

## Executive summary

Migration is a central theme in contemporary European policy because it is intrinsically connected with the most formidable challenges facing Europe: development, economic growth and productivity, demographic change, maintaining social security systems, ensuring social cohesion and intercultural dialogue, and upholding human rights and the rule of law.

This report was prepared as a main reference for the 8th Council of Europe Conference of Ministers responsible for Migration Affairs. It presents the main aspects and characteristics of migration in the member states of the Council of Europe, analyses policy challenges raised by contemporary migration and identifies an appropriate and integrated policy agenda.

The introduction and the first chapter on migration and economic and social well-being review the reasons for the growth of economic migration, its scale and characteristics and its impact on the economies of member states, as well as on their policies and practices.

The second chapter on migration and development discusses the impact of migration on the development of countries of origin and destination. It identifies the main challenges for strengthening the contributions that migration makes to development, including return of skills, remittances, investment by migrants in countries of origin, co-development and the role of diaspora, as well as noting some of the negative consequences, such as “brain drain”.

The third chapter on migration and social cohesion identifies the main policy issues regarding equality of treatment and integration of migrant workers and their families, and policies and practices to promote social cohesion.

The fourth chapter describes an integrated policy agenda and examines the specific policy factors necessary to effectively regulate migration. It identifies the main policy components of an integrated approach and outlines the roles of government and non-governmental stakeholders in implementing this agenda.

### 1. Competence of the Council of Europe

The Council of Europe has a unique role, competence and capacity in addressing migration. Its European Committee on Migration (CDMG) includes participants from all member countries. It represents the full spectrum of migration experiences, from those of primarily origin countries to those of primarily

destination countries as well as transit countries, with many member countries today being all three. The composition of the committee reflects the breadth of government institutions charged with addressing migration concerns, including ministries of immigration, labour/employment, interior or home affairs, foreign affairs, integration and others.

This composition is unique in the world and, in particular, allows policy development and elaboration in the Council of Europe to take account of distinct national migration experiences and diverse branches of government in addressing migration and its consequences.

The CDMG and its various working groups facilitate the building of relationships of trust and mutual co-operation with and between the operational institutions and actors of the member countries.

Over the last two decades, the CDMG has conducted studies, developed recommendations, contributed to the elaboration of normative standards and delineated policy guidance covering most issues of migration governance. Many of these policy lines were subsequently endorsed by the Council of Europe conferences of ministers responsible for migration affairs, thus giving a political impetus at the highest level to ensure their implementation by member states. The evolution of policies in many member states demonstrates that Council of Europe policy guidance has been especially relevant to shaping consistent national policies and to encouraging co-operation among member countries.

Other bodies of the Council of Europe address migration issues. The European Commission against Racism and Intolerance (ECRI) is tasked with combating racism, xenophobia, anti-Semitism and intolerance from the perspective of protection of human rights; its 2008 annual seminar focused on discrimination and integration regarding persons of immigrant origin. The current Council of Europe Commissioner for Human Rights, serving in an independent capacity, has given particular attention to rights of migrants as a major theme under his mandate.

The Parliamentary Assembly of the Council of Europe (PACE) plays an important role, particularly through its Committee on Migration, Refugees and Population. This committee elaborates policies for the protection of the rights of migrants, refugees and displaced persons and the improvement of their living conditions and also proposes political solutions consistent with the humanitarian values of the Council of Europe. Recent PACE resolutions and recommendations are listed in the report.

## **2. Challenges for Europe, economic well-being, development and social cohesion**

International migration in Europe is characterised by a growing number of short-term, long-term and permanent migrants. On the one hand, this is the

consequence of higher international labour mobility in the globalisation era resulting from changing needs and structures of national labour markets and increasingly internationalised labour demand and supply.

On the other hand, Europe needs migrants today, and many countries in the region will need even more in future in order to meet changing labour market requirements, to counter workforce decline and population ageing and to help social security systems stay in balance. Immigration is clearly a palliative at times of labour shortages in host countries.

Evidence shows that immigration generally has positive effects on economic growth and employment. However, it is only one factor in solving the challenges of demographic, labour market and economic changes in Europe.

Migrants often have high motivation for hard work, success, earning and saving. Their productivity is often higher than among local workers in similar occupations and positions.

The fundamental policy challenge today is to capitalise on this and to ensure economic and social benefits from international migration. Current migration trends are primarily about facilitating labour and skills mobility through democratic means and regulatory instruments while avoiding overemphasis on restrictive control measures.

The free movement of goods, capital, technology and services facilitates economic integration processes and interconnection. However, destination countries continue to implement restrictive provisions on the movement of people, as do certain countries of origin. A central policy challenge is therefore to reconcile economic pressures that encourage constraints on the protection of human and labour rights for foreign workers in order to sustain labour cost competitiveness with the need to uphold equality of treatment and non-discrimination as guarantors of labour market coherence, workforce productivity and social cohesion.

