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European Union Committee

8th Report of Session 2012–13

**The EU's Global
Approach to
Migration and
Mobility**

Report

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Q refers to a question in oral evidence

Witness names without a question reference refer to written evidence

SUMMARY

The migration of peoples within and into Europe is not a modern phenomenon. It has always existed, and always will exist.

The EU is second only to North America as a destination for international migration. It is estimated that there are 20 million legal migrants living in the EU from third countries. The number of irregular migrants currently living in the EU is, by definition, difficult to estimate but is considered to be between 2–4 million. While the EU receives a relatively large number of asylum-seekers it is home to a relatively small proportion of the world's refugees. Population growth for many European countries is projected to be negative and over the next 50 years the number of foreign-born residents is projected to increase, while Europeans grow older.

Whatever the benefits—economic and cultural—of migration, it has frequently proved controversial. Europe in the early twenty-first century is no exception. The rise of far right political parties in many Member States, which reflect and sometimes stoke fears among the electorate about immigration to Europe from the Islamic world among other things, has provoked policy responses from the more mainstream parties in government. Member State concerns and controversies are invariably reproduced at the EU level.

Therefore, while we believe that the control of immigration from third countries should be, as it is now, the responsibility of individual Member States, we consider that a coordinated approach by the EU and its Member States to deal with the external dimension of migration is not only desirable but also imperative. The Global Approach to Migration and Mobility (GAMM) appears to provide a good framework for this and its four pillars—on legal migration, irregular migration, asylum and development—are considered in this report.

We concur with the view that the EU's demographic challenges and future labour market needs are likely to require greater flexibility in the handling of legal migration from third countries in order to secure its economic growth and competitiveness. However, we do not consider more migration to be a panacea. The skills of EU citizens also need to be developed alongside necessary labour market reforms. The integration of migrants is also important and we believe that civil society can make a valuable contribution to the formulation and implementation of policies in this area.

Regarding irregular migration, it is important to recognise that the majority of irregular migrants enter the EU with authorisation and then overstay their visas rather than crossing the EU's external border by boat or land routes illegally, as some commentators suggest. With this in mind we believe that Member States and the EU should adopt a more effective approach in preventing irregular migration, including EU Readmission Agreements.

We acknowledge the potential role of Regional Protection Programmes in refugee management and building capacity in the asylum systems of countries of origin and transit, particularly the programme that has been established for Syria. The Joint EU Resettlement Programme is also welcome.

Migration policy cannot and should not be the sole concern of interior ministries and we believe that a more integrated approach with development and foreign affairs—at the national and EU level—would help maximise the EU’s development aims. The reduction of trade barriers with non-EU countries and measures to facilitate remittances, mitigate the effects of brain drain and assist diasporas would also be beneficial to development in migrants’ countries of origin.

While we welcome the framework provided by the GAMM to tackle the above issues we also believe that its approach is too diffuse. In future it should adopt a more focused approach, concentrating on the EU’s geographical and strategic priorities, and accommodating the requirements of the participating Member States.

We believe that Mobility Partnerships have real potential but in order for them to be more effective the existing Partnerships must be properly evaluated from the outset and the potential benefits from prospective ones identified before they are undertaken.

As migration is a global phenomenon we consider it desirable that the Commission has a more prominent role on the international stage, particularly in forums like the Global Forum for Migration and Development, as long as this does not undermine the primary responsibilities of Member States to determine the levels of immigration.

The United Kingdom remains outside the Schengen Area. But the United Kingdom’s migration policy cannot and should not be formulated and implemented in a vacuum. So far the United Kingdom has refrained from opting in to the majority of EU legal and irregular migration measures and has started to extricate itself from the Common European Asylum System. We have consistently urged the Government to play a full part in EU asylum and immigration policies and believe that a more constructive accommodation with the Schengen Area could also provide benefits for the United Kingdom. We encourage the Government to opt-in to all EU Readmission Agreements.

The EU’s Single Market is predicated on the free movement of its own citizens between Member States. This freedom is fundamental to the United Kingdom’s continued membership of the EU.

We also urge the Government to remove international students from their net migration reduction targets. Failure to do so will impair both the quality of the United Kingdom’s higher education sector and its ability to compete for talented individuals in an increasingly competitive global market. It will also damage one of its primary invisible exports and the long-term benefits of fostering international relationships in this area.

The EU's Global Approach to Migration and Mobility

CHAPTER 1: INTRODUCTION

The EU's Global Approach to Migration and Mobility

1. Migration, the movement of people from one place to another, and mobility, the movement of people for short durations, are two of the most important issues facing today's global society. The Global Approach to Migration and Mobility (GAMM) is the external dimension of the EU's migration policy. The European Council adopted Conclusions on the GAMM on 29 May 2012.¹ It is based on partnership with third countries and designed to address in a coherent way the management of legal migration from third countries, the prevention and reduction of irregular migration, enhancing international protection and asylum policy, and the relationship between migration and development. Further information about the GAMM is provided in Box 1.
2. Population density in the United Kingdom, which is roughly twice that of Germany and four times that of France, means that migration policy is a matter of keen political debate. The United Kingdom played a prominent role in the establishment of the GAMM in 2005—then called the Global Approach to Migration—during its Presidency of the EU, which was targeted towards cooperation with African and Mediterranean countries.² It was followed by a number of Commission Communications reporting on and updating it between 2006 and 2008, including its extension to the Eastern and South Eastern regions neighbouring the EU.³
3. The Arab Awakening and events in the Southern Mediterranean brought to the fore the areas covered by the Global Approach. In September 2011 the Commission published its most recent Communication on the renamed GAMM. This extended its scope to cover mobility as well as migration and it also considered development and asylum matters for the first time, as well as adopting a more migrant-centred approach.

¹ Council Document No 9417/12

² The Commission published a Communication, *Priority actions for responding to the challenges of migration: First follow-up to Hampton Court* (COM (2005) 621) on 30 November 2005. This was adopted by the European Council as the *Global approach to migration: Priority actions focusing on Africa and the Mediterranean* (Document No 15744/05) on 13 December 2005.

³ Commission Communications: *The Global Approach to Migration one year on: Towards a comprehensive European migration policy*, COM (2006) 735, 30.11.2006; *Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union*, COM (2007) 247, 16.05.2011 and *Strengthening the Global Approach to migration: increasing coordination, coherence and synergies*, COM (2008) 611, 8.10.2008.

BOX 1**Commission Communication on the Global Approach to Migration and Mobility**

The Communication presents a framework for the EU's approach to migration and mobility, which is intended to be migrant-centred and to respect their human rights. It has the following key objectives:

- the GAMM should become the overarching framework of the EU's external migration policy, based on genuine partnership with non-EU countries and addressing migration and mobility issues within their appropriate regional context and framework;
- the GAMM should establish a comprehensive framework to manage migration and mobility with partner countries in a coherent and mutually beneficial way through policy dialogue and close practical cooperation. It should be firmly embedded in the EU's overall foreign policy framework, including development cooperation;
- migration and mobility dialogues must aim to exchange information, identify shared interests and build trust and commitment as a basis for operational cooperation for the mutual benefit of the EU and its partners; and
- the implementation of the GAMM should be the joint responsibility of the Commission, the European External Action Service (EEAS), including EU Delegations, and the Member States, acting in accordance with the respective institutional competences.

The GAMM has four thematic priorities:

- organising and facilitating legal migration and mobility;
- preventing and reducing irregular immigration and trafficking in human beings;
- promoting international protection and enhancing the external dimension of asylum policy; and
- maximising the development impact of migration and mobility.

The GAMM's main focus is the EU Neighbourhood, notably the Southern Mediterranean and the Eastern Partnership. The possible enlargement of the EU to include some of the countries in these areas remains a separate policy path, with close partnerships being developed with Turkey and the Western Balkans regarding migration and mobility.

The implementation of the GAMM relies upon a number of instruments, including Mobility Partnerships. A number of knowledge, dialogue and cooperation tools also have a role to play. The GAMM is further underpinned by various EU legislative measures on legal and irregular migration and asylum, as well as being supported by agencies such as

Frontex and the European Asylum Support Office (EASO).

The successful implementation of the GAMM will depend on adequate funding being made available through external financial instruments. The future EU Asylum and Migration Fund and Internal Security Fund, which will be agreed as part of the next Multiannual Financial Framework for the period 2014 to 2020, will also help to fulfil the GAMM's aims. In order to ensure the GAMM's transparency and improve its implementation, the results of its operation will be presented in a biennial progress report.

The EU's asylum and immigration competence

4. The EU first acquired partial competence over asylum and immigration matters through the establishment of the intergovernmental Justice and Home Affairs (JHA) pillar under the Treaty of Maastricht in 1992. In 1999, the Treaty of Amsterdam transferred both matters from the JHA pillar into the former European Community pillar, which allowed the normal EU legislative process to be agreed in this area for the first time. The Schengen Area,⁴ which removes internal borders between the participating states, was also brought within the framework of the treaties. This did not apply to the United Kingdom, although a protocol allowed it to participate in some aspects of the Schengen *acquis*. The United Kingdom also secured the right to decide whether it wanted to opt-in to individual asylum and immigration measures by virtue of another protocol. Until the Treaty of Lisbon entered into force in December 2009, the United Kingdom had decided to opt-in to most asylum measures, which formed part of the EU's attempt to establish a Common European Asylum System (CEAS), and some measures concerning irregular migration but not the majority of measures concerning legal migration, visas or border controls.
5. The Treaty of Lisbon did not substantively extend the EU's competence in these policy areas and the United Kingdom's protocols were retained and extended.⁵ Article 67(2) TFEU states that the EU "shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals" and Articles 77 to 79 elaborate on each of these three policy areas. Article 79 TFEU made provision for the EU to develop a common immigration policy but Article 79(5) makes it clear that the right of Member States to determine the number of third-country nationals entering their territory for work purposes is unaffected by these provisions. The impact of Article 77, which concerns the absence of internal borders, in the United Kingdom is limited because of its non-participation in the Schengen Area.

The Committee's inquiry

6. The House of Lords Economic Affairs Committee published a valuable report on the economic impact of immigration in the United Kingdom in

⁴ As established by the Schengen Agreement in 1985, with further detailed provided by the Schengen Convention in 1990. It includes 26 European countries, including all of the EU Member States, except the UK and Ireland, and four non-EU countries: Iceland, Liechtenstein, Norway and Switzerland. Bulgaria, Romania and Cyprus have yet to be admitted as full member of the Schengen Area.

⁵ Protocols 19 and 21 TFEU

2008, which did not take account of the EU dimension.⁶ This Committee also published a report on economic migration to the EU in 2006, which found—among other things—that migrant workers made a significant contribution to the economies of European countries but that the regulation of economic migration, including admission controls and procedures, should remain a Member State competence. It also recommended that the United Kingdom should participate fully in EU immigration measures.⁷ This report also concentrates on the EU dimension. It seeks to discuss as dispassionately as possible an issue where the political debate can often become heated.

7. We begin by setting out the context for our report by providing an overview of recent migration flows and patterns across Europe, including relevant statistical information, in Chapter 2. We then consider each of the GAMM pillars in turn: legal migration and mobility in Chapter 3; irregular migration and trafficking in human beings in Chapter 4; international protection and asylum policy in Chapter 5, and the development impact of migration and mobility in Chapter 6. The future of the GAMM is then considered in Chapter 7. During its inquiry the Committee was conscious that the United Kingdom is not a member of the Schengen Area and does not participate in many of the EU's asylum and immigration measures. As a result, Chapter 8 considers what the Committee believes to be the downsides of its partial participation and some aspects of its recent immigration policy.
8. We hope that the Committee's conclusions and recommendations, which are collected together in Chapter 9, will be taken into account when the GAMM is next reviewed or reiterated.
9. The members of the Home Affairs, Health and Education Sub-Committee who conducted the inquiry are listed in Appendix 1. Between May and November 2012 the Sub-Committee held ten oral evidence sessions and heard from 24 witnesses. They are listed in Appendix 2, together with those who submitted written evidence to the inquiry. At the beginning of November 2012 the Sub-Committee visited Brussels, where it took evidence from Stefano Manservigi, the Director General of the Commission's DG for Home Affairs, MEPs from the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee, and representatives from various international migration NGOs. We are most grateful to all those who gave us written and oral evidence, particularly Peter Sutherland, the UN's Special Representative for Migration and Tobias Billström, the Swedish Minister for Migration and Asylum Policy. The call for evidence that we issued is reproduced in Appendix 3. The United Kingdom's participation in different EU asylum and immigration measures is set out in Appendix 4 and a list of acronyms and abbreviations can be found in Appendix 5. The evidence we received is available online.
10. Throughout the course of this inquiry we have been fortunate to have as our specialist adviser Dr James Hampshire, a Senior Lecturer in Politics at the University of Sussex. We are most grateful for his expert knowledge, his guidance and his valuable contribution to this report.
11. **We make this report to the House for debate.**

⁶ Economic Affairs Committee, *The Economic Impact of Immigration* (1st Report of Session 2007–08, HL Paper 82)

⁷ EU Committee, *Economic Migration to the EU* (14th Report of Session 2005–06, HL Paper 58)

CHAPTER 2: MIGRATION PATTERNS AND TRENDS IN EUROPE

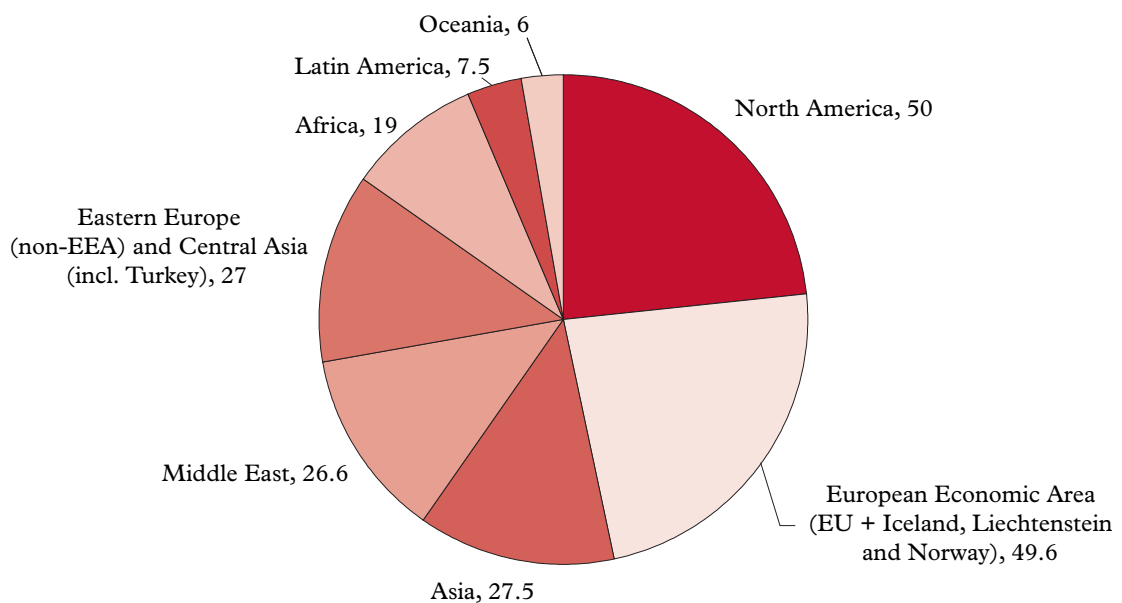
12. This chapter sets the context for the report with an overview of migration patterns and trends. As the GAMM addresses a range of migration flows, including legal migration (for work, study or family purposes), irregular migration, and asylum, data on key patterns and trends in these flows are presented. The chapter also relates immigration to European demographic trends, including population size and ageing.

Migration flows and stocks

13. There are approximately 214 million international migrants worldwide. Since the 1990s, the EU has emerged as a major destination region. It is now home to approximately 23 per cent of the world's international migrants, making it second only to North America as a destination region. Figure 1 shows the number of international migrants by destination region in 2010. In 2010, 9.5 per cent of the EU's population was born abroad.⁸

FIGURE 1

Number of international migrants by destination region, 2010 (millions)



Source: International Organisation for Migration, *World Migration Report 2010*, Geneva: IOM

14. Prior to the economic crisis, immigration to the EU Member States was running at between three and four million people per year. In 2008, when the crisis hit, 3.8 million people migrated to and between the 27 Member States, while 2.3 million emigrated, resulting in net migration of 1.5 million people. Approximately 55 per cent of these migrants originated from outside the EU, while 44 per cent moved from one EU country to another. In 2009, immigration fell to approximately 3 million and emigration fell to 1.9 million, resulting in net migration of 1.1 million. Preliminary data for 2011 suggests that immigration is increasing once again.⁹

⁸ IOM, *World Migration Report 2010*, Geneva: IOM

⁹ OECD (2012) *International Migration Outlook 2012*, Paris: OECD

15. By 2011, there were 33.3 million foreign citizens living in EU Member States, of whom 20.5 million were third country nationals (i.e. nationals of non-EU countries). The number of foreign-born (which includes those who have naturalised or are dual nationals) was 48.9 million or 9.7 per cent of the total population. Of these, 32.4 million were born outside the EU and 16.5 million were born in another EU Member State. Most foreigners (over 75 per cent of the total) live in one of five Member States: Germany, Spain, the United Kingdom, Italy and France.¹⁰
16. Nationals of Romania and Turkey are the most numerous foreigners living in EU Member States, both exceeding 2.3 million, followed by Moroccans at approximately 1.9 million, then Polish nationals at 1.6 million. While source-country diversity has increased overall, there are nevertheless distinct 'migration corridors' linking particular sending and receiving countries and resulting in concentration of flows of some overseas nationals to a few countries. For example, almost two-thirds of Moroccans who migrated to Europe in 2008 went to Spain. In the same year, the United Kingdom was the destination of the majority of Indian nationals that migrated to the EU. Similar patterns can be seen when looking at migrant stocks, which reflect longer-term migration patterns as well as more recent flows. For example, 78 per cent of Romanian migrants live in Italy or Spain; 75 per cent of Turkish migrants live in Germany; 88 per cent of Moroccan migrants live in Spain, France or Italy; and almost all Albanian migrants live in either Greece or Italy. These migration corridors reflect a number of factors, including geographical proximity, colonial histories, past migration patterns, and language and cultural affinities.
17. The composition of legal migration flows in terms of the types of migration (e.g. work, study, family, humanitarian reasons) also varies between Member States. Free movement migration (i.e. movement of EU nationals from one Member State to another) accounts for a significant proportion of migration in all EU Member States. Family migration is the second most important category in many EU states, while work-related migration of non-EU nationals accounts for 30 per cent or more immigrants to Italy (40 per cent), the United Kingdom (33 per cent), and Spain (30 per cent). In contrast, work-related migration of non-EU nationals constitutes less than 9 per cent of inflows to Germany. Across the EU, humanitarian migration (asylum-seekers and refugees) exceeds 10 per cent of total inflows only in Finland (17 per cent) and Sweden (19 per cent).¹¹
18. Many of our witnesses referred to the changing direction of global migration flows, including Peter Sutherland¹² who referred to changes in Ireland over the last ten years¹³ and Professor Geddes, from the University of Sheffield, who referred to Turkey in this context.¹⁴ Professor Keith, the director of the Centre on Migration Policy and Society (COMPAS), told us that "countries that were once source countries of migration become destination countries of migration.

¹⁰ Vasileva, K. (2012) 'Nearly two-thirds of the foreigners living in EU Member States are citizens of countries outside the EU-27', Eurostat Statistics in Focus 31/2012

¹¹ OECD (2012) *International Migration Outlook 2012*, Paris: OECD

¹² Peter Sutherland a former Attorney General for Ireland, EU Competition Commissioner, and also helped to establish the World Trade Organisation when he served as the Director General of the General Agreement on Tariffs and Trade. He is currently the chairman of Goldman Sachs International.

