Locating Migration in the EU Agenda

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Background on Migration Policy Group

MPG is an independent think-and-do-tank that manages networks of national experts and does comparative analysis in order to create new opportunities for learning, dialogue, and action in Europe among stakeholders on mobility, diversity, and equality. Examples of our work with NGOs:
-   *Starting Line Group* in the run-up to the EC anti-discrimination directives
-   *Migrant Integration Policy Index* (MIPEX) www.integrationindex.eu that benchmarks national policies for promoting integration

Outline of remarks

 My remarks are based on several tools designed by MPG to help stakeholders navigate European cooperation on migration, integration, and anti-discrimination, all of which are downloadable from MPG's website:

-   *Handbooks on Integration*, for the European Commission (2004, 2007, 2010)
-   *Guide to Locating Migration in the European Commission*, for European Programme on Integration and Migration (2007, 2008)
-   *What opportunities for monitoring and improving the situation of migrants and ethnic minorities?* for European Network Against Racism (2009)
-   *Setting up an EU system for benchmarking the integration of third-country nationals* for European Parliament (2007)

These remarks outline the state of the art at EU level on the link between immigration, integration, and the fight against poverty, with the aim of improving advocacy strategies. Poverty is addressed comprehensively from how legal opportunities for migration and movement are created to how all EU residents—nationals, third-country nationals, and EU free movers—participate in the social and economic life of their country of residence.

Four areas of priority are identified for anti-poverty stakeholders. The problems and opportunities for European cooperation are then analysed and future actions recommended. The issues are tackled in order of priority, starting the long-term and long-off and getting closer and closer to the core and more immediate concerns of anti-poverty stakeholders.

Priority Areas:

1) Future Vision for a Europe of immigration

Question: How will Europe meet its future demographic and labour market needs?

Actions: Where legal migration opportunities are created, get the European institutions and Member States to promote migration as a poverty-reduction strategy based on its impact on individual migrants, their families, and their countries of origin.

2) EU Citizenship

Question: How can all EU citizens who have used their free movement rights fully participate in the social and economic life of their country of residence?

Actions: Informing EU free movers and implementing their socio-economic rights and access to mainstream services

3) Integration of third-country nationals

Question: How does poverty in society impact newcomers, their access to mainstream services, and their opportunities for socio-economic participation?

Actions: Transfer your expertise on poverty to integration policy debates, in order to build the case for more effective policies for new Europeans, especially vulnerable groups

4) Societal integration: core business of anti-poverty organisations

Question: How will integrating migrants impact on overall poverty in the EU of 2020?

Actions: Harness European cooperation on integration to mainstream migrants into all parts of EU cooperation, national policy, and mainstream service-provision on social inclusion by 2020

1. Migration as Poverty-reduction Strategy

Problems:
- EU common policy on labour migration long-way off
- Little Member State (MS) interest in EU oversight or facilitation of their discretionary work migration programmes
    - Ex. Blue Card watered down in negotiation to little added value
- MS even less open on categories of migrants more at-risk of poverty like seasonal, let alone low/unskilled
- Proposals to establish common European status for these categories face pressure from MS to enshrine in EU law any restrictions in national laws, ex Access to mainstream services, opportunities for long-term residence

Opportunities:
- EU cooperation may not change numbers or types of work migrants accepted
- However Commission working to change way states think of work migration, therefore how they regulate it
- Raising awareness of EU's long-term demographic and labour market needs
- Question becomes what is most effective means to assess and meet needs? Work permits delivered through employers? Committees of experts? Points-systems? Numerical quotas? Migrants themselves?
- These discussions may open new opportunities for work migration
    - Ex. Mobility Partnerships negotiated by EC on behalf of MS with Moldova, Cape Verde and Georgia
    - EC enthusiastic, even if MS, Countries of Origin and Civil Society may not yet see how to give shape and meaning to these opportunities (i.e. information campaigns, exchanges, recruitment, training provided by trade unions, employers, universities, diaspora organisations)
- EU also creating much of migration infrastructure in major countries of origin
    - Ex. Migration Profiles of third countries' migration needs as their contribution to Global Forum on Migration and Development (Athens)
- Many third countries lack policies on mobility of their citizens & rights abroad

Recommendations: Where legal opportunities are created to meet demographic and labour needs, adopt migration-as-poverty-reduction-strategy approach.
Where will these needs be met?
- What sending countries are most in need of migr. opportunities, esp. from EU?
- What individuals (age, gender, qualifications, jobs) are most in need of these opportunities for security from poverty and improvement of human capital?
- What households could use these opportunities for security from poverty, as well as investment in their human and social capital?

Starting Point –
- Collaborative NGO/academic research on specific countries of origin, individual/HH profiles (ex. MAFE, Migration between Africa & Europe)
- Networking with Civil Society (Development NGOs like Concord and Enda Europe as well as migrant Diaspora and transnational organisations)

When: If demographic/labour market approach takes hold among national governments and EU institutions, then within the next 10 years, on way out of crisis.

