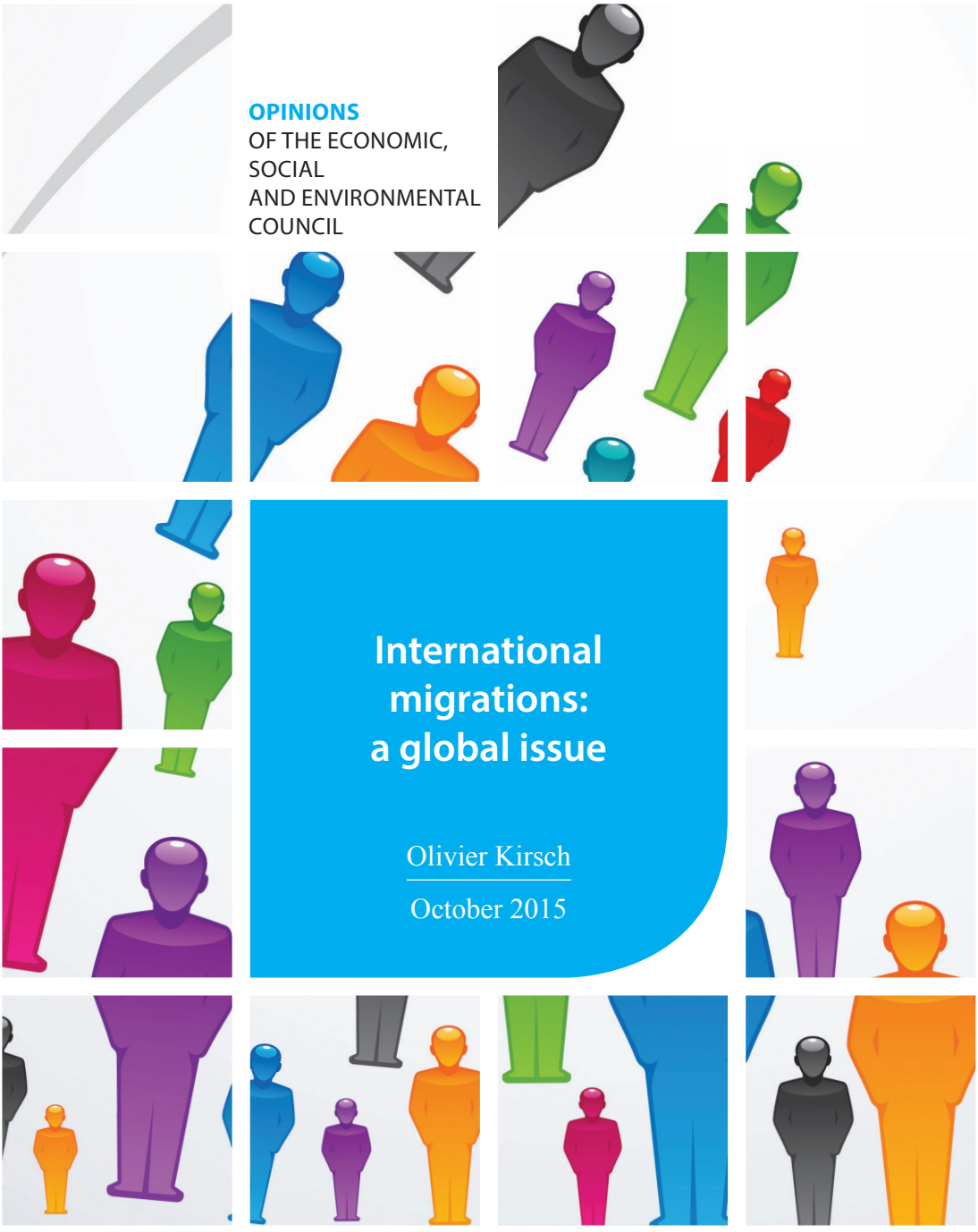

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International migrations: a global issue

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INTERNATIONAL MIGRATIONS: A GLOBAL ISSUE

Opinion of the Economic, Social and Environmental Council
presented by
M. Olivier Kirsch, rapporteur,

on behalf of the
Section for European and International Affairs

Issue brought before the Economic, Social and Environmental Council through a decision by its bureau on 24 June 2014 pursuant to Article 3 of Order No. 58-1360 dated 29 December 1958 as amended, concerning the Organic Law on the Economic, Social and Environmental Council. The bureau entrusted to the Section of European and International Affairs the drafting of an opinion entitled: *International migrations: a global issue* The Section for European and International Affairs, presided over by Mr Yves Veyrier, appointed Mr Olivier Kirsch as rapporteur.

INTERNATIONAL MIGRATIONS: A GLOBAL ISSUE[1]

Summary of the opinion

The Section for European and International Affairs of the French ESEC has long been examining the global issue of international migrations. The "migrant crisis", which has been at the heart of current affairs in Europe since the spring of 2015, mentioned within this Opinion should not distort the overall reality: according to United Nations figures, international migrations involved 232 million people in 2013, which represents hardly more than 3% of the world population and around 9% of that of developed countries.

It was therefore necessary to make a factual report in this Opinion, enabling a view of the major characteristics of migratory phenomena and the development thereof in the world. It includes an examination of the situation in France, including French overseas territories, and in the European Union.

At the international level, several significant changes which have occurred over the last thirty years are to be noted:

- there are many different factors of migration. In addition to flight from poverty and conflict zones and the search for employment and better life conditions, these now include environmental displacement and the desire to study abroad, as well as so-called "comfort" North/South movements of retired people;
- migratory flows have become regionalised, South/South flows henceforth being equivalent to the traditional South/North flows;
- the traditional distinctions drawn between countries of departure, transit and reception seem to be becoming less marked, each national territory being likely to hold these functions in turn, changing from a country of emigration to one of reception or transit;
- finally, the boundaries between different categories of migrants are not entirely fixed. For example, a refugee may eventually become a migrant worker and, similarly, a person having left their country for reasons of family reunification may also come to hold a job.

Migrations in France, for their part, – with the exception of French overseas territories, some of which such as French Guiana and Mayotte are particularly exposed – are frequently overestimated: according to the latest figures from the French National Institute for Statistics and Economic Studies (INSEE, figures at 1st January 2014), France has 8.9% immigrants (persons born with foreign nationality abroad, including those having acquired French nationality) including 6.4% foreigners (not having acquired French nationality).

France is not a major country of immigration, only occupying 5th place in Europe in this respect and, by the same token, emigration on the part of French nationals, which is sometimes seen as a "drain of its vital forces", remains relatively limited as compared with Germany and England for example.

Finally, the immigrant population in France encounters continuing problems of integration, in particular in terms of access to employment and education, this trend being

1 **The draft opinion was adopted in its entirety by public vote with 183 votes** (see annexed voting results).

particularly observable among "recent" immigrants (having lived in France for less than five years).

The European Union (EU) is in a unique situation, since it comprises the sole existing area of free movement of people, the Schengen Area, established between 22 of the 28 Member States and including four neighbouring countries (Switzerland, Iceland, Norway and Liechtenstein). While internal borders are abolished, each country is responsible for surveillance of the Schengen Area's external borders located on its territory. However, two exceptions to internal free movement and border surveillance by each of the Member States concerned should be emphasised:

- Article 78.3 of the Treaty on the Functioning of the European Union (TFEU) which provides that "in the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament." This means that, in the present case of the migrant crisis, **the Member States could have taken action in order to show greater solidarity with the initial countries of reception** (Italy, Hungary, Greece and Malta);
- for their part, and conversely, Articles 23 and 26 of the Schengen Borders Code make provision for the possibility of temporary closure of Schengen internal borders, in particular "in exceptional circumstances where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control".

Finally, it should be recalled that **the European Union's migration policy**, which is still in its embryonic stages, remains under the shared authority of the Commission and the Member States. Although major progress has been made in numerous domains, in particular with the adoption of the Common European Asylum System in 2012 and the European Agenda on Migration in May 2015, the recent migrant crisis has revealed the difficulties of implementation of a common migration policy.

ESEC recommendations

The complexity of migratory phenomena, as well as media coverage and even exploitation thereof for political purposes, have led the ESEC to deliberately strive for distance and perspective in its approach to this question, without for all that overlooking current issues, while giving priority to a rights-based approach.

For a global approach to the management of migrations

Towards greater coherence at the international level

❒ *Promoting an international agenda based upon human rights*

- The multiplicity of bodies in charge of migration issues at the international level (UN, United Nations High Commissioner for Refugees – UNHCR –, International Labour Organisation – ILO –, International Organization for Migration – IOM) should not be a hindrance to the management of migration issues. Their action should be governed by two common objectives: defence of human rights and support of good governance in developing countries.
- The ESEC supports and advises reinforcement of the spaces for dialogue created under the aegis of the UN in the 2000s, which place the issue of migration at the heart of their debates: the Global Migration Group (GMG), the High Level Dialogues on Migrations (HLD) and the annual Global Forums on Migration and Development.
- The ESEC calls for wider ratification of the international conventions in favour of protection of migrants and refugees' rights and, above all, the implementation thereof, via the introduction of effective supervisory and control mechanisms. In this context, the ESEC considers that the ILO's position, as the body responsible for prescribing norms in favour of the protection of migrants, should be fully asserted.
- At the same time, the ESEC is in favour of the establishment of bilateral and multilateral agreements, since it considers the "regional" format (agreements entered into between large geographical subgroups) to be a particularly appropriate way of approaching the migration issue.

❒ *Reinforcing development policies*

- As in its previous Opinions, starting from the principle of the intrinsic link between migration and development, the ESEC strongly reasserts its conviction that the fight against poverty and inequality constitutes a priority and is therefore one of the keys to fighting against forced migrations.
- Moreover, the ESEC considers that migrants should be taken into account as development actors in their own right within the framework of the Sustainable Development Goals (SDGs) adopted in September 2015.
- Indeed, in this overall context the ESEC also confirms its commitment to the threshold, fixed in 1970, of 0.7% of national disposable income (NDI) being devoted

to official development assistance (ODA). The ESEC is in favour of the allocation of a share of ODA to migrants' associations, as part of a co-development approach.

- Within the framework of its allocation, the ESEC once again stresses that this financial support should give rise to a contractual relationship with the beneficiary countries; in this regard restoration or promotion of the rule of law, good governance and the fight against corruption and tax evasion constitute priorities.
- In addition to the payment of ODA, the ESEC renews its call for the establishment of a tax on financial transactions, which would enable compliance with the financial undertakings made at Copenhagen in 2009 in favour of the countries most affected by climate change (€100 billion per year until 2020).

The elaboration of a long-term strategy at the European level

❒ *Collective action in the face of the migrant crisis*

- In the face of Member States' slowness to show solidarity in spite of the European Commission's calls for action in this regard, the ESEC recommends effective implementation of Article 78.3 of the TFEU whenever migratory crises arise, in order to both guarantee decent reception of migrants and ensure the permanence of free movement. In concrete terms, this means not leaving the provision of measures for people, who are in most cases destitute, to be single-handedly managed by particularly-exposed countries of first reception, usually with inadequate resources.
- More broadly speaking, the ESEC considers that the European Union should not act alone with regard to migration issues. It supports all cooperative initiatives already established or to be developed, with a constant concern for strict respect for human rights Moreover, it recommends that the partnerships and agreements already established should be used as real opportunities for increasing the pooling of (North/South, South/North) cross-experience and expertise and for mobilising diasporas' skills to the benefit of their countries of origin.
- The ESEC also considers that the representative bodies of civil society at the European level (in particular national ESC and the European ESC) have a pertinent role to play within the framework of cooperation on migration issues; in order to (ever more) closely involve the population in this reflection.

❒ *Moving towards shared asylum rules*

- As envisaged by the European commission for 2016, the ESEC considers adaptation of the "Dublin System" to be urgent, making it more flexible, not only in order to enable asylum seekers to make applications in countries other than their initial country of reception, but also to facilitate family reunification.
- More broadly speaking, our Assembly is in favour of application of the so-called "Sovereignty" clause, pursuant to which Member States can accept the lodging of asylum applications when they are not the initial country of reception, within the framework of cooperation between the Member States concerned.
- In view of possible abuses in the reception of migrants within the framework of the "Reception" Directive (poor living conditions in certain detention centres for illegal immigrants in particular), the ESEC supports the allocation of suitable budgets in order to provide real aid to associations and NGOs, which have unique experience

and skills for facing up to a situation that they have already dealt with in the past, in the international field in particular.

- The ESEC has legitimate grounds to raise questions about the distinction made in the "Procedures" Directive between the terms "safe country of origin", "safe country" and "European safe country" applied to third countries and the danger of even greater weakening of asylum seekers' situation. The ESEC considers that the EU should draw up a common list of "safe countries of origin" in compliance (as the European Council has decided in principle) with the Copenhagen criteria (concerning democracy, the rule of law and respect for fundamental rights).