¹³ Q 9, Q 27, Q 32

¹⁴ Q 224

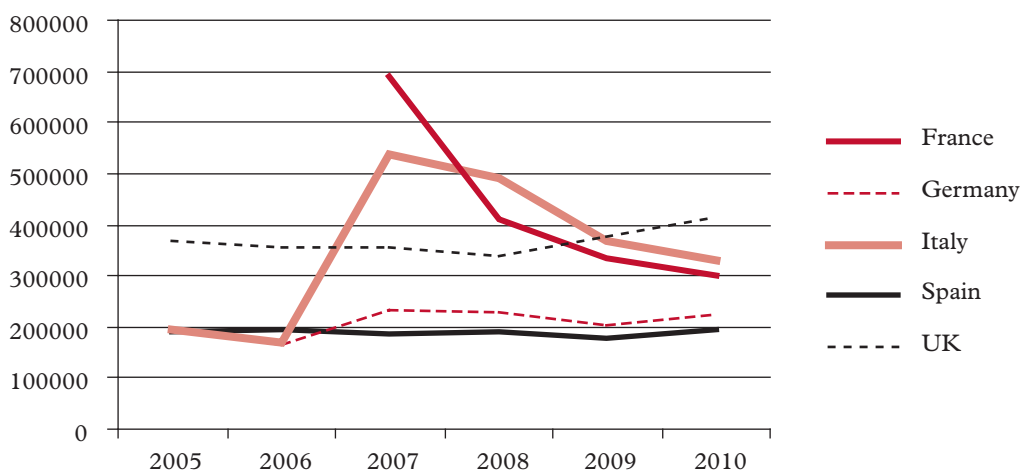
The patterns, flows and dynamics of migration change fairly significantly over quite short periods of time”.¹⁵ Professor Boswell, from the University of Edinburgh, referred to migration flows partly being caused and influenced by push factors, such as economic deprivation and lack of employment opportunities in source countries, and partly by pull factors such as job possibilities in destination countries and existing migration networks.¹⁶

The impact of the global economic crisis on migration

19. While the economic crisis has certainly affected migration flows, the overall effects are both less dramatic and more mixed than might be expected. Migration flows to the EU peaked in 2007, but the overall decline since then has not been especially marked. In some countries immigration has dropped dramatically, while in others it has remained stable or even increased.
20. Member States that were hardest hit by the crisis and which have only experienced inflows in recent years have been most affected. Spain has seen a substantial fall in immigration since 2007 (especially from Morocco and South America) as well as an increase in emigration (largely of EU nationals). However, Spain still recorded positive net migration in 2008 and 2009. Ireland was one of the few countries to record negative net migration in 2009 as a result of significant falls in immigration as well as increases in emigration. In contrast, in the United Kingdom and Germany, countries with longer histories of immigration, flows have remained fairly stable with small annual increases or decreases. Figure 2 shows immigration trends between 2005 and 2010 in France, Germany, Italy, Spain, and the United Kingdom. Preliminary data show that in 2011 immigration started to rise again in most OECD countries, bringing to an end a three-year decline.¹⁷

FIGURE 2

Inflows of permanent immigrants into selected EU countries



Source: OECD, *International Migration Outlook 2012*, Paris: OECD, 29

¹⁵ Q 179

¹⁶ Q 225

¹⁷ OECD (2012) *International Migration Outlook 2012*, Paris: OECD

21. While migrant unemployment has increased faster than native unemployment in some countries, many migrant workers who lost their jobs have chosen not to return home because the economic situation is often as bad or worse in their country of origin. In Spain, for example, unemployment among immigrants reached 30 per cent in 2010, compared to 18 per cent among native-born Spaniards. Yet a Spanish government programme to encourage non-EU migrants to return to their country of origin by offering a lump-sum payment based on social security contributions made while working in Spain received only 11,660 out of the expected 87,000 applications. In economies less severely affected by the crisis the effects on the migrant stock have been modest or even negligible. In Germany, the total foreign population actually increased by 58,800 (1 per cent) in 2010, the first rise in five years.¹⁸
22. Our witnesses had mixed views about the effect of the global economic crisis on migration trends. Professor Skeldon, from the University of Sussex, stated that the economic crisis had only caused a short-term shock to the long-term decline in irregular migration since 2007, without disrupting the overall trend. Peter Sutherland and Tobias Billström did not think that the crisis had made any impact on the whole.¹⁹

Irregular migrants

23. The number of irregular migrants living in the EU is, by definition, difficult to estimate. Irregular migrants are a 'hard-to-reach' population, and for obvious reasons are often reluctant to engage with government officials. Thus there is a lack of reliable quantitative data on irregular migration, including source countries.²⁰ Perhaps the best attempt to date to calculate the number of irregular migrants across Europe is the *Clandestino* project, which produced aggregate country estimates for 2002, 2005 and 2008. It estimated a decline in the stock of irregular resident populations. In 2002, an estimated 3.1 to 5.3 million irregular foreign residents lived in the EU. In the same region of the EU15, the estimate for 2008 was between 1.8 and 3.3 million irregular foreign residents. The estimate for the 27 Member States in 2008 was only slightly higher: 1.9 to 3.8 million, as most of the irregular resident population is estimated to live in the old Member States. The decrease is partly explained by the accession of the A8 countries in 2004, which effectively regularised the situation of migrants from those countries who were previously living irregularly in the EU15, as well as dedicated regularisation programmes in some countries. There is substantial variation in the size of the irregular migrant population across Member States. The

¹⁸ IOM (2011) *World Migration Report*, Geneva: IOM

¹⁹ Q 26, Q 47

²⁰ However, Frontex does hold data by country and routes regarding the detection of attempted unauthorised border crossings. However, two important caveats apply to this data: firstly, irregular entry constitutes only a fraction of the total irregular population and secondly, by definition, the data only records individuals that have been detected rather than those who cross undetected. The latest Frontex Risk Analysis shows that in Q2 2012 the top five national groups detected crossing the EU external border without authorisation were from Afghanistan (4,529 or 20 per cent of total detections at all borders), Bangladesh (2,435 or 11 per cent), Syria (2,024 or 8.8 per cent, a significant leap of +639 percent on Q2 2011), Algeria (2,000 or 8.7 per cent), and Albania (1,797 or 7.8 per cent). The main national groups refused entry at Border Crossing Points (BCPs) were from the Ukraine (3,994 or 14 per cent of the total refused entry), Albania (3,737 or 13 per cent), Russia (2,335 or 8.3 per cent), Georgia (1,692 or 6.0 percent), and Serbia (1,326 or 4.7 per cent). See: Frontex, *FRAN Quarterly Issue 2*, April–June 2012

United Kingdom is estimated to have the largest irregular migrant population, followed by Italy, Germany, France and Spain.²¹ Figure 3 shows the estimates of the irregular migrant population in the EU between 2002 and 2008.

FIGURE 3

Estimates of the irregular migrant population in the EU

Year	Absolute population of irregular migrants (millions)		As percentage of population		As percentage of foreign population	
	Min	Max	Min	Max	Min	Max
EU15						
2002	3.1	5.3	0.8	1.4	14	25
2005	2.2	4.8	0.58	1.23	8	18
2008	1.8	3.3	0.46	0.83	7	12
EU27						
2008	1.9	3.8	0.39	0.77	7	13

Source: *Clandestino Project, Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe, 2009*

24. The economic crisis appears to have further reduced the number of irregular migrants in Europe. Since 2009, Frontex, the EU's External Border Agency, has collected quarterly data on the number of irregular migrants detected by national authorities in the EU Member States. The number of persons detected fell each quarter between Q2 2009 and Q1 2011, then increased up to Q4 2011, before dropping back again to Q2 2012.²² By contrast, detections of unauthorised crossings at the EU's external borders have not consistently declined, although the most recent data for Q2 2012 showed that detections were lower than in any other second quarter since Frontex reporting began. Nevertheless, the Greek-Turkish border was the most important place for detections of unauthorised crossings, with two thirds of all detections being reported by Greece. Detections at the external border follow a relatively steady seasonal cycle, with detections peaking each year in Qs 2–3 and then bottoming out in Qs 4–1.
25. The four main 'pathways' to irregular migration in Europe are: (1) visa overstay, (2) rejected or non-returnable asylum-seekers, (3) administrative changes in residency or work permit applications leading to loss or withdrawal of status, and (4) clandestine entry.²³ While the popular perception of irregular migration focuses on clandestine entry, this is the least frequently used pathway, accounting for probably less than a quarter of

²¹ Clandestino (2009) *Final Report: Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe*:
<http://clandestino.eliamep.gr/wp-content/uploads/2010/03/clandestino-final-report-november-20091.pdf>

²² Frontex (2012) *FRAN Quarterly Issue 2, April–June 2012*, Warsaw: Frontex Risk Analysis Unit, 11–12

²³ Düvell, Franck (2009) *Pathways into Irregularity: The Social Construction of Irregularity*, Comparative Policy Brief, Clandestino Project

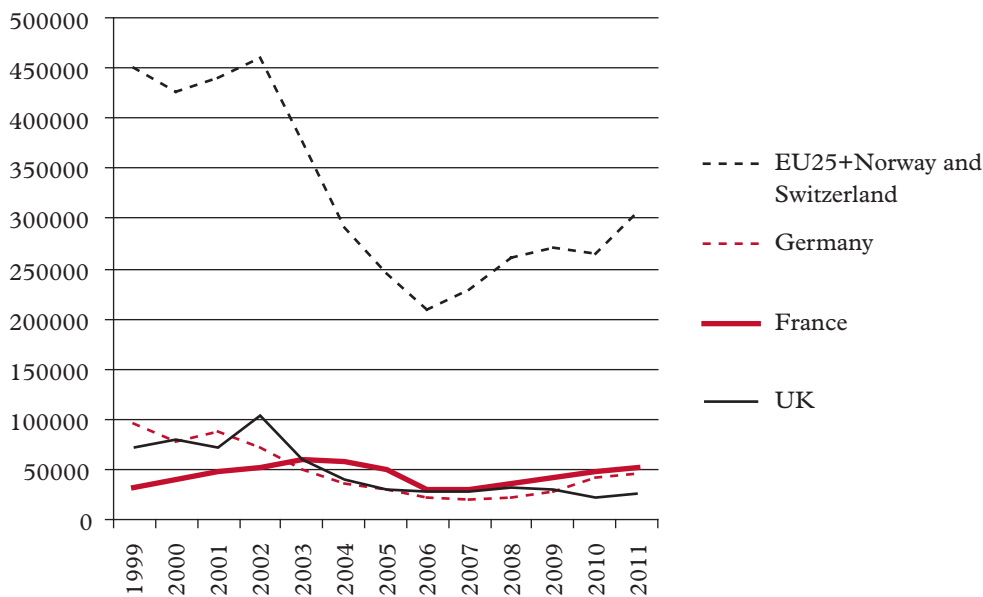
irregular residents (see Chapter 4). Most irregular migrants enter with authorisation—for example, on short-stay visas for tourism, family visits or business, or as students—and then overstay or otherwise breach the terms of their visa, for example by working without authorisation. Visa overstay is almost certainly the most significant route to irregularity, followed by non-return of rejected asylum-seekers, and administrative changes.

Asylum applications and refugees

26. The number of asylum applications in the EU plus Norway and Switzerland fell dramatically between 2002 and 2006, from 459,274 to 209,400 applications. Since 2006, the number of applications has increased again, reaching 270,480 in 2009, dropping back slightly to 263,990 in 2010, and increasing to 306,264 in 2011. The trends are depicted in Figure 4, which shows asylum applications for the EU plus Norway and Switzerland from 1999 to 2011, as well as national trends for France, Germany, and the United Kingdom. The downward trend until 2006 was due largely to a reduction in asylum-generating conflicts as well as asylum policy tightening. The recent increases are largely due to new refugee-producing situations.²⁴

FIGURE 4

Asylum applications in the EU and selected Member States, 1999–2011



Source: UNHCR

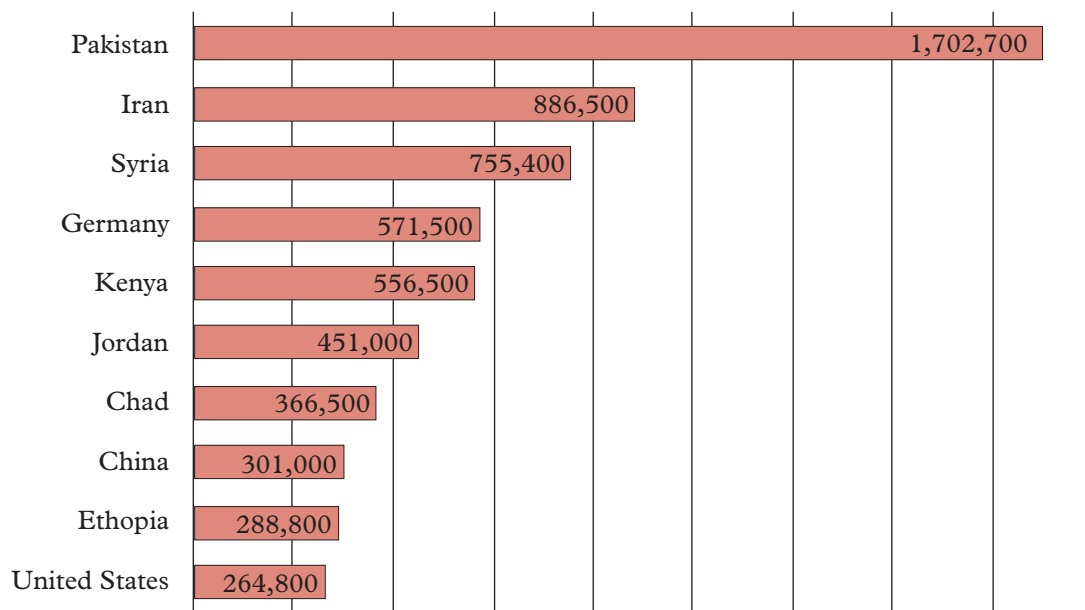
27. While Europe receives a large proportion of the world's asylum-seekers, it hosts a much smaller proportion of the world's refugees. By the end of 2011 there were 15.2 million refugees worldwide, 10.4 million under United Nations High Commissioner for Refugees' (UNHCR) mandate, and 4.8 million refugees registered with UNRWA. The vast majority of refugees were resident in regions of origin, often in countries bordering those from which they had

²⁴ UNHCR (2012) *A Year of Crises: UNHCR Global Trends 2011*, Geneva: United Nations High Commissioner for Refugees

fled.²⁵ In absolute terms, the top three refugee hosting countries were Pakistan (1.7 million), Iran (887,000), and Syria (755,400). Germany was fourth, the only EU Member State in the top ten, hosting 571,700 refugees. Relative to GDP, the top three hosting countries were Pakistan (605 refugees per \$1 GDP per capita), the Democratic Republic of the Congo (399), and Kenya (321). Overall, developing countries host four-fifths of the world's refugees. Europe hosts a total of 1.6 million refugees (approximately 15 per cent of the total under UHNCR's mandate). Figure 5 shows the major refugee hosting countries at the end of 2011.

FIGURE 5

Major refugee hosting countries, end 2011



Source: UNHCR (2012) *A Year of Crises: UNHCR Global Trends 2011*, Geneva: United Nations High Commissioner for Refugees, 14

28. Alongside repatriation and local integration, resettlement²⁶ is one of the UNHCR's 'durable solutions' for refugees, but only a small proportion (under 1 per cent) of refugees are resettled. In 2011, 26 countries worldwide accepted a total of about 80,000 refugees for resettlement. The main countries of resettlement were the United States of America (51,500), Canada (12,900), Australia (9,200), Sweden (1,900), and Norway (1,300). Across Europe as a whole about 5,000 refugees were resettled in 2011. The adoption of the Joint EU Resettlement Scheme in March 2012 may lead to an increased number of refugees being resettled in Europe.²⁷
29. Despite the EU's goal to create a Common European Asylum System (CEAS) by the end of 2012 there are substantial disparities in refugee recognition rates between Member States. For example, in 2011 the Total Recognition Rate (TRR)—which includes full refugee status as well as

²⁵ UNHCR (2012) *A Year of Crises: UNHCR Global Trends 2011*, Geneva: United Nations High Commissioner for Refugees

²⁶ The movement of individuals or groups from one location to another, usually with the intention of permanency.

²⁷ This is discussed in Chapter 5.

complementary forms of protection such as temporary humanitarian status—for asylum-seekers from Afghanistan ranged from 11 per cent in Greece to 73 per cent in Sweden. Globally, the TRR for all asylum claims was 38 per cent.

Migration and demographic trends

30. In the context of sub-replacement fertility rates across the EU, migration is an important factor influencing the size and age-structure of European populations. For developed countries, the replacement fertility rate is approximately 2.1 children per woman. The EU's fertility rate is well short of this level. It reached an historical low of 1.45 in 2002 before increasing to around 1.6 today.²⁸
31. The aggregate figure for the EU masks significant variation between European countries. Some Member States, including populous countries such as Germany, Italy, Poland, and Spain, have fertility rates well below replacement level (in 2009, approximately 1.4 for the countries mentioned). Others, including France, Sweden and the UK, have higher levels (just under 2 for these countries). The only Member State with a replacement fertility rate is Ireland, where the rate is 2.07.²⁹ Therefore, for the overwhelming majority of European countries the natural rate of population growth (which excludes migration inflow and outflows) is negative.
32. Yet the EU population has still grown over the last decade: the total population increased by 4 per cent from 484.6 million in 2002 to 503.7 million in 2012. Immigration has been the main driver of EU population growth for several years. Most countries would already be experiencing a declining population without net inward migration. In some countries where natural growth is negative, immigration has counterbalanced an otherwise declining population. But in others, notably Germany, population has still declined despite net immigration.
33. A recent Eurostat modelling of future demographic trends, EUROPOP 2008, projected that the EU27 population will increase from 495 million in 2008 to 521 million in 2035, and then decline gradually to 506 million in 2060.³⁰ From 2015 onwards, deaths will outnumber births, hence population increase due to natural growth will cease. For two decades from 2015 to 2035, positive net migration will be the only population growth factor. However, from 2035 positive net migration will no longer offset negative natural change and the total population of the EU is projected to fall back to 506 million (just a little more than the population of the EU today).
34. Between 2008 and 2060, the population is projected to increase in 13 countries and decrease in 14. The countries that see the strongest population growth are Cyprus (+66 per cent), Ireland (+53 per cent), Luxembourg (+52 per cent), the United Kingdom (+25 per cent), and Sweden (+18 per cent). The countries with the largest declines are Bulgaria (-28 per cent), Latvia (-26 per cent), Lithuania (-24 per cent), Romania (-21 per cent), Poland (-18 per cent). Germany's population is projected to decrease by 14 per cent over

²⁸ European Commission (2011) *Demography Report 2010: Older, More Numerous and Diverse Europeans*, Luxembourg: Publications Office of the European Union, 28

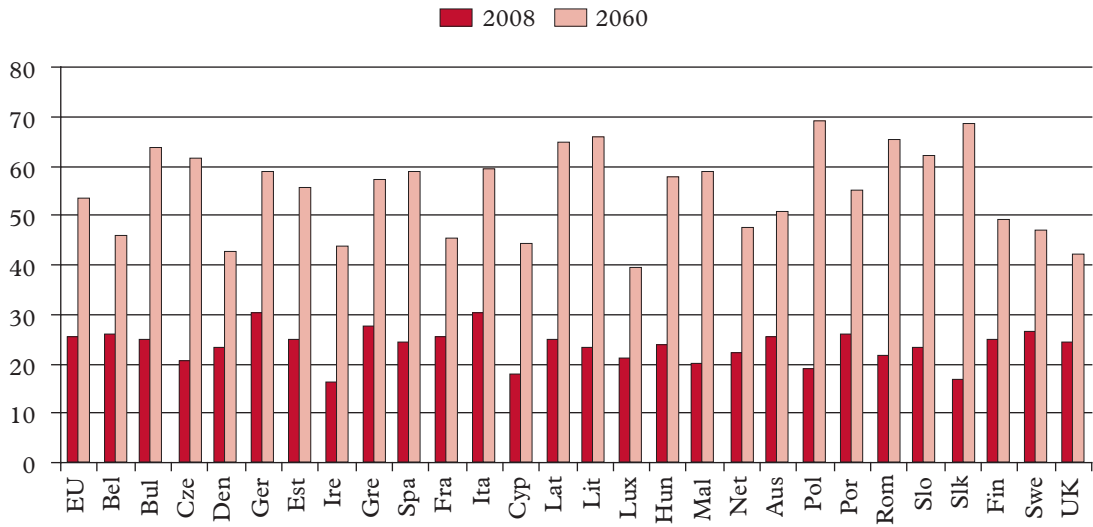
²⁹ *ibid.*

³⁰ Eurostat (2008) *Population Projections 2008–2060*, STAT/08/119: http://europa.eu/rapid/press-release_STAT-08-119_en.htm

the next fifty years. By 2060, the Member States with the largest populations will be the United Kingdom (77 million), France (72 million), Germany (71 million), Italy (59 million), and Spain (52 million).

35. Over the next 50 years, the share of persons with a foreign background will increase in the EU population.³¹ Most of the Mediterranean and Central-Northern European countries will see their share of foreign-born persons rise to over a third of the total population, though Eastern European countries will hardly change compared to today. One exception in the first group of countries is France, where due to relatively high fertility and low migration, the share of foreign-born persons is projected to rise by only 4–7 per cent. In short, increasing population diversity is almost certain, though its speed and extent varies between countries. The renewal of the labour force is ‘undoubtedly expected’ to come from migration. The cohort of nationals aged 15–39 will decrease from 140 million in 2008 to 50–60 million in 2061. The equivalent foreign population will more than double over the same period, but this will not fully offset the loss of nationals.
36. In addition to size, migration also impacts on the age structure of populations. One of the biggest challenges facing European societies in the coming decades will be population ageing. Low fertility rates combined with increased life expectancy mean that the median age of the population is projected to reach 47.9 years by 2060 compared to a median age of 40.6 in 2009. The proportion of the population aged 65 years and older will rise from 17 per cent in 2008 to 30 per cent in 2060, and those aged 80 and over will rise from 4.5 per cent to 12 per cent in the same period.
37. Ageing will occur in all Member States. By 2060, the share of the population aged 65 years and over ranges from 23.5 per cent to 36 per cent. The countries with the smallest proportion of over 65s will be Luxembourg (23.5 per cent), the United Kingdom (25 per cent), and Denmark (25 per cent). The countries with the largest proportion will be Poland (36 per cent), Slovakia (36 per cent), and Romania (35 per cent). From 2014, the working age population (20–64) will start to shrink. The number of people aged 60 or above is already rising by more than two million every year, which is approximately twice the rate observed until about three years ago.
38. Population ageing has many implications for European countries. As populations age the number of persons of working age relative to the number who are above working age shifts, with important fiscal implications. The old age dependency ratio of the EU (the population aged 65 years and older divided by the working age population) is projected to increase from 25 per cent in 2008 to 53 per cent in 2060. In other words, while there are four persons of working age to every person aged 65 and over today, by 2060 there would be only two persons of working age to every person aged 65 and over. Figure 6 shows projected changes in the old age dependency ratio by country. It should be noted that if the statutory retirement age increases in these countries, as it almost certainly will and in the United Kingdom already is, then this will help to offset projected increases in the dependency ratio. In addition, increases in productivity may also ameliorate the effects of ageing populations on European economies.