2. Implementing the rights of EU citizens

Problems:
- Since 2004, political pushback against rights of own citizens to move and work in enlarged EU
- Discourse to turn other EU citizens back into "migrants" (ex. UK, NL, DE, AT, IT, DK)
- NGOs may also adopt this discourse, coming from arguments for EU citizens to access targeted integration facilities often limited to non-EU citizens. The problem is the lack of government planning and responsibility for the socio-economic participation of these free movers
- However, become victims of this discourse: logic of control, regulation, therefore barriers to entry, access to jobs and services.
- Will not change EU citizens' socio-economic status, rather roll back their rights as EU citizens to exercise right to free movement (not an elite privilege)
- Framing ignores EU citizens' specific problems (ex. family separation due to illusion of temporary migration, circular migration, abuse of workers within liberalization of free movement of workers and services
- Moreover, does disserve to those served because ignores the solutions unique to EU Citizens (ex. extensive and evolving EU law/jurisprudence on transfer of benefits and social assistance, recognition of qualification, access to studies and training, etc)
- Commission response silent but firm to maintain EU citizenship rights, however focus more on political participation as main problem for free movers (ex. Stockholm Action Plan focus on voting rights)

Opportunities:
- Core of EU institutions, close to heart
- Newly adopted Fundamental Rights Charter defined as moral compass (Stockholm Action Plan)
- New Activist Commissioner (Vivane Redding, Luxembourg)

Recommendations:
- Implement EU Citizens' right on paper in practice with goal to ensure equal participation in mainstream institutions and services and make Free movers funding priority to enhance socio-economic participation of all
- Make this a priority at EU level (Redding)
- Get Eurobarometer to survey EU free movers' needs, knowledge, access and use of services and EU citizens' rights
- Raise awareness of EU free movers of their EU citizens' rights
  - Ex. Information campaign with goal for mainstream service-provider to adopt outreach policies for these groups

When: progressive over next five years, depending on Commissioner's priorities, at least by five-year-planning in 2015

3. Focus on integration policies that create—and not eliminate—new poverty in Europe.

Problems:

- Anti-discrimination laws seen substantial and rapid improvements since adoption of EC directives on racial and employment equality.
- New laws on books are also new to practitioners and beneficiaries
    - Ex. Fundamental Rights Agency's EU-MIDIS survey of immigrants and ethnic minorities identifies surprising experiences of discrimination and gaps of knowledge of law and expectations for justice among specific communities, also tied to socio-economic status
- Gaps still in a few countries (see MIPEX) moreover in terms of EU competence to fight religious discrimination in access to education and goods and services like health and public housing

- First-Generation of EU law on Residence Rights (family reunion, long-term residence, rights of different categories of migrant workers) have not led to improvements since adoption.
- In negotiation, designed to reflect and legitimize nearly full breadth of national practices (much the European Integration Fund, which can fund most/any national practices)
- Depending on country, Restrictions on legal integration (rights are not comparable with those of EU citizens, see MIPEX overviews of best & worst)
    - Extensive economic resource requirement for family reunion and long-term residence (income, wages, employment type, no access to social assistance or unemployment benefits)
    - Integration conditions and tests – a second form of economic resource requirement? Research from Van Oers at University of Nijmegen

Opportunities:

- Empowered anti-discrimination actors (NGOs i.e. ENAR, = bodies, FRA)
- Well-networked "integration community" with general knowledge of migrants' specific needs, targeted policies, problems of access to services
- Both called "usual suspects" because missing mainstream service-providers who need to know about these specific needs/access in order to guarantee that these groups know, use, and benefit from their services as much as nationals
- "De Facto Open Method of Coordination" on Integration: Integration community demonstrates increasing willingness to work together, share information and practice: called "Coordination Mechanism" by Commission
- Elements of this de facto OMC:
    - Priorities set by biennial inter-ministerial conference on integration
    - Civil society consultation through European integration forum
    - Regular guidelines from European Commission (Common Basic Principles, followed by EC communications, '05-10 Common Agenda, 11-15 Common Strategy)
    - Regular information/consultation meetings with civil servants (National Contact Points on Integration)

- o Regular reporting on national policy (European Migration Network, also soon-to-be Indicators)
- o Opportunities for mutual learning (European Website on Integration, Handbook soon-to-be modules)
- o Funding (Community Actions and national European Integration Fund)
- Legal basis new on Integration (Lisbon Treaty), before based on intergovernmental good-will and interest
- Next five years, leads to period of creative thinking of how to create specific incentives and support so that real EU added value emerges

- Part of this is revision of 1st Generation EU law on Residence Rights
- Focus agenda to amend, recast, consolidate into an "Immigration Code"
  - o Ex. Family Reunion directive
    - ▪ MS interest in Integration Measures
    - ▪ Odysseus Report (official EC evaluation of transposition) recommends revision of specific restrictions favouring few MS
      - Access for families to labour market, education/training
    - ▪ Odysseus also recommends look at impact of economic resource requirements, also impact on best interest of child
  - o Another example: debates on second phase of Common European Asylum System, esp. on Reception and Qualifications Directives where any improvements to rights of asylum seekers and beneficiaries of subsidiary protection will come from integration perspective)

