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TOPIC:  
A BALANCED APPROACH TOWARDS EU  
IMMIGRATION

## **COUNCIL OF MINISTERS OF THE EUROPEAN UNION – ECONOMIC AND FINANCIAL AFFAIRS COUNCIL (ECOFIN)**

The Economic and Financial Affairs Council is one of the oldest configurations of the Council of Ministers of the EU. It is commonly known as the ECOFIN Council and is composed of the Economics and Finance Ministers of the Member States, as well as Budget Ministers when budgetary issues are discussed. Its meetings take place once a month.

The ECOFIN Council covers EU policy in a number of areas, including: economic policy coordination, economic surveillance, monitoring of Member States' budgetary policy and public finances, the euro (legal, practical and international aspects), financial markets and capital movements and economic relations with third countries. It decides mainly by qualified majority, in consultation or co-decision with the European Parliament, with the exception of fiscal matters which are decided by unanimity. The ECOFIN Council also prepares and adopts every year, together with the European Parliament, the budget of the European Union which is about 100 billion euros.

The Euro-group, composed of the Member States whose currency is the euro, meets normally the day before the ECOFIN meeting and deals with issues relating to the Economic and Monetary Union (EMU). It is an informal body which is not a configuration of the Council. When the ECOFIN Council examines dossiers related to the euro and EMU, the representatives of the Member States whose currency is not the euro do not take part in the vote of the Council.



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## Topic A: A balanced approach towards irregular Immigration into the EU – The necessary synthesis of Economics and Human Rights

### I. Introduction

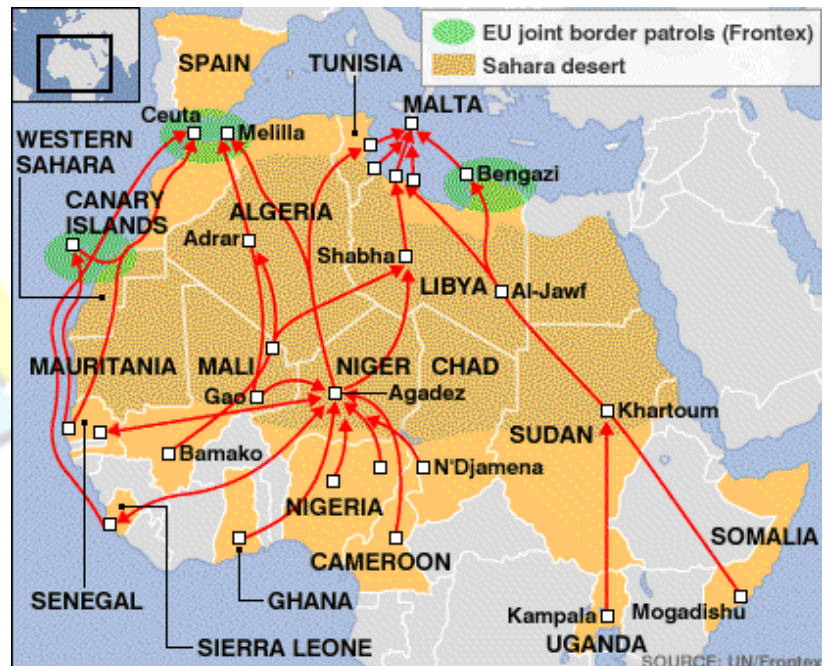
Few policy fields within the EU Acquis are more contested than the *Area of Freedom, Security and Justice (AFSJ)*. The sovereign prerogative about whom to admit on one's territory and whom to exclude has been a long treasured characteristic of modern nation states. Nevertheless, to comply with international and EU-wide human rights standards and to achieve a common EU framework, the approach towards immigration into the EU needs to be reformed to better take into account economic necessities and the labour market needs of ageing European populations without neglecting the Rights of the irregular migrants. Even if this is an approach difficult to accept for certain states, criminalizing irregular migrants leads to a large economic waste and loss of economic opportunities for European nations. According to current estimates, there are between 1.8 and 3 Million irregular migrants living within the EU whose rights, however, are ill-protected and who are badly integrated into local economies. *The Treaty of Lisbon* has also for the first time introduced a new provision in the *Treaty on the Functioning of the European Union (TFEU)* dealing expressly with labour immigration policy. Paragraphs 1 and 5 of Article 79 now stipulate that:

1. *The Union shall develop a common immigration policy aimed at ensuring, at all the stages, the efficient management of migration flows, fair treatment of third country nationals residing legally in member states.*

5. *This Article shall not affect the right of member states to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.*

At the moment, current policy towards migrants means that a majority of EU member states' labour immigration approaches are based on the 'perceived' needs and labour market demands/gaps. Too often, TCNs are treated as economic units rather than as human-rights holders and/or workers in need of protection, security of residence and inclusion. This not only damages the international reputation of the EU and its self-image but is also not economically beneficial for its member states.

The prominence given at the EU level to the prevention of unlawful entries and the effectiveness of removals has not gone hand in hand with addressing the exploitation and discrimination that irregular immigrants face in key areas of social life. Indeed, proper attention has not been given so far to the effectiveness and necessity of security measures and practices seeking to curb irregular immigration, nor to their multifaceted repercussions on the foundations the EU is said to uphold, which include a legally binding *EU Charter of Fundamental Rights* as





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well as a set of legal commitments by its member states in international and regional human rights instruments. The access to fundamental and basic (socio-economic) rights and freedoms (such as health, education, fair working conditions, legal aid and effective remedies, and housing) by undocumented migrants has simply been a 'non-policy issue' across the various agendas and multiannual (five-year) programmes covering the EU's AFSJ. The inexistence of rights, status and interests of undocumented persons in European policy responses has resulted in a vacuum, which (as time passes) increasingly undermines the legitimacy of the entire AFSJ project as well as Europe's commitments to fundamental rights protection for all its residents, independent of their immigration and citizenship status. Furthermore, this neglect of the irregular migrants has led to a large waste of resources which could be more appropriately be used to integrate immigrants into local labour markets and improve their health and education to create benefits for national economies.



## II. EU Policy Initiatives addressing Migration

Whilst there has been a multiplicity of directives on the EU level towards managing immigration, the main focus encompassed security related objectives and the acquisition of highly-skilled migrants. *The European Pact on Immigration and Asylum*, adopted by the Council in October 2008, outlined various political priorities intended to guide the future shape of the EU's immigration policy.

The Pact was subject to concerns owing to its narrow coverage of migrants' rights as well as its

predominantly nationalistic and intergovernmental approach, which sought to legitimise certain French immigration policies at (and transfer them to) the EU level and emphasised member states' competences over those of the Union. The spirit of the Pact mainly revolved around migration controls and common actions "against illegal immigration". It identified the need "to control illegal immigration by ensuring that all illegal immigrants return to their country of origin or transit" as one of the five political commitments underpinning the future EU immigration policy and *the Stockholm Programme*. After underlining its reaffirmation 'to control illegal immigration' and stating that "illegal immigrants on Member States' territory must leave that territory", the Council set out the following specific proposals: to use "only" case-by-case regularisation ("rather than generalized regularisation"); to conclude readmission agreements at the EU or bilateral level; to develop cooperation among member states on common arrangements for expulsion (biometrics, the identification of irregular entrants and joint flights); to provide incentives for 'voluntary' return; to take employers' sanctions; and to put into effect mutual recognition of expulsion decisions.