A major policy conundrum for governments is how to confront widespread adverse public perceptions, opinions and resentment against foreigners, particularly migrant workers, especially where they are commonly portrayed as competing for scarce employment and housing, unfairly or illegally drawing on public welfare resources and associated with criminality.

For Europe, migration undeniably presents new challenges for integrating immigrants economically and socially. The aim must be to have immigrants genuinely participate in the labour market, the economy and society. Proper integration in the host country helps strengthen identity, promotes civic participation and increases social cohesion.

The overarching goal is to achieve a comprehensive, integrated and credible approach to regulating migration with a pan-European relevance. Equally at issue is the generation of the political will, social partner co-operation and

popular support to extend, apply and consolidate rights protection and equality of treatment for foreign workers and populations as guarantors of economic progress and social cohesion.

### **3. Migration and economic and social well-being**

Economic factors in respect of migration flows are gaining weight in terms of both “push” and “pull” factors. Segmentation of national labour markets in the majority of European Union member states and in the Russian Federation provokes further demand for imported labour. The profile and distribution of migrants is closely related to the structure and demands of the national labour markets in receiving countries.

Ageing of the population and a growing percentage of retired people is another important stimulus to migration as a means to cover labour shortages and increase production as well as to stabilise social security systems. Rapid shifts in the age structure of the European population are taking place. For example, by 2050 every fourth or maybe every third European will be of pensionable age, while half of the population will be over 50 years old. The need to ensure stability in labour markets is particularly pressing in the light of current concerns about a possible global recession and emphasises the need for an integrated and flexible approach.

Many European countries, among them Germany, the United Kingdom, Austria, Denmark, Belgium and Portugal, are important labour migration countries, with substantial stocks of temporary foreign workers and 30-40% of permanent immigrants arriving for work-related reasons. In central and eastern Europe, the Slovak Republic, Hungary, the Czech Republic and Poland are new destination countries for migrants driven by economic reasons from further east. The Russian Federation hosts over 3 million registered migrant workers and at least a twofold greater number of unregistered migrants mainly from other member countries of the Commonwealth of Independent States (CIS).

Migration in Europe is a long-term phenomenon but is now diversifying. Former countries of emigration such as Portugal, Italy, Spain and Greece have now become host countries. Others, such as Romania and Turkey, are becoming countries of net immigration. Romania, Bulgaria and Poland are attracting workers from neighbouring countries including Belarus, Moldova and Ukraine. The Council of Europe member states thus comprise countries of destination, origin and transit, with many characterised by all three dimensions.

Most contemporary research demonstrates that immigration supports economic growth and development. The impact of immigration on the wages and employment levels of native workers in host countries is generally found to be insignificant. However, there may be more of an issue in certain sectors or in relation to particular indigenous categories. Generally, immigrant workers

complement rather than replace the existing workforce although again there are exceptions in particular sectors.

Migrants' input to host countries' human capital is significant; generally, recent immigrants' level of education is higher than the average education level of the indigenous populations.

A statistical analysis of the economic impact of migration in 15 European countries from 1991 to 1995 found that every 1% increase in a country's population through immigration led to an increase of between 1.25% and 1.5% in GDP, a strong correlation although not necessarily proving causality. Some more recent country-specific studies have shown slightly lower, but still positive, net benefits. Other recent studies have shown that the benefits received by immigrants are invariably outweighed by their net contributions to the economy.

The general consensus from research is that the effect of immigration on wages is minimal. Regarding unemployment, results from a study by the Organisation for Economic Co-operation and Development (OECD) of selected countries between 1984 and 1995 concluded that there was no evidence of a negative impact of immigration on local unemployment. While labour deficits could numerically be covered by employment of the unemployed, unemployment in native workforces is most often related to structural imbalances in labour markets. Even in countries where the population is highly mobile, increases in employment opportunities do not result in equal declines in unemployment.

The World Bank has argued that the gains from international migration, especially for developing countries, surpass the expected gains from liberalising trade in merchandise. Thus it is now asserted that freer international mobility of labour would both increase global income and make its distribution more equitable.

Gender differences in labour migration flows are diminished by the growing demand for female labour particularly in the service sector: childcare, care of the elderly, health care, domestic service, hospitality and entertainment, as well as the hotel and restaurant industries. In Europe, women now comprise 53% of all migrants, the highest rate in comparison to other regions.

#### **4. The migration-development nexus**

Migration has the potential to serve as an engine of growth and development for all parties involved – host and source countries and the migrants themselves. In destination countries, migration has rejuvenated workforces, rendered economically viable traditional sectors such as agriculture and services, promoted entrepreneurship, supported social security and welfare schemes and met the demand for skills from emerging high tech industries. In migrant origin countries, positive contributions of migration are reflected in capital

inflows through remittances and investment, transfer of technology and critical skills through return migration and increased exports and international business facilitated by transnational community relations.

Migrants sustain development and partnership through the monetary, human and social capital they supply, the international flows of finance and trade they bring about, their involvement in social networks and their contributions to exchanges between cultures.