³¹ Lanzieri, G. (2011) *Few, Older and Multicultural? Projections of the EU Population by Foreign/National Background* (2011 Edition), Luxembourg: Publications Office of the European Union

FIGURE 6**Old age dependency ratio of EU Member States in 2008 and 2060**

Source: Eurostat (2008) 'Population Projections 2008–2060', STAT/08/119

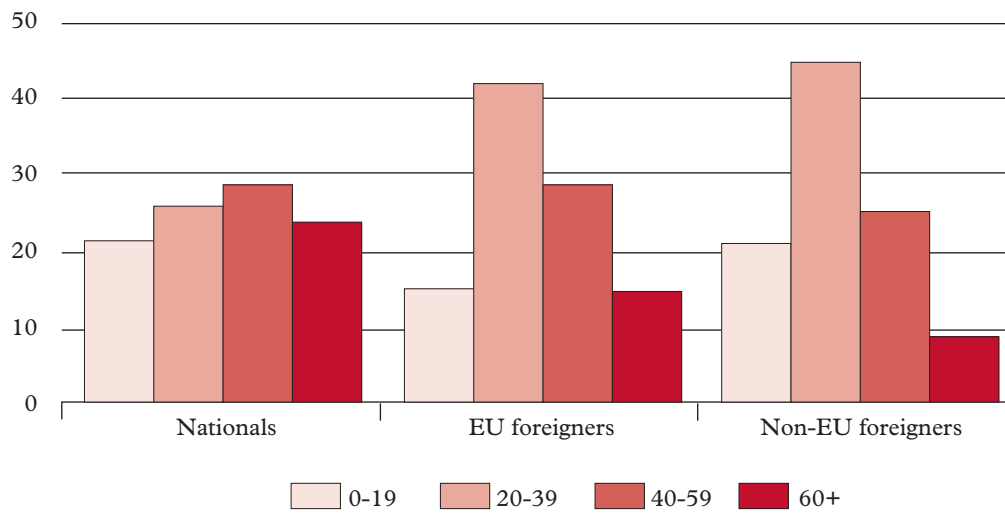
39. In 2010, the median age of EU nationals was 41.5 years, compared to a median age of 34.4 years for foreigners. German nationals have the highest median age, 45 years, compared to a median age of 37.1 for foreigners living in Germany. The largest positive difference between the median age of nationals and foreigners is in Italy, where the figures are 44.3 and 32.5 respectively. Figure 7 shows the median age of population by group of citizenship and country of birth for the EU in 2010.

FIGURE 7**Median age of population by group of citizenship and country of birth, EU
27, 2010**

	Nationals	Foreigners
EU27	41.5	34.4
Belgium	41.5	37.4
Bulgaria	n/a	n/a
Czech Republic	39.7	34.8
Denmark	41.3	32.2
Germany	45.0	37.1
Estonia	37.5	49.9
Ireland	35.2	29.8
Greece	43.1	33.3
Spain	41.5	32.9
France	39.5	38.4
Italy	44.3	32.5
Cyprus	37.2	33.1
Latvia	36.7	53.1
Lithuania	39.3	32.1
Luxembourg	42.7	35.6
Hungary	39.9	36.6
Malta	39.4	35.4
Netherlands	41.1	34.1
Austria	42.7	34.3
Poland	37.7	43.8
Portugal	41.3	34.3
Romania	n/a	n/a
Slovenia	41.8	36.6
Slovakia	36.8	36.5
Finland	42.4	32.9
Sweden	41.5	33.5
United Kingdom	40.6	31.6

Source: Vasileva, K. (2011) '6.5% of the EU population are foreigners and 9.4% are born abroad', Eurostat Statistics in Focus, 34/2011

40. Figure 8 shows the distribution of population of EU and non-EU nationals. As can be seen, foreigners, both EU and non-EU, are disproportionately of young working age (20–39) compared to EU nationals. Non-EU nationals also have the lowest proportion of over 60 year olds.

FIGURE 8**Age distribution of nationals, EU and non-EU foreigners, EU27, 2010 (%)**

Source: Vasileva, K. (2011) '6.5% of the EU population are foreigners and 9.4% are born abroad', Eurostat Statistics in Focus, 34/2011

CHAPTER 3: LEGAL MIGRATION AND MOBILITY

41. The GAMM states that the EU faces “labour market shortages and vacancies that cannot be filled by the domestic workforce in specific sectors, e.g. in health, science and technology” and that these shortages will be compounded by long-term population ageing.³² The GAMM’s first pillar, on organising and facilitating legal migration and mobility, aims to address these needs. It is based on “the premise of offering employers wider opportunities to find the best individuals for vacancies on the global labour market ... (while) fully respecting Member States’ competence to manage their labour markets”.³³

Europe’s ageing population and future labour market needs

42. As Chapter 2 demonstrates, the EU population is ageing and in some Member States the total population is declining. Most of our witnesses thought that more migrants would be needed in the EU in coming years in response to these demographic trends, to fill labour and skills shortages. Peter Sutherland considered European demographics to be “fundamental” to migration policy, even if this did not always figure as prominently as it might in public debates.³⁴ Stefano Manservigi, the Director-General of the Commission’s DG Home Affairs, was clear that the EU was “solidly now a continent of immigration. It will be even more so in future, given the statistics on demography, the transformation of the labour market and the global competition for talent”.³⁵
43. However, none of our witnesses thought that migration was a silver-bullet for Europe’s demographic problems. For example, Open Europe³⁶ were broadly supportive of the arguments that demographic problems could be addressed in part by more labour migration, but they emphasised that migration could not offer a complete solution as migrants would get older and the EU will have to boost its home-grown skills if it wanted to compete on a global basis.³⁷ Tobias Billström thought that migration could not compensate altogether for an ageing population.³⁸ Professor Skeldon agreed stressing that it could help to solve particular skills shortages at particular times. However, he stated that the number of migrants that would be needed to prevent ageing and maintain current dependency ratios would be politically unacceptable.³⁹ Professor Boswell argued that “it will be very difficult for any (Member State) to make the case for expanded labour migration on demographic grounds alone ... immigration offers a very highly effective, efficient and swift means of recruiting labour to fill specific gaps in the labour market. That will unavoidably be seen as a way of meeting that demand, particularly in the short term, but I doubt that it could be seen as a big

³² GAMM, p. 2

³³ GAMM, p. 12

³⁴ Q 26

³⁵ Q 302

³⁶ An independent think tank, which seeks to contribute to new thinking to the debate about the direction of the EU, including calls for radical reform.

³⁷ Q 120

³⁸ Q 52

³⁹ Q 229

political solution to demographic problems in Europe”.⁴⁰ Sir Andrew Green, the Chairman of Migration Watch UK,⁴¹ was more sceptical about the demographic arguments for migration, stating that he did not accept that greater migration was the answer to an ageing population, because “immigrants also get older, and therefore you have to have a continuing and increasing flow of immigrants in order that they should affect your average age”.⁴²

Addressing skills shortages

44. Many of our witnesses agreed that migration was essential to economic growth and competitiveness in a globalised economy. Bernd Hemingway of the International Organization for Mobility (IOM)⁴³ emphasised that “migration can have a positive impact on economic development and therefore it should be seen more positively in that respect”.⁴⁴ Despite the recession and high levels of unemployment in some Member States, Europe still faces sector-specific labour and skills shortages, and will increasingly need to compete with other emerging regions for the “best and brightest” workers. Highly-skilled migrants are needed in a number of sectors, as are low-skilled migrants, partly because as Professor Skeldon pointed out “the skilled generate demand for services that are less skilled; high-flying bankers and so on need office cleaners, waiters, and sandwich-delivery people and so on”.⁴⁵ In this respect, Professor Geddes and Bernd Hemingway also endorsed GAMM’s suggestion of supplementing permanent migration with temporary and circular migration.⁴⁶
45. However, our witnesses diverged in terms of their assessment of whether migration could provide a complete or long-term solution to skills shortages. Professor Skeldon doubted whether “we can match labour market supply and demand—that is going to be extremely difficult, particularly across such a diverse series of labour markets as we find in the EU”.⁴⁷ Some witnesses also argued that a reliance on migration could prevent necessary economic, educational, and welfare reforms from being enacted. In their written evidence, COMPAS stated that relying on migration would only postpone making necessary training adjustments in the domestic economy.⁴⁸ The former Home Secretary, Charles Clarke, told us that instead of seeking to plug skills gaps with migrant labour the EU’s focus should be on up-skilling the existing workforce, saying that “sometimes migration becomes the easy answer, certainly for many employers: just getting the people in from

⁴⁰ Q 229

⁴¹ An independent, voluntary, non political body, which is concerned about the present scale of immigration into the UK.

⁴² Q 213

⁴³ The International Organization for Migration was established by a number of European countries and the USA in 1951 to respond to the large migratory flows which came after the end of the Second World War. It now has 146 member states (not including China and Russia) and is based in Geneva. It operates in countries of origin, countries of transit and countries of destination through 400 field missions and eight regional offices. It is not an UN agency but its Director General is part of the Global Migration Group.

⁴⁴ Q 364

⁴⁵ Q 229

⁴⁶ Q 229, Q 336

⁴⁷ *ibid.*

⁴⁸ COMPAS

somewhere else rather than focusing on the problem we have in our own country". However, he acknowledged that there should be sector-specific exceptions.⁴⁹ Christopher Chope MP, the Chairperson of the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe, agreed that advocating migration sometimes "avoids us facing up to the real issues that we need to address".⁵⁰ The Government do not believe that lower-skilled migration from outside the EU is required for the United Kingdom to address labour needs given the existence of an expanded European labour market since 2004.⁵¹

46. **In the context of the EU's demographic challenges and future labour market needs, we consider that flexibility by Member States in the operation of the European labour market to legal migration from third countries, particularly in Member States with skills shortages, could be essential in order to secure economic growth and competitiveness. However, such an approach is not a panacea, and should form part of a comprehensive approach which also tackles the development of skills among the existing workforce, as well as any necessary labour market reforms.**

European legal migration and mobility policies: a greater role for the EU?

47. The EU has already adopted Directives on long-term residents, highly-skilled workers, family reunification, students, researchers, and a single permit, which have to some extent harmonised conditions of admission and migrants' rights in a number of areas. Directives on seasonal workers and on intra-corporate transfers are currently under negotiation. As we have already noted decisions about how many and what type of economic migrants to admit remains a Member State competence.
48. Several of our witnesses expressed reservations about the feasibility and desirability of a more harmonised approach to labour migration in the EU. Most thought that viable labour migration policies must reflect the very different labour market needs of the Member States. Professor Keith told us that Member States have adopted different approaches due to variations in their labour markets, welfare provision, immigration histories and policy-making processes.⁵² COMPAS considered that while some progress had been made on harmonising the rights of third country nationals, the harmonisation of admissions policies was very difficult.⁵³ Hugo Brady, from the Centre for European Reform (CER), was sceptical about the creation of an EU-wide migration system, which he thought would be overly bureaucratic, and that in any case Member States would never cede the necessary powers to the EU to allow it to set labour quotas.⁵⁴ Tobias Billström agreed, stating that such a system would benefit the larger Member States to the detriment of the smaller ones. He suggested that Member States should instead compete for

⁴⁹ Q 149

⁵⁰ *ibid.*

⁵¹ UK Government

⁵² Q 183

⁵³ Q 179

⁵⁴ Q 180 & 188

migrants by offering them better terms and conditions.⁵⁵ Charles Clarke simply stated that the idea of an EU labour migration policy or points based system was “pie in the sky”.⁵⁶

49. The case of Sweden highlights the very different situations across the EU on labour migration: while some Member States are trying to limit labour migration, Sweden is actively trying to encourage it and compete with other Member States for migrant workers, yet it still has a relatively low number of immigrants. More information is provided in Box 2.

BOX 2

The Swedish labour migration system

In 2008 Sweden reformed its labour migration management policy. Since the reform, employers in Sweden have been able to recruit migrant workers for any occupation, so long as the job has been advertised for a given period and prevailing wage and contractual conditions are respected. Sweden now has one of the most open and liberal systems for economic migration anywhere in the OECD. In its evaluation of the Swedish system, the OECD was supportive of the post-2008 reforms, though it noted that the peculiarities of the relatively highly regulated labour market in Sweden meant that this model is not easily transferable to other countries.

Source: OECD (2011) Recruiting Immigrant Workers: Sweden 2011, Paris: OECD

50. Tobias Billström told us that the liberalisation of Swedish economic migration policy has not resulted in a large influx of labour migrants.⁵⁷ It is highly doubtful whether an equivalent liberalisation in other countries, particularly those with a less regulated labour market, longer history of labour immigration, or more widely spoken official language, would have similarly small effects on inflows. In fact, Sweden’s liberalisation could be seen as an attempt to counteract some comparative disadvantages that it faces in relation to other countries when it comes to recruiting skilled migrant workers.

Anticipating labour and skills shortages

51. The Migrants’ Rights Network considered that in order for the GAMM to be effective, a more thorough understanding of the Single Market, the way in which it interacts with other economies in the EU neighbourhood region, and the way it generates demand for migrants was required.⁵⁸ However, most of our witnesses had little confidence in the EU’s ability accurately to predict where labour and skills shortages may arise and respond to this effectively. COMPAS stated that for most occupations and sectors, it is very difficult to project future labour demands, which is why the Migration Advisory Committee (MAC) in the United Kingdom focused its analysis on current labour and skills shortages. They did think, however, that the EU could play an important role in strengthening labour market tests across Europe to

⁵⁵ Q 56

⁵⁶ Q 150

⁵⁷ Q 44

⁵⁸ Migrants’ Rights Network

ensure that employers seriously search the whole EU labour market before turning to non-EU workers.⁵⁹

52. The Commission has promoted some initiatives in this area but Mark Harper MP, the Minister for Immigration, did not consider them to be worthwhile. He also stated that the identification of skills shortages and selection of migrant workers was best achieved at the national level by bodies such as the MAC, but above all by employers themselves.⁶⁰ The Government believes that it is primarily a matter for individual Member States to facilitate economic migration on the basis of national assessments of economic need.⁶¹
53. Stefano Manservigi took a more sanguine view of the EU's potential role. While clearly stating that the admission of labour migrants was a Member State competence, he said that the EU had a role to play in facilitating legal migration to the EU and coordinating Member State actions. The Commission's aim is:
- “to progressively find a better balance between national competences, in particular the delivery of work permits and therefore decisions on the number of people who can enter to work, and the fact that since we are working in an increasingly integrated Single Market that is producing an increasingly integrated new labour market, perhaps we can find a solution to have individual decisions taken in a framework where knowledge is a bit more shared”.⁶²
54. Claude Moraes MEP regretted that the EU had failed to adopt a comprehensive approach largely due the resistance of the Member States who were concerned about sovereignty and “visceral” politics.⁶³
55. **Member States should continue to have the right to choose the number of migrants from third countries they wish to admit to their labour markets, depending on their needs. Therefore, we consider that any transfer of responsibility to the EU in the management of legal migration would be undesirable and also impossible to agree and achieve.**
56. **We also doubt whether it is possible for the EU accurately to predict labour demand or skills shortages into the future.**

Social security coordination

57. The GAMM states that existing EU rules on social security coordination are “intended to remove disadvantages and protect acquired rights for EU citizens moving within the EU and also for all legally resident non-EU nationals with a cross-border dimension”. The GAMM proposes that portability of social and pension rights could be a facilitator for mobility and circular migration, as well as a disincentive for irregular work, and should therefore be improved.⁶⁴ Through a series of Council Decisions concerning six third countries, the EU intends to create a limited external social security

⁵⁹ COMPAS

⁶⁰ Q 243

⁶¹ UK Government

⁶² Q 303

⁶³ QQ 329–330

⁶⁴ GAMM, p. 13

coordination system applying to persons—both EU nationals and nationals of these six countries—who move into and out of the EU.

58. The Government are opposed to being bound by EU agreements on social security with third countries as they consider that this constrains their ability to conduct effective bilateral arrangements. They believe that social security arrangements with third countries should be a matter for individual Member States and do not consider that there are enough safeguards in place to protect the social security framework from manipulation.⁶⁵
59. However, notwithstanding the Government's concerns, several of our witnesses supported the view that portability of social security rights was important for encouraging mobility and circular migration. This is based on the assumption that people will not freely come and go if they risk losing benefits that they have accrued while working in one particular Member State. Professor Boswell told us that if the EU really wanted to promote circularity and mobility, then access to welfare state provision in each Member State, which is currently “premised on the notion of sedentariness”, would have to be fundamentally rethought. She acknowledged that this was quite a radical agenda, encompassing residency rights, healthcare, insurance and pensions.⁶⁶ Tobias Billström also called for a more coherent approach between Member States.⁶⁷
60. **We note the Government's concerns about the Commission's approach to the external dimension of EU social security coordination. However, notwithstanding these concerns, we consider that the EU may need to consider the portability of social rights.**

Family reunification

61. The GAMM does not address family reunification directly. However, since family migration is one of the main legal migration flows to Europe,⁶⁸ and in some countries the main flow, we asked witnesses about the EU's policies in this area, and the United Kingdom's position in relation to these policies.
62. The EU adopted the Family Reunification Directive in 2003.⁶⁹ This measure aims to establish common rules relating to the right to family reunification, including enabling family members of third country nationals residing lawfully in the EU to join them in the Member State in which they are residing. The Commission is likely to publish a proposal to revise this Directive in due course.⁷⁰ While the Government decided not to opt-in to this Directive, we have consistently urged the Government to opt-in.⁷¹ In June 2012 the Government also announced new requirements at the domestic level before family reunification would be allowed, including a

⁶⁵ UK Government

⁶⁶ Q 228

⁶⁷ Q 46

⁶⁸ Bernd Hemingway told us that the majority of legal migration into the EU was due to family reunification. See Q 364.

⁶⁹ Directive 2003/86/EC on the right to family reunification, OJ L251 (3 October 2003) p. 12

⁷⁰ Commission Communication, *Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)*, COM (2011) 735, 15.11.2011

⁷¹ See EU Committee, *Economic migration to the EU* (14th Report of Session 2005–06, HL Paper 58)

minimum salary and language requirements.⁷² With this decision, the United Kingdom has further diverged from the common EU policy on family migration.

63. Some of our witnesses referred to the substantial variation between Member States' rules on the admission of family migrants and most of them thought that a more harmonised approach to family migration was justified, whether through new legislation or more stringent implementation of existing legislation. Stefano Manservigi observed that, while there was a common policy on family reunification in the Schengen Area, there was a need to implement it "in a more stringent way".⁷³ Charles Clarke referred to the variable rules across the EU and stated that there was a strong case for the adoption of a more harmonised approach in this area, as did Rebecca Crerar, from the Suffolk Refugee Forum.⁷⁴ Professor Keith thought that this issue would become more and more important over the next couple of decades.⁷⁵
64. When considering the admission of foreign workers allowance must be made for the fact that many of them will bring families with them, or seek to do so once legally resident in a Member State. **We believe that there could be problems with a situation that admits spouses and children more readily to one Member State than another, considering that, once admitted they may eventually acquire the right to freedom of movement throughout the EU. We repeat our view that the Government should seek to opt-in to the Family Reunification Directive.**

Labour market integration and public opposition to migration

65. The GAMM refers to the "urgent need to improve the effectiveness of policies aiming at integration of migrants into the labour market".⁷⁶ It states that "effective integration, in particular in the labour market, is key to ensuring that both migrants and receiving societies can benefit from the potential of migration, including via stronger diaspora communities and migrant entrepreneurs".⁷⁷
66. The Treaty of Lisbon introduced a new article providing for the promotion of the integration of third country nationals.⁷⁸ The Commission published a Communication on a *European Agenda for the Integration of Third-Country Nationals* in 2011, which highlighted a number of areas of particular concern including low employment levels of migrants and high levels of over-qualification (so-called "brain waste").⁷⁹ It encourages Member States to develop language courses and increase the participation of migrants through active labour market policies, among other things. It also emphasises the need for more action at the local level, including the effective involvement of

⁷² For more information about the UK Government's family reunification requirements see: <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/13-family-migration>

⁷³ Q 327

⁷⁴ Q 151, Q 78

⁷⁵ Q 184

⁷⁶ GAMM, p. 4

⁷⁷ GAMM, p. 13

⁷⁸ Article 79(4) TFEU

⁷⁹ Commission Communication, *European Agenda for the Integration of Third-Country Nationals*, COM (2011) 455, 20.7.2011

local authorities and civil society organisations.⁸⁰ Of most direct relevance for the GAMM, it emphasises the role that countries of origin could play in integration processes through pre-departure information on visas and work permits, language and vocational training, mutual recognition of skills with Member States, diaspora engagement, and support for temporary and circular migrants.

67. Peter Sutherland and Tobias Billström emphasised the role that the EU could play in the sharing of best practice on integration policies.⁸¹ Professor Keith told us that the integration debate had become unhelpfully focused on cultural and national identity, but observed that “all of the evidence demonstrates the importance of language learning, in terms of a facility to contribute to society more generally”.⁸² He thought that the United Kingdom has done fairly well in this regard and could perhaps share some of its best practice with the rest of the EU.⁸³ Professor Skeldon told us that “There is a great difference between the current approach of EU and European states and that of states such as the United States, Canada and Australia which see migration as part of state-building and nation-building”.⁸⁴
68. At the Member State as well as the EU level, Tobias Billström emphasised the importance of politicians making un-emotive factual statements in this area, referring to negative public reactions in Sweden to any sensationalist press commentary.⁸⁵ Open Europe echoed this view, stressing that politicians needed to openly promote a “game plan” while taking “concerns from individual citizens and the community seriously”. It referred to the large degree of buy-in to the Swedish government’s policy as a success story.⁸⁶ It considered that the best tool for integration is allowing migrants entry to the labour market as quickly possible.⁸⁷ Bernd Hemingway stressed the vital importance of engaging local organisations and “grassroots NGOs”, not only for implementation but also in the formulation of integration policies. He stated that “the small NGOs working in small cities, are very important. They are the ones who have access to the migrants and are comfortable in working with them”.⁸⁸ However, the Migrants’ Rights Network considered that in practice—“beyond the rhetoric”—not much was being done to improve the integration of migrants into EU labour markets, particularly in low-skill sectors.⁸⁹
69. The Government stressed that good language skills were key in facilitating better integration, including within the workplace, and they referred to steps they had taken to help equip non-EEA nationals with the necessary skills in this respect. The UK Border Agency also administered projects funded

⁸⁰ Its full name is the European Fund for the Integration of Third-Country Nationals and it will be absorbed by the Asylum and Migration Fund in due course.