The European Commission's contribution to the Stockholm Programme arrived in June 2009 with the publication of a Communication entitled "*An area of Freedom, Security and Justice serving the citizen: Wider freedom in a safer environment*". According to the Commission, tackling the factors that attract clandestine immigration and ensuring that policies for combating illegal immigration are effective are major tasks for the years to come." The personal scope of the Communication was said to be too concerned with (and limited to) 'the citizens', and to a more limited extent, 'legally residing TCNs'. Undocumented immigrants remained (yet again) excluded from its scope. The messages sent by the Commission in its contribution included "building a citizens' Europe" and "put



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[ting] the citizen at the heart of its project". A specific section of the document, entitled "Better controls on illegal immigration", covered the domain of irregular immigration. Among the measures put forward to feed the Stockholm Programme, priority was given to evaluating the transposition by EU member states of the *Directives on Employers' Sanctions (2009/52/EC) and Returns (2008/115/EC)*; developing European guidelines for the implementation of regularisations; setting up common standards for taking care of 'non-removable' persons (irregular immigrants who cannot be deported); and adopting an action plan on unaccompanied minors.

The Swedish presidency of the EU was the one in charge of handling the negotiations within the Council on the third (five-year) programme on the EU's AFSJ during the second half of 2009. The Stockholm Programme, "An Open and Secure Europe Serving and Protecting the Citizens", was endorsed by the European Council in December 2009, which coincided with the entry into force of the Treaty of Lisbon. Similar to the Commission's Communication of June 2009, the Programme placed "the citizens" at the heart of priorities and advocated a narrow personal scope when dealing with the protection of what it qualified as vulnerable groups.

While the Programme included some references that could be interpreted as going beyond the scope of 'the citizenry', it is not clear that the actual intentions of member states' representatives were to include other categories of persons such as undocumented migrants. The Stockholm Programme did not provide any express mention of undocumented persons under section 2.3, entitled "Living together in an area that respects diversity and protects the most vulnerable". The insecurity language of 'illegality', which ascribes non-documented mobility to a criminal act, was nonetheless widespread throughout the body of the Programme. Moreover, priority was given to control-oriented measures on irregular immigration, such as those focused on return, readmission and criminalisation of solidarity.



Where are the rights and status of undocumented migrants in the Stockholm Programme? With the sole exception of 'unaccompanied minors', the Stockholm Programme and the European Commission's Action Plan implementing it of April 2010 have continued to be silent about the social insecurities and vulnerabilities of undocumented persons in Europe. There is, at present, a 'no-policy' strategy at the EU level to address the insecurities faced by TCNs lacking a legal status, something that remains at odds with a 'Europe of Rights'.

Human Rights, however, are universal, pertaining to 'everyone' (independent of the citizenship and legal status of stay of the person involved). The same holds true for several regional and international human rights instruments.

Indeed, it could even be argued that the general rule is that fundamental rights also apply to undocumented migrants *unless* the relevant legal instruments expressly exclude them from the personal scope of application. The exception is therefore that they are not beneficiaries of these very rights. Undocumented migrants do have rights and as such should be entitled to express protection (through comprehensive policy responses) at the EU



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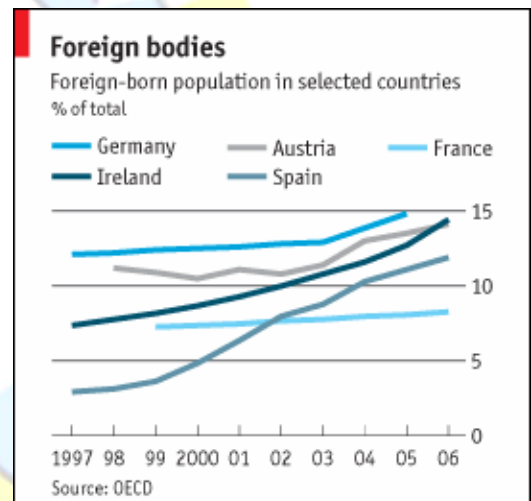
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level. There is thus a clash between international and regional human rights instruments on the one hand, and current EU policy discourses and initiatives under the Stockholm Programme on the other, which fosters a perception of TCNs' non-entitlement to or the non-existence of their rights in the EU.

### III. The Role of Cities in dealing with irregular migrants

The Stockholm Programme has answered the question of fundamental rights for undocumented migrants and the role of cities with silence on two accounts: not only did the Stockholm Programme fail to address the fundamental rights issue of irregular migration; it also said little about the role of cities in migration policy in a more general sense. Nevertheless, irregular migrants in cities are a reality. Judging from estimates provided by cities, undocumented migrants represent for example between 3% and 6% of the population in Ghent, Genoa and Rotterdam.