❒ *Organising joint border management*

- The ESEC pleads in favour of a common European migration policy, more particularly with regard to the management and protection of borders and the Schengen Area. The Council considers that, in a common area, migration policy cannot be compartmentalised but rather calls for a common approach, with integration of its various different components.
- The ESEC therefore deems that the scope of Frontex needs to be extended beyond control alone, towards taking into account the humanitarian aspect of the handling of migration crises. Reflection needs to be undertaken at the European level, with the involvement of all of the relevant stakeholders.
- Within the framework of the joint management of borders, the ESEC recommends a determined fight against criminal smuggling networks, whose activities resemble human trafficking, while protecting the rights of the migrants themselves. The EU has equipped itself with a full legal mechanism for cracking down on criminal smuggling networks' activities. Indeed, all Member States therefore need to show their will and determination to implement these provisions in an effective manner and reinforce the cooperation of their courts in this field. In this regard, as called for by the European Parliament's decision of 6 October, the ESEC asks the French Parliament to immediately ratify the additional Protocol (2014) to ILO Convention 29 (1930) on forced labour.
- As far as the reception of migrants is concerned, the ESEC draws attention to potential abuses with regard to so-called "hotspot" detention centres, of which the opening is planned in initial countries of reception. They may give rise to fears, in particular with regard to the fact that (without adequate supervision or resources) these "hotspots" could more closely resemble migrant sorting centres than decent places for reception and taking charge of migrants.
- Finally, the ESEC is in favour of putting in place a European system of border guards between different European States on their own initiative, based upon pooling of resources and coordination of practices. This would constitute a strong signal, in favour of a concrete reinforcement of the notions of solidarity and shared responsibility between Member States.

❒ *Elaborating a clear framework for the management of migratory flows*

- The ESEC supports the different approaches put forward by the European Commission in its Agenda on Migration, with the aim of modernisation and adaptation of European policy with regard to the issuance of visas (institution of "Touring Visas", increased flexibility of the Directive of 2004 concerning residence for foreign students, recognition of qualifications etc.) in the context of globalisation.
- As far as the "Return Directive" (2008/115/EC) is concerned, our Assembly declares that the Member States should respect the spirit and letter thereof in its implementation, in accordance with the strict respect for human rights which should prevail in this regard. In the ESEC's view, the putting in place of accompaniment measures is an essential condition, ensuring that the "return" of migrants takes place in a decent manner.

Opinion

Introduction

The landscape of international migrations has profoundly changed over a period of around thirty years. All regions of the world are henceforth affected and the traditional distinctions between country of reception, country of departure and country of transit seem to be becoming less marked. Migrants' profiles also take multiple forms, since all of the various population categories are concerned by migrations. According to United Nations (UN) and Organisation for Economic Co-operation and Development (OECD) figures, in 2013 international migrants numbered 232 million persons, that is to say 3.2% of the world population and 9% of the population of developed countries[2].

The immediate humanitarian crisis which the European Union (EU) has to face sums up all of the many-sided present and future challenges of this uneven and complex picture in its own right. Armed conflicts, unresolved political chaos, the decline of certain States, poverty, demographic tensions, social inequalities, natural disasters and the growing shortage of natural resources presage the continuation of population movements on a large scale and an increase in the number of asylum applications. The increasingly alarming phenomenon of global warming is set to increase migratory pressures in certain parts of the world.

In a context marked by rising tensions in different points of the globe and the increased vulnerability of various regions, as well as by the authorities' inability to face up to the arrival of large numbers of migrants and anxious public opinion, one fact must be acknowledged. Migration issues cannot be considered at the national level alone and need to be dealt with at the international level, in particular between States in the same geographical area.

They require decisive mobilisation and coordination between all of the actors involved – multilateral bodies, NGOs and States – in order to deal with humanitarian emergencies and, beyond this, engage in the resolution of situations of profound destabilisation and the fight against poverty.

By means of this Opinion, the ESEC also wishes to restore balance to the views taken on the migration issue, far from uses thereof for political purposes that play upon fear of differences, with the intention of transforming migrants into our societies' scapegoats. In the face of a purely security-based, repressive and negative approach to migrations, it wishes to reassert the beneficial effects of migrants at the economic, social and cultural level.

Furthermore, by their very status, each migrant creates a bridge between two territories. They symbolise an opening to the world and, therefore, a motor of development for countries of reception and departure alike. The fact of belonging to two different worlds gives them a mediating role, enabling them to create mutually positive opportunities in a globalised world.

In any case, it is no longer possible for the debate on migrations to be sidestepped, only reappearing in the context of humanitarian crises, under the influence of emotion and the

2 Within the framework of international studies, the OECD considers any person settled in the country of reception but born abroad (even to "national" parents) to be an immigrant. This differs from the definition used by the INSEE (a person born a foreigner and abroad remains an immigrant even after acquiring French nationality). See: https://stats.oecd.org/glossary/detail.asp?ID=1284.

distorting prism of short-term focused current affairs. Quite the reverse, this issue merits objectivity and reflection.

This is the line of conduct adopted by the ESEC, with the intention of setting out a certain number of proposals in this Opinion, addressing two areas considered essential from its point of view:

- how should international governance of migration movements be ensured and how can international organisations' actions be made more coherent?
- what emergency measures should be taken in response to the unprecedented political and, principally, humanitarian crisis facing the EU, with the arrival of a large numbers of migrants, for the most part refugees, at its borders? Beyond this, in the face of these recurrent issues, how can a long-term European strategy based upon the EU's humanist values, solidarity and equitable sharing of responsibilities between Member States be elaborated?

Observation: for clarification of the terms of the debate

A contrasting overview

Key data at the international level

Except were specifically noted, the figures quoted below are those given by the United Nations.

An initial observation needs to be made: at the world level, **the extent of migratory phenomena is often poorly assessed.** As mentioned in the introduction, in 2013 international migrants represented 3.2% of the world population, that is to say 232 million persons. Despite speeding up slightly from the 1990s onwards, this proportion has not greatly changed in the long-term, since in 1970 they numbered 82 million persons out of a world population of 3.7 billion, that is to say around 2.2%.

On the other hand, as emphasised by Ms Catherine Wihtol de Wenden, specialist in migration questions and Head of Research at the French National Centre for Scientific Research (CNRS), at the time of her appearance before the Section for European and International Affairs, **internal migrations within the same State territory** involve numbers of people of an entirely different order: around 750 million persons are currently in a situation of internal movement. The two most emblematic countries with regard to these population movements, for the most part attributable to rural flight and increasing urbanisation, are China, with 221 million internal migrants in 2010, that is to say 17% of its population[3], and India with 30% of its population, that is to say around 400 million persons[4].

3 "China internal migration", Kam Wing Chan in *The Encyclopaedia of global human migration*, Immanuel Ness and Peter Bellwood, 2013.

4 Figures from the Indian census of 2001 used within the framework of research published by UNESCO at the time of the "National Workshop on internal migration and human development in India" (December 2011).

According to UN figures for 2013, the United States, with 46 million migrants, Russia (11 million), Germany (10 million), Saudi Arabia (9 million) and the United Arab Emirates (8 million) are the leading countries with regard to immigration in absolute terms.

However, the following countries receive the most migrants in relation to their total population:

- Qatar with 70%, the Emirates (with more than 80%), Singapore (42%), Monaco (64%) and Switzerland (28%);
- countries with low population density such as Canada (20%) and Australia (27.6%, OECD);
- and countries close to conflict zones receiving refugees (for example Jordan with 40% and Lebanon with more than 30%).

The average proportion of migrants in the population of OECD countries is 10%.

As far as the principal areas of emigration are concerned, according to the latest data established in 2005[5], 28% of migrants come from Asia, 33% from the European continent (including Russia), 23% from North America, 9% from Africa and just over 3% from Latin America.

Although the globalisation of migratory flows began in the 1990s, in particular as a result of the general establishment of a "right to leave", regionalisation is the most marked phenomenon. Indeed, an increasing proportion of migratory movements take place within the same geographical area. The natural consequence of this regionalisation is an increase in flows to the South, which also bears witness to emerging countries' new attractiveness and the transformation of traditional areas of departure into countries of, - at least temporary -, reception (e.g. Kenya, Jordan and Thailand). Furthermore, South/South migrations are currently equivalent to South/North migrations, in the order of 60 million people, whereas North/South migrations involve 15 million people.

However, at a deeper level, it is becoming increasingly difficult to distinguish between countries of departure, transit and reception, because of the extent to which their classification under these categories changes as a result of their internal situation, possible regional conflicts, their level of economic development and exposure to environmental risks. A country in conflict such as Syria (currently the country of origin of the majority of asylum seekers in Europe) once received refugees from Lebanon and Iraq (over 1 million Iraqi refugees on Syrian soil at the end of the 2000s, between 2007 and 2009). Apart from the example of the Near East, one might mention the example of Spain which, after having long been a land of emigration, became a major country of reception, before the economic crisis slowed down these arrivals of migrants. Morocco, Mexico, Turkey and Thailand are further examples of countries simultaneously occupying the role of country of departure, reception and transit. These types of changes evidently show that all countries are likely to be confronted with migratory phenomena, although they also highlight their difficulty in providing suitable responses thereto, as witnessed by the situation in Lebanon, where more than one and a half million Syrians have taken refuge, as against a local population of just under 4 and a half million people.

5 Source United Nations (UN DESA) quoted in "*Migrations internes et internationales 2010-2013*", French Development Agency (AFD), transverse action framework

The attractiveness of the European area

Europe has long been a land of emigration, in particular from the 19th century up until the middle of the 20th century[6].

It is now one of the principal areas of reception of migrants: the European continent – including Russia – is the principal destination at the international level with an immigrant population of 72 million people.

For its part, the European Union (EU) has more than 34 million immigrants (Eurostat 2014), that is to say almost 7% of the population. The annual flow of immigration from third countries comes to 1.4 million people.

However, the situation varies from one country to another since the proportion of migrants in the population comes to 9.4% in Germany, 7.7% in the United Kingdom, 11% in Austria and no more than 4% in the Czech Republic. Moreover, flows to the countries of Southern Europe (Spain 11%, and Italy 7.5%) have increased over the last decade, despite slowing down because of the financial crisis. The deterioration of the economic situation has also highlighted migrants' difficulties of integration in Europe. The gap in employment rates between natives and immigrants widened considerably with the crisis and is proving difficult to reduce, unlike in the United States. Moreover, migrants are rarely employed at their proper level of qualification.

Finally, the sudden arrival at the EU's southern and eastern borders of migrants fleeing the principal crisis zones (in the first place Syria, Iraq and the Horn of Africa) poses major challenges for the EU, in new and unprecedented terms, both at the level of solidarity between States and decent provision of measures for these asylum seekers and with regard to its migration policy. In 2014, 280,000 migrants were thus detected at Europe's borders. In the first seven months of 2015, the Frontex agency had already recorded 340,000 arrivals, as compared with 123,500 for the same period in 2014. The observable increase in entries in July 2015 as compared with July 2014 throws even more light upon the situation: they tripled reaching the figure of 107,500. In the month of July 2015 alone, 20,000 migrants arrived in Italy, - that is to say 90,000 migrants since the beginning of the year-, and almost 50,000 in Greece, for the most part via the Aegean Sea. For their part, overland flows via the Balkans route brought 102,000 migrants to Hungary between January and June 2015, as against 8,000 for the same half-year in 2014, once again according to the Frontex agency.

6 Between 1815 and 1932, 60 million (British, Irish, Italian, German, Spanish etc.) people left Europe in order to go to the American continent (the United States, Canada and Argentina in particular), Australia and New Zealand.

Migrations in France: discrepancy between the reality of the figures and the perception thereof

France has just over 4 million foreign people on its territory, that is to say 6% of the population[7], a level lower than that of its European neighbours, as shown by the above-mentioned figures. For its part, the annual flow of entries is about 285,000 people (of whom 85,000 come from within the Schengen area), that is to say less than 0.5% of France's population, which once again places France below the OECD country average (0.6%).

The majority of this population comes from Africa (42%) – for the most part from the Maghreb – and from the southern and eastern European Union countries (38%).

❒ *France is no Longer a major country of immigration*

Contrary to what is often a widespread perception within public opinion, immigration has shown considerable stability over the last thirty years and remains a limited phenomenon. France is no longer among the foremost countries of major immigration. The country holds 5th place in Europe in terms of destination countries.