The United Nations Secretary-General's Report on International Migration and Development, in preparation for the High-Level Dialogue of the General Assembly in 2006, stated: "We are only beginning to learn how to make migration work more consistently for development. Each of us holds a piece of the migration puzzle, but none has the whole picture. It is time to start putting it together."

Whether or not emigration contributes to development varies according to what forms of migration take place, where to, and on how well countries put in place policies to take advantage of benefits and address the adverse consequences of migration. Migration can contribute positively to development where a country is already poised to develop; it cannot, however, create such a condition.

Excessive emigration of workforce and skills, as well as the inability of the unemployed potential workforce to emigrate, is clearly harmful to sustainable development in countries of origin. There is also a huge potential for enhancing development in countries of origin through diaspora contributions and by return and circular migration, providing that the infrastructure allows it.

Migration and the return flows it generates are one of the most important means of sustaining the economy in some emigration countries. Recorded remittances are now more than double the level of official development assistance (ODA) of US\$104 billion, and about two thirds of foreign direct investment (FDI) flows of US\$325 billion in 2006. For some countries remittances constitute the main source of foreign exchange. Migrant remittances usually go towards improved housing, nutrition, schooling and health care. Remittances therefore create human capital by financing the education of children and meeting health expenses while improving food security for poor households.

Migrants who return to their countries of origin possessing enhanced skills, knowledge, ideas and capital can make substantial contributions to development. Nonetheless, return migration contributes to development only where the country of origin has created a propitious social and economic environment for using skills acquired abroad or investing migrant savings. Empirical evidence indicates that such conditions are not often met.

Diaspora contacts – the activities of groups of expatriates directed towards their country of origin – are often considered valuable links to support devel-

opment. Diaspora can convey “social remittances” to the country of origin, thereby contributing to overall development.

Core elements for maximising development benefits include facilitating mobility – both emigration and return – ensuring protection and decent treatment for migrants, optimising the benefits of remittances, encouraging return of skills, supporting skills training and education in origin countries and enhancing diaspora organisation and entrepreneurial activity, among others.

Explicit partnerships between origin and destination countries are a newer arrangement where migration and development are interconnected in political and aid initiatives. Their intent is to develop and sustain levels of co-operation that will contribute to the equalisation of the benefits of migration between two or more countries concerned (source and destination) and to minimise potential drawbacks.

## **5. Integration and social cohesion**

The influence on social cohesion of large-scale migration is one of the major challenges for Europe’s future. Successful integration of immigrants is a prerequisite for social cohesion and economic progress.

Populations of immigrant origin now represent a significant proportion of national populations in most countries of western Europe, ranging from 12% to nearly 20%. The proportions in central and eastern Europe, while smaller, are growing and will continue to do so.

The proportion of foreign-born (“first-generation”) migrants is some 10% or more across western Europe. Immigrant populations in eastern Europe as a region represented 1.9% of the total population in 1985, 7.3% in 1995 and 7.5% in 2005.

Migration has a profound impact on receiving societies; it can change society and its institutions. This to a large extent explains the controversies that surround migration policy. The composition of the migrant population rarely mirrors that of the receiving society, with a considerable portion having different or lower education and many experiencing greater disadvantages in the labour market, thus potentially leading to changes in social stratification.

The entry of migrants, often recruited or attracted to employment in the “3-D” jobs shunned by native workers, often exacerbates the segmentation of the labour market and contributes to fragmentation in the working classes. The growth in numbers of migrants in an irregular situation has tended to exacerbate this trend. Migrants, however, have experienced markedly different rates of social mobility and different degrees of integration in different countries, suggesting that integration policies, as well as social and economic conditions, determine the overall consequences of migration.



The significant numbers of immigrants in Europe contribute to its cultural diversity as well as to its economic and social development. Their economic, social, cultural and political integration has a bearing on social cohesion in receiving countries. However, in most European societies, the ethnic and cultural diversity brought by immigration challenges traditional, often mono-cultural and mono-racial definitions of national identity and bases for cohesion. Cultural diversity is one of the main factors that have to be taken into account for greater levels of social cohesion to be possible in Europe.

The rights-based approach of the Council of Europe, as articulated in the European Convention on Human Rights and the revised European Social Charter, affirms that social cohesion must be built on human rights, social justice and respect for democracy. Social cohesion establishes a link of cause and effect between integration and protection mechanisms on the one hand and the individual's sense of belonging to society on the other. The principles of equality of treatment and non-discrimination and the notion that diversity should be considered as an asset have repercussions on migrants' individual and collective sense of inclusion, and thus are starting points in the journey towards effective integration. Ultimately, social cohesion derives from respect of human and labour rights of all members of society as well as from equitable access for the whole population to the benefits of economic progress.