⁸¹ Q 33 and Q 58

⁸² Q 196

⁸³ Q 197

⁸⁴ Q 220

⁸⁵ Q 55

⁸⁶ Q 125

⁸⁷ Q 126

⁸⁸ Q 381

⁸⁹ Migrants’ Rights Network

through the European Integration Fund to help migrants develop English language skills.⁹⁰

70. **We consider that the EU's contribution to labour market integration policy should primarily be through the European Integration Fund. We support the recommendations of the European Agenda for the Integration of Third-Country Nationals, and encourage the Commission to develop these recommendations into concrete proposals, particularly those dealing with countries of origin in the context of the GAMM.**
71. **We also support the Commission's efforts to promote the sharing of Member State experiences and good practice in the wider area of integration policies. We believe that language learning has an important role to play in this respect. We would also stress the valuable role that the voluntary and private sector can play in this process, and recommend that the views of civil society be taken fully into account in the formulation and implementation of integration policy.**

⁹⁰ UK Government

CHAPTER 4: IRREGULAR MIGRATION AND TRAFFICKING IN HUMAN BEINGS

72. The GAMM states that “the legitimacy of any migration and mobility framework depends on effectively addressing irregular migration ... Intra-EU cooperation is essential, and so is the goal of reinforcing partnerships with non-EU countries”. Therefore, the second pillar of the GAMM focuses on “preventing and reducing irregular migration and trafficking in human beings”.⁹¹

Irregular migration and the GAMM

73. When the Global Approach to Migration was originally adopted in 2005, irregular migration was at the top of the European Council’s agenda. Irregular migration remains one of the thematic priorities of the revised GAMM but is now presented as one of “four equally important pillars”. There was disagreement among our witnesses about whether the GAMM did, and whether it should, give equal weighting to each of the pillars. The Government considered that the prevention and reduction of irregular immigration was a key aspect of the GAMM but Charles Clarke, who was Home Secretary when the UK Presidency first proposed the Global Approach, thought that the revised GAMM attached insufficient importance to irregular migration. He told us that “the second pillar ... is more important than any of the other three because it is the area which gives rise ... to the greatest doubts and uncertainties in the population about where we stand”.⁹²
74. Other witnesses were very critical of what they saw as the over-emphasis placed on irregular migration compared to the other three pillars, believing that this undermined the success of the GAMM and limited the desire for third countries to cooperate with the EU in this area. Professor Boswell considered that the GAMM was dominated by home affairs considerations. In her view “the underlying and more or less explicit concern ... is to try to offer more incentives to cajole third countries into accepting measures to reinforce border control and, in particular, to encourage them to sign and implement Readmission Agreements”.⁹³ The Migrant Rights’ Network thought this pillar was poorly defined and undermined the success of dialogues and partnerships with third countries by creating a negative starting point and failing to take account of the positive benefits of migration.⁹⁴ Claude Moraes MEP was critical of the tendency of EU level policies to emphasise what he called “the hard side ... of security and control” to the detriment of “the soft side”, such as discussions about demographics, what kind of immigration countries want and integration. He considered that this imbalance occurred because Member State governments tended to look to the EU for control solutions—“some more boats in the Mediterranean”⁹⁵—but due to national political sensitivities were extremely reluctant to consider the facilitation of migration at the European level.⁹⁶ Ultimately, Bernd

⁹¹ GAMM, p. 15

⁹² Q 145

⁹³ Q 219

⁹⁴ Migrant Rights’ Network

⁹⁵ Q 331

⁹⁶ Q 330

Hemingway concluded that “the best way to fight irregular migration is to ensure that there is a fair share of legal migration”. He cited the case of Italy’s quota for Tunisian immigrants which “more or less stopped” irregular migration from Tunisia to Libya.⁹⁷

75. Tackling irregular migration is one of the most developed aspects of EU migration policy in legislative and especially operational terms. Unlike legal migration, where Member States’ divergent needs and resistance to transfers of sovereignty have constrained EU action, in the area of irregular migration, where governments share more common interests, there has been more progress. Existing EU legislation on irregular migration includes the Returns Directive and the Employer Sanctions Directive. The Government did not opt-in to either Directive. This Committee recommended that the Government should have opted-in to the Returns Directive.⁹⁸

External border controls and tackling irregular migration

76. The GAMM states that “the EU should continue to give priority to transfers of skills, capacity and resources to its partners, in order to prevent and reduce trafficking, smuggling and irregular migration, and to strengthening integrated border management”. It refers to the need to implement existing legislation on irregular migration and highlights the importance of EU agencies such as Frontex in preventing irregular flows. It also refers to “forthcoming Commission proposals on smart borders, including an entry/exit system and a registered travellers’ programme”.⁹⁹ A networked European border surveillance system, EUROSUR, is being developed for the southern maritime border and the eastern land border, in addition to the Commission’s forthcoming ‘smart borders’ proposals. The Commission has also mooted proposals for a common border force or guard. The current systems will have to be adapted to accommodate changes to the EU’s external border once Croatia joins the EU in 2013.

The effective management of external borders

77. By far the most significant site of unauthorised border-crossings into the EU is the Greek-Turkish border. Charles Clarke thought that “a year or so ago” 90 per cent of people crossing the Schengen border without authorisation did so by traversing the Evros River between Greece and Turkey.¹⁰⁰ According to an assessment by the IOM, there were currently 1 million irregular migrants in Greece.¹⁰¹ Christopher Chope referred to the inability of the Greek authorities to deal with the crisis on their border and expressed doubt about the effectiveness of Frontex in supporting their efforts in this regard. His view was that Schengen members should be required to demonstrate that they can control their own borders effectively and if not that they should be removed from the Schengen Area.¹⁰² Stefano Manservigi disagreed with the negative

⁹⁷ Q 366

⁹⁸ EU Committee, *Illegal Migrants: proposals for a common EU returns policy* (32nd Report of Session 2005–06, HL Paper 166)

⁹⁹ GAMM, pp. 15–16. The Government is unlikely to opt-in to either of the ‘smart borders’ proposals as Schengen-building measures. The United Kingdom also operates its own e-Borders system outside of Schengen.

¹⁰⁰ QQ 161–162

¹⁰¹ Q 377

¹⁰² Q 216

assessment of the efficacy of EU interventions at the Greek-Turkish border, stating that European co-financing had enabled a substantial increase in the number of Greek border guards, which, along with Frontex interventions, had dramatically reduced irregular crossings at the land border.¹⁰³ He thought that the Greek-Turkey “border has been managed properly” since the end of August 2012.¹⁰⁴

78. Charles Clarke also emphasised the importance of an effectively managed external border, including the ability to monitor who is entering and leaving (which modern technology makes possible), and considered this to be important for maintaining public confidence in the wider immigration system: “people will not have confidence in the way in which migration is controlled and governed unless they believe that there are proper controls in these areas”.¹⁰⁵ Stefano Manservigi agreed about the importance of effective border controls, saying that “if we do not have a credible border management system, our system is not credible”.¹⁰⁶ However, he argued that “to reduce illegal migration, the only way is to go to the origin of the problem”, which is why engagement with third countries through the GAMM is essential. This includes cooperation with third countries to fight organised crime networks involved in the smuggling of people, as well as looking at options for opening up legal channels for migration and mobility. Without such engagement, border controls “while necessary, will not be effective”. Professor Keith was sceptical about states’ ability to control their own borders and queried whether investment in border controls was cost-effective. He concluded that despite the “extraordinary emphasis” on Frontex and issues of enforcement, “the realities sometimes defy the rhetoric of the states”.¹⁰⁷
79. Mark Harper MP, the Minister for Immigration, stated that the EU clearly had a role to play in managing its external borders and that its ongoing work in this area, which saw particular Member States and EU Institutions working together, was valuable. While he agreed that Member States, including the United Kingdom, should support other Member States such as Greece through funding and the secondment of national experts, he did not believe that the EU should “stand in place” of those Member States and make decisions on their behalf.¹⁰⁸
80. Some of our witnesses cautioned that the political emphasis on external border controls obscures the fact that most irregular migrants do not enter Europe irregularly. Bernd Hemingway told us that “the public perception of migratory flows across the Mediterranean Sea ... seen on the television and published in other media ... does not reflect the reality. Irregular migration is comprised mainly of visa overstayers”.¹⁰⁹ Stefano Manservigi agreed with this view.¹¹⁰

¹⁰³ See Figure 3 and paragraph 24 in Chapter 2

¹⁰⁴ Q 319

¹⁰⁵ Q 143

¹⁰⁶ Q 319

¹⁰⁷ Q 193

¹⁰⁸ QQ 246–247

¹⁰⁹ Q 364

¹¹⁰ Q 319

81. **We strongly support the Government's efforts to play an active role in the work of Frontex and the development of EUROSUR and believe that it is in the United Kingdom's national interest that these operations are efficient, effective and well resourced.**
82. **However, we believe that while external border controls are a crucial part of any strategy to deal with irregular migration, they have limited effects on reducing irregularity, not least since most irregular migrants in Europe are visa over-stayers. We recommend that both Member States and the EU consider a more balanced and comprehensive approach to over-stayers, including the selective encouragement of legal migration channels. We also support the Commission's forthcoming proposal for an entry-exit system.**

EU Readmission Agreements

83. The EU has entered into, or commenced negotiations for, a number of Readmission Agreements with third countries. More information is given in Box 3 and a complete list is available in Appendix 4. Readmission Agreements are often, though not always, negotiated at the same time as visa facilitation agreements, with the latter intended as compensatory measures for the former. In the context of the GAMM, both visa facilitation and Readmission Agreements will form integral parts of Mobility Partnerships, which we discuss further in Chapter 7.
84. While the United Kingdom does not participate in any of the visa facilitation agreements, because they relate to the Schengen Area, it participates in all 13 Readmission Agreements that are currently in force. The number of enforced and voluntary returns that have taken place from the United Kingdom to the third countries covered by the Readmission Agreements is set out in Appendix 4. While there is not much use made of some of the agreements with smaller countries, in the case of the larger source countries, there have been significant increases in the number of returns during 2011.

BOX 3

EU Readmission Agreements

EU Readmission Agreements are negotiated between the EU and third countries to facilitate the return to their country of origin persons residing without authorisation in a Member State. Readmission Agreements are an important tool for returning irregular migrants. They stipulate an obligation to readmit nationals of the country with which the EU has signed the agreement and also a commitment to readmit stateless persons and persons of another jurisdiction who have entered the EU without authorisation from the country in question. Readmission Agreements also contain technical provisions on documentation, transit operations, and time limits. There are currently 13 Readmission Agreements in force, and several pending Agreements that have yet to be concluded due to sometimes protracted negotiations.

85. Professor Boswell noted that "fairly substantial numbers of migrants had been returned under Readmission Agreements"; information campaigns to deter irregular migration on the other hand, had made much less of an

impact.¹¹¹ However, Hugo Brady considered that Readmission Agreements needed to be assessed to see whether they “are worth investing so much time and energy in”. In particular, he thought the Commission should evaluate whether the EU agreements were more effective than bilateral ones. One supposed added-value of Readmission Agreements is that they allow for the return not only of the third country’s nationals, but also any national that had travelled through the country’s territory to get to the EU. However, he stated that this was a rarely used aspect of Readmission Agreements, whether for political or technical reasons.¹¹² Charles Clarke considered that, in theory, Readmission Agreements were a good idea and thought that returns and readmissions should be a much more significant part of EU foreign policy but judged the EU’s success in this area to be “extremely patchy”.¹¹³

86. In 2011, the Commission published a Communication on the evaluation of EU Readmission Agreements. It aimed to evaluate the implementation of the Readmission Agreements already in force, assess the ongoing readmission negotiations and provide recommendations for a future EU readmission policy, including on monitoring mechanisms.¹¹⁴ However, this evaluation relied upon sometimes unreliable data provided by some Member States and Eurostat data, which was also considered to be deficient in some respects. It referred to the role of Joint Readmission Committees (JRCs), which include representatives of each party and usually meet once a year, and are responsible for monitoring the implementation of the Readmission Agreements. It also stated that JRCs should improve their performance in this area by drawing more on information about the situation “on the ground” from NGOs and other international organisations, as well as Member States’ embassies and EU delegations.
87. The Minister for Immigration confirmed that the Government would only seek to opt-in to those Readmission Agreements that they considered would provide some benefit or value for the United Kingdom. If existing bilateral agreements were deemed to be adequate or there were considered to be no issues between the United Kingdom and the third country in question then they were unlikely to opt-in.¹¹⁵
88. **We have consistently advocated the United Kingdom’s participation in all EU Readmission Agreements. We believe that they can be important tools in facilitating returns to third countries particularly if bilateral relations were to weaken between the United Kingdom and particular third countries. We were disappointed that the Government chose not to participate in the negotiating mandates with Belarus and Armenia and would like to see the United Kingdom opt-in at a later stage. We support the Government’s decision to opt-in to the agreement with Turkey.**
89. **We believe that the existing Readmission Agreements would benefit from a full evaluation and urge the Government to support such an approach by the Commission.**

¹¹¹ Q 224

¹¹² Q 180

¹¹³ Q 151

¹¹⁴ Commission Communication, *Evaluation of EU Readmission Agreements*, COM (2011) 76, 23.2.2011

¹¹⁵ Q 248

Human trafficking

90. The GAMM states that “initiatives to provide better protection for and empower victims of trafficking in human beings” should be a priority under the second pillar. It states that the EU “takes a holistic approach focusing on prevention, prosecution of criminals and protection of victims” and recommends that trafficking in human beings should be “systematically included in relevant EU agreements and strategic partnerships with non-EU countries and also in political dialogues on migration and mobility”.¹¹⁶
91. The Human Trafficking Directive was adopted by the EU in 2011 and the Government decided to opt-in after it was adopted, with our support.¹¹⁷ The Commission also published a strategy in June 2012 on the eradication of trafficking in human beings.¹¹⁸ The UNHCR also supported the EU’s work in this area.¹¹⁹
92. **We support the commitment to embed anti-trafficking measures in wider external migration relations as well as the recognition of the need for a more coordinated and strategic approach. We look forward to seeing evidence of these commitments being put into practice in the 2014 evaluation report of the Anti-trafficking Strategy.**
93. The Minister for Immigration told us about joint working between ministers in the Home Office and Foreign and Commonwealth Office on anti-trafficking initiatives as an example of inter-departmental cooperation.¹²⁰ The Government also stated that the GAMM’s main thematic recommendations on the fight against human trafficking were in line with their own approach to this issue.¹²¹
94. **We restate our support for the United Kingdom’s participation in the Human Trafficking Directive and welcome the Government’s joined-up approach to this area.**

¹¹⁶ GAMM, pp. 16–17

¹¹⁷ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, OJ L101 (15 April 2011) p 1

¹¹⁸ Commission Communication, *EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*, COM (2012) 286, 19.6.2012

¹¹⁹ UNHCR

¹²⁰ Q 261

¹²¹ UK Government

CHAPTER 5: INTERNATIONAL PROTECTION AND ASYLUM POLICY

95. The third pillar of the GAMM concerns the promotion of international protection for refugees and enhancing the external dimension of asylum policy. It states that the EU and its Member States should be “among the frontrunners in promoting global responsibility-sharing based on the Geneva Refugee Convention and in close cooperation with the UNHCR, other relevant agencies and non-EU countries”.¹²²
96. The UNHCR and the Government welcomed the addition of the third pillar in the reconstituted GAMM,¹²³ as did Ralph Genetzke, the Director of the International Centre for Migration Policy Development (ICMPD).¹²⁴ Charles Clarke considered this to be the second most important GAMM pillar and Stefano Manservigi also emphasised its role in the new GAMM.¹²⁵

European Asylum Support Office

97. The European Asylum Support Office (EASO), which began operating in 2011, told us that it cooperates with Frontex and international organisations including the IOM and UNHCR in supporting and developing the external dimension of the EU’s migration and asylum policy, but that it required more resources in order to fulfil its potential.¹²⁶ Kyriacos Triantaphyllides MEP (a member of the European Parliament’s LIBE Committee) was enthusiastic about the impact it had already made in Greece, stating that within a year of the EASO sending officials there, the LIBE Committee had noticed a big improvement in that Member State’s detention/holding centres. However, Claude Moraes MEP suggested that the relatively small size of the EASO might limit its potential in this regard.¹²⁷ The UNHCR also saw potential in the EASO to support Member States by providing training to national migration officers and by collating existing country-of-origin information.¹²⁸
98. **We welcome the establishment of the European Asylum Support Office and look forward to monitoring its progress.**

EU asylum policy

99. Beyond the role of the EASO, however, there was a degree of scepticism about how much progress the GAMM could make in this area. Claude Moraes MEP and Open Europe remarked that the GAMM’s role in asylum policy (and other areas) was limited because the EU’s involvement created

¹²² GAMM, p. 6

¹²³ UNHCR, UK Government

¹²⁴ Q 347. The ICMPD is an NGO which was established during the Balkan wars in 1993. All of its member states are European but not all are members of the EU. It concentrates on capacity building, facilitating dialogue between the EU and third countries and research. It is based in Vienna and its biggest donor is the Commission, with its members providing the remaining funding.

¹²⁵ Q 145, Q 315

¹²⁶ The EASO’s role is to coordinate exchanges of information relating to the external dimension of the CEAS; to coordinate actions regarding resettlement; and to cooperate with third countries on technical matters, including capacity building. It is based in Malta and began its operations in 2011.

¹²⁷ Q 334

¹²⁸ Q 397

political difficulties for politicians in Member States. Claude Moraes MEP stated that asylum policy had “such intimate links with the social bargain—the bargain between a government and its electorate on immigration policy. So if you try to outsource it prematurely to the European Union, I think we may experience a backlash”.¹²⁹

Burden sharing and solidarity

100. Many of our witnesses emphasised the importance of burden sharing. Christopher Chope thought that there was a very strong case for more EU cooperation in relation to asylum-seekers and refugees.¹³⁰ Charles Clarke considered that burden sharing should see the wealthier Member States in the north providing more resources to those in the south to help them manage the pressures on their borders.¹³¹ Stefano Manservigi argued that increased support for Greece, Italy and Spain was necessary because their border authorities were providing a public service to the rest of the EU.¹³²
101. Helen Hibberd, from the Hackney Migrants Centre, referred to the inequities of the Dublin II Regulation, under which Italy and Greece were forced to accept the majority of asylum seekers because they were located on the border of the EU.¹³³ However, Charles Clarke and Christopher Chope did not agree with suggestions that the Dublin system should be reformed to reallocate asylum applicants across the EU.¹³⁴
102. Rebecca Crerar and Helen Hibbert both argued that strong minimum reception conditions were needed for asylum seekers as otherwise they would continue to try to move to the same few countries where they knew they were likely to get better treatment.¹³⁵ Timothy Kirkhope MEP (also a member of the European Parliament’s LIBE Committee) felt that minimum reception conditions for asylum seekers were all that the GAMM could hope to achieve, while Charles Clarke and the UNHCR both emphasised the importance of fair and efficient asylum procedures.¹³⁶
103. In March 2012 the JHA Council adopted Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows.¹³⁷

Regional Protection Programmes

104. The UNCHR told us they saw “particular opportunities” in the use of Regional Protection Programmes (RPPs) under the GAMM and noted that they had already assisted several countries neighbouring the EU or in regions of origin to build asylum capacity, as well as supporting the UNHCR’s own resettlement operations. Sir Andrew Green and the Government also

¹²⁹ Q 103

¹³⁰ Q 208.

¹³¹ Q 158

¹³² Q 320

¹³³ Q 88

¹³⁴ Q 158, Q 207

¹³⁵ Q 68

¹³⁶ QQ 161–162, UNHCR

¹³⁷ Council Document No 7485/12

acknowledged the potential of RPPs.¹³⁸ Further information about RPPs is provided in Box 4.

BOX 4

Regional Protection Programmes (RPPs)

Regional Protection Programmes (RPPs) are designed to enhance the capacity of non-EU countries in regions where many refugees originate or pass through in transit. They aim to improve refugee protection, through EU financed practical actions, which can include improving general protection in the host country, establishing fair and efficient asylum procedures, building capacity and training on protection issues for those working with refugees, providing support to regions hosting large refugee populations and sharing responsibility through resettlement. RPPs are developed by the Commission in close collaboration with Member States, the UNHCR, and in partnership with the countries of origin, transit and first asylum, which receive a far greater percentage of the world's refugees than the EU does.

The first two RPPs targeted Eastern Europe—particularly Belarus, Moldova and the Ukraine—as a region of transit and the African Great Lakes Region—particularly Tanzania—as a region of origin. In 2010, the Commission decided to prolong these two RPPs and to apply the concept to two new regions: the Horn of Africa, including Kenya, Yemen and Djibouti, and Eastern North Africa, including Egypt, Libya and Tunisia.