Moreover, policy has until now been rather restrictive with regard to the granting of refugee status (see text box below): only 17% of asylum seekers are granted refugee status in the first instance, after a long procedure, and a total of 28% after intervention by the French Court of Asylum (CNDA - *Cour nationale du droit d'asile*). By way of comparison, 49% of asylum seekers obtain a positive response in Germany and 54% in the United Kingdom. Moreover, numerous migrants are only in transit through France, as is the case in Calais, attempting to reach British territory in order to apply for asylum there. Neither, in this regard, is France as exposed to the arrival of migrants on the Mediterranean coasts as its Italian and Spanish neighbours. Nevertheless, the issue of migrants in an irregular situation is of concern to France. Their numbers are estimated at between 300,000 and 400,000 people, including persons having entered French territory legally who have remained after the expiry of their residence permits and unsuccessful asylum seekers, as well as persons having entered via illegal channels[8].

Moreover, the immigrant population is principally concentrated in three regions: 38% of immigrants reside in Ile-de-France and 10% in Rhône-Alpes and Provence-Alpes-Côte d'Azur respectively[9], which influences perceptions of the phenomenon of migration.

7 Source Eurostat 2013, for all of the figures quoted in this paragraph. They correspond to the number of ("non-national") foreigners in the country and therefore differ from the INSEE statistics. According to the INSEE, at 1st January 2014, the immigrant population in France (persons born foreigners and abroad and residing in France, including those having subsequently acquired French nationality) amounts to 5.85 million people, i.e. 8.9% of the population. According to the INSEE, once again, (1st January 2014), 6.4% of them are "foreigners" (not having acquired French nationality).

8 It is inherently difficult to estimate the number of immigrants whose residence papers are not in order; use of figures from State Medical Assistance (AME - *Aide Médicale d'État*), - free healthcare for people on low incomes to which foreigners in an irregular situation have been entitled since 1999 -, is considered to be the most reliable method. In 2013, 282,000 people had the benefit of State medical assistance (AME); however, not all migrants in an irregular situation claim this right.

9 Source: *Atlas national des populations immigrées*, PRIPI 2010-2012.

Reform of Asylum Law

In 2014, the French Office for the Protection of Refugees and Stateless Persons (OFPRA / *Office français de protection des réfugiés et des apatrides*) handled 64,800 asylum applications (of which just over 20,000 actually led to the granting of refugee status in the second instance) made, in descending order, by persons from DRC, China, Bangladesh, Russia and Syria. The Act on the Right of Asylum, adopted on 15 July, is intended to transpose the European Directives of June 2013[(a)], in particular by means of a reduction in the waiting time for the handling of asylum applications, which is currently two years, reducing it to nine months, improvement of asylum seekers' conditions of reception, simplification of procedures and consolidation of the resources of the OFPRA, - which is responsible for granting refugee status -, and of the French Court of Asylum (CNDA - *Cour nationale du droit d'asile*), which examines and rules on appeals. Furthermore, more rapid deportation procedures for unsuccessful asylum seekers were voted on 23 July. Indeed, a report from the *Cour des Comptes* [the French Supreme Audit Institution] made public in April 2015 had highlighted the fact that only 1% of unsuccessful asylum applicants were actually deported.

The bill concerning the law on foreigners

This Bill was adopted by the French National Assembly on 24 July and has been in course of examination by the Senate since 6 October. The bill is aimed at facilitating integration (consolidation and extension of "integration paths") and administrative formalities (introduction of a long-term residence permit) and encouraging the migration of qualified labour (creation of a "talent passport"), as well as fighting more effectively against illegal immigration criminal networks.

(a) In addition to the amendment of the Dublin Regulations and EURODAC, three Directives were published, respectively concerning the qualification of asylum applications, reception of asylum seekers and procedure.

❒ *French overseas departments and territories: a specific situation*

French overseas territories are increasingly viewed as preferred destinations for immigration by neighbouring populations. Although French overseas departments and territories as a whole are confronted with this phenomenon, it is still more particularly significant in two departments: Mayotte and French Guiana.

Indeed, there is very heavy migratory pressure in **Mayotte**: according to data from the 2012 census (INSEE), Mayotte had 84,600 foreign nationals on its territory out of a total population of 212,600 people, - i.e. 40% -, of whom 95% were of Comoran nationality. Illegal immigrants often arrive by sea: migrants are literally crammed into "*kwassas kwassas*", Anjouan fishing boats intended to carry 8 persons, which are used to transport up to about forty migrants, making the crossing dangerous and leading to the deaths of around 1,000 people per year. These small-scale networks are difficult to combat since they are based upon an excellent knowledge of the terrain and close ties between Mayotte and the Comoros. Nevertheless, almost 20,000 persons were escorted back to the border in 2014 – by way of comparison, just over 25,000 deportation measures were taken in Metropolitan France in the course of the same period. Although resources for fighting against these networks are regularly reinforced and despite the fact that in 2013 France established an agreement with the Comoros in order to develop cooperation between the two States, the flows are not drying up and the French department's attractiveness, - with a GDP that is nine times higher-, remains very strong. For the department's authorities, as for those of French Guiana, this flood of migrants represents a real challenge in terms of integration and management, in particular with regard to provision of schooling and organisation of measures for unaccompanied minors.

French Guiana, for its part, is a more long-established country of immigration, since the first large migratory movements began in the 19th century with the arrival of Chinese and Saint Lucian immigrants. Immigration continued from the 1960s onwards, with regional flows from neighbouring Brazil and Suriname as well as from Haiti, due to political crises and, of course, economic factors, French Guiana being one of South America's richest areas. Today, almost a third of the total population of 240,000 people (INSEE, estimate 2014) is composed of foreigners. Facilitated by the French Guianese territory's 1,200 kilometres of natural borders, the illegal flows accelerated in the 2000s, as shown by the number of persons escorted back to the border, which has increased from around 4,000 in 2004 to 10,000 today. Moreover, on the Brazilian border these networks merge with the illegal placer mining networks, which use workers in an irregular situation. In order to fight against the illegal immigration networks, the State has consolidated its means of action and established agreements with the countries of departure, and with Brazil in particular, in terms of police cooperation.

❒ *A population faced with integration problems*

This Opinion is not intended to deal exhaustively with the problem of integration of the immigrant population, which constitutes an issue in its own right. However, it appears necessary to mention a certain number of characteristics thereof.

All of the studies lead to the same findings, as confirmed by the very recent report jointly drawn up by the OECD and the European commission[10], mentioned by Mr Jean-Christophe Dumont, Head of the International Migration Division at the OECD, at the time of his appearance before the Section for European and International Affairs: the immigrant population in France is exposed to continuing difficulties of integration despite, as the report points out, long experience with regard to the reception of immigrants. The most striking indications of these difficulties are, in particular:

- a lower rate of activity, less than three immigrants out of five having a job;
- an employment rate for recent immigrants, having been in the country for less than five years, 25 percent lower than for persons born in the country;
- a much higher unemployment rate for the immigrant population as a whole than for the rest of the population (around 17%);
- greater prevalence of poverty: over 30% of persons living in immigrant households are in a situation of relative poverty[11] as against 12.5% of nationals;
- difficulties of integration of immigrants' children into the education system, once again more specifically for "recent" immigrants.

Conditions of reception and, ultimately, integration of new migrants may give cause for concern, in a difficult economic and social context, with an unemployment rate that remains high and increasingly insecure social circumstances. At the same time, the work of associations such as the Cimade, the FORIM (Forum of Migrants' International Solidarity organizations) and the CRID (Research and Information Centre for Development) – representatives from the latter two bodies having met with the rapporteur –, provides a firm message in favour of the successful integration of migrants and a positive vision of their contribution within their country of reception.

❒ *Overestimation of French expatriation?*

Similarly, emigration on the part of French nationals is overestimated, giving rise to the fear of a veritable "drain of France's vital forces". In 2014, there were 1.68 million people registered in the International Register of French citizens living abroad (*Registre mondial des français établis hors de France*) and their number had increased by 2.3% as against 2013. By way of comparison, in 2010 the UN estimated the British expatriate population at more than 4.5 million persons, that is to say 2.6 times the French population outside of France.

However, although it is true that emigration on the part of French people, and highly qualified people in particular, has increased by 30% since the beginning of the 2000s and currently amounts to 100,000 persons per year, it remains well below the figures recorded in Germany and the United Kingdom: according to OECD figures, the rate of emigration of

10 "Indicators of Immigrant Integration 2015" OECD, September 2015. Prior to this the "*Atlas national des populations immigrées*", PRIPI 2010-2012, had already highlighted the immigrant population's exposure to integration problems in France.

11 The relative poverty rate here corresponds to the proportion of persons living below the poverty line, that is to say having less than 60% of the average disposable income.

higher education graduates is 5.4% in France as against 8% in Germany and just over 10% in the United Kingdom.

This increase is largely explained by globalisation, - which promotes movements and increases professional opportunities throughout the world-, the economic crisis in the developed countries and the prospect of diversified career paths, to a still greater extent than any catching-up effect- the French having until now been little inclined to emigrate.

The many faces of immigration

Contrary to commonly accepted ideas, in most cases migration is a necessity rather than a choice: although this is obviously a case for refugees, it is often also the case for migrant workers, obliged to leave their country in order to find a decent job. Moreover, migration is tending to prove to be an increasingly costly process, which is not within reach of all candidates for departure.

Although this Opinion takes the approach of presenting four major categories of migrants (of almost equal proportions in volume terms), it is essential to bear in mind that the boundaries of this classification are not entirely fixed and the same person may often change between the categories described in the course of their existence. A student is thus likely to become a migrant worker in their country of reception and, similarly, asylum seekers will also seek employment after having obtained refugee status. This classification is partly artificial and is above all aimed at presenting the specific characteristics of each kind of migrant.

Migrant workers

Imbalances of development at the international level constitute one of the principal factors of migration and the search for better conditions for making a living, and therefore finding a job, indeed provides motivation for candidates for departure. At the time of her appearance before the Section, Ms Christiane Kuptsch, Senior Specialist in Migration Policy at the International Labour Organisation (ILO) specified that about half of international migrants were active at the economic level, that is to say almost 120 million persons, of whom half were women. She also emphasised that the majority of international migration flows were directly or indirectly connected with the world of work.

In countries of reception, migrant workers are in the first place concentrated in certain economic sectors said to be "under pressure", often due to the low level of qualification required, difficult working conditions and low wages: the construction industry, agriculture, the hotel and catering sector. Health and home services, which are in full expansion in developed countries due to population ageing, also employ numerous migrants. Moreover, the expression "care drain" is increasingly used to refer to this phenomenon.

More generally speaking, whatever their level of qualification, migrants are nonetheless more exposed to fluctuations in the labour market. At the time of his appearance before the Section, Mr Jean-Christophe Dumont, Head of the International Migration Division at the OECD, drew attention to the following points:

– with the economic crisis, the gap between their level of unemployment and that of persons born in the country has widened in European Union countries (a difference of 6% as compared to 3% before the crisis);

- immigrant higher education graduates have lower employment rates in virtually all OECD countries;
- in most cases, these graduates suffer a drop in status and therefore occupy jobs requiring low or moderate levels of qualification (over 50% of them in Italy, Greece and Spain, 30% on average for the OECD countries).

In countries of departure, "brain drain" problems are still burning issue, in Sub-Saharan Africa in particular, where up to 40% of the highly-skilled workforce in certain countries moves abroad. Because of their skills these highly-qualified migrants receive a favourable welcome in developed countries, depriving or even emptying their countries of origin of skills useful for their development.

Family reunification

This concerns legal foreign residents' right to have their families come to the country of reception in order to be reunited with them. Close family relations (spouses and children) of migrant workers and refugees may have the benefit of this procedure.

Broadly speaking, this constitutes the principal grounds for the granting of residence permits in France, as well as within the European Union (32%). It should be noted that the employment rate for women who have had the benefit of family reunification is higher in their country of reception than in their home country, migration therefore seems to represent a factor of emancipation for them.

Students

Considerable growth in this category of migrants has occurred over the last two decades: in 2012, the OECD estimated the number of students concerned by international mobility at 4.5 million, of whom 75% were living in OECD countries. More than half of these students were from Asia, including 22% from China, with the support of the authorities in Beijing. Moreover, students represent a quarter of the migrants in Europe.

Because their rights of entry are temporary, they are often more flexible. They are highly-qualified and likely to eventually become migrant workers. For example, after a 5-year period, it is observed that 40% of them remain in France after their studies in order to look for a job.

Refugees and asylum seekers

The 1951 Refugee Convention defines a refugee as "*any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it*".