According to the estimates of a study by the *London School of Economics* commissioned by the mayor of London, the numbers are as high as 440,000 in London – a population group as large as that of a medium-sized city, living in a highly precarious legal situation. While the legal framework that decides who is or is not an irregular migrant is set at the European and national levels, the challenges of dealing with those who have become illegalised and marginalised by this framework are felt locally, and jeopardise the well-being of the city population as a whole. The potential effect of denying access to health care to some population groups is blatant if one thinks about how public health is threatened when persons with infectious diseases do not receive treatment. Denying access to housing and employment heightens the risk of exploitation and the take-up of criminal activity by migrants who have no other options. Denying access to education has serious effects on the social mobility of children, the most vulnerable population group and the most important for the city's future. Altogether, denying access to fundamental rights and basic services in cities threatens community cohesion as a whole.



### IV. The Human Rights of irregular migrants

Exclusion, discrimination and marginalisation are unfortunately the rule for irregular migrants in terms of having access to basic social and economic rights. Moreover, as has been demonstrated by research projects funded by the European Commission, even in those cases where those rights are formally enshrined by the law of the member state at stake, several obstacles exist in practice that make it difficult (and at times impossible) for these persons to fully enjoy a minimum level of protection, dignity and inclusion. This issue was underlined by the Global Migration Group – which groups together 14 agencies (12 *United Nations* agencies, the *World Bank* and the *International Organisation for Migration*) – in their *"Statement on the Human Rights of Migrants in Irregular Situation"* [sic] of September 2010. The statement called upon states "to review the situation of migrants in an irregular situation within their territories and to work towards ensuring that their laws and regulations conform with and promote the realisation of the applicable international human rights standards and guarantees at all stages of the migration process."



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First, two fundamental human rights are crucial in relation to the expulsion and detention laws and practices concerning irregular immigrants. Both are foreseen in the *European Convention on Human Rights (ECHR)* and the *EU Charter of Fundamental Rights* (hereinafter the 'EU Charter'):

i) the right to family life as enshrined in Arts. 8 ECHR and 7 EU Charter, which are of special relevance in the scope of return and expulsion measures taken against undocumented migrants;

and ii) the right not to be subject to torture or inhuman and degrading treatment in view of Arts. 3 ECHR and 4 EU Charter, which become central at times of assessing the detention conditions of undocumented migrants.

Second, access to health care (and medical assistance/treatment) is another dimension of particular importance for undocumented persons in Europe. Here the relevant legal provisions include Arts. 3 ECHR and 4 EU Charter, Art. 12.1 of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, Art. 28 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)* and Arts. 13 and 17 of the *European Social Charter (ESC)*. In this regard we also highlight a decision by the *European Committee on Social Rights*, which is in charge of interpreting the ESC, i.e. the collective complaint, *International Federation for Human Rights (FIDH) v. France*, No. 14/2003 of September 2004. The Committee ruled that "legislation or practice which denies entitlement to medical assistance to foreign nationals, within the territory of a State Party, even if they are there illegally, is contrary to the Charter". Access to health care is at present one of the most sensitive issues related to undocumented immigrants' fundamental human rights. Health care systems across the Union face many challenges in responding adequately to the phenomenon of immigration. Many EU member states reject the right of undocumented migrants to medical care and in others the practical obstacles for such migrants in accessing it are simply too high. By way of illustration, practical barriers include the requirement to provide documentation proving their ability to cover hospital expenses, a lack of information about their right to health care, 'the duty to denounce' of hospital administrations in some member states, and a lack of translators and cultural mediators in hospitals. Many undocumented migrants do not have information about their right of access to medical services. It is also a rather widespread occurrence that they do not seek medical help because of their fears of being discovered, reported to the immigration authorities and consequently being deported.