105. In October 2012 the JHA Council unanimously endorsed the Commission's intention to establish an RPP for Syria and its neighbours in order to alleviate the humanitarian and refugee crisis in the region. According to the UNHCR more than 350,000 refugees have already left Syria, mostly crossing into neighbouring countries such as Jordan, Lebanon, Iraq and Turkey. Over 16,000 have entered the EU.¹³⁹
106. **We acknowledge the potential of Regional Protection Programmes to facilitate the GAMM's work in building capacity in countries of origin and transit. We particularly welcome the recent establishment of a Regional Protection Programme for Syria. We encourage the Government to play a proactive role in their operation and development.**

Joint EU Resettlement Programme

107. In March 2012 the JHA Council agreed to set common EU resettlement priorities for 2013, through the adoption of a Joint EU Resettlement Programme, as well as new rules regarding the financial support that Member States receive from the European Refugee Fund (ERF) for the resettlement of refugees from third countries.¹⁴⁰ More information about this programme is set out in Box 5.

¹³⁸ Q 208, UK Government

¹³⁹ 3195th Justice and Home Affairs Council meeting, 25–26 October 2012

¹⁴⁰ Council Document No 6838/12. The ERF will be absorbed by the Asylum and Migration Fund in due course. Under the revised ERF, Member States will be entitled to receive a lump sum of €4000 for each person resettled according to agreed priorities.

BOX 5**Joint EU Resettlement Programme**

The Joint EU Resettlement Programme is a voluntary and flexible scheme, which aims to ensure that resettlement activity in the EU can be increased by improving Member States' understanding and experience of resettlement and their capacity to resettle refugees from third countries. Under the scheme the UNHCR is responsible for an annual priority-setting exercise for the resettlement of refugees of particular nationalities or from certain regions that are judged as especially vulnerable depending upon the global circumstances of the time. These priorities are finalised after consulting other expert NGOs, Member States and the European Parliament. The EASO will have a role in promoting resettlement in the context of the Asylum and Migration Fund during the period 2014 to 2020.

According to the UNHCR, twelve EU Member States currently run resettlement programmes, together contributing to less than 8 per cent of the annual resettlement places on offer around the world. Up to 80,000 refugees are resettled every year. Most go to the United States, Canada and Australia, while Europe takes in some 5,000 refugees.¹⁴¹

108. The UNHCR welcomed the funding made available to undertake resettlement referrals but noted the need for an increase in the number of resettlement places offered by Member States, as they had been reticent about offering “significant” places for refugees from RPP countries.¹⁴²
109. The Government already operates a unilateral resettlement programme called the Gateway Protection Programme, which allows up to 750 refugees to settle in the United Kingdom each year. It is operated by the UKBA in partnership with the UNHCR. The system operates separately from the standard domestic asylum application process and currently receives 50 per cent of its funding from the ERF. In their written evidence the Government affirmed their support for resettlement in principle, including the Gateway Protection Programme and the proposed Asylum and Migration Fund, which included resettlement as an objective, and which they had decided to opt in. However, they disagreed with the GAMM's call for a “more strategic use” of resettlement if this meant giving the EU competence to set priorities and instead believed that resettlement should remain purely voluntary, with Member States retaining responsibility for deciding the total number of people they wished to resettle and from which particular countries.¹⁴³
110. **We recommend that the EU should aim to accept more resettlement refugees under the Regional Protection Programmes as part of their ongoing dialogue and cooperation with the UNHCR.**
111. **We commend the Government's ongoing commitment to resettlement through its Gateway Protection Programme and endorse its support for the establishment of the joint EU resettlement programme.**

¹⁴¹ UNHCR

¹⁴² UNHCR

¹⁴³ UK Government

CHAPTER 6: MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

The role of development in the GAMM

112. The fourth pillar of the GAMM concerns maximising the development impact of migration and mobility. It states that the EU and the international community have made great strides in this area, but in order to be fully effective, the external and internal dimensions of relevant EU policy areas, including foreign policy and development cooperation, need to be more closely aligned.¹⁴⁴

A more integrated approach?

113. Tobias Billström considered that the EU should carry out more work in facilitating the connection between migration and development at the EU and international levels, as well as in relation to other key policy areas, including trade, development aid, foreign and security policy and human rights.¹⁴⁵ Charles Clarke made a similar point¹⁴⁶ and Peter Sutherland told us the implications of migration for development and foreign policy is “an issue that goes far beyond the boundaries of state security”.¹⁴⁷
114. We heard criticism that the GAMM did not sufficiently consider development issues because it was primarily driven by a “home affairs agenda”. Professor Boswell and Hugo Brady called for more joined up working between different parts of the Commission, including the Directorates-General for Development (DG DEVCO), Employment and Social Affairs (DG EMPL), Home Affairs (DG HOME) and the EEAS, in implementing the GAMM and identifying future priorities.¹⁴⁸ Bernd Hemingway from the IOM remarked that the EEAS did not have a dedicated section dealing with migration matters.¹⁴⁹
115. Stefano Manservigi disagreed that the GAMM was primarily directed by home affairs concerns and stressed that the Commission was keen to end “fragmentation”. He stated that it regularly consulted and worked with other Commission DGs and the EEAS when formulating GAMM policies “in order to run it as a collective operation”. It had a strategic and financial framework agreement with the International Organisation for Migration (IOM) to help implement its work on returns and also consulted the OECD’s Development Assistance Committee (OECD-DAC) when developing migration policy to ensure that it took account of climate change and development factors.¹⁵⁰ It also funded the ICMPD to facilitate dialogue with non-EU countries on GAMM-related issues to ensure that their perspectives were reflected in GAMM policy. Bernd Hemingway confirmed that the IOM had been working with the Commission on the GAMM from

¹⁴⁴ GAMM, pp. 18–20

¹⁴⁵ Q 39 and Q 45

¹⁴⁶ Q 147

¹⁴⁷ Q 9

¹⁴⁸ Q 219, Q 180

¹⁴⁹ Q 372

¹⁵⁰ Q 302, Q 317, QQ 322–323

the outset, which included being consulted extensively on both the Communication and its implementation.¹⁵¹ He also noted that as the majority of the IOM's members were developing countries, the development aspects of migration were very much to the forefront of its discussions.¹⁵²

116. The Minister for Immigration took a contrary view, arguing that while development cut across many different areas, he was not in favour of closer integration between the different Commission DGs regarding development issues, including any attempt by the EEAS to go “beyond its brief”. Open Europe did not think that linking migration to the EU's foreign policy aims was a priority.¹⁵³
117. **Migration policy cannot and should not be the sole concern of interior ministries. We support the approach advocated by a number of our witnesses for a more integrated approach to be adopted, which should involve other ministries such as Business, Innovation and Skills, Development and Foreign Affairs.**
118. **We also consider that the Commission should adopt a similar approach when seeking to achieve the objectives of the Global Approach by engaging all the relevant parts of the Commission, including the Directorate-Generals for Home Affairs, Development and Employment and Social Affairs, and the European External Action Service.**

Trade

119. Christopher Chope characterised the role of trade in helping to limit immigration from North Africa to the EU as “buying Tunisian tomatoes” and stressed that if the EU wanted to address these issues, it needed to reduce trade barriers with these countries.¹⁵⁴ Open Europe stated that boosting trade should be one of the EU's main objectives because of the Commission's real competence in this area, which could be negotiated at the same time as improved border controls.¹⁵⁵ The Minister for Immigration also considered trade to be an important factor in this process but did not want to alter the current balance between the United Kingdom's bilateral development and aid programmes with third countries and the EU's work in this area.¹⁵⁶
120. **We consider that the EU's development aims in the migration context could be assisted by taking steps to reduce trade barriers with non-EU countries.**

Brain drain, remittances and diaspora

121. The GAMM identifies brain drain,¹⁵⁷ over-qualification or “brain waste” and the dependence on foreign labour markets as the downsides of migration,

¹⁵¹ Q 364

¹⁵² Q 304

¹⁵³ Q 106

¹⁵⁴ Q 211

¹⁵⁵ QQ 112–113

¹⁵⁶ Q 252

¹⁵⁷ The large-scale emigration of a group of individuals with technical skills or knowledge

and argues that they need to be tackled jointly in partnerships between the EU and non-EU countries. On the flip side, it also talks about the potential of migrants to contribute to the development of their country of origin through the transfer of remittances, know-how and innovations. It calls for the migrant-centred approach to be articulated and implemented through an enhanced dialogue with the diaspora, migrant groups and relevant organisations, including human rights considerations.¹⁵⁸

Brain drain

122. The Migrants' Rights Network considered the issue of brain drain to be a largely outmoded concept, now that educational attainment had increased significantly in Africa, Asia and South America. It argued that migrants benefit both their own country, and the country receiving them".¹⁵⁹ Professor Skeldon referred to the concerns that were raised about brain drain from Taiwan and South Korea in the 1960s, and noted that the negative predications did not come to pass. Professor Boswell considered that the conflict between demand for highly skilled ICT and health sector labour and concerns about brain drain made it difficult for the Commission to speak with one voice about this matter.¹⁶⁰
123. We heard that the change in the global economic balance of power was also re-orientating the brain drain debate. Bernd Hemingway from the IOM cited recent EU negotiations in India, where the EU's question of "What can the European Union do for you?" was met with the following reply by the Indian Minister: "The question is wrong. Your question should be, 'What can you Indians do for us Europeans?' With this in mind, the IOM argued that the EU needed to improve its offer to non-EU countries as a result, because there are elements of labour migration that it should welcome.¹⁶¹ Stefano Manservigi strongly echoed this point, stating that the Commission was acutely aware of the increasing appeal of universities in countries such as Brazil and China; and that the EU was now experiencing much tougher global competition in attracting talent.¹⁶² We explore the increasingly competitive and global market for higher education in more detail in Chapter 8.

Remittances

124. Bernd Hemingway pointed to the Philippines as a good example of the benefits that outward migration can bring to the country in terms of remittances. He noted that the Philippines had made a concerted effort to connect the legal path of labour migration to national development.¹⁶³ Peter Sutherland told us that, globally, more than \$350 billion in remittances was sent back every year from migrants to their countries of origin.¹⁶⁴ While this is a significant amount of money, Professor Skeldon considered that the benefits of remittances had "been rather overdone" and that evidence of a

¹⁵⁸ GAMM, p. 6

¹⁵⁹ Migrants' Rights Network

¹⁶⁰ Q 221

¹⁶¹ Q378

¹⁶² Q 316, Q 321

¹⁶³ Q 378

¹⁶⁴ Q 9

negative migration impact on countries of origin was also difficult to find.¹⁶⁵ The Government welcomed the attempts to improve the access to remittances developing opportunities for diaspora groups, referring to their own efforts to make remittances cheaper and to increase access to finance.¹⁶⁶

Diasporas

125. Peter Sutherland told us that the Global Forum for Migration and Development (GFMD) was now turning its attention to the issue of engaging diasporas in the development of national economies.¹⁶⁷ Professor Skeldon highlighted the potential challenges of working with diaspora groups, with support for certain parts of a diaspora running the risk of becoming politicised.¹⁶⁸ At the EU level, the ICPDM referred to its ongoing work on an EU-funded project with organisations in the Netherlands, Switzerland, France, and with AFFORD¹⁶⁹ in the United Kingdom, to establish a European-wide African Diaspora Platform for Development.¹⁷⁰
126. **We believe there is a general EU interest in pursuing proactive policies regarding brain drain, remittances and diasporas. However, in order for the EU to make a positive contribution to facilitating remittances, mitigating the effects of brain drain on countries of origin and assisting diasporas to transfer skills to their countries of origin, its work in this area needs to supplement dialogue with concrete actions. This could include support for making remittances more affordable, schemes to increase access to finance in remote locations and providing funding for the development of vocational skills.**

¹⁶⁵ QQ 226–228

¹⁶⁶ UK Government

¹⁶⁷ Q 5

¹⁶⁸ QQ 226–228

¹⁶⁹ An organisation in Britain, bringing together Africans from different countries and backgrounds to involve Africans abroad more directly in Africa's development.

¹⁷⁰ QQ 361. For more information about the European-wide African Diaspora Platform for Development see: <http://www.icmpd.org/European-wide-African-Diaspora-Platform-Africa-Europe-Platform.1858.0.html>

CHAPTER 7: THE FUTURE OF THE GLOBAL APPROACH TO MIGRATION AND MOBILITY

A useful framework

127. Most of our witnesses were positive about the adoption of a global approach by the EU in principle. Professor Keith stressed that “the necessity of having a framework for co-ordination is almost self-evident”¹⁷¹ while Peter Sutherland believed that it was fundamentally important for states to cooperate on migration policy rather than developing their own policies in isolation as “no state is or can be an island”. In the EU context, he believed that the Commission could act as a catalyst for a more constructive approach.¹⁷²
128. Ralph Genetzke from the ICMPD stated that the GAMM provided a coherent framework.¹⁷³ Peter Sutherland regarded it as “the most outward-looking and co-operation-oriented approach to migration that exists in the world today” and while it did not address every migration challenge and opportunity its basic premise was fundamentally correct.¹⁷⁴ Charles Clarke also considered the GAMM to be useful but considered that it did “not sufficiently prioritise and strategise”.¹⁷⁵ Hugo Brady praised the GAMM as a concept but considered that it suffered from a “poverty of ambition”,¹⁷⁶ stating that it had achieved few concrete results and was a “journey rather than a destination”.¹⁷⁷
129. Other witnesses were less positive about the GAMM. While Sir Andrew Green considered it useful for the GAMM to provide a “broad framework” he criticised its assumption “that migration is a good thing, more or less without any hesitation” and that it barely mentioned the potential downsides of migration.¹⁷⁸ Christopher Chope told us he found the document “impenetrable” and that it was “filled with jargon and wishful thinking, and seems to be a million miles away from what is actually happening on the ground”.¹⁷⁹ Open Europe referred to it as a “confused” document and remarked that the EU’s support for third country law enforcement agencies and stronger borders sometimes undermined its commitment to other principles, such as human rights.¹⁸⁰
130. The Minister for Immigration told us that the GAMM was a helpful “framework” for looking at a number of issues and considered its focus on practical cooperation with other Member States and third countries to be its most useful element. He also stressed the continuing role of bilateral accords between the United Kingdom and third countries and did not believe that

¹⁷¹ Q 179

¹⁷² Q 14

¹⁷³ Q 346

¹⁷⁴ Q 6

¹⁷⁵ Q 149

¹⁷⁶ Q 175

¹⁷⁷ Q 176

¹⁷⁸ Q 207

¹⁷⁹ Q 207. As did the Minister for Immigration—see Q 235.

¹⁸⁰ Q 107

the EU should assume a more significant role in formulating migration policy on behalf of the Member States.¹⁸¹ The Government considered that the GAMM needed to adopt a more strategic approach, including a more systematic, evidence based approach to geographical priorities, particularly countries that presented the greatest risk such as Turkey.¹⁸²

Mixed competences and effective implementation

131. Professor Geddes thought that it was difficult for the EU to speak with one voice on migration because it was an area of mixed competences between the EU and the Member States.¹⁸³ In this respect, he considered that the GAMM had been most successful in areas which accorded more with the interests of the Member States.¹⁸⁴ Professor Keith stated that any overarching EU framework and policy design had to recognise the major differences between the welfare systems, labour markets and economic cycles of each Member State and seek to accommodate them in any future approach. He also emphasised the importance of subsidiarity in EU migration frameworks in order to take account of these differences.¹⁸⁵ However, Christopher Chope expressed doubts about the feasibility of developing a global approach when each Member State had its own migration policies.¹⁸⁶ Hugo Brady remarked that as it was not possible to achieve a single approach across all 27 Member States, the focus should instead be on cooperation on a regional basis.¹⁸⁷ Professor Skeldon supported this and stated that, as migration moved through particular corridors, adopting regional approaches would make more sense than an EU-wide one.¹⁸⁸
132. A recurring theme in the evidence we received was the need for the EU to offer non-EU countries more incentives in return for better controlling migration from their countries to the EU. Stefano Manservigi admitted that the EU needed to present a more balanced package of opportunity, telling us “we have learnt the lesson that in order to have a meaningful dialogue, we cannot just discuss things in general terms. We need also to put on the table a certain number of concrete actions, which could be projects to finance”.¹⁸⁹ However, Open Europe commented that it was difficult for the Commission to implement the GAMM in a tangible manner because the relevant tools, including how many migrants were allowed in, was still a Member State competence; a situation which was unlikely to change. Therefore it was an “exercise that is almost doomed to fail”. In the meantime, to become more effective the GAMM needed more deals, or “carrots”, to put on the table, as well as prioritising a couple of key objectives and encouraging cooperation on a voluntary basis.¹⁹⁰ Professor Boswell was of a similar view, telling us that the “EU has only limited leverage to provide some of the incentives that it is

¹⁸¹ Q 235

¹⁸² UK Government

¹⁸³ Q 221

¹⁸⁴ Q 222

¹⁸⁵ Q 179, Q 183, Q 201

¹⁸⁶ Q 207

¹⁸⁷ Q 192

¹⁸⁸ Q 222

¹⁸⁹ Q 303

¹⁹⁰ QQ 102–105, Q 115, Q 118

talking about, such as increased mobility or access to labour markets”.¹⁹¹ Tobias Billström’s view was that the EU’s real role was to agree and enforce Directives and Regulations rather than acting as a “referee” between the Member States. In this vein, the Minister for Immigration saw EU activity in this area as an “adjunct” to national activities which should neither undermine nor eclipse this balance of competences over time.¹⁹²

133. **We agree that the GAMM is a useful framework for the EU to approach the external dimension of migration. We also welcome the extension of its scope to cover mobility.**
134. **However, we believe that the current approach in the GAMM is too diffuse and that in reforming it the EU should adopt a more focused approach, concentrating on the EU’s geographical and strategic priorities, as well as focusing on a smaller number of key objectives and instruments, which have a sound evidence base.**
135. **We believe that Turkey should become one of the GAMM’s main geographical priorities, in tackling irregular migration, alongside more general engagement in tackling terrorism, transnational organised crime and promoting judicial cooperation in civil and criminal matters.**
136. **The EU does have a significant role to play in migration policy, but if the GAMM is to be effective it must accommodate rather than disregard Member States’ different approaches in this area. We believe that facilitating voluntary cooperation between Member States with an interest in particular projects will yield the most results.**

Funding, evaluation and monitoring

137. The GAMM states its successful implementation will depend upon adequate funding. A monitoring and evaluation report will be adopted every second year, starting in June 2013, based on information provided by Member States, EU Delegations, EU agencies and partner countries. The report will assess progress made on the four pillars of the GAMM, including progress with the various dialogues, Mobility Partnerships and CAMMs.¹⁹³
138. Charles Clarke considered that the EU currently spent too little on migration and mobility and that they should raise the overall level of resources allocated to this area, as should every Member State.¹⁹⁴ Professor Geddes remarked on the lack of evaluation in the GAMM.¹⁹⁵ Hugo Brady also considered that the various EU funding instruments should be evaluated.¹⁹⁶
139. **We consider that despite its stated intention the current iteration of the GAMM has not evaluated effectively the EU’s progress to date in achieving its objectives. Therefore, we believe that a full and detailed evaluation of the GAMM’s different pillars and the funding**

¹⁹¹ Q 219

¹⁹² Q 236

¹⁹³ GAMM, pp. 20–21

¹⁹⁴ Q 155

¹⁹⁵ Q 222

¹⁹⁶ Q 195

instruments that support their objectives should form a core part of the forthcoming report in 2013, in order to ensure the GAMM's future relevance and efficacy.

Mobility Partnerships

140. The GAMM confirms that dialogues on migration, mobility and security have been launched with Tunisia and Morocco, with similar initiatives planned for Egypt and Libya. It is hoped that more formal Mobility Partnerships will be established with these countries in due course. It also states that Mobility Partnerships should be upgraded and promoted as the principle framework for cooperation on migration and mobility between the EU and third countries.¹⁹⁷ Further information about Mobility Partnerships is contained in Box 6.

BOX 6

Mobility Partnerships

The aim of Mobility Partnerships between the EU and third countries is to facilitate better management of migration flows. These voluntary partnerships will be tailored to the requirements of the third country concerned, depending on its relations with the EU and the level of its commitment towards tackling irregular migration that it is prepared to take on. The commitments that third countries could expect to take on include:

- Initiatives to discourage irregular migration through targeted information campaigns;
- Efforts to improve border control including through operational cooperation with Member States and/or Frontex;
- Efforts to improve the security of travel documents against fraud or forgery;
- Commitments to promote employment and decent work; and
- Agreeing to readmit their own and third country nationals through the conclusion of Readmission Agreements and facilitate the reintegration of returnees.

In return, third countries can expect to benefit from some of the following forms of assistance:

- Financial and technical assistance in developing their capacity to manage legal migration flows;
- Assistance in combating irregular migration;
- Conclusion of visa facilitation agreements (now usually negotiated simultaneously with Readmission Agreements);

¹⁹⁷ GAMM, pp. 14–15

- Improved opportunities for legal migration, including consolidated offers by several Member States to facilitate access to their labour markets;
- Measures to reduce brain drain and to encourage circular or return migration;
- Promoting legal migration and strengthening the positive contribution of migration to development; and
- Assistance to facilitate the return and reintegration of migrants.

An alternative framework, a step below a Mobility Partnership, is the Common Agenda on Migration and Mobility (CAMM), which could be upgraded to a Mobility Partnership at a later stage. Both are established by a joint political declaration between the EU and interested Member States and the third country concerned. Both are also based on mutual commitments that are non-binding.

Within this framework, dedicated Migration and Mobility Resource Centres can be established in the partner countries to facilitate pre-departure measures focusing on skills matching, skills upgrading and proficiency in EU languages.

The first Mobility Partnership was established with Moldova in 2008. Since then another three Mobility Partnerships have been established with Cape Verde (2008), Georgia (2009) and Armenia (2011).