The increase in the number of crisis zones in the Near and Middle East as well as in Africa, since 2011 in particular, has led to major population movements fleeing these conflicts. Moreover, the number of refugees reached the unprecedented level of 60 million people in 2014, half of whom were children, as against 51 million in 2013. The majority of these flows go to neighbouring countries, which is not without impact at the economic and social level and in security terms, with a high risk of the conflict spreading. As Philippe Leclerc, Representative of the United Nations High Commissioner for Refugees (UNHCR) in France, recalled at the time of his appearance before the Section, Pakistan has hosted 2 to 3 million Afghan refugees for around thirty years, while Lebanon currently provides a home for 1.5 million Syrian refugees, that is to say the equivalent of a third of its population.

European Union countries have also become a favoured destination for asylum seekers, who in most cases come via illegal channels: In 2014, 650,000 persons applied for asylum in an EU Member State. As Mr Giuseppe Iuliano, member of the European Economic and Social Committee (EESC), recalled before the Section, Germany is the country receiving the greatest number of asylum applications (over 200,000 of which 49% were granted in 2014), followed by Sweden (82,000 of which 83% were granted). **By way of comparison, France received just under 64,800 applications of which 28% were granted in the first instance (two to four years of procedure before the reform of asylum law voted in July).**

The pace became faster in the first seven months of 2015, at the end of which Germany had already received 400,000 applications, a number which could increase to as many as 800,000[12]. The principal nationalities concerned were Syrians, Afghans, Eritreans, and Kosovars.

New categories of migrants

❒ *Environmentally displaced people*

Other forms of migration have emerged in the course of the recent period. As mentioned in the ESEC Opinion, "Making a success of the 2015 Paris Climate Conference", drafted by Ms Céline Mesquida and Mr Bernard Guirkinger and presented on 29 April 2015, the effects of climate change henceforth make the question of **environmentally displaced people** a burning issue. The environment has always been a major factor in population displacement. On the other hand, it is new to take climate change into account as a cause of migration, despite the fact that these flows are for the most part internal and interregional at the present time. As emphasised by François Gemenne, specialist researcher in the field of environmental migration, at the time of his appearance before the Section: "*Climate change (…) means migrations on a completely different scale, we are henceforth looking at the possible displacement of hundreds of millions of people in the coming decades*". According to the figures given by Mr Gemenne, the displacement of 22 million people in 2013 was above all attributable to extreme weather events (natural disasters), and to a lesser extent droughts, deterioration and desertification of soils and sea level rise. It is evident that these population movements are likely to accelerate if no measures are taken to limit the predicted rise in temperatures and ocean levels, which could reach 4 degrees and one metre respectively by the end of the century[13].

12 Figure taken from a declaration by the German Interior Minister, Mr Thomas de Maizière, in the course of the summer of 2015.

13 Scenario elaborated by the Intergovernmental Panel on Climate Change (IPCC).

In this situation, the question of a status for these new kinds of displaced persons could be included in the agenda of the COP 21.

❒ *Comfort migrations*

Contrary to environmentally displaced persons subjected to migration, **'comfort' population movements** are also observable, from the North to the South as shown by the example of "**senior citizens in the sun**", French nationals living in Morocco.

The case of migrants in an rregular situation

An estimated 10 to 15% of migrants in the world are in an irregular situation[14]. As previously mentioned, their number is estimated at between 300,000 and 400,000 people in France, out of a total immigrant population of around 4 to 5 million. According to the CLANDESTINO Project, financed by the European Commission, they numbered between 1.9 and 3.8 million in the EU in 2009.

80% of them are persons having entered the country of reception legally, whose residence permits have expired, and asylum seekers whose applications have been rejected. These persons are therefore likely to hold undeclared jobs and, within this context, to be faced with greater problems.

Due to entry restrictions in virtually all OECD countries, there has also been an expansion in illegal immigration networks, transporting persons fleeing conflict or looking for a job, often for a very high price. They are therefore likely to eventually become asylum seekers or migrant workers.

The increasing number of these networks makes it necessary for countries of reception to take charge of migrants – some of whom will lodge asylum applications, while for others deportation is rarely possible in the absence of readmission agreements with their country of origin – with the difficulties that this involves in terms of protection of human rights, as well as at the practical level and with regard to their future integration. For its part, the fight against these networks is all the more complex in so far as the destination countries, within the EU in particular, lack contacts in the countries of departure and transit, as is currently the case in Libya.

Moreover, in numerous countries of reception, the building of walls is becoming widespread in order to discourage the crossing of borders. In Europe, after Greece, on its border with Turkey, Hungary has just finished building a barrier on its border with Serbia in order to discourage the arrival of migrants on its territory.

14 Source: ILO, "*Fair migration: Setting an ILO agenda*", Report of the ILO Director General to the International Labour Conference (103rd session, 2014).

A wide range of migration policies

Increasingly hybrid migration policies

Broadly speaking, the many different migration policies implemented at the present time vary between firmness, with strict border controls and the fight against illegal immigration networks, and selective opening measures for highly-qualified immigrants and the adoption of quotas. They rarely take the local labour market's real needs into account but are rather aimed at meeting security or even political imperatives. At the time of her appearance, Ms Kuptsch referred to this phenomenon by means of the expression "High Politics versus Low Politics", that is to say the priority taken by security aspects over economic and social factors.

The elaboration and implementation of appropriate migration policies is difficult for a number of reasons: today, a significant number of countries fall within several different categories in migration terms, simultaneously constituting lands of reception, transit and departure; labour market needs fluctuate and are therefore difficult to determine and satisfy in the long-term; public opinion is very sensitive to immigration questions and we are currently witnessing an expansion of xenophobic political tendencies, within the EU in particular. Indeed, actual needs, which due to population ageing are set to increase considerably in developed countries in the course of the coming decades, have to be reconciled with the political, social and cultural repercussions of migration, which therefore means ensuring proper integration of these newcomers, above all in a period of economic slowdown or even crisis.

As far as migrant workers are concerned, the supply-based system in which a selection process is conducted by the authorities, which characterises countries of settlement, is traditionally set against the demand-based system in which selection is conducted by employers, as applied in European countries. In supply-based systems, highly-qualified migrants are selected on the basis of criteria that are supposed to guarantee lasting integration within the country and have the benefit of long-term residence permits from the outset. Conversely, under the European countries' demand-based system, migrants with low qualifications are required to have offers of employment in order to obtain residence permits, which are usually temporary.

However, as specified by Mr Dumont, this distinction is tending to become blurred and the majority of countries of reception are henceforth adopting hybrid measures such as "expression of interest" systems: candidates for immigration are registered in a "pool" from which authorities and potential employers can target candidates.

Canadian migration policy

Immigrants represent almost 21% of the Canadian population (UN 2013) and around 250,000 permanent migrants come to the country every year, in addition to 400,000 temporary migrants (students and seasonal workers in particular). The Department of Citizenship, Immigration and Multiculturalism (Citizenship and Immigration Canada, CIC) is in charge of the elaboration and implementation of the country's migration policy, which is aimed at matching migrant entries with labour market needs. With regard to migrant workers, who represent over 60% of entries (OECD 2012), the system is based upon the fixing of an annual quota of migrants and selection according to linguistic criteria and level of training and professional experience.

Moreover, since January 2015 the "Express Entry" procedure has enabled qualified immigrants to apply online. They are then grouped together in a "pool", from which the CIC invites the most eligible candidates to apply for permanent residence at regular intervals.

The system is completed by other possibilities, such as Start-up and Self-employed Visas and post-graduation work permits for foreign students.

The European Union: a unique area of free movement of individuals, a migration policy in its embryonic stages

❒ *A migration policy in its embryonic stages*

As recalled by Ms Corinne Balleix, special adviser on questions of asylum and immigration within the Ministry of Foreign Affairs and International Development, at the time of her appearance before the ESEC, European migration policy is relatively recent, the first foundations thereof having been laid in 1985 with the adoption of the Schengen Agreement, in the wake of the Single European Act, which was aimed at reinforcing fundamental freedoms (freedom of movement of goods and services, capital, freedom of services and finally, freedom of movement of people). Initially handled at an intergovernmental level, European migration policy progressively came within a community framework, but remains an area of authority shared between the EU and its Member States. Its construction has been marked by five key stages:

- 1985: the **Schengen Agreement**, followed by the **Schengen Convention** in 1990, which came into force in 1995. It was signed within an intergovernmental framework[15] and set out the beginnings of the establishment of an area of free movement of people;
- 1990: the **Dublin Convention** concerning, inter alia, determination of the State responsible for the examination of asylum applications made in one of the EU Member States.
- 1992: the **Maastricht Treaty** (or Treaty on European Union, TEU), concerning the creation of a 3rd pillar, Justice and Home Affairs (JHA), dealing with questions of asylum, immigration and establishment of visa policy at community level.
- 1997: the **Amsterdam Treaty** which, under the terms of some of its provisions, concerned the progressive establishment of a community framework for questions relating to asylum, immigration and visas. In particular, the Treaty made provision for the establishment of common minimum standards for the processing of asylum applications and common measures governing residence for third-country nationals (visas);
- 2009: the **Treaty of Lisbon**, which included additional provisions in favour of the deployment of a common policy with regard to asylum, immigration and external border controls, the progressive putting in place of an integrated system for the management of external borders and the development of partnerships and cooperation with third countries (e.g. the possibility of establishing readmission agreements). Implementation thereof is based upon ordinary legislative procedure (co-decision procedure).[16]
- Its contours were gradually defined by three major strategic programmes:

15 The intergovernmental framework, which has applied to specific domains since the disappearance of the pillars resulting from the Treaty of Lisbon (foreign policy, debt management etc.), differs from community processes, in terms of the role played by Member States in particular. It is also based upon a different decision-making procedure (unanimous decision or qualified majority by the Council) contrary to ordinary legislative procedure (see below).

16 Ordinary legislative procedure grants the same level of authority to the European Parliament and to the Council of the European Union in a large range of fields. The vast majority of European Directives and Regulations are jointly adopted by the European Parliament and the Council. Formally referred to as co-decision procedure, it was renamed ordinary legislative procedure as a result of the Treaty of Lisbon.

- 1999-2004: the **Tampere Programme**;
- Objectives: establishment of a common European asylum system and bringing national policies closer together with regard to immigration. The results were disappointing and the climate unfavourable (September 11 attacks);
- 2004-2009: the **Hague Programme**;
- Objectives: establishment of a community framework for asylum and immigration questions and creation of the Frontex agency, but little progress with regard to asylum;
- 2010-2014: the **Stockholm Programme**;
- In 2012, adoption of the Common European Asylum System (CEAS) and creation of the European Asylum Support Office (EASO); integrated management of borders, effort for optimisation of the connection between migration, development and integration of migrants.

A new strategic programme was adopted in June 2014, aimed at improving the management of all aspects of migrations. Furthermore, in May 2015 the Commission drafted the "European Agenda on Migration", which is built on four pillars:

- reducing the incentives for irregular migration;
- border management in order to ensure security;
- common asylum policy;
- new policy on legal migration.

❒ *The Schengen Area: a unique system of free movement of people*

In the first place, it should be recalled that the territory of the European Union and that of the Schengen Area do not coincide, since certain Member States, among the most recent entrants or having deliberately adopted an exception clause, do not belong to the unique area of free movement of people that Schengen represents[17]. Finally, French overseas departments and territories do not belong to the Schengen Area.

With the adoption of the Schengen Convention in 1985 and its coming into force in 1995, the European Union progressively established an internal area of free circulation of people, that is to say gradual abolition of internal borders, the control and protection of external borders therefore being reinforced and jointly but separately organised by each Member State. All citizens of the Schengen Area and third-country nationals can freely travel around within the area of free movement (Art. 77 of the TFEU).

However, the Schengen Borders Code makes provision for exceptions to this principle of free movement, under certain circumstances and for limited periods. Pursuant to Articles 23 and 26 of the above-mentioned code, the re-establishment of border controls can thus be envisaged in two cases: serious threat to public policy or internal security and, since 2013, "in exceptional circumstances where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control".

17 The Schengen Area groups together 22 of the 28 EU Member States: two deliberately opted out (United Kingdom and Ireland), the four others do not belong to it because of their recent membership and the need to adapt their border control systems (Bulgaria, Romania, Cyprus and Croatia). Moreover, Norway, Iceland, Liechtenstein and Switzerland are part of the Schengen Area despite the fact that they are not EU members. Monaco, Vatican City and San Marino are also considered de facto to be integral parts of the Schengen Area.

For an overall approach to the management of migrations

Towards greater coherence at the international level

The question of migrations has always existed and is at the heart of many international organisations' missions: the United Nations (UN), the International Labour Organisation (ILO) the UN Refugee Agency (UNHCR) and the International Organization for Migration (IOM). Moreover, numerous major texts concern migratory movements (UN and ILO conventions) but are far from being applied in reality.