In reality today, many migrants remain frequently exposed to exclusion from employment, housing, health and education. They face a large number of obstacles to mere participation in, let alone integration into, many receiving societies. Significant and pervasive discrimination against immigrants and persons of immigrant origin in access to employment, housing and public services has been amply documented across Europe. Migrants also face obstacles in obtaining access to education and training and limited opportunities for taking part in civic life. For many immigrants, the combination of these factors can lead to a level of exclusion that precludes any possibility of their integration.

Immigrants are commonly portrayed in communications media, public discourse and private debate as competing for scarce employment and housing, unfairly or illegally drawing on public welfare resources and associated with criminality. As a result of this, adverse public perceptions, opinions and resentment against foreigners are widespread.

Tensions between migration and social cohesion have been dramatically underscored by civil disorders and violent manifestations of discontent in urban areas where populations of immigrant origin are concentrated in countries across Europe. Violent attacks explicitly targeting foreigners and persons of immigrant origin leading to death, injury and/or destruction of property are reported across Council of Europe member countries.



The extent to which migrant workers can become successfully integrated varies considerably depending on factors such as the degree of vocational specialisation, the cultural dynamics of particular groups, duration of stay and the available forms of community solidarity. Other factors have to do with the social, cultural and political characteristics of the place of residence.

The persistent unemployment, poverty and social exclusion suffered by some migrants and populations of immigrant origin demonstrate the need for greater efforts to address the economic and social aspects of integration as well as issues of cultural and religious diversity and citizenship.

Whilst the definitions of multiculturalism, interculturalism and integration continue to be debated, policy approaches that validate and celebrate cultural and social diversity appear to lead to better integration outcomes than do expectations of assimilation to the dominant cultural identity of the receiving state.

Since the 1980s, the debates on economic integration and the social dimensions of European construction have prompted further advances in European Union approaches to inclusion and social cohesion. These approaches embrace completion of the rules on freedom of movement for people, setting an economic and social-cohesion objective, a clear definition of integration, the need for more comprehensive European social legislation, and so on. Several EU instruments forming part of European employment and inclusion strategies provide backing for member states' action on cohesion, labour mobility and access to lifelong education and training. A large number of social security measures are co-ordinating schemes and enabling workers and jobseekers to obtain their entitlements with freedom of movement within the EU.

Other important economic and political integration areas in Council of Europe countries, such as the CIS, have also begun to give more attention to the social cohesion dimensions of greater human mobility within and into those spaces.

Today, evolving patterns and constraints on mobility, immigration and settlement pose new challenges to elaborating viable approaches to integration and social cohesion. Emerging terms such as circular migration, repeat migration, and "persons settled in their mobility" represent circumstances distinct from the assumptions underlying classic policies. These evolving dynamics are also often reflections of restrictions on mobility and settlement in host countries, and of policies of economic, cultural or civic exclusion that leave migrants no choice but to move between societies that reject them.

At the same time, long-term and permanent immigrants increasingly maintain multiple social, economic and political ties and, sometimes, dual citizenship with both receiving and home countries, establishing social networks and communities that transcend geographical, cultural and political borders. Additionally, many migrants are developing transnational activities and multicultural, intercultural and multilingual skills. These evolving features of

international migration also need to be taken into account in designing policies and practices to ensure social inclusion and cohesion in European countries.

An integration framework must be based on legislation guaranteeing equality and non-discrimination, be linked to migration policy addressing labour market needs and composition and ensuring decent work opportunities for all, and include institutional and practical measures to ensure its implementation.

A solid basis of relevant international and European norms and legislation provides the necessary and appropriate foundation for integration policy. There is a growing body of national and local legal, administrative and practical experience by government, local authorities, employers, trade unions and civil society organisations. These legal norms, policy guidelines and “good practices” provide ample guidance for the construction of comprehensive and viable national policies on immigration, integration and social cohesion.

## **6. An integrated policy agenda**

Deliberate, sustained and consistent policies and practices by states and concerned stakeholders are required to ensure that migration benefits both host and origin countries and the migrants themselves. As a phenomenon that can involve human beings in situations of potential exploitability and inadequate protection, migration cannot be regulated by market forces alone.

Migration policies and practices can only be viable and effective when they are based on a firm foundation of legal norms and thus operate under the rule of law. International standards set parameters for the protection of migrant workers and the preservation of states’ interests. They also provide a framework for national legislation, policy and practice as well as for co-operation within states and between states at opposite ends of the migration process.

Protection of the human rights of all migrants is a legal, political and ethical imperative in its own right, regardless of economic, financial or other considerations. The protection of migrant workers, equality of treatment, campaigns against discrimination and encouragement of integration are essential measures for ensuring that migration contributes substantially and positively to economic and social development in receiving and home countries alike.

A priority for all governments is to ensure the well-being of migrant workers and to secure the payment of decent wages and basic safeguards. Labour migration policies need to include measures to prevent abusive practices and promote decent and productive work for women and men migrants in conditions of freedom, equity, security and human dignity. Such policies, legislation and programmes should take into account that women migrants often find themselves in irregular situations, in unregulated sectors of the economy or

as victims of traffickers or smugglers and subject to many forms of violence and abuse.