141. Confronted by the Arab Awakening, Stefano Manservigi told us that the Commission suggested to the European Council that “instead of having a migration policy inspired by the closing of doors, it would be better to have a migration and foreign policy inspired by the opening of doors—with conditions”.¹⁹⁸ As a result, the European Council agreed in June 2011 to pursue Mobility Partnerships with the countries of the Arab Awakening. The Commission identified Morocco, Tunisia, Egypt and, where possible, Libya. He remarked that so far the dialogue with Egypt had been extremely timid and the necessary conditions had not yet been reached in Libya due to continuing instability there. Subsequent Conclusions adopted by the European Council also added Jordan to the list of target countries in the region and exploratory talks began last December. Tentatively the Commission had also started discussing the possibility of establishing a Mobility Partnership or CAMM with countries such as Nigeria and Ghana, as well as Bangladesh and the Philippines, both of which had large communities living in the EU.¹⁹⁹ Discussions with India on establishing a CAMM were at a more advanced stage and included discussions about Indian migration policy and India’s contribution of specialists in IT, and other sectors, to the international labour market.²⁰⁰
142. Charles Clarke considered that Mobility Partnerships could be valuable but required a lot of effort and bureaucracy for not much in the way of results and the numbers of people involved. He suggested that more substantive

¹⁹⁸ See Commission Communication, *A dialogue for migration, mobility and security with the Southern Mediterranean countries*, COM (2011) 292, 24.5.2011

¹⁹⁹ Q 308

²⁰⁰ Q 302

arrangements should be put in place in order that they can work properly.²⁰¹ Hugo Brady considered Mobility Partnerships to be one of the more concrete GAMM initiatives, and suggested that Turkey, as a candidate country, should be a priority in this regard, as should Pakistan, rather than small countries like Moldova. However, he stated that expectations about what could be achieved with less advanced countries should be tempered and it was also important to realise that not all third countries were desperate to conclude agreements with the EU about migration.²⁰² Claude Moraes MEP and Baroness Ludford MEP were less convinced about the merits of Mobility Partnerships.²⁰³

143. The Minister for Immigration was positive about Mobility Partnerships because of their non-binding nature.²⁰⁴ The Government's written evidence mentioned that it had been involved in drafting the text for the Mobility Partnership with Tunisia and was closely involved with the negotiations on the proposed CAMM with Ghana.²⁰⁵
144. **We note that none of the existing Mobility Partnerships are with major sending countries. We recommend that Turkey (as a candidate country) and Pakistan, as major corridors for irregular migration into the EU, should be priorities for future Mobility Partnerships.**
145. **However, it is important to be realistic about what can be achieved between the EU and third countries regarding migration and mobility. To this end we support the development of looser, more informal, forms of cooperation with other important third countries before moving on to more formal agreements such as Mobility Partnerships.**
146. Hugo Brady remarked that the existing Mobility Partnerships had not yet been evaluated.²⁰⁶ However, Stefano Manservigi told us that the Commission was in the process of finalising an evaluation of the Moldova Mobility Partnership,²⁰⁷ and we were grateful that this was subsequently made available to us. We considered it in great detail.²⁰⁸
147. The evaluation report's assertion that the Mobility Partnership has been "a clear success" does not, in our view, appear to be supported by the reports own analysis of various shortcomings. It notes that "Little can be inferred ... about how much the Mobility Partnership benefits the target beneficiaries", such as migrants, diaspora organisations and refugee groups, because there was almost no consultative structure in place to gauge their views. It further notes that there was a lack of migration information available about crucial themes in the Mobility Partnership. The report makes it clear that quantitative evaluations should have been conducted from the very beginning of the Mobility Partnership.

²⁰¹ Q 150

²⁰² Q 180

²⁰³ QQ 334–335

²⁰⁴ QQ 254–257

²⁰⁵ UK Government

²⁰⁶ Q 176

²⁰⁷ QQ 305–306

²⁰⁸ European Commission, *The European Union–Republic of Moldova Mobility Partnership 2008–2011: Evaluation Report*, November 2012

148. **We urge the Government to press the Commission to accept the need for a thorough evaluation of the existing Mobility Partnerships. We welcome the recent evaluation of the Moldovan Mobility Partnership as a positive step in this regard but consider that considerable progress is still required in this area. Due to their bespoke nature there cannot be a “one-size-fits-all” approach to Mobility Partnerships and separate evaluations of each are therefore required.**
149. **Looking ahead we also believe that any future Mobility Partnerships should contain clear provision for integrated monitoring or evaluation mechanisms to assess quantitative benchmarks, including the views of the target beneficiaries. These mechanisms should play a prominent role from the very beginning of the process.**

The Global Forum on Migration and Development

150. The GAMM also wants to allow the EU to speak with one voice on migration and mobility matters at global level, in particular in the GFMD, while starting to build broad alliances towards the UN High-Level Dialogue in 2013 and beyond.²⁰⁹ Further information about the GFMD is provided in Box 7.

BOX 7

Global Forum on Migration and Development (GFMD)

The United Nations Member States established the Global Forum on Migration and Development (GFMD) in 2007 to address interconnections between migration and development in practical and action-oriented ways. It is an informal, non-binding, voluntary and government-led process, which acknowledges the limits of a strictly national approach to migration questions and implications at a global level in an intergovernmental framework. Representatives of civil society have been involved in the work of the GFMD from the outset.

The objectives of the GFMD are:

- To provide a venue for policy-makers and high-level policy practitioners to informally discuss relevant policies and practical challenges and opportunities of the migration-development nexus, and engage with other stakeholders, including non-governmental organisations, experts and migrant organisations to foster practical and action-oriented outcomes at national, bilateral and international level;
- To exchange good practices and experiences, which can be duplicated or adapted in other circumstances, in order to maximise the development benefits of migration and migration flows;

²⁰⁹ GAMM, p. 9. The General Assembly will hold a High-level Dialogue on International Migration and Development during its sixty-eighth session in 2013. This follows on from the first High-level Dialogue, which took place on 14 to 15 September 2006. Further information is available here: <http://www.un.org/esa/population/migration/hlmimd2013/highlevelmim2013.htm>

- To identify information, policy and institutional gaps necessary to foster synergies and greater policy coherence at national, regional and international levels between the migration and development policy areas;
- To establish partnerships and cooperation between countries, and between countries and other stakeholders, such as international organisations, diaspora, migrants, academia, among others, on migration and development;
- To structure the international priorities and agenda on migration and development.

160 countries now attend and conferences are held alternately in countries of destination and origin. The United Kingdom is a member of the Steering Committee, which progresses matters between the conferences, and helps to prepare and develop papers and proposals for the annual meetings, as part of a 'troika' with the GFMD and the general membership of the UN. While the GFMD brings together countries of origin, transit and destination, and often leads to the creation of bilateral connections and policies, it is not a decision-making body.

151. Peter Sutherland told us that the GFMD member states seemed satisfied with how the GFMD was working so far.²¹⁰ He added that the United Kingdom and other member states have supported the GFMD financially, on a voluntary basis. The Commission has also been helpful in this process—financially and in terms of ideas—probably seeing it as something that naturally fits in with its GAMM.²¹¹ However, a key element of the GFMD is that it is member state-led and directed and he told us that some member states did not support the Commission attending meetings as an observer. This is currently being debated.²¹² Tobias Billström seemed cautious about the idea of the Commission having greater involvement in the GFMD but seemed to support it having observer status.²¹³ The Minister for Immigration emphasised member states' preeminent role in the GFMD and was uncomfortable with the idea that the EU should attend and adopt a formal or common position on particular matters.²¹⁴
152. Stefano Manservigi told us that while it was the Commission's ambition for the EU to speak with one voice in such forums this was not yet a reality. He also acknowledged that there was resistance to the EU taking a single view or being represented in the GFMD and attributed this to its state-led nature of the organisation and the mixed competence regarding migration matters between Member States and the EU. He expected that the strong opposition from the member states to Commission representation at the GFMD would reduce over time as mutual trust increased.²¹⁵

²¹⁰ Q 1

²¹¹ Q 24

²¹² Q 1

²¹³ QQ 38–39

²¹⁴ QQ 238–242

²¹⁵ Q 312, Q 314

153. The most recent meeting of the GFMD took place in Mauritius on 21–22 November 2012 and we note that, apart from a keynote address by Peter Sutherland, another of our witnesses—Stefano Manservisi—also delivered a statement at the conference.²¹⁶
154. **We believe that the Commission should be welcomed to future meetings of the GFMD as an observer so long as it is clearly recognised within the EU that this will not indicate any transfer of responsibilities from the Member States.**

Other international organisations with a role in migration

155. According to the GAMM, the Commission is also conducting a number of joint initiatives with UN agencies, the IOM and the ICMPD to address a wide range of international migration issues.²¹⁷ Stefano Manservisi emphasised that the EU was aiming to become a stronger actor on the international stage. He indicated that good progress was being made on achieving a unified EU position ahead of the UN's High-level Dialogue in 2013, particularly between the Commission and EEAS, and that they were also liaising with Peter Sutherland and the IOM. He also referred to the Commission's strategic partnership with the IOM on returns, particularly the Pakistan Readmission Agreement, which was not considered to be working well despite the high number of irregular migrants from this country living in Europe.²¹⁸ Christopher Chope spoke positively about the role of the IOM and the UNHCR but was less enthusiastic about relations between the EU and the Council of Europe, stating that "It is not just an issue of cooperation; it is a question of whether the EU is willing to recognise the expertise, where it already exists, without seeking always to try to duplicate it".²¹⁹
156. Hugo Brady was less impressed by developments at the international level, telling us that at a "time when countries worldwide have an almost desperate need for a global infrastructure for migration to manage migratory flows, that desperate need is measured or equalled by the lack of serious political will to agree on concrete initiatives that could make something like that happen".²²⁰
157. We also considered international cooperation in our report on the EU Drugs Strategy and concluded that this "should involve and encourage direct cooperation between cities, local authorities and organisations across national boundaries".²²¹ We believe that the same approach would have merit regarding migration.
158. **Increased coordination and reduced duplication between the various international organisations involved in migration policy is necessary.**
159. **We also consider that co-operation and the sharing of expertise between cities and regions in different parts of the EU could be every bit as important as inter-governmental and international co-operation on migration.**

²¹⁶ For more information about the GFMD Mauritius meeting, including papers and statements, see: <http://www.gfmd.org/en/docs/mauritius-2012>

²¹⁷ GAMM, p. 10

²¹⁸ Q 302, QQ 315–318

²¹⁹ Q 209

²²⁰ Q175

²²¹ EU Committee, *The EU Drugs Strategy* (26th Report of Session 2010–12, HL Paper 270)

CHAPTER 8: THE UNITED KINGDOM'S INVOLVEMENT WITH EU ASYLUM AND IMMIGRATION POLICIES

The United Kingdom's partial participation in EU asylum and immigration policies

160. The GAMM was originally a United Kingdom initiative and the Government remains broadly supportive of it in principle. However, they appear to have grown increasingly sceptical since its 2005 inception, particularly as the GAMM has been extended to cover more areas. While they see the value in a shared approach to managing migration issues between the EU and its partner countries, they do not believe it is appropriate to centre the whole of the GAMM on the rights and empowerment of migrants, and are critical of the “migrant-centred” approach favoured by the Commission.²²²
161. We asked our witnesses if the Government's decision not to participate in the majority of the EU's asylum and immigration measures undermined their ability to contribute, in a constructive and effective manner, to the EU's external migration policy and the GAMM's objectives.
162. The Government did not think it did. They instead emphasised the importance of non-legislative initiatives and practical cooperation in areas such as irregular migration and capacity building.²²³ Tony Blair once referred to the opt-in as the “best of both worlds”. Open Europe seemed to agree, telling us they supported the Government's selective approach to opting in because it drew “a healthy degree of consensus and should remain in place”.²²⁴
163. Other witnesses argued that the position of the United Kingdom did reduce its influence. The Migrants' Rights Network stated that the Government's “singular interest” in maintaining their own standards of immigration control was not constructive and that it was difficult to see it as anything other than a very minor player in any discussion about immigration policy.²²⁵ Professor Geddes expressed similar views.²²⁶ Charles Clarke stated that, in his experience, British policy makers tended to approach migration policy in a vacuum, and that the “era when Britain could rely upon the white cliffs of Dover to repel all aliens is a long time passed”.²²⁷ He considered the obsession about migrant numbers to be the wrong approach and emphasised the importance of improving the “governance” of migration through clear and transparent rules, as well as better enforcement.²²⁸ He also considered that the United Kingdom should opt in to all of the JHA measures and become fully engaged in this area, which would make it stronger and more secure.²²⁹

²²² UK Government

²²³ UK Government

²²⁴ Q 121

²²⁵ Migrants' Rights Network

²²⁶ Q 232

²²⁷ Q 138

²²⁸ QQ 139–141

²²⁹ Q 169

164. Stefano Manservigi agreed that the United Kingdom's partial involvement in this area undermined its ability to influence policy discussions but also stressed that the voluntary nature of initiatives such as Mobility Partnerships still allowed Member States in the United Kingdom's position to become involved. Every time the United Kingdom is present, he remarked, the value added was quite important because of its huge experience and knowledge in these areas.²³⁰ Hugo Brady's view was more nuanced. While he acknowledged that the United Kingdom's "cherry-picking" at times infuriated its EU partners and reduces its influence at the table, he considered that it still "has the ability to wield great influence in this area, and it wields influence to a remarkable degree" partly due to its very clear ideas about what European cooperation should be achieving in this area.²³¹
165. **We consider that the United Kingdom's approach to migration policy cannot and should not be formulated and implemented in a vacuum. Migration is a global phenomenon so the United Kingdom's policy needs to take proper account of the European and international policy frameworks in order to achieve a more effective approach.**

EU immigration measures

166. Generally speaking past governments and the present administration have chosen not to opt-in to the majority of legal and irregular migration measures brought forward by the Commission.²³² Most recently the Government declined to opt-in to the proposed Intra-Corporate Transfer and Seasonal Workers Directives. While we urged the Government to opt-in to the former measure we agreed with its view that the latter proposal raised subsidiarity concerns.²³³
167. **We consider that migration has provided benefits for the EU and can continue to do so while Member States' primary competence in this area is respected. We continue to believe that the United Kingdom should seek to play a full role in the development and implementation of the EU's migration policy.**
168. **We see advantage in the United Kingdom's participation in individual EU migration measures brought forward by the Commission where these are broadly consistent with Government policy. While a policy of non-participation may leave the United Kingdom free to frame its own labour migration policy, we believe that this may also place the United Kingdom at a competitive disadvantage in terms of attracting highly-skilled migrants.**

EU asylum measures

169. While they participated in the first phase of proposals to establish a Common European Asylum System (CEAS), the Government have been less inclined to participate in the five proposals that constitute the second phase of the CEAS. Two of these proposals concern the revision of the existing

²³⁰ Q 326

²³¹ Q 205

²³² See Appendix 4 for a complete list

²³³ EU Committee, *Subsidiarity assessment: admission of third-country nationals as seasonal workers* (1st Report of Session 2010–12, HL Paper 35)

Qualification and Asylum Procedures Directives. We published a report recommending that the Government should opt-in to both, but they declined to do so.²³⁴ They also refused to opt-in to the proposed revision of the Reception Conditions Directive. However, the Government has been more enthusiastic about its continued participation in the Dublin system, which includes the Dublin II Regulation and the EURODAC Regulation and the remaining two proposals aim to revise these. We published another report concerning these three proposals, in which we considered the problems that would arise if the United Kingdom did not opt in to these instruments in their revised form.²³⁵ The Government's view was that if it did not opt-in to the proposal to repeal and replace the first phase measure then it would cease to apply in the United Kingdom once the proposal had been adopted. We took the contrary view on the basis that if the repeal was to be made by a provision of an instrument not applying in the United Kingdom, the first phase measure would continue to apply. The Commission emphatically agreed with our conclusion. We were therefore satisfied when the new Government reviewed their position on this matter and eventually concurred with our view of the legal situation.²³⁶

170. **We have also consistently advocated the United Kingdom's participation in the majority of individual EU asylum measures. We continue to believe that the United Kingdom should seek to play a full role in the development and implementation of the EU's asylum policy, including the completion of the Common European Asylum System.**
171. **We welcome the Government's admission that non-participation in proposed recast asylum measures does not release them from their obligations under the first phase of Common European Asylum System (CEAS) measures, in which they currently participate. This has been our view since the second phase CEAS proposals were brought forward by the Commission.**

The Schengen Area

172. In the Schengen Area, each participating state manages its external borders not only to control access to its own territory but also to control access to the Schengen Area as a whole. This makes it more important for Member States to take a European and approach to migration and mobility, although this is less relevant in the case of the United Kingdom, which does not participate in the Schengen Area. However, while it does currently participate in some Schengen-building measures, particularly those concerning policing and criminal justice, it is prevented from participating in the immigration measures due to its semi-detached status. This has also ultimately thwarted its attempts to participate in the measure that established Frontex and to access data in the Visa Information System (VIS).²³⁷

²³⁴ EU Committee, *Asylum directives: scrutiny of the opt-in decisions* (1st Report of Session 2009–10, HL Paper 6)

²³⁵ EU Committee, *The United Kingdom opt-in: problems with amendment and codification* (7th Report of Session 2008–09, HL Paper 55)

²³⁶ Letter from the Rt. Hon Theresa May MP, Home Secretary, to the Chairman of the EU Committee regarding the JHA Opt-in dated 8 February 2012, *Correspondence with Ministers*, 1 December 2011–16 March 2012

²³⁷ The Government challenged each decision before the European Court of Justice but lost in both instances.

173. The functioning of the Schengen Area has recently come under strain because of disagreements between the French and Italian governments over Tunisian migrants seeking to cross from Italy into France, which led the latter temporarily re-introducing internal border controls. As a result, a Commission proposal to amend the Schengen Borders Code to re-impose internal border controls in limited circumstances is currently being negotiated.²³⁸ Bulgaria and Romania have still not been admitted as full members of Schengen due to continuing concerns about organised crime in those Member States. With reference to these events, Hugo Brady stated that “if there is chaos inside the Schengen Area, this will have a direct knock-on effect on Britain’s own attempts to control its own borders and reform its immigration system”. He also cautioned that if the situation in Greece did not become more stable it would be difficult for it to remain a Schengen member, although there was no legal way for it to be expelled.²³⁹
174. We asked some of our witnesses if the United Kingdom should ever consider becoming a full member of the Schengen Area. The Migrants’ Rights Network suggested that if it became a member then it could help to address some the problems on the EU’s southern border.²⁴⁰ Charles Clarke stated that his “fundamental view (was) that we should join Schengen and seek the conditions to make that happen”.²⁴¹ Sir Andrew Green disagreed, as did Christopher Chope who told us that “Frankly, I think that this country has played the right cards in not joining Schengen and trying to retain, as much as possible, control over its own borders. Long may that continue”.²⁴²
175. However, Hugo Brady considered that the United Kingdom’s membership of the Schengen Area would be as difficult to achieve as joining the Eurozone, in that the British public would be unlikely to vote in favour of it.²⁴³ However, he saw benefits in pursuing a new co-operation arrangement between the Common Travel Area and the Schengen Area on tourism visas, referring to a paper that the CER had published on this matter.²⁴⁴ The Minister for Immigration confirmed that the Government had considered such an approach but had decided that it would not be appropriate.²⁴⁵
176. **While not being a full member of the Schengen Area, we believe that the United Kingdom should seek to engage with the border-free travel area wherever possible. This can be achieved through continued participation in policing and criminal justice Schengen-building measures, as well as through exploring options for enhanced cooperation between the Common Travel Area and the Schengen Area. We regret the Government’s negative attitude to such cooperation and hope they will reconsider.**

²³⁸ Commission Communication, *Schengen governance—strengthening the area without internal border control*, COM (2011) 561, 16.9.2011

²³⁹ Q 195

²⁴⁰ Migrants’ Rights Network

²⁴¹ Q 169

²⁴² Q 217

²⁴³ A referendum would also be required under the European Union Act 2011.