Nevertheless, the large number of international bodies, texts and initiatives should not curb the making of progress, in a realistic and pragmatic manner, making immigration a factor of development in the interest of countries of departure and arrival, with two objectives in view:

- protection of human rights, since migrations in the first place concern human beings in a situation of great vulnerability and in most cases subject to discriminations contrary to respect for human dignity;
- **increased support for good governance, for the take-off of developing countries and all the more so for the least developed countries, since the combination of poverty and conflicts drives people to seek better living conditions within or outside their own country.**

Promoting an international agenda based upon human rights

❒ *Developing political dialogue at the highest level*

The UN system's current architecture does not include any organisation specifically dedicated to migrations and the establishment of an international organisation within this framework remains a remote prospect in view of the complexity of the subject, which forms a point of convergence between many different geopolitical, economic and social as well as environmental issues, and which raises the notion of the very sovereignty of States.

Nevertheless, exchange and consultation about problems connected with migrations has developed at the multilateral level, taking shape in the 2000s **with the creation of three organisations within the UN, in addition to the Global Commission on International Migration (GCIM)**:

- **the Global Migration Group** (GMG) created in 2005, which brings together heads of major UN agencies as well as UN regional commissions, the ILO, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the IOM;
- **the High Level Dialogues on Migrations** (HLD), organised since 2006 under the aegis of the UN General Assembly which, in addition to States, include representatives of civil society;
- In the wake of the HLD, the **Global Forums on Migration and Development**, the most recent edition of which was held in Stockholm in 2014, are open to all UN

Member States and organisations from civil society. "Civil society" forums are held at the same time as and in association with the forums.

- **The ESEC considers that these informal, flexible and non-restrictive spaces of dialogue and cooperation currently constitute a useful framework for addressing the subject of migration, in its multilateral dimension, in particular by enabling meetings of a large range of stakeholders whose approaches and interests remain far apart. From the ESEC's point of view, the fact that debate has emerged and acquired legitimacy argues in favour of the continuation and development thereof centred around the inseparable notions of respect for and protection of migrants' fundamental rights and economic and social development.**

Our assembly is convinced that these organisations for reflection and debate are highly relevant, in particular in terms of the issues selected and presented as priorities. The GMG has thus organised working groups on issues such as "*human rights, gender and migration*" and the "*integration of migration into development strategies*". Moreover, it has launched a multi-annual work plan composed of several areas of work on migration and human rights including "*human rights and sexual equality*" and "*migration and decent work*", as well as with regard to the post-2015 development programme, amongst others.

The Declaration adopted by the UN General Assembly by consensus in October 2013 at the end of the second High-Level Dialogue on International Migrations also reflects **the importance of spaces of exchange of this kind, in order to take the first steps in favour of an embryonic form of international management of migrations and make the question of human rights a central concern with equal status to that of development.** Indeed, this text calls for increased cooperation within existing frameworks and places great importance upon the elaboration of an effective and inclusive programme with regard to migrations, incorporating **human rights** and development, as well as acknowledgement of human mobility as a key factor for sustainable development. Similarly, the inclusion of the need for States to take "measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families" in the **United Nations Millennium Declaration** of 18 September 2000 and the explicit reference made with regard to the responsibility of countries of origin, transit and destination in promoting all migrants' fundamental rights in the final document "**The Future We Want"** of the **United Nations Rio+20 Conference on Sustainable Development**, had already borne witness to the same demand to make human rights a priority.

- **However, the ESEC considers that the impact of the reflections and messages issued by the GMG, the HLDs and the Forums needs to be consolidated.** The fact that the debate is split up between these three constituent parts of the UN system, alongside the UN Agencies, which also have authority in the fields of migrations and human rights, unquestionably detracts from the visibility of their activities. It should be emphasised that the GMG was established with the aim of ensuring coordination of the UN's activities with regard to migrations. **Our Assembly is in favour of current projects which, in order to ensure greater coherence between the activities of all of the organisations involved, are aimed at reinforcing the GMG's position and coordinating role in the multilateral agenda on migration and human rights.**

In any case, **in the context of current developments, the question of coherence and a non-segmented approach to migrations deserves special attention from our Assembly's point of view**. Different kinds of migrant status merge, intersect and overlap and several different statuses may be attributed to the same migrant. In addition, migrations are taking new forms, such as environmentally displaced persons, as a result of climate change, for example. However, the international law on migrations and refugees elaborated after the Second World War could not take into account the fact that the environment would subsequently become a major factor in population movements. The United Nations Convention of 1951 relating to the Status of Refugees does not as such recognise climate refugees. In concrete terms, this poses the question of the adaptation of international conventions, signed decades ago in an entirely different international environment, to these new situations, a question which can be expected to become an even more burning issue in future, as result of the growth of migratory flows and the increasing complexity thereof.

- **For the ESEC, the prospect of these new fields which need to be included within the agenda on migrations dictates an ever more integrated approach to dialogue. Still more, it makes new reflection inevitable concerning the suitability of the institutional organisation of the migrations debate, and even with regard to the appropriateness of establishing a more operational system that measures up to the issues involved.**

❒ *Promoting the implementation of international conventions and standards*

International conventions as well as standards (principles, good practices etc.) concerning migration and human rights form a wide range of legal measures.

This Opinion is not intended to examine all of the key international treaties, covenants and conventions applicable in this regard. However, a few major, emblematic texts deserve to be recalled:

- **the Universal Declaration of Human Rights of 1948**, whose preamble reasserts the "*inherent dignity and […] the equal and inalienable rights of all members of the human family…* " while Article 1 provides that "*all human beings are born free and equal*";
- **the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966**, which are specifically aimed at granting these rights to all without discrimination;
- **the Convention of 1990** on the protection of the rights of all migrant workers and members of their families;
- **the United Nations Convention of 1951** relating to the status of refugees and **the 1967 Protocol** relating to the status of refugees;
- **the 1954 Convention** relating to the status of stateless persons;
- **ILO Convention No. 97** on migration for employment;
- as well as **ILO Convention No. 143** concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers.

For their part, the organisations in charge of protection and operational assistance of migrants on the ground are equally numerous. The following may be mentioned as being among the most important:

- the **UNHCR**, whose area of authority, in liaison with other UN agencies as well as the IOM, NGOs and associations, covers the protection of refugees, persons displaced within their own country and stateless populations by means of aid operations and the search for lasting resettlement solutions;
- the **Office of the United Nations High Commissioner for Human Rights**, which is responsible for action in favour of the protection of all persons' human rights, providing the latter with means for the exercise of these rights, and ensuring the application thereof, while devoting itself more particularly to "*persons in danger and vulnerable on several fronts and to the most urgent human rights violations*";
- the **ILO** which, amongst other tasks, is entrusted by the Preamble to its Constitution with "*the protection of migrant workers*", through the promotion of fair and non-discriminatory treatment in their regard. More generally, ILO has the objective of implementing the principles of fundamental rights at work, increasing the possibility of access to a decent job and income and extending social security to all;
- the **IOM**, which is not part of the UN system but whose remit is exclusively focused upon migrations. Its goal is to contribute to respect for migrants' human rights, as well as to the economic and social development of States as a result of migrations, and to facilitate international, regional and bilateral cooperation with regard to migrations. A great deal of its work is conducted in liaison with various different UN bodies and NGOs.

This overview, however partial, clearly illustrates the wealth of legal protection regulations at the international level. However, as the ESEC has already emphasised in a previous Opinion on "*CSR: a Pathway Towards Economic, Social and Environmental Transition*" submitted by Mr Alain Delmas, which called for France to sign the additional protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), **many of these conventions have not been signed, or have been signed without subsequent ratification**. Yet, without ratification[18], these conventions do not have binding force upon the signatory States. Only ratification or accession - subsequent ratification - is legally binding upon States. While the UN Convention of 1951 relating to the status of refugees and the Protocol thereof of 1967 have been ratified by 145 and 146 parties respectively, it is a struggle to impose many of the above-mentioned conventions. The Convention of 1990 on the protection of the rights of all migrant workers has thus only been signed by 38 and ratified by 48 countries, and the UN Convention relating to the status of stateless persons by 23 and 86 States respectively. For their part, ILO Conventions Nos. 97 and 143 have been ratified by 49 and 28 countries respectively. France has been a party to the former since 1954 but, on the other hand, has not ratified the latter.

18 In international law, the term "ratification" refers to the procedure by which an international treaty, signed by the Head of State, Prime Minister or Foreign Minister (the sole persons with authority to sign), is submitted to Parliament for approval. As a general rule, treaties can only come into force after ratification.

- **The ESEC therefore calls for:**
  - wider ratification of the Conventions promoting defence of human rights and of refugees and migrants' rights in particular;
  - **implementation thereof by means of the introduction of effective supervision and control mechanisms.**

In this respect, the above-mentioned spaces of dialogue (GMG, HLD and Forums on Migration) hold an important place with regard to influencing the positions taken and convincing governments that States cannot deal with the issue of migration in isolation. Moreover, when they have been ratified, our Assembly advocates their effective implementation.

- **Furthermore, the ESEC advocates the full recognition and assertion of the ILO's role of setting standards in favour of the protection of migrants.**

Indeed, it should be recalled that, according to the ILO, over half of migrants work and, more generally, that arrivals of migrants are directly or indirectly connected with the world of work. As the only organisation within the United Nations system with a constitutional mandate for the protection of workers, it indeed takes a rights-based approach.

Moreover, it addresses fundamental and decisive issues by means of its conventions and standards: equality of treatment of migrant and national workers, equality of opportunity, protection of workers' rights including workers not declared by their employers (Convention No. 143) and international standards relating to fundamental rights which are applicable to all workers, including those in an irregular situation.

What is more, its mode of operation, which is based upon a tripartite system bringing together employers and workers' organisations and government representatives, each group having the same decision-making power, constitutes an asset that needs to be put to advantage. **The ESEC considers that it represents an exemplary model of governance, which has the advantage of enabling extensive dialogue** in close contact with the socio-economic realities of the world of work.

- **In addition, assistance and technical support programmes need to be increased for countries that indeed lack resources for putting in place policies** in support of migrants' human rights. The UN Agencies as well as the IOM and associations are heavily involved in these initiatives, which cover very wide-ranging fields of action: preparation for departure and return, formalities for the obtaining of required travel documents, labour market integration, assistance for family reunification, emergency assistance for migrants in a situation of distress, training of officials in charge of migration questions etc.

❒ *Encouraging bilateral and regional agreements*

The elaboration of migration policies comes under the authority of States. Nevertheless, a very clear trend is emerging in the face of migratory pressures exerted at certain borders and labour requirements. This is manifested in the increasing number of bilateral agreements, of which there are currently almost 200, and the expansion of mechanisms aimed at organising and regulating population movements at the level of existing large regional geographical subgroups.

Beyond current difficulties, the European Union is the most advanced example, with the principle of free movement of people within its borders. This Opinion is not intended

to list all of the regional groups beginning to develop common elements of migration policy. However, it is significant and encouraging to note that all continents are involved:

- **Africa** with the Economic Community of West African States (ECOWAS) and the East African Community (EAC);
- **Asia** with the Association of Southeast Asian Nations (ASEAN);
- **Central and South America** with the Caribbean Community (CARICOM), the Andean Community and Mercosur.

All of these organisations are equipped with more or less formalised forums for cooperation. Some are more organised and may include the social partners, after the model of the tripartite system used by the ILO.

- **Mercosur**, established by the Treaty of Asunción in 1991 and grouping together some 300 million citizens, recognised the principle of freedom of movement from its inception and very quickly signed various different instruments granting rights and opportunities to migrant workers. It also has a Charter on Human Rights and the special Forum on migrations put in place in 2003 constitutes the primary body for discussions on this issue.
- **The ECOWAS** was established in 1975 and ratified a Protocol relating to free movement of people, residence and settlement rights in 1979. Three subjects are at the top of its agenda: harmonisation of policies relating to migrations and development; fighting against irregular migration; and putting in place mechanisms for the implementation and oversight of conventions relating to migrants' rights.
- **The ASEAN**, a vast free-trade zone of more than 620 million people, sets the aim of free movement of workers, but in fact only gives priority to immigration of the most qualified workers to the most dynamic economies, such as Singapore and Malaysia, and under very restrictive terms. It has also established a forum for dialogue, the tripartite Forum on Migrant Labour.

Within all of these groupings, the scale of illegal immigration, violations of human rights and discrimination towards workers in an irregular situation nevertheless still remains a reality far removed from the declared goals in terms of free movement, reception of migrants and protection of their rights.