The social and labour conditions of migrant workers and the degree of migrants' integration determine the levels and degree of economic and social contributions they make to social and economic welfare in receiving countries and to their countries of origin. Specifically, the conditions of migrant workers directly affect both their abilities to remit part of their earnings and to acquire skills and knowledge which will be useful should they choose to return to their countries of origin or for permanent settlement elsewhere. Thus, these conditions have a direct bearing on the level and nature of migrant contributions to social welfare, human capital formation and development, especially in their countries of origin. For example, the substantially reduced earnings of exploited migrants, or earnings which deported migrants are unable to obtain prior to departure, are economic resources not only stolen from the affected workers, but in effect expropriated from the countries of origin to which a significant part would have been remitted.

Migration policies and practices have to respond to measured and legitimate needs, which also take into account domestic labour concerns. Regular migration measures must rely on labour market assessments to identify and respond to current and emerging needs for workers, both high- and low-skilled. Policy and practice will need to address such areas as awareness raising, supervision of recruitment, administration of admissions, training of public service and law enforcement officials, recognition of equivalent educational qualifications, provision of social and health services, labour inspection, rights restoration and recovery for victims of trafficking, as well as many other areas.

Migration policy can only be credible and sustainable to the extent that it takes into account the interests, concerns and experience of the most directly affected stakeholders. Key stakeholders are the multiple branches of government concerned, notably ministries responsible for labour and employment as well as those of development, interior and justice, foreign relations, health, education, housing, integration, law enforcement, local administration and others.

Governments can exercise their regulatory role in respect of migration only in partnership with a range of other actors. Consultation and policy-making thus must also take into account employers' organisations and businesses that provide employment; workers' organisations representing the interests of both migrant and national workers; civil society bodies; and certainly men and women migrants.

Dialogue and co-operation among countries involved in labour migration processes is essential if international labour migration is to benefit.

Crafting a policy for migration needs to take into account the international labour migration environment and should be directed towards meeting three overall objectives:

1. protection and welfare of migrant workers;
2. optimising the benefits of labour migration and mitigating adverse impacts; and
3. inter-state co-operation and institutional capacity building.

Effective governance of migration requires co-ordinated and complementary interventions and regulation. Only a comprehensive and integrated approach to policy formulation, implementation and evaluation covering a broad range of areas will secure the benefits of migration for origin and destination countries alike.

An integrated approach addresses economic migration, development and social cohesion dimensions at national and international level. This integrated approach involves four main aspects:

1. properly and fully assessing policy needs and evaluating their impact;
2. co-ordinating policy and practical measures at local, national and international level;
3. establishing multi-sectoral partnerships between states and involving social partners and civil society; and
4. promoting synergy and concomitance by all concerned governments, international agencies and non-governmental stakeholders.

Fourteen policy areas comprise an integrated agenda for Council of Europe member states:

*Four overarching migration policy and practice areas:*

1. establishing legal foundations based on relevant international instruments;
2. elaborating a policy framework with stakeholder consultation;
3. knowledge and institution building; and
4. international co-operation.

*Four areas to address economic/labour migration:*

5. regular migration channels and admissions;
6. ensuring protection of human and labour rights;
7. labour market regulation; and
8. training and recognition of qualifications.

*Three areas to sustain social cohesion and integration:*

9. integration, non-discrimination and social cohesion;

10. social welfare (health, education, housing); and
11. social security.

*Three areas to take account of the migration-development nexus:*

12. optimising development impact; co-development;
13. resolving irregular migration; and
14. return and reintegration.

Implementation of this integrated policy framework by Council of Europe member states will be a major contribution to effectively governing migration and to securing the economic, social and cultural benefits deriving from well-regulated international human mobility.



## Introduction

1. This report was prepared to focus and inform discussions at the 8th Council of Europe Conference of Ministers responsible for Migration Affairs that was held in Kiev, Ukraine, on 4 and 5 September 2008. Preparation for such events starts virtually as soon as previous ones are completed and proceeds in parallel with activities intended to deliver the concepts outlined in final declarations. In this case, the intention was to build on the strong framework of activities resulting from the 7th ministerial conference held in Helsinki in 2002 and to provide a continuity of effort rather than an entirely new start. It does, however, introduce a new concept, that of an “integrated approach” to migration, social cohesion and development. Deliberations over time at European Committee on Migration (CDMG) meetings and those of its sub-groups have shown that activities in one area of work will inevitably impact on other areas, so the idea has gradually formed that a holistic approach, examining all aspects of the migration/integration/development nexus, would be desirable.

2. This document is therefore the product of an intensive period of detailed work by a number of different people from different agencies and from different member states of the Council of Europe. It is indeed a living example of how an “integrated approach” can work in practice.