Third, undocumented migrants are especially vulnerable to exploitative working conditions. As workers, and therefore beneficiaries of several regional and international human rights instruments dealing with labour-



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related rights, they are entitled to fair and equal working conditions. Of special relevance in this context are the *International Labour Organisation (ILO)* standards, notably the *ILO Declaration on Fundamental Principles and Rights at Work* of June 1998 and *Convention 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers* of June 1975. Art. 7 ICESCR and the ICRMW are also highly pertinent in this context. Several actions have been taken and projects developed by workers' organisations at the national level to provide support, information and assistance to migrant workers who are 'newcomers' (independent of their legal status). Such actions have sought to encourage migrants' organisation and empowerment at the union level – so that they can represent themselves in and through unions, and facilitate their socio-economic inclusion in the labour market, the workplaces and society in general. Similar to local authorities and cities, the involvement, voice and experiences of social partners when devising new European strategies and common policy approaches on labour immigration (in the pre-proposal as well as evaluation phases) are indeed of fundamental importance to guaranteeing coverage of the social dimension that is inherent to any labour immigration policy.

Finally, on the right to housing and adequate standards of living, we underline for example Art. 31.2 of the ESC, which deals with the effective exercise of the right to housing and the prevention and reduction of homelessness. Important in this regard is the decision by the European Committee on Social Rights in the complaint *Defence for Children International (DCI) v. The Netherlands*, No. 47/2008 of October 2009. The Committee declared that the exclusion of undocumented children (as a specific category of vulnerable persons) from the provision of adequate shelter goes against the ESC, even if they are unlawfully on the territory. In the Committee's Opinion, as Scappucci summarises, "states' immigration policy objectives and their human rights obligations would not be reconciled if children, whatever their residence status, were denied basic care and their intolerable living conditions were ignored".

## V. Migrants and Governments

There are some useful mechanisms that could be promoted by the EU to better protect undocumented migrants and respect their rights. Among them, for instance, are providing for a legal space in which irregular workers can complain about exploitative working conditions without immediately being threatened with expulsion, and separating labour inspections from inspections on immigration status. In addition could be the recognition that



labour rights and human rights can and do exist and should be dealt with independent of having the right documents in place. Finally, a chain responsibility could be introduced for the main contractors using agencies and subcontractors that do not respect minimum labour and human rights.

In general, EU migration policies are putting an emphasis on highly skilled migrants. The reality, however, is that migrant workers – millions of them irregular migrants – are mainly concentrated in low-skilled occupations such as agriculture, construction, hotels and restaurants, and domestic work (cleaning and caring services). The jobs they carry out are often 'dirty, demeaning and dangerous' ('3D-jobs'). This makes the protection



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of their rights even more difficult. The absence of legal channels for migration for low-skilled/low-paid work creates a vicious circle of a lack of rights and fear of expulsion, leading to an easily exploitable workforce and possibly enormous profits, and increasing practices by subcontracting chains through which large enterprises avail themselves to cheap products and services. One clear example of this is the price of tomatoes and other agricultural products, which can be sold by vast retail chains for (too) low prices because they tend to be produced and picked by workers who are paid salaries far below the level of a fair (living) wage.

Nevertheless, regularization of irregular migrants might – from the host country's government perspective:

- increase tax and social security revenues,
- help to reduce the size of the underground economy,
- "wipe the slate clean" for future immigration enforcement,
- acquire information about illegal aliens,
- improve the credibility of the government,
- lessen political pressure from foreign forces, for example when joining multinational agreements like the EU.

In the long term, the addition of more people to the workforce should boost economic growth, just as the addition of more land or capital would. Of course, to increase living standards the productivity of companies has to grow faster than the labour force as well. Evidence from economic historian Nick Crafts, of the London School of Economics, suggests that the huge migration from Europe to America in the late 19th century did boost the growth rate in the US, and contributed to its economic take-off. But the key to that growth was a huge, open internal market. It is this single market that the EU is still in the process of creating, within uneven results so far despite the introduction of a single currency. If this becomes a success, then the economic problems of immigration are not likely to loom as large in the future.