- **However, the ESEC considers that the initiatives undertaken need to be supported in order to ensure the emergence and progressive recognition and inclusion of the migrations dimension within regional integration processes. Our Assembly observes that, in more or less organised formats, these partnerships all have forums for dialogue involving the social partners, in accordance with the tripartite model used by the ILO**, as in the case of the Southern African Development Community (SADC). In view of the migration issue's protean character, it is essential to promote the opening of these forums of dialogue to the greatest possible number of parties. **NGOs are very active in the provision of aid and assistance to refugees and immigrants and, thanks to the arguments that they set out in the latter's defence, are fully recognised as partners on the international scene. They should be involved in reflection and policy debates, alongside associations, and family associations in particular, businesses and trade union organisations.**

- **In any event, the ESEC considers that, in the current situation, these geographical subgroups provide the most appropriate and pertinent means** for addressing the double question of mobility of people and development in a constructive manner, as well as for dealing with more specific problems relating to migrant labour: recognition of qualifications, right to social security and implementation of equitable recruitment practices.

Accordingly, it is encouraging to note that this issue was mentioned in the official statement of the Summit between the EU and the Community of Latin American and Caribbean States (CELAC) of June 2015. In the same spirit, it is worth emphasising the will expressed by the European Commission and the Commission of the African Union (AU) to step up their cooperation on the issues of legal migration, the fight against traffickers and the development of the countries concerned. Finally, the participation of key actors such as the AU in the Valletta Summit on migration of November 2015 shows the importance placed upon the consolidation of partnerships between the EU and regional sub-groups.

Reinforcing development policies

Migration and development are intrinsically linked. Moreover, the major international meetings held in 2015 are decisive in terms of firm commitment to the path of sustainable development and stepping up efforts in favour of the eradication of poverty and the fight against climate change: the Addis Ababa Conference on financing for development of June 2015, the United Nations extraordinary Summit on sustainable development of September 2015 in New York and the 2015 Paris Climate Conference.

❒ *Meeting the challenge of the fight against poverty*

- **In the course of recent years, our Assembly has constantly repeated the same point: the eradication of poverty and the development of poor countries, and still more of the least developed countries, constitute a priority.** In particular, in its Opinions, *In the heart of G20 a new dynamic for the economic social and environmental progress* presented by Mr Bernard Guirkinger and Mr Guy Vasseur, *Rio+20 : a major meeting on the future of our planet* presented by Ms Françoise Vilain, and *Facing the challenge of development : how can we strengthen French NGOs?*, presented by Mr Francis Charhon, it especially highlighted the importance of resolute international mobilisation in favour of three major objectives: food security through consolidation of the agricultural sector, and the production of food crops in particular; the building of infrastructures in such vital sectors as water, transport, energy distribution and storage of food products in order to stimulate economic take-off and promote the creation of decent jobs; and the establishment of social protection floors.

In light of the UN 2014 Report on the Millennium Development Goals (MDGs), **the ESEC notes that in spite of progress in a certain number of areas, the results remain very inadequate and very uneven in different regions of the world in terms of offering a real prospect of economic, social and environmental development in the interests of all citizens.** In this regard, our Assembly noted that this prospect raised the question of the existing economic models.

The level of extreme poverty has been halved, but almost one in five people still live on less than 1.25 dollars a day, in two principal regions: South Asia and Sub-Saharan Africa. Furthermore, although hunger in the world is still falling, almost 850 million people, that is

to say almost one in eight people, still suffer from chronic hunger and one in seven children under five years of age is underweight. For all that, the target was to halve the proportion of the population suffering from hunger. With regard to universal primary education, the percentage of children in school has reached 90%, however this progress is currently stagnating. As far as the health objectives are concerned, the maternal mortality ratio remains 14 times higher than that of developed regions and very far from the objective of a 75% reduction. In terms of living conditions, the number of persons living in slums remains very high: 33% of inhabitants at the end of 2012 as against 40% in 2000, over 62% of whom were concentrated in Sub-Saharan Africa. In addition, the ESEC notes that economic recovery has been very uneven in different regions of the world, resulting in the persistence of very high levels of insecure jobs in developing countries: 56% as against 10% in developed countries. Moreover, in developing countries more than 60% of these insecure jobs are held by women. Finally, the implementation of Goal 7 intended to "*ensure sustainable development by reversing the trend of loss of environmental resources*" for the most part still remains at the wishful thinking stage in view of the 13 million hectares of forests lost between 2000 and 2010, the increases in greenhouse gas emissions and the reduction in renewable water resources, particularly in North Africa and the Arabian Peninsula.

- On a planet which is set to have 9 billion inhabitants by 2050, the adoption of the Sustainable Development Goals (SDGs) in New York is therefore of crucial importance in order to remobilise the international community and engage in the fight against poverty in a decisive manner. The declared objective is its elimination by 2030 and, in continuation of the MDGs, the priorities will concern the reduction of inequalities, access to education and health, protection of ecosystems in the interests of all societies and future generations and the building of safe and peaceful societies. **The ESEC notes with satisfaction that special attention is paid to income inequalities between countries and within countries, as well as between women and men, and to population groups in the most difficulty including migrants, refugees and displaced persons. The ESEC considers that migrants should be taken fully into account as development actors within the framework of the SDGs and the implementation thereof.**

The declared principles and goals are ambitious and one can only support them, as the ESEC would be the first to admit. They will undoubtedly give rise to a broad consensus with regard to promises of rapid action. However, after the Addis Ababa and New York Conferences and on the eve of the Paris Conference, **the challenge lies in the capacity of States to reach agreement and make strong commitments with regard to the financial resources to be produced in order to transform the objectives into identifiable action programmes on the ground.** As the ESEC put it in its Opinion "*In the heart of G20 a new dynamic for the economic social and environmental progress*", the world expects action. **The succession of delays in the fulfilment of the MDGs make greater, more rapid and more effective action imperative for the implementation of the SDGs.**

❒ *Honouring financial undertakings*

After having reached a peak in 2013, official development assistance (ODA) did not progress in 2014. It came to 135.2 billion dollars, i.e. 0.29% of gross national income (GNI). By way of comparison, according to the World Bank, transfers of funds by diasporas came to 410 billion dollars in 2013. For its part, the share falling to the least developed countries fell

from 45.7 billion dollars to 37.8 billion dollars in 2014. The UN's objective in this regard is to set aside between 0.15 and 0.2% of GNI for the poorest countries.

From this point of view, the EU - Member countries and European Investment Fund - remains the world's foremost contributor of ODA, providing 58.2 billion euros, as against 56.9 in 2013, 55.3 in 2012 and 53.1 in 2011. However, the EU is still very far from its objective, set in 2005 and reiterated at the time of the European Council meeting of June 2014, of devoting 0.7% of its GNI to ODA by 2015. But what is more, the amounts of ODA that it allocates to the countries of Sub-Saharan Africa are decreasing: 4.9 billion dollars in 2008 and 4.5 billion dollars in 2013. Eritrea, the second most important country in terms of emigration to the EU, only received 14 million euros in 2013, as against 226 million in 2005, the state's chronic instability having led to the suspension of much of this assistance. Furthermore, the contributions granted by the various Member States reveal extremely varied situations: only Sweden, Luxembourg, Denmark and the United Kingdom are above 0.7% of GNI; **and, with reductions in 2014 and in 2015, France is among the 13 EU countries that have reduced the volume of their ODA. French ODA came to 0.36% of its GNI as against 0.47% in 2005 and this fall unquestionably gives cause for concern insofar as our country has also undertaken to supply up to 1 billion euros to the Green Climate Fund. In the ESEC Opinion on "*the International development and solidarity policy guidance and planning bill*", the rapporteur, Mr Francis Charhon, expressed concern regarding the absence of anything about the development of the ODA budget, even for the purposes of information.**

- **Continuing poverty, inequalities, conflicts and tensions constitute so many factors in the forced migration of populations. Continuation of ODA and increase in the level thereof represents an essential investment, which alone makes it possible to open a path to fairer and lasting development and the improvement of its inhabitants' living conditions. This is the message that the ESEC once again wishes to send by reasserting the level of 0.7% of GNI decided upon in 1970 as an absolute necessity.** As far as the EU is concerned, our Assembly notes the undertaking announced, at the time of the meeting of the Council of Ministers of Foreign Affairs of 26 May 2015, to make development aid priority, in particular within the context of the world Post-2015 Agenda. It nevertheless regrets that this undertaking, - which is based upon a very well-developed view set out throughout the Commission's Communication concerning a partnership in favour of the eradication of poverty and supporting sustainable development in the years after 2015 -, does not mention any budgetary schedule. This affects the credibility and soundness of the position to be defended by the EU in the above-mentioned major international meetings.

For all that, whatever the volume of ODA, it will never be enough to provide the necessary means for a significant reduction of poverty and for the fight against climate change which, need one recall, in the first place affects poor countries. **The ESEC** - as it once again repeated in its Opinion "*Making a success of the 2015 Paris Climate Conference*" - **is in favour of respecting the financial undertakings made at Copenhagen in 2009 for the countries most affected by climate change (100 billion dollars by 2020). In particular, this requires the establishment of an international tax on financial transactions.** The report "*Mobilizing Climate Finance*" handed over to the French President in June by Mr Pascal Canfin and Mr Alain Grandjean, which in particular recommends the use of this tax

envisaged at the European level in order to finance the Green Climate Fund, confirms our Assembly with regard to **the importance of this project being carried through.**

- **Within the framework of this official development assistance, the ESEC is in favour of the support granted to migrants' associations for their solidarity and investment initiatives, in particular by maintaining credit facilities devoted to co-development projects. These schemes clearly illustrate the effectiveness of cross-investments between ODA and migrants' savings, aimed at development projects in the countries of the Global South.**

The conclusions of the Addis Ababa Conference are unconvincing with regard to these issues as a whole. Although the action plan decided upon recalls that the objective is not to finance development alone, but indeed sustainable development, it remains very vague with regard to the means of mobilising financial resources that measure up to the issues involved. Indeed, it goes no further than calling for greater involvement of the private sector and, with regard to ODA, fixes the deadline of 2030 for reaching the objective of 0.7% of GNI. As for the question of tax evasion, it revealed the scale of the divergences between the countries of the Global North and South, the latter calling for the transformation of the United Nations advisory Committee on taxation into a real permanent intergovernmental committee, which would have enabled developing countries to take part in the elaboration of international tax rules in same capacity as developed countries. The minimal agreement reached is finally limited to an increase in the existing Committee's area of authority.

- **Finally, it is once again necessary to stress the need for recipient countries to secure aid by means of a redefined contractual relationship between donors and recipients. The reconstruction of States in total disarray as well as improvement of the rule of law and of the effectiveness of institutions and administrations, and budgetary institutions in particular, in order to fight against corruption and tax evasion, need to be at the heart of this partnership and to be manifested in concrete and firm undertakings on the part of the recipient countries.** However, as illustrated by the One NGO's 2014 DATA Report, "*Fighting Poverty and Financing Africa's Future*", a great deal remains to be done. Between 2010 and 2011, the Abuja undertaking to devote 15% of national budgets to education, adopted in 2001, was only honoured by six Sub-Saharan African countries. The same applies with regard to the agriculture and education sectors: eight complied with the undertaking made at Maputo to devote 10% of their budget to the agricultural sector and only one country complied with the Dakar undertaking to channel 9% of GDP into education.

Elaborating a long-term strategy at the European level

The elaboration of a "new migration policy" was among the 10 priorities mentioned in the Juncker Commission's strategic action programme when it took up office in November 2014[19]. The first concrete expression thereof was the appointment of an EU Commissioner for Migration and Home Affairs[20].

The increase in arrivals of migrants since the beginning of the spring of 2015, which is concentrated in a handful of countries, - first and foremost Italy, Greece, Malta and Hungary-, coincided with the Commission's elaboration of the Agenda on Migration in May 2015 and has transformed this priority into a real emergency calling for common decisions. The observed difficulties in the course of recent months (at the time of discussions between Member States on the distribution of the contributions to be made) bears witness to the delicate balance between: the responsibility of each Member State and solidarity between them; border security and openness of the EU. More fundamentally, the particularly complex situation which the Schengen area needs to face raises questions with regard to the very essence of the construction of Europe and the fundamental values on which it has been built over the decades. **Indeed, as specified under article 2 of the TEU: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."**

Therein **lies the real challenge to be met. It is in the first place political**! It falls to European leaders to show the courage required in order to take charge of these migrants reaching the European Community's territory with humanity and discernment and, moreover, to deal with the migration question in all of its dimensions.

Collective action in the face of the migrant crisis

In the face of the migrant crisis, the ESEC deeply regrets that the Commission's proposal to rapidly activate article 78.3 of the TFEU[21] (the adoption of which would have been a clear manifestation of common solidarity) was not agreed to from the outset. Its rapid implementation would have been a clear manifestation of common solidarity with countries of initial reception and, to begin with, brought strong disagreements to light between the Schengen area Member States.