3. A strong consultation process is clearly important in trying to achieve consensus on the approach and content of such a detailed document as this. In this instance, that consultation was undertaken on a number of different levels. In respect of the content of the report, prepared with the help of consultants, the Editing Group played a “management” role. Members of the Editing Group and other members of the CDMG also had responsibility for ensuring that the final text was acceptable to the many stakeholders in their own countries. The wider consultation with and through the CDMG and other experts in the field, academics and other relevant international organisations and international non-governmental organisations (NGOs) was co-ordinated by the CDMG secretariat.

4. The methodology adopted could be considered as a good practice for a democratic, open, transparent and multifaceted way of elaborating a scientific report. In this case, the report reflects the concerns of all parties involved in the migratory process and is a synthesis of different points of view, thus providing excellent food for thought to decision makers.



5. The detail of the process included the following stages:
  - consultation within the CDMG, concerning the theme and the sub-themes of the conference and consequently of the thematic report, as well as the working methods for its preparation, including setting up the Editing Group;
  - selection of three experts (academics) with expertise in the different aspects of migration dealt with in the report, following proposals from Council of Europe member states;
  - exchanges of views, written contributions and drafts between the Editing Group and the experts;
  - organisation of a consultation meeting with NGOs and international organisations on the draft reports prepared by the experts;
  - assignment to the International Labour Organization (ILO) expert, Patrick Taran, of responsibility for the overall synthesis, correction, provision of additional material and rewriting of sections of some parts of the report to make it a coherent and comprehensive whole;
  - editing work and inclusion of policy approaches by the Editing Group;
  - consultation with and final approval of the report by the CDMG; and
  - presentation to the ministers as a reference document for the 8th ministerial conference.
6. The thematic report is the fruit of an extensive exchange of scientific knowledge, good practices, points of view and consultations.
7. It should be pointed out that the CDMG considered that an integrated approach to economic migration should be coupled with a concerted consultation process which will give the message that democratic and open procedures in elaborating reports are as important as their content.

## **1. Challenges for Europe, economic well-being, development and social cohesion**

8. A major policy conundrum for governance is how to confront widespread adverse public perceptions, opinions and resentment against foreigners, particularly migrant workers, especially where they are commonly portrayed as competing for scarce employment and housing, unfairly or illegally drawing on public welfare resources and associated with criminality.
9. The goal of this process is to establish a framework for a comprehensive, integrated and credible approach to regulating migration with a pan-European relevance and to reconcile the contentions noted above, the broad spectrum of different situations of European countries and, within each, the diverse

agendas of different branches of government responsible for the multiple aspects of migration policy and administration, including, for example, employment and labour, development, interior and security, foreign relations, health, education, housing, law enforcement and local administration.

10. Equally at issue is the generation of the political will, social partner co-operation and popular support to extend, apply and consolidate the protection of rights and equality of treatment of foreign workers and populations as foundation and guarantors of economic progress and social cohesion.

## **2. Competence of the Council of Europe**

11. The Council of Europe is an institution founded on the principles of the rule of law, of advancing democratic governance and of respect for human rights. The Council of Europe thus provides all European states with a valuable forum in which to devise migration and integration policies founded on human rights, democracy and the rule of law.

12. The Council of Europe has a unique role, competence and capacity in addressing migration. Its European Committee on Migration involves participants from all member countries. It represents the full spectrum of migration experiences, from those of primarily origin countries to those of primarily destination countries, as well as transit countries, with many member countries today being all three. The composition of the committee reflects the breadth of government institutions charged with addressing migration concerns, including particularly ministries of immigration, labour/employment, interior or home affairs, foreign affairs, integration and others.

13. This composition and its results are unique in the world and, in particular, allow the Council of Europe policy elaboration to take into account and address from the outset the reconciliation and co-ordination of interests among distinct national migration experiences and the diverse concerns of the various branches of government addressing migration and its consequences.

14. Through its long history of addressing migration, the Council of Europe has built up a large body of knowledge and experience on migration policy relevant to the spectrum of concerns within and across its member states.

15. Over the last two decades, the CDMG has conducted studies, developed recommendations, contributed to elaborating normative standards and delineated policy guidance covering most issues of migration governance. Many of these policy lines have been subsequently endorsed by the periodic Council of Europe conferences of ministers responsible for migration affairs, thus politically commending them at the highest level for implementation by member states.

16. The evolution of policies in many member states demonstrates that the policy guidance elaborated in the Council of Europe context has been especially important and relevant, not only to shaping consistent national policies but also to encouraging coherency and co-operation among member countries.

17. The regular meetings of the CDMG and its various working groups also facilitate the building of relations of trust and co-operation on migration between the operational institutions and actors of the member countries, further facilitating common and coherent approaches across the region.

18. Other bodies of the Council of Europe address migration issues and human rights aspects of international migration. The European Commission against Racism and Intolerance (ECRI), set up in 1993 by decision of the 1st Summit of Heads of State and Government of the Council of Europe, is tasked to combat racism, xenophobia, anti-Semitism and intolerance at the level of the greater Europe and from the perspective of the protection of human rights. Its annual seminar for national specialised bodies to combat racism and racial discrimination in February 2008 focused on issues of discrimination and integration regarding foreigners and persons of immigrant origin.