Concluding, it is clear that the EU needs to reform its approach towards immigration. The different policies within the member countries to deal with migrants has led to an ineffective and unwieldy policy mess which even for experts (not to speak of immigrants themselves) is hard to understand and delivers poor results. Even more importantly, treating migrants solely as economic units solely without considering as humans with rights undermines the credibility of the Union as a whole. If the EU wants to retain its external credibility, it needs to put more emphasis on the well-being of people attempting to immigrate into its territory. Additionally, in times of financial challenges the economic benefits of immigration and better integration of newcomers into local labour markets are essential. Thus, the Rights of migrants and their economic implications are not necessarily contradictory but need to be

integrated harmoniously to achieve a European Union fit for the 21<sup>st</sup> century.





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## VI. Optional – Policy Recommendations<sup>1</sup>

### ▪ Policy recommendation 1: The understanding of immigration

There is a profound tension between a policy approach to labour immigration which perceives migrants in purely economic terms (as short-term sellers of their labour power) and a more holistic approach which views them as settlers, participants, residents and citizens-in-waiting. The understanding and treatment of migration as a security issue, as a threat to the cohesiveness of societies or as a phenomenon that needs to be tightly controlled impedes the acceptance of the reality of human mobility in a global world of flows.

A key policy priority should be to fully embrace the role of migration in enhancing Europe's competitiveness, stimulating growth and responding to the challenges of ageing populations and a shrinking labour force in the EU. The correlation between employment policy and migration should therefore be taken very seriously and developed further. As employees, self-employed persons, consumers and investors, migrants make significant economic contributions, while also boosting productivity, acting as a job-market safety valve, reducing pay pressures and raising the economy's long-term or 'trend' rate of growth. In addition, owing to their age profile, they generally pay more in taxes than they receive in welfare services. Moreover, the way the EU treats TCN migrants should inform the way in which EU emigrants are treated, and should be treated, in third countries.

### ▪ Policy recommendation 2: EU politicians and leaders' discourses and public opinion

The EU should also adopt a strong position in response to the increasing use by European leaders and politicians of anti-immigration policy agendas and discriminatory discourses portraying immigration as a threat to security and social cohesion, and artificially linking it with criminality. Tackling perceptions and responding to populist and xenophobic discourses in a responsible way should constitute another central policy priority for the Union. To this end, a common communication strategy on the ethical aspects of Europe's immigration policy must be devised. The EU would in this way become a promoter of evidence-based (debates and opinions on immigration in Europe.



### ▪ Policy recommendation 3: Situating migration

A global approach to migration should be one capable of overcoming the deficiencies of a purely esoteric, Eurocentric view by paying attention to the global politics of migration, the movement of people back and forth, the effects of a labour migration policy on countries of origin and the building of strong partnerships meeting EU standards on the rule of law.

<sup>1</sup> Taken from "Labour Immigration Policy in the EU: A Renewed Agenda for Europe 2020", [http://aei.pitt.edu/31652/1/PB\\_No\\_240\\_Carrera\\_et\\_al\\_on\\_EU\\_Labour\\_Policy\\_edited%5B1%5D.pdf](http://aei.pitt.edu/31652/1/PB_No_240_Carrera_et_al_on_EU_Labour_Policy_edited%5B1%5D.pdf)



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The external dimensions of EU labour immigration policy require more legal certainty. The use of soft policy, i.e. of mobility partnerships, in the integration of EU immigration policy in external relations calls for a careful independent assessment of the partnerships' effects on the rule of law and fundamental rights of migrants. The added value of these instruments, from the perspective of fostering circular (labour) migration schemes, remains to be proved and calls for an independent evaluation. The European Parliament should be involved in the mobility partnerships process in order to ensure proper democratic accountability.