- **The ESEC therefore recommends, both in order to guarantee decent reception for migrants and to ensure the permanence of free movement between the Schengen area's Member States, the implementation of this legal provision**

19 http://ec.europa.eu/commission/2014-2019/president_en
20 Dimitris Avramopoulos.
21 "In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament."

whenever a migration crisis occurs. In concrete terms, this means not leaving the provision of measures for people, who are in most cases destitute, to be single-handedly managed by particularly-exposed countries of first reception, usually with inadequate resources.

However, our Assembly welcomes the decision taken at the Justice and Home Affairs Council meeting of 22nd of September this year, since it enables 120,000 people "in clear need of international protection", for the most part from Syria and having arrived in Italy and Greece, to have the benefit of an exceptional "relocation mechanism" taking them to other member countries of the Schengen area or the European Union[22].

Still with regard to the migrant crisis, the ESEC also notes the conclusions of the informal meeting of EU heads of state and government of 23 September, which not only reiterated their attachment to the values of solidarity and responsibility, but also decided upon immediate emergency measures, amongst which the ESEC recalls the following in particular:

- financial aid of at least one billion euros for the UNHCR and the World Food Programme (WFP);
- substantial increase in the funding of the EU Regional Trust Fund in Response to the Syrian Refugee Crisis (MADAD fund), intended in particular for neighbouring countries (Turkey, Lebanon and Jordan) receiving millions of people obliged to leave Syria within their territory;
- equally close involvement in the Valletta Summit of 11 and 12 November at which the EU, with its African partners, is set to raise the question of irregular migration and the phenomenon of displaced persons in Africa.

The ESEC also welcomes the Council of the European Union's press declaration at the end of the Conference on the Western Balkans route, held on 8 October 2015. In particular, the Council supports an increase in cooperation between European (Frontex and Eurojust) and international agencies (Interpol, United Nations Office on Drugs and Crime – UNODC -), as well as increased EU involvement at the political and diplomatic levels in order to resolve the root causes of the current crisis in Syria.

- **More broadly speaking (and as already mentioned in this Opinion in the part devoted to the importance of international governance), the ESEC considers that the European Union should not act on its own with regard to migration issues. The Council supports all cooperative initiatives already established or to be developed, with a constant concern for strict respect for human rights.**

It should be recalled that, following the adoption of broad guidelines on migration issues by the European Union (in 2005, in the form of the Global Approach to Migration, GAM), **Mobility Partnerships** were established, intended to simultaneously deal with the fight against illegal immigration, organisation of legal immigration and better international protection of migrants. Agreements were entered into with numerous countries close to the EU, from North Africa to the Middle East:

22 The United Kingdom and Denmark are not participating in this decision. Although not a member of the Schengen area, Ireland has expressed its intention to participate.

- the **Prague Process** with the countries of the Balkans, Central Asia and countries bordering the Black Sea[23];
- the **Rabat Process** with the countries of North, West and Central Africa[24];
- the **Khartoum Process** with the States of the Horn of Africa[25]

- **The ESEC recommends adding a new aim to Mobility Partnerships, in order to make them into a real opportunity for all: that of increasing the pooling of North/South, South/North and South/South experience and expertise. Indeed, this means mobilising diasporas' skills to the benefit of their countries of origin, within the framework of long-distance development projects.**
- **Moreover, the ESEC also considers that the representative bodies of civil society (in particular national ESC and the European ESC) have a pertinent role to play at the European level within the framework of cooperation on migration questions; in order to (ever more) closely involve the population in this reflection.**

Moreover, at the time of his appearance before the Section for European and International Affairs, Mr Giuseppe IULIANO (member of the European Economic and Social Committee and specialist in migration issues) emphasised the European ESC's active participation in the Integration Forum (place of exchange on migration issues bringing together the actors concerned as a whole) at the European Commission's own request.

Moving towards shared asylum rules

In 2013, the EU adopted the **Common European Asylum System (CEAS)** aimed at the eventual establishment of the same protection for asylum seekers as a whole and the harmonisation of conditions of reception and examination of similar applications throughout the European area (with the support of the European Asylum Support Office, EASO). In concrete terms, the CEAS is based upon two Regulations and three Directives:

- the above-mentioned **Dublin Regulations** (I, II and III of 2003, 2008 and 2013 respectively), concerning the procedure applicable to applications for international protection and, in particular, the criteria and mechanisms for determining the European State responsible for the processing of individual asylum applications;
- the Regulation of 2000 establishing the **EURODAC** system (in charge of the collection of asylum seekers' fingerprints from Member States and the recording and comparison thereof) for the purpose of facilitating the application of the Dublin II Regulation;
- The **"Reception" Directive** of 2003 defining minimum standards for the reception of asylum seekers (with regard to accommodation, food, access to schooling for children and medical care as well as to the labour market). Its revision in 2013 does not raise the level of standards but extends the existing provisions to all asylum seekers whatever their situation. Conversely, the amended text makes provision for specific measures for persons identified as having specific needs (victims of human trafficking, accompanied and unaccompanied minors), reinforces access

23 Albania, Armenia, Azerbaijan, Belarus, Bosnia-Herzegovina, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Macedonia, Moldavia, Montenegro, the Russian Federation, Serbia, Tajikistan, Turkey, Ukraine and Uzbekistan.
24 This agreement concerns 5 North African, 16 West African and 7 Central African countries.
25 Djibouti, Egypt, Eritrea, Ethiopian, Kenya, Somalia, Sudan, South Sudan, and Tunisia.

to information for asylum seekers in detention and reduces the waiting period for access to employment from 12 to 9 months;

– The **"Procedures" Directive** of 2005, amended in 2011, which defines common standards with regard to the procedure for the granting and withdrawal of refugee status (with the objective of bringing the mechanisms specific to the different Member States' closer together and limiting the simultaneous lodging of asylum applications in several countries). In particular, it establishes the principle of non-refoulement enabling asylum seekers to remain in the country in which the asylum application has been lodged until a decision has been made in the first instance. It broadens the right to information for asylum seekers, limits the time limit for the examination of applications to 6 months and recognises a special category of asylum seekers: "persons requiring special procedural guarantees" (victims of violence, the physically frail and unaccompanied minors);

– The **"Qualification" Directives** of 2004 and 2011 defining minimum conditions to be met by third-country nationals and stateless persons in order to have the benefit of minimum international protection and specifying the forms that such protection may take:

  - refugee status according to the meaning of the 1951 Refugee Convention;
  - subsidiary protection that may be granted to persons not entitled to refugee status but who would be placed in danger if sent back to their country of origin;
  - humanitarian status in favour of persons not meeting the conditions of eligibility for the types of protection set out above, but who cannot be deported due to international obligations (entered into with regard to respect for human rights in particular: persons suffering from illness and unaccompanied minors).

- **The efforts undertaken by the Commission in recent years in order to harmonise the asylum system should be emphasised. The tools that the EU has given itself for this purpose are well-developed but remain inadequate.**

Indeed, the ESEC observes that many of these texts need to be revised in order to more accurately reflect the reality of migration issues. This is accordingly the case with regard to the Dublin Regulation. The decision made by the German government, at the end of August 2015, to cease the application thereof (with regard to certain Syrian refugees having entered its territory via European countries of initial reception) confirms its unsuitability in the current situation. It is urgent, as envisaged by the European Commission for 2016, to adapt the "Dublin System".

Moreover, this adaptation will be interpreted as a political and humanitarian call for greater solidarity and mutual aid between all of the States.

- **The ESEC recommends more effective application of the Dublin III clauses in the field of family reunification. The latter involve close cooperation between EU countries in order to enable members of the same family (settled in different**

EU States) to have the right to be gathered together within the EU country in which the asylum seeker has lodged their application.[26]

- **Our Assembly declares its support for the application of the aforementioned "sovereignty clause", under the terms of which a Member State can decide to handle an asylum application (even where, in strict application of the Dublin System, another State would theoretically be responsible for the examination thereof). However, our Assembly considers it essential for the application of this "sovereignty clause" to be subject to cooperation between the EU and the Member States, in order to ensure that it cannot be diverted from its initial purpose. Indeed, certain Member States might be tempted to use this clause in order to carry out a form of "sorting" of asylum seekers whom they do or do not wish to receive.**
- From the ESEC's point of view, the **"Reception" Directive** also raises serious concerns (in view of the increasingly difficult living conditions for migrants in the camps, detention centres for illegal immigrants and transit zones in which they are gathered together). **In this situation of very great precarity, the ESEC welcomes the essential action of the UNHCR and local and national associations, including the Cimade, Amnesty International and the *Ligue des droits de l'homme*, providing assistance to migrants and supporting them in formalities undertaken.** With regard to the deterioration of conditions of reception of migrants, the Opinion of the French National Consultative Commission on Human Rights (CNCDH / *Commission nationale consultative des droits de l'Homme*) of 2 July (on the situation of migrants in Calais and the Pale of Calais) is particularly eloquent. Alerted by several NGOs and associations (Médecins du Monde, France Terre d'Asile, Secours Catholique and the Cimade), the CNCDH declared itself "profoundly shocked by the inhuman conditions in which the migrants are attempting to survive and by the deadlock affecting not only these exiles, but also the authorities confronted with situations of particular complexity". Because of the level of migratory pressure, not all problems will be resolved by the Franco-British agreement signed on 20 August 2015 (which, amongst other provisions, includes a humanitarian constituent for the first time). However, it constitutes a first move towards an answer.
- **In this context, the ESEC supports the allocation of budgets appropriate** for the provision of real assistance to associations and NGOs with unique experience and skills for facing up to a situation that they have already dealt with in the past, in the international field in particular.
- **The ESEC has legitimate grounds to raise questions about the distinction made in the "Procedures" Directive between the terms "safe country of origin**[27]**"**, "safe

26 Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013, see in particular Article (14): "In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the Charter of Fundamental Rights of the European Union, respect for family life should be a primary consideration of Member States when applying this Regulation. " http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF

27 Article 31 of the Directive: country in which it can be shown that persecution, torture and inhuman and degrading punishments and treatments are not used, country in which there is no threat of indiscriminate violence in situations of international or internal armed conflict.

country" and "European safe country[28]" applied to third countries and the danger of even greater weakening of asylum seekers' situation. These lists, drawn up by each State according to its own extraordinarily subjective criteria (of a political, geopolitical or even economic order) present numerous shortcomings. Indeed, these criteria vary from one country to the next, can fluctuate according to developments on the international scene and have an impact upon the admissibility of asylum applications. **In the ESEC's view, the EU should establish a common list of "safe countries of origin" in compliance (as decided in principle by the European Council) with the Copenhagen criteria (relating to Democracy, the Rule of Law and respect for Fundamental Rights).**

- **Once again, the ESEC recalls that protection of human rights is an inviolable principle and considers it essential that the dignity of persons should be fully taken into account in the process of systematic monitoring of the application of asylum rules (mentioned in the Agenda on Migration). For this reason, our Assembly advocates effective use of the temporary protection mechanism resulting from the European Convention for the Protection of Human Rights (a benefit of European law and the European asylum system).**

Organising joint border management

The principle of freedom of movement within the Schengen area, a major gain of the EU, results in common external borders whose control, in the name of all EU Members, is incumbent upon the States located on the edges. However, the humanitarian crisis represented by the daily arrival of record levels of migrants, has highlighted the unsuitability of certain applicable rules and the ineffectiveness of emergency actions implemented at the borders.

❒ *3.1. Moving towards a common management policy for the Schengen area's borders*

Our Assembly therefore argues in favour of a common European migration policy, more particularly with regard to the management and protection of the borders of the Schengen area. The ESEC considers that, in a common area, rather than being compartmentalised, the various different components of migration policy require a common and integrated approach.

An approach to the management of borders that is more common and shows greater solidarity is all the more necessary in view of the tensions exerted at the points of entry to the European Union as a whole: after Italy, Greece, Malta and Hungary, new countries are henceforth well on the way to becoming highly-exposed countries of initial reception including Croatia (as yet not a Schengen member), as well as the Scandinavian countries.

- In the ESEC's estimation, more consistent border management of this kind should also make provision for the establishment of common sea rescue operations – that is to say involving the Schengen area Member States as a whole (and no longer the countries of initial reception alone) –, of dimensions enabling the provision of aid

28 Articles 27 and 36 of the Directive: countries of transit in which the asylum seeker may have the benefit of international protection and to which EU Member States may send migrants whose asylum applications have been rejected in compliance with the principle of non-refoulement.

and assistance to migrants. By virtue of its founding values, it is the EU's duty to assist migrants in a situation of distress, whether they arrive by sea or land.