²⁴⁴ Q 204. See Campaign for European Reform, *Britain, Ireland and Schengen: Time for a smarter bargain on visas*, July 2011

²⁴⁵ Q 299

Free movement of persons

177. Free movement of persons for economic purposes is one of the four fundamental freedoms of the EU, along with the free movement of goods, services and capital. Under the Treaties, Member States are only permitted to restrict free movement in exceptional circumstances, including where an individual poses a “genuine, present and sufficiently serious threat affecting one of the fundamental interests of society”. Therefore any attempt by the Government to restrict immigration from other Member States would violate their obligations under the Treaties. However, Treaties of Accession for new Member States allow the existing Member States to impose temporary restrictions on workers from those new Member States for a specified period of time. The Minister for Immigration confirmed that the United Kingdom would impose temporary restrictions on workers from Croatia when it joins the EU at the beginning of 2013 and would look at doing the same regarding any future accessions. His view was that the previous government’s failure to do the same before the 2004 enlargement process had undermined public confidence in the state’s ability to control migration.²⁴⁶
178. In July 2012, the Government announced a Review of the Balance of Competences between the United Kingdom and the EU.²⁴⁷ This will include a review of the application of the free movement of workers in the United Kingdom, which will take place between spring and autumn in 2013. Christopher Chope supported the review and hoped that it would examine instances of the free movement of labour being abused, with respect to housing benefit claims from European workers.²⁴⁸ Sir Andrew Green was less enthusiastic, stating that “to interfere with the free movement of European citizens is probably the wrong target. I doubt it is negotiable and I doubt if it is desirable”. He considered that the priority should instead be “to reduce or delay the benefit entitlements of European citizens coming to work here”.²⁴⁹ Professor Boswell and Professor Geddes could not see how the United Kingdom could remain in the EU if it opted-out of free movement as one of the fundamental freedoms.²⁵⁰
179. The Minister for Immigration confirmed that the forthcoming review would indeed include the perceived abuse of free movement rights within its scope, which the Government was also seeking to tackle with its European partners.²⁵¹
180. **The free movement of persons is fundamental to the structure of the EU and an integral part of the Single Market. We believe it would be neither desirable nor feasible to seek to revise its terms. However, we support any efforts by the Government to tackle benefit fraud as long as it complies with their obligations under the Treaties.**

²⁴⁶ Q 296

²⁴⁷ FCO, *Review of the Balance of Competences between the United Kingdom and the European Union*, Cm 8415 (July 2012)

²⁴⁸ Q 217

²⁴⁹ Q 218

²⁵⁰ Q 233

²⁵¹ Q 292

International students and net migration targets

181. The GAMM states that greater mobility for students and researchers from third countries could help to meet the needs of the EU's labour market if some of these individuals were able to work after completing their studies.²⁵² The EU has already adopted two Directives in this area to facilitate the legal migration of students and researchers from outside the EU.²⁵³ While we urged them to opt-in to both measures, the previous administration declined to do so.²⁵⁴ As a result, we considered carefully whether the Government's decision to pursue an independent policy in this area affected its competitiveness in terms of attracting international students. We previously examined this matter in our report on European higher education. In it we urged the Government to be vigilant about increased competition and engage actively with its partners across the EU in promoting the strengths of the higher education sector in the United Kingdom.²⁵⁵
182. In May 2012 Universities UK launched a campaign calling on the Government to remove international student numbers from the net migration reduction targets as they are concerned that the reduction cannot be achieved without considerable cuts to the numbers of legitimate international students coming to the United Kingdom. This matter has since received considerable attention in both Houses of Parliament. A report by the Business, Innovation and Skills Committee in the House of Commons supported the call by Universities UK²⁵⁶ and a report by the Science and Technology Committee in the House of Lords was also sympathetic.²⁵⁷ The Government's response to the latter report made clear their commitment "to the sustainable growth of a sector in which the UK excels".²⁵⁸
183. Peter Sutherland expressed concern about negative signals being sent out which may discourage students or academic staff from coming to the United Kingdom.²⁵⁹ Charles Clarke considered the inclusion of international students within migration statistics to be "ridiculous",²⁶⁰ while Professor Skeldon considered the policy to be "totally counterproductive".²⁶¹ However, Sir Andrew Green was strongly opposed to such a move as he considered that their removal would undermine the credibility of the Government's reduction targets. He stressed that the debate was really about

²⁵² GAMM, p. 14

²⁵³ Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, OJ L375 (23 December 2004) p 12, and Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research, OJ L289 (3 November 2005) p 15.

²⁵⁴ These measures were considered by the Committee in 2003 and 2004. See Appendix 4 for further information.

²⁵⁵ EU Committee, *The Modernisation of Higher Education in Europe* (27th Report of Session 2010–12, HL Paper 275)

²⁵⁶ Business, Innovation and Skills Committee, *Overseas Students and Net Migration* (Fourth Report of Session 2012–13, HC Paper 425)

²⁵⁷ Science and Technology Committee, *Higher Education in Science, Technology, Engineering and Mathematics (STEM) subjects* (2nd Report of Session 2012–13, HL Paper 37)

²⁵⁸ Government Response to the House of Lords Select Committee on Science and Technology Report: Higher Education in Science, Technology, Engineering and Mathematics (STEM) subjects, November 2012

²⁵⁹ Q 15

²⁶⁰ Q 149

²⁶¹ Q 231. Professor Geddes agreed with him.

“genuine students” and urged more action to detect and deter the entry of “bogus” students and those students who stay on illegally after their period of study has finished.²⁶²

184. Universities UK emphasised that the majority of international students left the United Kingdom within five years of arriving. It also stressed that international students brought other benefits including helping to create an international learning environment on university campuses and contributing to the United Kingdom’s “soft power” by generating future research, diplomatic and business opportunities. The number of international student enrolments had increased from 2.1 million to 4.1 million between 2000 and 2010, and the total figure is projected to rise to 7 million by 2020. The United Kingdom is currently the second most popular destination for international students after the US, having enjoyed a 13 per cent market share just before the recent immigration reforms were implemented. However, data from University UK’s recent surveys suggested negative future trends, and there had already been significant reductions in applications to the United Kingdom from countries such as India and Pakistan, which had been largely obscured by increased demand from China.²⁶³ On 29 November 2012, the Office for National Statistics published provisional figures, which appeared to confirm this trend.²⁶⁴
185. At a Universities UK conference on 13 September 2012, the Universities Minister, David Willetts MP, made a commitment to disaggregate international student numbers within headline migration figures. However, the Minister for Immigration was clear with us that he did not agree with the removal of international student numbers from the net migration reduction targets. He stated that there was no cap on international students coming to the United Kingdom and that the Government’s policy was to attract the “best and the brightest” to British universities, as long as they fulfilled specific language, academic and funding criteria, and that ministers took every opportunity to emphasise that international students were welcome to come and study in the United Kingdom. He referred to past abuses of the student visa route into the United Kingdom, with many overstaying their visas and staying on illegally, and emphasised that it was a problem that had to be addressed in order to gain public support for a properly functioning and controlled migration system.²⁶⁵
186. **We welcome the Government’s commitment to the sustainable growth of the higher education sector. While we also welcome their intention to disaggregate the statistics on student migration within headline migration figures as a small step in the right direction this does not address the heart of the problem, which is not purely statistical in nature.**
187. **We consider that the current policy creates the perception that overseas students are not welcome in the United Kingdom. We therefore believe that it harms both the quality of the United Kingdom’s higher education sector and its ability to compete in an increasingly competitive global market for international students,**

²⁶² Q 214

²⁶³ Universities UK

²⁶⁴ ONS, Migration Statistics Quarterly Report, November 2012

²⁶⁵ QQ 274–290

particularly with other English-speaking countries and some EU Member States, thus reducing much needed income from tuition fees for our universities and damaging the United Kingdom's international influence in the longer term.

- 188. We recommend the removal of international students from the public policy implications of the Government's policy of reducing net migration. If the Government genuinely favour an increase in *bona fide* students from outside the EU they should make this clearer and ensure that all policy instruments support this objective.**

CHAPTER 9: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Addressing skills shortages

189. In the context of the EU's demographic challenges and future labour market needs, we consider that flexibility by Member States in the operation of the European labour market to legal migration from third countries, particularly in those with skills shortages, could be essential in order to secure economic growth and competitiveness. However, such an approach is not a panacea, and should form part of a comprehensive approach which also tackles the development of skills among the existing workforce, as well as any necessary labour market reforms. (paragraph 46)

Anticipating labour and skills shortages

190. Member States should continue to have the right to choose the number of migrants from third countries they wish to admit to their labour markets, depending on their needs. Therefore, we consider that any transfer of responsibility to the EU in the management of legal migration would be undesirable and also impossible to agree and achieve. (paragraph 55)
191. We also doubt whether it is possible for the EU accurately to predict labour demand or skills shortages into the future. (paragraph 56)

Social security coordination

192. We note the Government's concerns about the Commission's approach to the external dimension of EU social security coordination. However, notwithstanding these concerns, we consider that the EU may need to consider the portability of social rights. (paragraph 60)

Family reunification

193. We believe that there could be problems with a situation that admits spouses and children more readily to one Member State than another, considering that, once admitted they may eventually acquire the right to freedom of movement throughout the EU. We repeat our view that the Government should seek to opt-in to the Family Reunification Directive. (paragraph 64)

Labour market integration and public opposition to migration

194. We consider that the EU's contribution to labour market integration policy should primarily be through the European Integration Fund. We support the recommendations of the European Agenda for the Integration of Third-Country Nationals, and encourage the Commission to develop these recommendations into concrete proposals, particularly those dealing with countries of origin in the context of the GAMM. (paragraph 70)
195. We also support the Commission's efforts to promote the sharing of Member State experiences and good practice in the wider area of integration policies. We believe that language learning has an important role to play in this respect. We would also stress the valuable role that the voluntary and private sector can play in this process, and recommend that the views of civil society

be taken fully into account in the formulation and implementation of integration policy. (paragraph 71)

External border controls and tackling irregular migration

196. We strongly support the Government's efforts to play an active role in the work of Frontex and the development of EUROSUR and believe that it is in the United Kingdom's national interest that these operations are efficient, effective and well resourced. (paragraph 81)
197. However, we believe that while external border controls are a crucial part of any strategy to deal with irregular migration, they have limited effects on reducing irregularity, not least since most irregular migrants in Europe are visa over-stayers. We recommend that both Member States and the EU consider a more balanced and comprehensive approach to over-stayers, including the selective encouragement of legal migration channels. We also support the Commission's forthcoming proposal for an entry-exit system. (paragraph 82)

EU Readmission Agreements

198. We have constantly advocated the United Kingdom's participation in all EU Readmission Agreements. We believe that they can be important tools in facilitating returns to third countries particularly if bilateral relations were to weaken between the United Kingdom and particular third countries. We were disappointed that the Government chose not to participate in the negotiating mandates with Belarus and Armenia and would like to see the United Kingdom opt-in at a later stage. We support the Government's decision to opt-in to the agreement with Turkey. (paragraph 88)
199. We believe that the existing Readmission Agreements would benefit from a full evaluation and urge the Government to support such an approach by the Commission. (paragraph 89)

Human Trafficking Directive

200. We support the commitment to embed anti-trafficking measures in wider external migration relations as well as the recognition of the need for a more coordinated and strategic approach. We look forward to seeing evidence of these commitments being put into practice in the 2014 evaluation report of the Anti-trafficking Strategy. (paragraph 92)
201. We restate our support for the United Kingdom's participation in the Human Trafficking Directive and welcome the Government's joined-up approach to this area. (paragraph 94)

European Asylum Support Office

202. We welcome the establishment of the European Asylum Support Office and look forward to monitoring its progress. (paragraph 98)

Regional Protection Programmes

203. We acknowledge the potential of Regional Protection Programmes to facilitate the GAMM's work in building capacity in countries of origin and transit. We particularly welcome the recent establishment of a Regional

Protection Programme for Syria. We encourage the Government to play a proactive role in their operation and development. (paragraph 106)

Joint EU Resettlement Programme

204. We recommend that the EU should aim to accept more resettlement refugees under the Regional Protection Programmes as part of their ongoing dialogue and cooperation with the UNHCR. (paragraph 110)
205. We commend the Government's ongoing commitment to resettlement through its Gateway Protection Programme and endorse its support for the establishment of the joint EU resettlement programme. (paragraph 111)

A more integrated approach?

206. Migration policy cannot and should not be the sole concern of interior ministries. We support the approach advocated by a number of our witnesses for a more integrated approach to be adopted, which should involve other ministries such as Business, Innovation and Skills, Development and Foreign Affairs. (paragraph 117)
207. We also consider that the Commission should adopt a similar approach when seeking to achieve the objectives of the Global Approach by engaging all the relevant parts of the Commission, including the Directorate-Generals for Home Affairs, Development and Employment and Social Affairs, and the European External Action Service. (paragraph 118)

Trade

208. We consider that the EU's development aims in the migration context could be assisted by taking steps to reduce trade barriers with non-EU countries. (paragraph 120)

Brain Drain, Remittances and Diasporas

209. We believe there is a general EU interest in pursuing proactive policies regarding brain drain, remittances and diasporas. However, in order for the EU to make a positive contribution to facilitating remittances, mitigating the effects of brain drain on countries of origin and assisting diasporas to transfer skills to their countries of origin, its work in this area needs to supplement dialogue with concrete actions. This could include support for making remittances more affordable, schemes to increase access to finance in remote locations and providing funding for the development of vocational skills. (paragraph 126)

Mixed competences and effective implementation

210. We agree that the GAMM is a useful framework for the EU to approach the external dimension of migration. We also welcome the extension of its scope to cover mobility. (paragraph 133)
211. However, we believe that the current approach in the GAMM is too diffuse and that in reforming it the EU should adopt a more focused approach, concentrating on the EU's geographical and strategic priorities, as well as focusing on a smaller number of key objectives and instruments, which have a sound evidence base. (paragraph 134)

212. We believe that Turkey should become one of the GAMM's main geographical priorities, in tackling irregular migration, alongside more general engagement in tackling terrorism, transnational organised crime and promoting judicial cooperation in civil and criminal matters. (paragraph 135)
213. The EU does have a significant role to play in migration policy, but if the GAMM is to be effective it must accommodate rather than disregard Member States' different approaches in this area. We believe that facilitating voluntary cooperation between Member States with an interest in particular projects will yield the most results. (paragraph 136)

Funding, evaluation and monitoring

214. We consider that despite its stated intention the current iteration of the GAMM has not evaluated effectively the EU's progress to date in achieving its objectives. Therefore, we believe that a full and detailed evaluation of the GAMM's different pillars and the funding instruments that support their objectives should form a core part of the forthcoming report in 2013, in order to ensure the GAMM's future relevance and efficacy. (paragraph 139)

Mobility Partnerships

215. We note that none of the existing Mobility Partnerships are with major sending countries. We recommend that Turkey (as a candidate country) and Pakistan, as major corridors for irregular migration into the EU, should be priorities for future Mobility Partnerships. (paragraph 144)
216. However, it is important to be realistic about what can be achieved between the EU and third countries regarding migration and mobility. To this end we support the development of looser, more informal, forms of cooperation with other important third countries before moving on to more formal agreements such as Mobility Partnerships. (paragraph 145)
217. We urge the Government to press the Commission to accept the need for a thorough evaluation of the existing Mobility Partnerships. We welcome the recent evaluation of the Moldovan Mobility Partnership as a positive step in this regard but consider that considerable progress is still required in this area. Due to their bespoke nature there cannot be a "one-size-fits-all" approach to Mobility Partnerships and separate evaluations of each are therefore required. (paragraph 148)
218. Looking ahead we also believe that any future Mobility Partnerships should contain clear provision for integrated monitoring or evaluation mechanisms to assess quantitative benchmarks, including the views of the target beneficiaries. These mechanisms should play a prominent role from the very beginning of the process. (paragraph 149)

The Global Forum for Migration and Development

219. We believe that the Commission should be welcomed to future meetings of the GFMD as an observer so long as it is clearly recognised within the EU that this will not indicate any transfer of responsibilities from the Member States. (paragraph 154)

Other international organisations with a role in migration

220. Increased coordination and reduced duplication between the various international organisations involved in migration policy is necessary. (paragraph 158)
221. We also consider that co-operation and the sharing of expertise between cities and regions in different parts of the EU could be every bit as important as inter-governmental and international co-operation on migration. (paragraph 159)

The United Kingdom's partial participation in EU asylum and immigration policies

222. We consider that the United Kingdom's approach to migration policy cannot and should not be formulated and implemented in a vacuum. Migration is a global phenomenon so the United Kingdom's policy needs to take proper account of the European and international policy frameworks in order to achieve a more effective approach. (paragraph 165)

EU immigration measures

223. We consider that migration has provided benefits for the EU and can continue to do so while Member States' primary competence in this area is respected. We continue to believe that the United Kingdom should seek to play a full role in the development and implementation of the EU's migration policy. (paragraph 167)
224. We see advantage in the United Kingdom's participation in individual EU migration measures brought forward by the Commission where these are broadly consistent with Government policy. While a policy of non-participation may leave the United Kingdom free to frame its own labour migration policy, we believe that this may also place the United Kingdom at a competitive disadvantage in terms of attracting highly-skilled migrants. (paragraph 168)

EU asylum measures

225. We have also consistently advocated the United Kingdom's participation in the majority of individual EU asylum measures. We continue to believe that the United Kingdom should seek to play a full role in the development and implementation of the EU's asylum policy, including the completion of the Common European Asylum System. (paragraph 170)
226. We welcome the Government's admission that non-participation in proposed recast asylum measures does not release them from their obligations under the first phase of Common European Asylum System (CEAS) measures, in which they currently participate. This has been our view since the second phase CEAS proposals were brought forward by the Commission. (paragraph 171)

The Schengen Area

227. While not being a full member of the Schengen Area, we believe that the United Kingdom should seek to engage with the border-free travel area wherever possible. This can be achieved through continued participation in policing and criminal justice Schengen-building measures, as well as through

exploring options for enhanced cooperation between the Common Travel Area and the Schengen Area. We regret the Government's negative attitude to such cooperation and hope they will reconsider. (paragraph 176)

Free movement of persons

228. The free movement of persons is fundamental to the structure of the EU and an integral part of the Single Market. We believe it would be neither desirable nor feasible to seek to revise its terms. However, we support any efforts by the Government to tackle benefit fraud as long as it complies with their obligations under the Treaties. (paragraph 180)

International students and net migration targets

229. We welcome the Government's commitment to the sustainable growth of the higher education sector. While we also welcome their intention to disaggregate the statistics on student migration within headline migration figures as a small step in the right direction this does not address the heart of the problem, which is not purely statistical in nature. (paragraph 186)
230. We consider that the current policy creates the perception that overseas students are not welcome in the United Kingdom. We therefore believe that it harms both the quality of the United Kingdom's higher education sector and its ability to compete in an increasingly competitive global market for international students, particularly with other English-speaking countries and some EU Member States, thus reducing much needed income from tuition fees for our universities and damaging the United Kingdom's international influence in the longer term. (paragraph 187)
231. We recommend the removal of international students from the public policy implications of the Government's policy of reducing net migration. If the Government genuinely favour an increase in *bona fide* students from outside the EU they should make this clearer and ensure that all policy instruments support this objective. (paragraph 188)

Conclusion

232. We make this report to the House for debate. (paragraph 11)

APPENDIX 1: SUB-COMMITTEE ON HOME AFFAIRS, HEALTH AND EDUCATION

The Members of the Sub-Committee that conducted this inquiry were:

Lord Avebury
 Lord Blencathra
 Viscount Bridgeman
 Lord Hannay of Chiswick (Chairman)
 Lord Judd
 Lord Lingfield
 Lord Mackenzie of Framwellgate
 Baroness Prashar
 Lord Richard
 Lord Sharkey
 Earl of Stair
 Lord Tomlinson

Dr James Hampshire, Senior Lecturer in Politics at the University of Sussex, was appointed Specialist Adviser for the inquiry.

Declaration of Interests

Lord Hannay of Chiswick (Chairman)
Member, Advisory Board of the Centre for European Reform
Member (unpaid), Council of the University of Kent

Lord Avebury
President, Advisory Council for the Education of Romanies and Travellers (ACERT)

Lord Judd
Member of the All Party Parliamentary Group on Human Rights
A daughter who is a former trustee of the Suffolk Refugee Council
Life Member of Court, Lancaster University
Emeritus Governor and Member of the Advisory Board of the Centre for Study of Human Rights, London School of Economics and Political Science
Member of Court, Newcastle University
Member, Council of Senior Fellows, De Montfort University

Lord Lingfield
Pro-Chancellor, Brunel University

Baroness Prashar
President, UK Council for International Student Affairs
Deputy Chair, British Council

Lord Tomlinson
Chairman, Advisory Panel, London School of Commerce
Chair, Board of Governors, Anglia Ruskin University

The following Members of the European Union Select Committee attended the meeting at which the report was approved:

Lord Boswell of Aynho
Lord Bowness
Lord Carter of Coles
Baroness Eccles of Moulton
Lord Foulkes of Cumnock
Lord Hannay of Chiswick
Lord Harrison
Lord Maclennan of Rogart
Lord Marlesford
Baroness O’Cathain
Lord Richard
Earl of Sandwich
Baroness Scott of Needham Market
Lord Trimble
Baroness Young of Hornsey

A full list of Members’ interests can be found in the Register of Lords Interests:

<http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

APPENDIX 2: LIST OF WITNESSES

Evidence is published online at www.parliament.uk/hleuf and available for inspection at the Parliamentary Archives (02 7219 5314)

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with * gave both oral evidence and written evidence. Those marked with ** gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

**	QQ 1–34	Mr Peter Sutherland, UN Special Representative for Migration
**	QQ 35–59	Mr Tobias Billström, Swedish Government Minister for Migration and Asylum Policy
**	QQ 60–98	Ms Helen Hibberd, Hackney Migrant Centre
*		Mr Juan Camilo Cock, Migrants Rights' Network
*		Ms Rebecca Crerar, Suffolk Refugee Support Forum
**	QQ 99–137	Mr Matts Persson and Mr Stephen Booth, Open Europe
**	QQ 138–173	Rt Hon Charles Clarke, Former Home Secretary and Visiting Professor in Politics at the University of East Anglia
*	QQ 174–205	Professor Michael Keith, Centre on Migration, Policy and Society
**		Mr Hugo Brady, Centre for European Reform
**	QQ 206–218	Mr Christopher Chope MP, Chairperson, Committee on Legal Affairs and Human Rights, Council of Europe Parliamentary Assembly
**		Sir Andrew Green, Chairman, Migration Watch UK
**	QQ 219–233	Professor Christina Boswell, University of Edinburgh
**		Professor Andrew Geddes, University of Sheffield
**		Professor Ronald Skeldon, University of Sussex
*	QQ 234–301	Mr Mark Harper MP, Minister for Immigration, Home Office
**	QQ 302–328	Mr Stefano Manservigi, Director General, European Commission DG Home Affairs
**	QQ 329–343	Juan Fernando López Aguilar MEP, Chair of the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee
**	QQ 329–343	Timothy Kirkhope MEP, Member of the LIBE Committee

- ** QQ 329–343 Baroness Sarah Ludford MEP, Member of the LIBE Committee
- ** QQ 329–343 Claude Moraes MEP, Member of the LIBE Committee
- ** QQ 329–343 Anthea McIntyre MEP, Member of the LIBE Committee
- ** QQ 329–343 Kyriacos Triantaphyllides MEP, Member of the LIBE Committee
- ** QQ 344–362 Mr Ralph Genetzke, Director, International Centre for Migration Policy Development
- ** QQ 363–383 Mr Bernd Hemmingway, Director, International Organisation for Migration
- * QQ 384–399 Ms Emily Wiinblad Mathez and Ms Annabelle Roig-Granjon, United Nations High Commissioner for Refugees

Alphabetical list of all witnesses

- ** Juan Fernando López Aguilar MEP, Chair of the European Parliament's Civil Liberties, Justice and Home Affairs (LIBE) Committee
- ** Mr Tobias Billström, Swedish Government Minister for Migration and Asylum Policy
- ** Mr Stephen Booth, Open Europe
- ** Professor Christina Boswell, University of Edinburgh
- ** Mr Hugo Brady, Centre for European Reform
- ** Mr Christopher Chope MP, Chairperson, Committee on Legal Affairs and Human Rights, Council of Europe Parliamentary Assembly
- ** Rt Hon Charles Clarke, Former Home Secretary and Visiting Professor in Politics at the University of East Anglia
- * Mr Juan Camilo Cock, Migrants Rights' Network
- * Ms Rebecca Crerar, Suffolk Refugee Support Forum
Department for Work and Pensions
European Asylum Support Office
- ** Professor Andrew Geddes, University of Sheffield
- ** Mr Ralph Genetzke, Director, International Centre for Migration Policy Development
- ** Sir Andrew Green, Chairman, Migration Watch UK
- * Mr Mark Harper MP, Minister for Immigration, Home Office
- ** Mr Bernd Hemmingway, Director, International Organisation for Migration
- ** Ms Helen Hibberd, Hackney Migrant Centre

- * Professor Michael Keith, Centre on Migration, Policy and Society
- ** Timothy Kirkhope MEP, Member of the LIBE Committee
- ** Baroness Sarah Ludford MEP, Member of the LIBE Committee
- ** Anthea McIntyre MEP, Member of the LIBE Committee
- ** Mr Stefano Manservigi, Director General, European Commission
DG Home Affairs
- * Ms Emily Wiinblad Mathez, United Nations High Commissioner for
Refugees
- ** Claude Moraes MEP, Member of the LIBE Committee
- ** Mr Matts Persson, Open Europe
- * Ms Annabelle Roig-Granjon United Nations High Commissioner for
Refugees
- ** Professor Ronald Skeldon, University of Sussex
- ** Mr Peter Sutherland, UN Special Representative for Migration
- ** Kyriacos Triantaphyllides MEP, Member of the LIBE Committee
Universities UK

APPENDIX 3: CALL FOR EVIDENCE

The House of Lords EU Home Affairs Sub-Committee, chaired by Lord Hannay of Chiswick, is launching an inquiry into the European Commission's Communication on a Global Approach to Migration and Mobility and its implications for the UK. We invite you to contribute evidence to this inquiry. Written evidence is sought by **31 May 2012**.