Recommendations:
- Anti-poverty stakeholders on front lines of impact of restrictions/conditions
- Testify qualitatively and prove quantitatively to how the implementation of these gaps in EU law affect the integration process of newcomers
- Also how poverty in society affects immigrants' ability to meet these conditions (ex. crisis, informal labour market, abuse)

Where focus?
- Restricted Access (Family reunion, Reception of Asylum Seekers, Rights of beneficiaries of humanitarian protections): how does delaying access affect their risk of poverty, income, acquisition of skills, economic mobility, working conditions, housing, family, health, overall participation and well-being?
- Economic Resource Requirements: Is Requiring really Promoting?: A status like long-term residence or family reunion is conceived in certain countries not as a means for integration, but a reward. The argument is that introducing this requirement introduces an incentive for socio-economic participation. But what is the evidence for this argument? Does it promote socio-economic participation, or discourage it? Unintended consequences, perverse trade-offs.
- Also true for Integration Tests: what tests set the conditions for all applicants to succeed? Which ones actually test willingness to participate in society? And which are just a reflection of socio-economic status? Ex. Tests abroad in countries of origin less cost effective than the provision of courses in-country.

Where evidence?
- Surveys of members or collaborative research
- Link with DG research projects or lobby/collaborate with FRA (ex. PICUM)
- Inclusion of migrants at national level, through partnership with migrant NGOs and/or targets for equal representation in anti-poverty NGOs

4. Mainstream migrants into anti-poverty and inclusion policies and services

Problems:
- Specific needs and opportunities of migrants not part of mechanisms where EU has greatest impact on poverty: former Lisbon strategy (components being European Employment Strategy, OMC on Social Protection and Social inclusion, Education & Training 2010).

For more on this section, see the MPG paper for ENAR, Locating Paper, and Benchmarking study.

- Migrants in part of original Lisbon strategy
- Slowly but surely made a priority by European Commission
- Weakly implemented by Member States
Why?
- Targets and indicators on migrants are made voluntary and non-comparable
    o Ex of 22 common indicators in OMC on Social Inclusion, only one non-comparative, that on immigrants)
    o In European Employment Strategy, MS can define disadvantaged groups however they choose, maybe immigrants, maybe not.
- Result is little national data provision, where done vague and not comparable
- Few national targets set or policies reported in National Reform Programmes or National Action Plans
- In the OMC cycle, leads to under-representation of migrants in mutual learning and funding at EU and national level (ESF, formerly EQUAL now Progress)
- No policy loop, No greater depth on issue. Same EC insistence is met with same lukewarm MS response. From progress, to plateau?

Opportunities:
- EU2020 is not a headline target, but close to front page. Better integration of migrants is seen as one key levers to raise overall employment rates.
- Migrants identified not just as a disadvantaged group, but also as a future opportunity and need
- Specific plans to be elaborated on including migrants in other key initiatives (i.e. New Skills for New Jobs)
- Furthest ahead in this field is DG Education with the ET2020 (Council Conclusions November 2009 on migrant learners, leading to a new Working Group, Indicators, call for increased priority in funding and mutual learning)

Recommendations:
- Use European cooperation on integration to get EU2020 fully working on migrants in poverty

Specific goals:
- More refined goals in national inclusion policies for migrants, specifically for vulnerable groups
- Greater funding for socio-economic participation of non-EU nationals
- Mainstreaming Instruments to use from de facto OMC on integration
  - Indicators
    - By 2015, EU surveys expanded to provide data from all countries on key indicators from OMCs that disaggregated to look at different impact of social trends on migrants:
      - Employment/Unemployment/Activity Rate
      - Median income
      - At-risk poverty rate
      - Unmet health needs
      - Acquisition of long-term residence and citizenship
    - Indicators overcome inability of OMC to agree common targets and indicators on migrants as well as problem of national data provision
    - Data can be used to assess migrants' specific needs regarding poverty and outcomes of mainstream policies and services
      - Ex. New ad hoc module of EU Labour Force Survey provides data on migrant workers' access to labour market and use of employment services
  - Data on policies and practices
    - Sources are European Migration Network, Handbooks, European Website on Integration, MIPEX
    - Data can overcome lack of reporting on national policies/practices in National Action Plans
    - Shadow Reports can be done by civil society where national reports nonexistent or not representative
  - National Contact Points on Integration
    - Representatives from these ministries can link and network with colleagues in ministries working directly on poverty
  - European Integration Forum
    - Common cause with other NGOs working in OMCs i.e. ENAR, PICUM
    - Partnership at national level with migrants (external with NGOs and/or internal with diversified staff). Empowerment through:
      - Greater access to EU funding
      - Capacity-building
      - Project ownership, not just dissemination, but also in leadership, advocacy, and EU networking
    - Allows for more refined objectives through attention to vulnerable groups when relevant for specific countries (ex. those seeking international protection, resettled refugees, children, women, undocumented migrants)
- These actions can complete the policy loop, allowing for more refined priorities and greater mutual learning and funding