The EU should seriously reconsider the added value and adequacy of the concept of circular (recurrent/temporary) migration, as there is a tension between forced circular (temporary) mobility and a rights-based and inclusionary approach to migration. Migration can no longer be viewed through the lens of statist supremacy and sovereign prerogative. Instead, EU labour immigration policy should situate it within the legal framework of fundamental rights protection and the four fundamental freedoms on which European integration has been based and developed. The Treaty of Lisbon now provides the institutional and decision-making foundations needed for that goal to be achieved. Further, when developing a European labour migration policy, European institutions should take care to ensure that the mechanisms they adopt do not obstruct or hinder the completion of the internal market. Labour migration measures which carve up the EU territory into 27 different segments of separate labour markets run contrary to the EU's fundamental objective of one labour market.

#### ▪ **Policy recommendation 4: Regulating labour immigration**

The design of a labour migration regime should be one characterised by:

- openness (as opposed to national protectionism);
- flexibility (the acceptance that migration can be temporary as well as long-term, that labour market gaps appear at all levels often quite unpredictably and that migrants often switch status);
- compatibility with other policies (including fundamental rights); and
- efficiency, thereby eliminating secondary movements and discouraging irregularity in Europe.

A utility-based and selective approach to labour migration should be replaced by a rights-based strategy. Such an approach should first and foremost ensure a common set of rights applicable to all TCNs, facilitate family reunification and a secure residence, eliminate vulnerabilities and labour exploitation and promote opportunities for political involvement, participation and access to citizenship. It should also take into account the interests of the migrant. The Treaty of Lisbon, the Stockholm Programme and the legally binding EU Charter of Fundamental Rights provide important opportunities for the design of a renewed EU migration model, which would accompany the EU's unique citizenship model. The EU should be a more active promoter of the UN, Council of Europe and ILO instruments and conventions protecting migrants' human rights amongst EU member states. It could also contribute towards better national implementation of already existing human rights standards by building closer partnerships with these international and European actors.





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### ▪ **Policy recommendation 5: Designing labour migration schemes**

The current fragmented EU legislative framework calls for legislative consolidation, more transparency and legal certainty. The EU should support an independent inventory of this framework, itemising rights and standards in the field of labour market access, rights and conditions for TCNs and an assessment of their impact and added value in all EU countries.

Positive codification experiences in the field of visas and external borders suggest that the creation of an immigration code could be a positive step. Any proposal for an immigration code should be firmly founded on the Tampere Programme's milestones and a rights-based approach aiming at a fair treatment between TCNs and EU citizens. The principle of equality of treatment should be the general rule. The personal scope of the code should not only cover those labelled as 'legally residing TCNs', but should also address the rights and status of vulnerable groups such as undocumented migrant workers. EU member states should not use the revision of current legal migration proposals and the presentation of the immigration code initiative as a political opportunity to reduce existing European rights, freedoms and standards already enjoyed by TCNs and their families.

### ▪ **Policy recommendation 6: Involving immigrants and feeding their views into EU policy-making processes**

Engaging with social partners and civil society should be a key EU priority. Current EU platforms ensuring that civil society contributes fully to EU immigration policies should be further strengthened and developed. The results of the Commission's open consultation procedures should also be better taken into account in policy choices. Civil society and migrants' organisations should be regarded as key players in the development, monitoring and evaluation of EU immigration policies. The proposal to set up a European platform for dialogue on labour immigration could be one way of achieving this, but its actual role and input should be carefully considered and scrutinised.



### **VII. Questions to be answered by a resolution:**

- How can the EU integrate human rights and economic principles into a functioning approach towards immigration?
- How can immigration laws be harmonized across the EU?
- How can the rights of irregular migrants be better protected and also distribute the financial burdens of immigration equally?