The Global Approach to Migration and Mobility is the external dimension of the European Union's migration policy. It is based on partnership with third countries and designed to address in a coherent way the management of legal migration, the prevention or reduction of illegal migration and the relationship between migration and development. The European Commission adopted its most recent Communication on the Global Approach in November 2011 (COM (2011)743, document 17254/11). It can be found at the following address:

http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v9.pdf

The Global Approach began as a UK initiative in 2005. Whilst remaining broadly positive about it in principle, the Government are sceptical about some elements of the Global Approach and unable to participate in others having chosen not to opt in to many of the legislative measures underpinning it. The purpose of this inquiry is to assess the likely overall effectiveness of the Global Approach to Migration and Mobility, present recommendations on how the external dimension of the European Union's migration policy can function better and evaluate the impact (both domestically and on a European scale) of the UK's decision not to participate in many EU legislative measures on migration. We are particularly interested in the views of non-governmental organisations working in this field.

Particular questions raised to which we invite you to respond are as follows (there is no need for individual submissions to deal with all of the issues)

General questions on the Global Approach to Migration and Mobility

- (1) What is your experience so far of the Global Approach to Migration and Mobility? In your view, has it been an effective initiative for facilitating the European Union's aims on the external dimension of migration policy?
- (2) Which elements of the Global Approach do you believe are most and least effective? What changes should be made? How best can the EU manage to deal with the very strong pressure from third countries in particular on the Southern Member States?
- (3) What are your views on the main thematic recommendations identified by the Commission?

(These are:

- (a) promoting better governance of migration (for example, exchanging good practice between Public Employment Services in Member States and partner countries; full implementation and possible improvement of existing measures such as the Directives on students

- and researchers and the Visa Code; and setting up Migration 2 and Mobility Resource Centres in partner countries to facilitate pre-departure preparation of migrants);
- (b) preventing and reducing illegal immigration and human trafficking (for example, cooperation on document security, with the possibility of visa facilitation for frequent travellers; exchanges of information between EU Immigration Liaison Officers and partner country counterparts; and more cooperation through FRONTEX;
 - (c) supporting the implementation of international protection standards for asylum seekers and refugees in third countries (for example, support from the European Asylum Support Office (EASO) for building asylum capacity in non-EU countries; and increased resettlement in the EU through the “Joint EU Resettlement Programme”);
- (4) What in your view is the effect of demographic trends in the EU on migration issues?
 - (5) How are the different considerations arising from the EU’s internal policies and its relationships with third countries to be reconciled?

Specific questions on labour migration and the “brain drain”

- (6) A number of measures have been proposed and/or introduced to anticipate and fill EU labour market shortages from outside the EU and provide information to non-EU nationals looking to work in one of the Member States. These include the EU Immigration Portal, the European Vacancy Monitor and the EU Skills Panorama. What is your view on these European measures and others of a similar nature? Can they accurately and reliably predict EU labour market shortages? Is enough information provided to potential migrants to ensure they can safely take up work in a Member State?
- (7) Is there a case for continuing to facilitate migration into the EU? What impact is this likely to have on the labour markets and economies of the UK and other individual Member States? Is sufficient attention being paid to training and using existing resources in the EU labour market?
- (8) The Employment Guidelines call on Member States to pay due attention to integration of migrants in EU labour markets. In your view, is enough attention being paid to this in the EU and in the UK and is sufficient consideration being given to issues of social cohesion?

- (9) The EU rules on social security coordination remove disadvantages and protect acquired social security rights for EU citizens and legally resident non-EU nationals moving within the EU. Should these rules be extended outside the EU for third country nationals returning to their country of origin? Are enough safeguards in place to ensure that the current social security framework is not open to manipulation when extended outside the EU?
- (10) In your view, to what extent is the “brain drain” from third countries into the EU an issue in the context of migration and mobility into the EU? Are the measures currently being proposed and/or implemented at a European level enough to tackle this issue? What more should be done to prevent this phenomenon?

Specific questions on the UK's role in the Global Approach on Migration and Mobility

- (11) What impact does the fact that the UK has not opted into many external migration measures have both on a national and European level?
- (12) Can the UK continue to constructively and effectively contribute to and cooperate with the EU's external migration policy when it has not opted into many of the legislative measures underpinning the policy (e.g. the Blue Card Directive, the Employer Sanctions Directive, the Returns Directive, the Intra-Corporate Transfers Directive and the Seasonal Workers Directive).

APPENDIX 4: THE UK'S PARTICIPATION IN EU ASYLUM AND IMMIGRATION MEASURES

EU Measure	UK Opt-in	EU Committee (EUC) Consideration
Legal Migration		
Family Reunification Directive 2003/86/EC	No	EUC supported opt-in. ²⁶⁶
Long-Term Residents Directive 2003/109/EC	No	EUC supported opt-in. ²⁶⁷
Students Directive 2004/114/EC	No	EUC supported opt-in. ²⁶⁸
Researchers Directive 2005/71/EC	No	EUC supported opt-in. ²⁶⁹
Blue Card Directive 2009/50/EC	No	EUC considered the substance of the Directive but did not express a view on the opt-in. ²⁷⁰
Single Permit Directive 2011/98/EU	No	EUC welcome the Directive but did not express a view on the opt-in. ²⁷¹
Intra-Corporate Transfers Directive	No	EUC supported opt-in. ²⁷² Government did not opt-in to proposal. Still under negotiation in Council/Parliament.
Seasonal Workers Directive	No	EUC objected to measure on subsidiarity grounds. ²⁷³ Government did not opt-in to proposal. Still under negotiation in Council/Parliament.
Regulation on the establishment of an evaluation and monitoring mechanism to verify application of the Schengen <i>acquis</i>	Yes	EUC supported the Government's decision not to opt-out of the proposal. ²⁷⁴ Still under negotiation in Council/Parliament.

²⁶⁶ EU Committee, *Economic migration to the EU* (14th Report of Session 2005–06, HL Paper 58)

²⁶⁷ *ibid.*

²⁶⁸ Letter from Chairman to the Lord Filkin dated 30 January 2003. See EU Committee, *Correspondence with Ministers* (49th Report of Session 2002–03, HL Paper 196). This, and all subsequent letters, available online in *Correspondence with Ministers* at: <http://www.parliament.uk/hleuf>

²⁶⁹ Letter from Chairman to Caroline Flint MP dated 10 November 2004. See EU Committee, *Correspondence with Ministers* (4th Report of Session 2005–06, HL Paper 16)

²⁷⁰ Letter from the Chairman to Phil Woolas MP to the Chairman dated 13 November 2008

²⁷¹ Letter from the Chairman to Liam Byrne MP dated 20 February 2008. See EU Committee, *Correspondence with Ministers November 2007 to April 2008* (2nd Report 2009–10, HL Paper 29)

²⁷² Letter from the Chairman to Damian Green MP dated 25 January 2012

²⁷³ EU Committee, *Subsidiarity assessment: admission of third-country nationals as seasonal workers* (1st Report of Session 2010–12, HL Paper 35)

²⁷⁴ Letter from the Chairman to James Brokenshire MP dated 26 July 2012

Irregular Migration		
Carriers Sanctions Directive 2004/82/EC	Yes	EUC expressed serious concerns about the proposal but supported Government opt-in in order to improve or withdraw the measure. ²⁷⁵
Returns Directive 2008/115/EC	No	EUC supported Government opt-in. ²⁷⁶
Employer Sanctions Directive 2009/52/EC	No	EUC supported the purpose of the Directive but also raised a number of concerns and did not express a view on the opt-in. ²⁷⁷
Human Trafficking Directive 2011/36/EU	Yes	EUC supported Government's post-adoption opt-in but supported opt-in from the outset. ²⁷⁸
Asylum		
EURODAC Regulation (EC) No 2725/2000	Yes	EUC raised concerns about the proposal. ²⁷⁹
Proposed Recast EURODAC Regulation	Yes	EUC supported Government opt-in. ²⁸⁰ Still under negotiation in Council/Parliament.
Dublin II Regulation (EC) No 343/2003	Yes	EUC supported Government opt-in. ²⁸¹
Proposed Recast Dublin III Regulation	Yes	EUC supported Government opt-in. ²⁸² Still under negotiation in Council/Parliament.
Temporary Protection Directive 2001/55/EC	Yes	EUC supported opt-in. ²⁸³
Reception Conditions Directive 2003/9/EC	Yes	EUC supported Government opt-in. ²⁸⁴
Proposed Recast Reception	No	EUC supported opt-in. ²⁸⁵ Government decided not to opt-in.

²⁷⁵ EU Committee, *Fighting illegal immigration: should carriers carry the burden?* (5th Report of Session 2003–04, HL Paper 29)

²⁷⁶ EU Committee, *Illegal Migrants: proposals for a common EU returns policy* (32nd Report of Session 2005–06, HL Paper 166)

²⁷⁷ Letter from the Chairman to Phil Woolas MP dated 5 March 2009

²⁷⁸ Letter from the Chairman to Damian Green MP dated 9 June 2011

²⁷⁹ Letter from the Chairman to Barbara Roche MP dated 6 October 2000

²⁸⁰ EU Committee, *The United Kingdom opt-in: problems with amendment and codification* (7th Report of Session 2008–09, HL Paper 55)

²⁸¹ EU Committee, *Asylum Applications-Who Decides?* (19th Report of Session 2001–02, HL Paper 100)

²⁸² EU Committee, *The United Kingdom opt-in: problems with amendment and codification* (7th Report of Session 2008–09, HL Paper 55)

²⁸³ Letter from the Chairman to Barbara Roche MP dated 24 January 2001. See EU Committee, *Correspondence with Ministers* (1st Report of Session 2001–02, HL Paper 12)

²⁸⁴ EU Committee, *Minimum Standards of Reception Conditions for Asylum Seekers* (8th Report of Session 2001–02, HL Paper 49)

Conditions Directive		Still under negotiation in Council/Parliament.
Qualifications Directive 2004/83/EC	Yes	EUC supported Government opt-in. ²⁸⁶
Proposed Recast Qualifications Directive	No	EUC supported opt-in. ²⁸⁷ Government decided not to opt-in. Still under negotiation in Council/Parliament.
Asylum Procedure Directive 2005/85/EC	Yes	EUC supported Government opt-in. ²⁸⁸
Proposed Recast Asylum Procedure Directive	No	EUC supported opt-in. ²⁸⁹ Government decided not to opt-in. Still under negotiation in Council/Parliament.
Agencies		
Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)	No. Opt-in did not apply	N/A. EUC report stated: “For the present the UK has to accept that, not being a full Schengen State, it cannot play a full role in Frontex. Subject to that legal limitation, the Government should ensure that the United Kingdom participates effectively in the development and operation of Frontex”. ²⁹⁰
Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice	Yes	EUC supported Government’s decision to opt-in. ²⁹¹
European Asylum Support Office Regulation 439/2010	Yes	EUC supported Government’s decision to opt-in. ²⁹²
Systems		
Regulation (EC) No 767/2008 concerning the Visa Information	No. Opt-in	N/A. EUC supported development of VIS in principle. ²⁹³

²⁸⁵ EU Committee, *The United Kingdom opt-in: problems with amendment and codification* (7th Report of Session 2008–09, HL Paper 55)

²⁸⁶ EU Committee, *Defining Refugee Status and those in need of International Protection* (28th Report of Session 2001–02, HL Paper 156)

²⁸⁷ EU Committee, *Asylum directives: scrutiny of the opt-in decisions* (1st Report of Session 2009–10, HL Paper 6)

²⁸⁸ EU Committee, *Minimum Standards in Asylum Procedures* (11th Report of Session 2000–01, HL Paper 59)

²⁸⁹ *ibid.*

²⁹⁰ EU Committee, *FRONTEX: the EU external borders agency* (9th Report of Session 2007–08, HL Paper 60)

²⁹¹ Letter from the Chairman to Phil Woolas MP dated 20 July 2009

²⁹² Letter from the Chairman to Phil Woolas MP dated 1 April 2009

²⁹³ Letter from the Chairman to Caroline Flint MP dated 31 March 2004

System (VIS) and the exchange of data between Member States on short-stay visas	did not apply	
Draft Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR)	No. Opt-in did not apply	N/A. EUC welcomed the Government's commitment to make an effective contribution to the development of EUROSUR. ²⁹⁴
Financial Instruments (for the next Multiannual Financial Framework for 2014 to 2020)		
Asylum and Migration Fund Regulation	Yes	EUC supported Government's decision to opt-in. ²⁹⁵ Still under negotiation in Council/Parliament as part of the MFF.
Internal Security Fund (police cooperation, preventing and combating crime, and crisis management) Regulation	Yes	EUC supported Government's decision to opt-in. ²⁹⁶ Still under negotiation in Council/Parliament as part of the MFF.
Internal Security Fund (external borders and visa) Regulation	No. Opt-in did not apply	N/A. Still under negotiation in Council/Parliament as part of the MFF.
General provisions on the Asylum and Migration Fund and the Internal Security Fund (police cooperation, preventing and combating crime, and crisis management) Regulation	Yes	EUC supported Government's decision to opt-in. ²⁹⁷ Still under negotiation in Council/Parliament as part of the MFF.

²⁹⁴ EU Committee, *The EU Internal Security Strategy* (17th Report of Session 2010–12, HL Paper 149)

²⁹⁵ Letter from the Chairman to James Brokenshire MP dated 18 January 2012

²⁹⁶ *ibid.*

²⁹⁷ *ibid.*

EU Readmission Agreements										
Country	Negotiating mandate received	Signed	Concluded	UK opt-in ²⁹⁸	Total number of enforced/voluntary returns from UK to EU Readmission Agreement third countries					
					2006	2007	2008	2009	2010	2011
Hong Kong	April 2001	27 November 2002	1 March 2004	Yes	15/20	40/15	25/30	20/25	20/20	13/82
Macao	April 2001	13 October 2003	1 June 2004	Yes	- / *	- / 5	* / *	* / -	* / *	2/5
Sri Lanka	September 2000	4 June 2004	1 May 2005	Yes	420/375	315/255	180/205	190/230	205/285	430/589
Albania	November 2002	14 April 2005	1 May 2006	Yes	520/335	405/350	355/295	300/250	295/110	467/165
Russia	September 2000	25 May 2006	1 June 2007	Yes	100/60	85/55	60/50	60/30	55/60	33/123
Ukraine	June 2002	18 June 2007	1 January 2008	Yes	295/60	255/55	200/65	210/130	265/150	193/371
FYROM	November 2006	18 September 2007	1 January 2008	Yes	15/20	25/15	10/5	10/ -	5 / *	3/15
Bosnia and Herzegovina	November 2006	18 September 2007	1 January 2008	Yes	15/10	* / 10	10 / *	* / 10	5 / *	1/40
Montenegro	November 2006	18 September 2007	1 January 2008	Yes	* / -	* / -	* / *	* / *	- / -	0/3

²⁹⁸ The EU Committee has consistently supported the United Kingdom's participation in EU Readmission Agreements. See EU Committee, *Illegal Migrants: proposals for a common EU returns policy* (32nd Report of Session 2005–06, HL Paper 166)

Serbia	November 2006	18 September 2007	1 January 2008	Yes	30/15	25/25	5/ *	5/ *	5/ *	5/5	3/27
Moldova	December 2006	10 October 2007	1 January 2008	Yes	70/65	105/150	75/25	70/20	55/15	51/155	
Pakistan	September 2000	26 October 2009	1 December 2010	Yes	1340/ 1010	1230/ 1090	1330/835	1280/ 1010	1410/ 1360	1466/ 2647	
Georgia	November 2008	22 November 2010	1 March 2011	Yes	70/50	60/40	35/25	45/45	55/30	37/46	
Morocco	September 2000			Yes							
Turkey	November 2002	21 June 2012		Yes							
China	November 2002			Yes							
Algeria	November 2002			Yes							
Cape Verde	June 2009			No							
Belarus	March 2011			No							
Armenia	December 2011			No							
Azerbaijan	December 2011			Yes							

(1) Figures are rounded to the nearest 5 (- = 0, * = 1 or 2) and may not sum to the totals shown because of independent rounding.

(2) Voluntary returns include those leaving under Assisted Voluntary Return Programmes run by the International Organisation for Migration and persons who it has been established left the UK without informing the immigration authorities

Source: UKBA

APPENDIX 5: LIST OF ACRONYMS AND ABBREVIATIONS

AFSJ	Area of Freedom, Security and Justice
CAMM	Common Agenda on Migration and Mobility
CEAS	Common European Asylum System
CER	Centre for European Reform
Common Travel Area	The travel zone between the United Kingdom and the Republic of Ireland, which also includes the Isle of Man and the Channel Islands. People moving between these territories are subject to minimal border controls. The respective authorities cooperate closely on immigration matters and in tackling cross-border crime
COMPAS	Centre on Migration, Policy and Society, University of Oxford
Council of Europe	Founded in 1949, the Council of Europe is an intergovernmental organisation between 47 countries, which promotes cooperation in legal standards, human rights, democratic development, the rule of law and culture. It is distinct from the EU and the European Court of Human Rights forms part of it
DG DEVCO	Commission Directorate-General for Development and Cooperation – EuropeAid
DG EMPL	Commission Directorate-General Employment, Social Affairs and Inclusion
DG HOME	Commission Directorate-General for Home Affairs
DWP	Department for Work and Pensions
EASO	European Asylum Support Office
EEA	European Economic Area
ERF	European Refugee Fund
EU	The 27 Member States that currently comprise the European Union
EU15	The number of Member States which comprised the EU prior to the accession of ten candidate countries on 1 May 2004. The EU15 included Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom
EEAS	European External Action Service
ENP	European Neighbourhood Policy

EURODAC	European Dactyloscopy (European fingerprint database for identifying asylum seekers and irregular border-crossers)
Europol	European Police Office
EUROSUR	European border surveillance system
FCO	Foreign and Commonwealth Office
Frontex	From the French— <i>Frontières extérieures</i> —for "external borders". Otherwise, the European agency for the management of operational cooperation at the external borders
GAMM	Global Approach to Migration and Mobility
GATS	General Agreement on Trade in Services
GDP	Gross Domestic Product
GFMD	Global Forum for Migration and Development
ICMPD	International Centre for Migration Policy Development
ICT	Information and Communications Technology
ILO	International Labour Organisation
IOM	International Organization on Migration
JHA	Justice and Home Affairs
JRC	Joint Readmission Committees
LIBE	European Parliament Committee on Civil Liberties, Justice and Home Affairs
MAC	Migration Advisory Committee
MFF	Multiannual Financial Framework
NGO	Non-governmental organisation
OECD	Organisation for Economic Cooperation and Development
OECD-DAC	OECD's Development Assistance Committee
PACE	Parliamentary Assembly of the Council of Europe
PPP	Purchasing Power Parity
RPP	Regional Protection Programme
Schengen Area	The borderless area which is comprised of 26 European countries, including all EU Member States except the United Kingdom and the Republic of Ireland, and four non-EU countries: Iceland, Liechtenstein, Norway and Switzerland. However, Bulgaria, Cyprus and Romania have yet to become full members of the Area. It has a common external border
SIS	Schengen Information System

TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UCAS	Universities and Colleges Admissions Service
UKBA	United Kingdom Border Agency
UKREP	The Brussels office of the United Kingdom Permanent Representative to the EU
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency
VIS	Visa Information System