19. Another important body is the Commissioner for Human Rights,<sup>1</sup> who serves in an independent capacity to promote the awareness of and respect for human rights in the 47 Council of Europe member states. The Commissioner is mandated to foster the effective observance of human rights; assist member states in the implementation of Council of Europe human rights standards; promote education in and awareness of human rights in Council of Europe member states; and identify possible shortcomings in the law and practice concerning human rights. The current Commissioner as of 2006, Mr Thomas Hammarberg, has given particular attention to rights of migrants as a major theme under his mandate.

20. The Parliamentary Assembly of the Council of Europe (PACE) also plays an important role in addressing migration, particularly through its Committee on Migration, Refugees and Population. This committee fulfils a dual purpose: firstly by elaborating policies for the protection of the rights of migrants, refugees and displaced persons and the improvement of their living conditions; and secondly, by proposing political solutions consistent with the humanitarian values of the Council of Europe.<sup>2</sup> A number of recent relevant PACE resolutions and recommendations are listed in paragraph 28 below.

### **3. Towards a comprehensive, integrated approach to migration across Europe**

21. Today, international migration is not just a relationship between an individual moving for purposes of permanent settlement or work and a government acting as a gatekeeper for entry into a country and acquisition of its citizen-

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1. The fundamental objectives of the Commissioner for Human Rights are laid out in Resolution (99) 50 on the Council of Europe Commissioner for Human Rights, for more see: [www.coe.int/t/commissioner/default\\_en.asp](http://www.coe.int/t/commissioner/default_en.asp).

2. See Council of Europe Parliamentary Assembly website at: [assembly.coe.int](http://assembly.coe.int).

ship. International migration is better understood as a phenomenon requiring broad and diverse internal and international co-operation. Under contemporary circumstances, a government can exercise its major regulating role only in partnership with a wide range of other actor-stakeholders, including migrants themselves, employers, trade unions, recruitment agencies, migrant organisations, legal and advisory firms and local civil society institutions.

22. Existing European and international conventions and labour standards provide references and guidance for the shape and content of national policy and relevant national legislation.

23. The Council of Europe with its traditional stress on a human rights approach, being concerned with the insufficiency of existing migration legislation, policies and practices to deal with the contemporary challenges of international migration, has contributed to elaborating new and more comprehensive approaches to governing and regulating migration for a long time.

24. In 2000, the comprehensive document “Towards a migration management strategy” was drawn up by the CDMG of the Council of Europe, with the main objective to propose a co-ordinated overall strategy for migration management. This approach moved away from narrowing the migration management agenda to immigration control towards characterising and responding to migration as an important resource that, when appropriately regulated, contributes to the economic and social well-being and development of the countries and actors concerned.

25. That same year, the Council of Europe published the book *Framework for Integration Policies* by Mary Coussey, presenting a comprehensive policy agenda on integration resulting from more than two years work of the CDMG working group on integration policies.

26. Since 2000, the CDMG has elaborated a significant number of reports and recommendations offering common approaches and policy guidance across a spectrum of migration issues:

- 7th Ministerial Conference – Implementation of Action Plan (Council of Europe – CDMG, 2008a);
- Memorandum: “Contribution of the Council of Europe to the Global Forum on Migration and Development” (Council of Europe – CDMG, 2007);
- Contribution of the CDMG to the White Paper on Intercultural Dialogue – “Living Together As Equals in Dignity”, 2008 (Council of Europe – CDMG, 2008b);
- “Towards a Migration Management Strategy: Challenges for Countries of Origin”. Stéphane de Tapia (Council of Europe – CDMG, 2006);

- *New Patterns of Irregular Migration in Europe* (2003), Stéphane de Tapia, ISBN 978-92-871-5300-5 (Council of Europe – CDMG, 2003a);
- “Integration Indicators – A User’s Manual” – memorandum prepared by the Committee of Experts on Integration and Diversity (Council of Europe – CDMG, 2004a);
- Evaluation reports on national policies on irregular migrants:
  - *Policies on Irregular Migrants, Volume I – Italy and Germany* (2008), ISBN 978-92-871-6397-4 (Council of Europe – CDMG, 2008c);
  - *Policies on Irregular Migrants, Volume II – Republic of Armenia, Greece, Russian Federation* (2008), ISBN 978-92-871-6401-8 (Council of Europe – CDMG, 2008d);
- “Access to Social Rights in Europe”, report prepared by Mary Daly, Queen’s University, Belfast, adopted by the European Committee for Social Cohesion (CDCS) at its 8th meeting (Strasbourg, 28-30 May 2002) (Council of Europe – CDCS, 2002);
- *Towards a Migration Management Strategy*, CDMG report, Strasbourg, November 2002 (Council of Europe – CDMG, 2002);
- *Framework of Integration Policies*, Mary Coussey, Council of Europe, 2000 (Council of Europe – CDMG, 2000);
- Proceedings of the Council of Europe regional conferences:
  - “Migrants in Transit Countries: Sharing Responsibility for Management and Protection”, Istanbul (Turkey), 30 September-1 October 2004 (Council of Europe – CDMG, 2004b);
  - “Migration Policies on the Eve of the EU Enlargement: What Challenges for Future Co-operation within the East European Region”, Kiev, 9 and 10 October 2003 (Council of Europe – CDMG, 2003b);
  - “Irregular Migration and Dignity of Migrants: Co-operation in the Mediterranean Region”, Athens, 3 and 4 October 2001 (Council of Europe – CDMG, 2001).