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- a) **Access to health care**
  - b) **Protection from all forms (economic, sexual, etc.) exploitation**
  - c) **End of criminal detention of immigrants**
  - d) **Availability of housing**
- **What can the EU do to integrate immigrants better into society and take advantage of ensuing labour market benefits due to a large pool of workers?**
  - **Is the current EU border approach towards ever increasing securitization appropriate and cost-effective?**

## **VIII. Optional – EU Directives/Treaties on the topic**

### **The Internal Dimension**

*(Conditions for entry and residence of third country nationals for the purposes of employment)*

- Directive 2003/86/EC on the right to family reunification, Official Journal L 251, 03.10.2003.
- Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, Official Journal L 016, 23.01.2004.
- 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, Official Journal L 375, 23.12.2004, pp. 0012 - 0018
- Directive 2005/71/EC on a specific procedure for admitting third-country nationals for purposes of scientific research, Official Journal L 289, 3.11.2005.
- Recommendation on admission of researchers, OJ 2005 L 289/26
- Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009.

#### *Proposals under discussion:*

- Proposal for Directive on conditions of entry and residence of third country nationals in the framework of an intra-corporate transfer, COM(2010)378, Brussels, 13.7.2010.
- Proposal for Directive on the conditions of entry and residence of third country nationals for the purposes of seasonal employment, COM(2010)379, 13.7.2010, Brussels.
- Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a member state and on a common set of rights for third-country workers legally residing in a member state, COM(2007) 638 final, Brussels, 23.10.2007.

#### *Also of relevance:*

- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Journal L 303 , 02.12.2000, pp. 0016 - 0022.



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- Regulation 1030/2002 on residence permits format, OJ 2002 L 157/1. See also the Regulation 330/2008, OJ 2008 L 115/1.
- Regulation 859/2003 on third-country nationals' social security, OJ 2003 L 124/1.
- Decision on asylum and immigration information exchange, OJ 2006 L 283/40.
- Decision establishing European integration fund, OJ 2007 L 168/18.
- Regulation 1231/2010 extending Regulation 883/2004 on social security for EU citizens to third-country nationals who move within the EU, OJ 2010 L 344/1.

## **The External Dimension**

*(Cooperation with third countries – integration of migration in EU's external relations)*

- Council of the EU, Joint declaration on a mobility partnership between the European Union and Georgia, 16396/09, Brussels, 20 November 2009.
- Council of the EU, Joint declaration on a mobility partnership between the European Union and the Republic of Cape Verde, 9460/08, 21 May 2008, Brussels.
- Euro-Mediterranean Agreement establishing an association between the EC and Algeria (signed in Valencia on 22 April 2002 and approved on behalf of the Communities by decision no. 2005/690/EC of 18 July 2005), OJ L 265/1, 10.10.2005.
- Euro-Mediterranean Agreement establishing an association between the EC and Tunisia (signed in Brussels on 17 July 1995 and approved on behalf of the European Community and the European Coal and Steel Community by decision 98/238/EC of 26 January 1998), OJ L 97/1, 30.03.1998.
- Euro-Mediterranean Agreement establishing an association between the EC and Morocco (signed in Brussels on 26 February 1996 and approved on behalf of the Communities by decision No. 2000/204/EC of 24 January 2000), OJ L 70/1, 18.3.2000.
- Decision no. 1/80 of the Association Council of 19 September 1980 on the development of the association.

## **IX. Sources and further reading**

- Situation at EU's southern border:  
<http://www.guardian.co.uk/world/2012/mar/28/left-to-die-migrants-boat-inquiry>
- International Organization for Migration:  
<http://www.iom.int/jahia/Jahia/lang/en/pid/1>
- Human Rights Watch:  
<http://www.hrw.org/>
- Global Issues – Immigration:  
<http://www.globalissues.org/article/537/immigration>
- "Towards a Common EU Immigration Policy: a Securitization Too Far",  
[www.tandfonline.com/doi/abs/10.1080/07036330801959523](http://www.tandfonline.com/doi/abs/10.1080/07036330801959523)



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- "Assessing EU Policy on Irregular Immigration under the Stockholm Programme", <http://www.ceps.eu/book/assessing-eu-policy-irregular-immigration-under-stockholm-programme>
- "The EU Immigration Pact – from Hague to Stockholm, via Paris", <http://www.isn.ethz.ch/isn/Digital-Library/Policy-Briefs/Detail/?Ing=en&id=93535>
- All other relevant materials that may be useful for your preparation for the conference.

