the contribution of migrants to economic and social development, coherence with foreign policy, etc. UNICE agrees with the idea of evaluating the effects of opening to economic migration. However, it should be reworded in order to express more clearly what is asked of Member States and be more operational.
12. Guideline 2 concerns the improvement of information. UNICE agrees that this is necessary. However, it would like to stress that the creation of websites, which is a useful way to achieve this is not done in third countries. It also has doubts about the feasibility of awareness campaigns on the risks of being victims of trafficking as the sections of population at risk are difficult to reach.
13. Guideline 3 concerns the fight against illegal immigration. UNICE fully agrees with the recommendation of adopting dissuasive sanctions and developing pre-frontier cooperation or enhancing controls at the external borders of the EU. However, the first two recommendations on the balance between humanitarian responsibilities and keeping track of illegal movements, are worded in too general terms to bring real added value.
14. Guideline 4 concerns the opening of European labour markets and refers to the employment strategy. UNICE agrees that the procedures in place are suitable to deal with this subject. It therefore suggests including this idea in an explanatory paragraph rather than as a guideline since it refers to existing EU policies in other areas and does not make recommendations on national immigration policies.
15. Guideline 5 recommends the integration migration issues into relations with third countries, notably in development programmes. UNICE fully agrees that development policy is important in a preventive approach. However, here again the content of the recommendations made to Member States should be more focused. Moreover, due to the strong insistence on encouraging migrants to maintain strong links with their country of origin, there are potential contradictions between this guideline and the one on integration of third country nationals.

16. Guideline 6 concerns the development of policies on integration of third country nationals residing legally in a Member State. UNICE fully agrees with this guideline and believes that the recommendations made in this section should be kept in a shorter and more focused version of the guidelines.

IV. Detailed comments on instruments and methods

17. The Communication proposes that the guidelines should lead to the preparation of national action plans. However, the present description of the respective tasks of national action plans, synthesis report and guidelines themselves and the difference between analysis of the present and projections for the future is confusing and must be delineated much more clearly.
18. UNICE welcomes the Commission's intention to consult a variety of players on immigration policy. However, it regrets that the Communication is not more explicit about the practical ways in which this consultation will be organised. When specifying this, it is essential to take account of the specific role and responsibilities of social partners in labour market issues. Commission consultations on economic migrations should be organised in a similar way as for other labour market issues (i.e. consultation prior to the decision and in the context of the social dialogue).
19. Among the Commission activities listed in the communication, the Commission raises the question of extending the Eures network to provide information on job opportunities and living and working conditions for third country nationals. In UNICE's view, this is not necessary. Third country nationals need the same information as EU nationals in this respect. By contrast, it could be useful to provide information on procedures to be followed by third country nationals to enter, reside and work in the various Member States. This information should also be available through the Eures network or by establishing links between the Eures web-site and national sites on this.
20. In UNICE's view, employers' organisations, private and public employment agencies, workers' organisations and regional authorities are best placed to signal the needs of local labour markets. It therefore welcomes the emphasis on the need to actively involve civil society when developing and implementing immigration policy measures. However, the national public authorities should keep the responsibility for the definition of immigration policy and of conditions for admission of economic migrants on the basis of the needs identified with the help of the above-mentioned players and the way in which they involve national stakeholders can only be decided in the Member States.
21. Moreover, in order to ensure effective consultation or involvement of stakeholders at the EU level, it is important to
- identify the relevant and representative European organisations,
 - structure the way in which the various stakeholders will be involved, bearing in mind the respective roles and responsibilities of each player,
 - allow sufficient time for consultations at grass-roots level.
- It should also be borne in mind that politicians or the media are usually not considered as being part of "civil society".
22. Finally, as far as social partners are concerned, UNICE considers that, as foreseen in the first Commission communication on immigration, they should be consulted:
- by the Member States in the preparation of the reports assessing the impact of their immigration policy over the previous period and setting out the future immigration policy,

- by the Commission before adoption of proposals related to economic migrations.

V. Conclusion

23. To sum up, UNICE strongly supports the idea of using the open coordination method as a complement to appropriate EU legislation in the area of immigration policy and agrees that

- the management of migration flows must be accompanied by flanking policies to promote a smooth integration of legal migrants in their country of adoption,
- partnership with concerned third countries is necessary in order to better manage migration flows,
- coherence between community immigration policy and other EU policies, in particular in the area of employment and social inclusion is essential .

However, the process should be simple and multi-annual and the guidelines should be shortened and re-focused on national immigration policies.