27. Based on the work of the CDMG, the Council of Europe Committee of Ministers has issued several pertinent recommendations over the last five years:

- Recommendation CM/Rec(2008)4 on strengthening the integration of children of migrants and of immigrant background (Council of Europe Committee of Ministers, 2008);
- Recommendation CM/Rec(2007)10 on co-development and migrants working for development in their country of origin and its explanatory memorandum (Council of Europe Committee of Ministers, 2007);

- Recommendation Rec(2006)9 on the admission, rights and obligations of migrant students and co-operation with countries of origin (Council of Europe Committee of Ministers, 2006);
- Recommendation Rec(2004)2 on the access of non-nationals to employment in the public sector (Council of Europe Committee of Ministers, 2004).

28. The Parliamentary Assembly of the Council of Europe has also elaborated several resolutions and recommendations on migration issues:

- Resolution 1568 (2007) Regularisation programmes for irregular migrants (Council of Europe Parliamentary Assembly, 2007a);
- Recommendation 1807 (2007) Regularisation programmes for irregular migrants (Council of Europe Parliamentary Assembly, 2007b);
- Resolution 1534 (2007) The situation of migrant workers in temporary employment agencies (TEAs) (Council of Europe Parliamentary Assembly, 2007c);
- Recommendation 1782 (2007) The situation of migrant workers in temporary employment agencies (TEAs) (Council of Europe Parliamentary Assembly, 2007d);
- Recommendation 1737 (2006) New trends and challenges for Euro-Mediterranean migration policies (Council of Europe Parliamentary Assembly, 2006a);
- Resolution 1502 (2006) Demographic challenges for social cohesion (Council of Europe Parliamentary Assembly, 2006b);
- Recommendation 1749 (2006) Demographic challenges for social cohesion (Council of Europe Parliamentary Assembly, 2006c);
- Resolution 1509 (2006) Human rights of irregular migrants (Council of Europe Parliamentary Assembly, 2006d);
- Recommendation 1755 (2006) Human rights of irregular migrants (Council of Europe Parliamentary Assembly, 2006e);
- Resolution 1501 (2006) Working migration from the countries of eastern and central Europe: present state and perspectives (Council of Europe Parliamentary Assembly, 2006f);
- Recommendation 1748 (2006) Working migration from the countries of eastern and central Europe: present state and perspectives (Council of Europe Parliamentary Assembly, 2006g);
- Resolution 1462 (2005) Co-development policy as a positive measure to regulate migratory flows (Council of Europe Parliamentary Assembly, 2005a);

- Recommendation 1718 (2005) Co-development policy as a positive measure to regulate migratory flows (Council of Europe Parliamentary Assembly, 2005b);
- Recommendation 1650 (2004) Links between Europeans living abroad and their countries of origin (Council of Europe Parliamentary Assembly, 2004).

29. The evolving Council of Europe approach stresses the importance of establishing a broad and integrated set of policy measures within each country and engaging in constructive dialogue and proper co-operation links between destination and source countries.

#### **4. Structure of the report**

30. The report is divided into four main chapters. Following this introduction, a first chapter on migration and economic and social well-being looks at the reasons for the growth of economic migration, its scale and characteristics and the impact on the economies as well as on policies and practices of member states.

31. The second chapter on migration and development focuses on the impact of migration on the development of countries of origin and, to some extent, on those of destination. It discusses the main policy challenges to strengthening the contributions migration makes to development, including through measures regarding return of skills, remittances, investment by migrants in countries of origin (“co-development”) and the role of diaspora, as well as noting some of the negative consequences, such as “brain drain”.

32. The third chapter addresses the relationships between migration and social cohesion. It identifies the main policy issues and challenges regarding equality of treatment and integration of migrant workers and their families, and policies and practices on integration in place or proposed to promote social cohesion.

33. Finally, the fourth chapter on an integrated policy agenda examines the specific policy challenges and options for governments and critical stakeholders to effectively regulate migration. This chapter identifies the main components of a comprehensive and integrated approach to migration relevant across the Council of Europe member states, and summarises the elements of this approach in reference to existing Council of Europe and other international policy commitments and recommendations.