Our Assembly thus regrets that the military-humanitarian sea search and rescue operation, Mare Nostrum, launched in 2013 by Italy with a budget of almost 9 million euros per month, could not be continued due to lack of support on the part of its partners, some of whom feared that it might give rise to a magnet effect because of its actions near the Libyan coasts. It was replaced by operations coordinated by Frontex: Operations Triton for Italy and Poseidon for Greece, yet there are legitimate grounds for raising questions about the dimensions thereof. Indeed, these two operations are not intended to take action out at sea, which considerably reduces their humanitarian impact. What is more, their activity is limited to control actions close to the Italian and Greek-Turkish coasts, with the perverse effect of encouraging the circulation of smugglers' boats on the open sea. Moreover, NGOs have quite rightly raised concerns, emphasising the very heavy toll of shipwrecks at sea.

The ESEC duly acknowledges the measures decided by the Commission in favour of a threefold increase in the budget allocated to operations Triton and Poseidon, for the 2015 and 2016 period, with the aim of progressively giving them comparable scope to Mare Nostrum. **This constitutes a major objective for the ESEC.**

Our Assembly also duly acknowledges the announcements made by certain number of European countries of their intention to make resources available in terms of facilities and experts. However, all of these undertakings appear very fragile and inadequate. As far as finance is concerned, a considerable proportion - 70 million euros out of the 89 million required - is to be drawn from reallocation of funds allotted to the Galileo Programme (which is not without raising concerns for the future). As for the provision of material and practical contributions, the ESEC finds it regrettable that close to a dozen or so States made it known from the outset that they do not consider the provision of these operations with greater resources to be useful, and that they will not therefore take any part in them. It notes, moreover, that France, Germany and the United Kingdom's undertakings to make resources available remain very limited in number and vague in terms of duration: a handful of experts and a few helicopters or boats…

A reinforcement of these undertakings and the placing of real resources at the operations' disposal would demonstrate the will to show solidarity on migration issues declared by the Member States at the end of the informal meeting of EU heads of State and Government of 23 September (mentioned above).

Finally, in this context, our Assembly questions the Frontex Agency's format. Created in 2004 with the aim of achieving integrated management of external borders, at the present time and in spite of steady increase in its resources (the 2015 amending budget makes provision for 16 additional posts for the Agency), it still works within the strictly operational framework of border surveillance. The very nature of this task, without the clear inclusion of any humanitarian dimension of assistance to migrants, raises questions and has attracted numerous criticisms, in particular from the world of associations, which regret that the EU does not do more to ensure migrants' security, respect for their rights with regard to asylum and cooperation with third countries.

- **The ESEC therefore considers the resizing of Frontex to be necessary, beyond control alone, in order to take into account the humanitarian aspect of the handling of migration crises. Reflection needs to be undertaken at the European level, involving the whole of the actors concerned.**

In our Assembly's view, this reflection does not exclude Frontex maintaining its tasks of surveillance of the Schengen area's external borders and, if necessary, repressive measures against criminal smuggling networks. Moreover, the ESEC considers the launch of the second phase of **Operation Sophia (previously EUNAVFOR Med)** to be a step forward against the traffickers, aimed at investigating and obtaining information on the routes taken by boats, the capacity thereof and even the persons implicated, as well as the organisation of patrols in international waters. **The ESEC also welcomes Resolution 2240 (9 October 2015) taken by the UN Security Council. Pursuant to the latter, Member States are authorised to search and, if necessary, seize boats suspected of being used for human trafficking, navigating on Libyan territorial waters as well as on the open sea, within the limits of international law and with strict respect for human rights.**

❒ *3.2 A determined fight against criminal smuggling networks*

- **The ESEC advocates a determined fight against criminal smuggling networks, whose activity resembles human trafficking, while protecting the rights of migrants themselves (as mentioned in the United Nations UNTOC or Palermo Convention[29] and existing in European law itself). In this respect, the ESEC recalls that both the Convention implementing the Schengen Agreements of 1990 and Article 79 of the TFEU provide a comprehensive legal framework for cracking down on criminal smuggling networks' activities. Indeed, the whole of the Member States therefore need to show their will and determination to implement these provisions in an effective manner and to reinforce their judicial cooperation in this field.**
- **In order to speed up and intensify the fight against all forms of human trafficking, to which populations in numerous regions of the world are particularly exposed when forced to migrate, the ESEC asks the French Parliament to immediately ratify the additional Protocol (2014) to ILO Convention 29 on forced labour, adopted at the Council of Ministers of 15 July 2015. The ESEC notes that on 6 October 2015, the European Parliament adopted the Council's decision recommending that Member States should ratify this protocol, which the Commission considers to constitute an important stage in the fight against trafficking and in order to guarantee crime victims' rights throughout Europe.**

In concrete terms, our Assembly is very much in favour of the beginnings of increased cooperation between Frontex, Europol, the EASO and EUROJUST. Similarly, the ESEC supports measures towards improved use of the available technical tools:

- **EURODAC** for systematic taking of all migrants' fingerprints in order to facilitate and speed up the handling of asylum applications;
- **EUROSUR** whose purpose is to form a network of external border surveillance policies through real-time pooling of collected data.

At the same time, close attention should be paid to the lessons to be drawn from the smart borders pilot projects (currently being tested in six countries[30]) whose objective, as set out in the Agenda on Migration, is to simplify the crossing of borders, in particular for persons living near the Schengen area's borders and frequently entering the EU.

29 United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2004: https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

30 Germany, Spain, France, the Netherlands, Portugal and Sweden.

- **On the other hand, with regard to the opening of so-called "hotspot" reception centres** in countries of initial reception (intended to speed up the interviewing, taking of fingerprints and identification of arrivals), the ESEC draws attention to the potential abuses of this type of infrastructure. They may give rise to fears, in particular with regard to the fact that (without adequate supervision or resources) these "***hotspots***" could more closely resemble migrant sorting centres than decent places for reception and taking charge of migrants.
- **Finally, the ESEC is in favour of putting in place a European system of border guards between different European States on their own initiative, based upon pooling of resources and coordination of practices. This would constitute a strong signal, towards the concrete reinforcement of the notions of shared solidarity and responsibility between Member States.** At this stage, the creation of a European corps of border guards is complex (involving a de facto change in the EU Commission and Member States' shared jurisdiction with regard to migration policy, with an increase in the former's authority). However, this idea should not be ruled out and it would be worth devoting a specific study to it, even if it presupposes the necessary strong political will. However, the ESEC is anxious to reassert its commitment to the area of free movement between the Schengen area's 26 Member Countries and the 28 EU Member States. It therefore considers that the policies implemented should pay greater attention thereto in order to overcome the fears of public opinion.

Elaborating a clear framework for the management of migratory flows

The debates to which the migration issue is currently giving rise, within the EU bodies and in public opinion, should provide an opportunity for the ESEC to initiate discussion with regard to the elaboration of a common European migration policy and to establish the terms thereof. Migrant Labour, for its part, whether involving workers in a de facto regular situation or otherwise, is a major issue for the EU (in particular in view of its medium-term demographic development). According to the forecasts established by Eurostat, without the contribution of migrants, the EU would lose 41 million inhabitants by 2050 and in the shorter term, that is to say between 2015 and 2030, the 20-45 age group would shrink by more than 30.2 million and the number of people over 65 years of age would increase by more than 31.7 million individuals. In this scenario, between 2015 and 2020, the population in working age would fall by 17.5 million people. Yet, all studies are in agreement on one point: the need for a qualified workforce, according to the Commission, should result in a 23% increase in jobs available to higher education graduates. In addition, the European Agenda on Migration identifies several key sectors that are already affected by workforce shortages: sciences, technology, engineering and health. Moreover, the EU will always need to call upon less-qualified workers for a very large number of jobs.

In an article in *Le Monde* (14 May 2015) Mr Hubert Védrine wrote *"in itself immigration is neither an opportunity nor a disaster, it may be one or the other depending on how it is managed and explained"*.

- **The ESEC supports the different approaches put forward by the EU (in its Agenda) for the purpose of modernising and adapting European policy on the issuance of visas, in the context of globalisation.** Indeed, it is a precondition

to be equipped with tools for the analysis and identification of short, medium and long-term personnel requirements. The EU Immigration Portal and the European Job Mobility Portal (EURES) take this type of approach. They now need to be perfected and refined, by supplementing them, as proposed, with the establishment of a European skills panorama and improved knowledge of the qualifications earned by third country nationals. At the present time qualifications acquired in countries of origin are not recognised. Our Assembly is pleased to note that the "new skills initiative" (to a large extent focused upon better understanding and recognition of skills and qualifications within the 28 EU Member States) reserves a considerable place to having *"qualifications formally recognised abroad, [in order] to be able to live, study and work anywhere in Europe"*. Concrete progress now needs to be made in this area in association with the planned work to be undertaken to improve understanding of these qualifications.

- **The ESEC is also very much in favour of increasing the flexibility of the Directive of December 2004, on conditions of admission of third-country nationals for the purposes of studies, pupil exchange and training, and of the Directive of October 2005, on conditions of admission for third-country nationals for the purposes of scientific research, in terms of greater mobility.** They are currently under discussion in the European Parliament and, in view of the proposed measures, adoption thereof would unquestionably constitute a step forward in favour of the EU's attractiveness (by bringing the very different practices in different States closer together): facilitation of admission procedures in higher education research establishments in addition to the issuance of a residence permit, or long-stay visa for applicants meeting the conditions; widening of conditions of access to the labour market and increased intra-community mobility rights. Measures of this kind also mean cultivating partnerships with third countries which may, eventually and in return, benefit from skills acquired through this type of mobility.
- **Our Assembly shares the Commission's ambition to review the EU "Blue Card" Directive of 25 May 2005 and establish a new type of visa, the "Touring Visa". It can only be noted that**, in its present configuration, **the "Blue Card"** (which determines the conditions of entry and residence of third country nationals for the purpose of highly-qualified employment) has not produced the anticipated results. The criteria for the granting of work permits associated with its application are judged too restrictive by Member States, in particular the length of residence, which cannot be greater than four years. In 2013, Eurostat had recorded the issuance of just over 15,000 cards, of which over 14,000 by Germany and 304 by France. The public consultation launched on this issue by the EU Commission on 27 May 2015 and the subsequent reflection on the means of increasing its attractiveness, if necessary by extending its field of application to companies wishing to invest in Europe and promoting mobility within the European area for persons possessing the card, should eventually make it possible to secure more encouraging results. **The ESEC therefore advocates (after proper assessment of its impact, since the system is still under consideration) the implementation of the planned "Touring Visa" for third country nationals, whether or not subject to compulsory visas, having a**

legitimate interest in moving about within the Schengen area for more than 90 days in a 180-day period.[31]

- Finally (in accordance with the guidelines decreed in 2014), it considers that hearing the social partners within the framework of the Commission and of the European Economic and Social Committee, and involving them in work on questions of "legal immigration strategies for professional purposes", which concern them first and foremost, constitutes a step in the right direction.
- **As far as the "Return Directive" (2008/115/EC) is concerned, our Assembly declares that the Member States should respect the spirit and letter thereof with regard to its implementation.** It emphasises that respect for human rights should prevail in this regard[32]**. In the ESEC's view, the putting in place of accompaniment measures is an essential condition, ensuring that the "return" of migrants takes place in a decent manner.**

At the same time, European provisions concerning the return of migrants in an irregular situation are currently being assessed within the framework of the Schengen evaluation mechanism. The results of this audit will enable further improvement of the measures that may be envisaged in this regard.

31 *See* http://europa.eu/rapid/press-release_IP-14-347_en.htm
32 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF

Voting

Voting on the full text of the draft opinion presented by Olivier Kirsch, rapporteur.

Number of voters	183
Voted for	183

The ESEC adopted the opinion.

Voting for: 183

Agriculture group	Mr Bastian, Ms Bernard, Mr Choix, Mr Cochonneau, Ms Dutoit, Mr Ferey, Mr Giroud, Ms Henry, Ms Lambert, Mr Pelhate, Mr Pinta, Ms Sinay, Mr Vasseur.
Cottage Industry Group	Ms Amoros, Mr Bressy, Mr Crouzet, Ms Foucher, Mr Griset, Mr Le Lann, Mr Martin.
Associations Group	Mr Allier, Ms Arnoult-Brill, Mr Charhon, Mr Da Costa, Ms Jond, Mr Leclercq.
CFDT Group	Ms Boutrand, Mr Cadart, Mr Duchemin, Mr Gillier, Ms Hervé, Ms Houbairi, Mr Le Clézio, Mr Mussot, Ms Nathan, Mr Nau, Ms Nicolle, Ms Pajéres y Sanchez, Ms Prévost, Mr Quarez, Mr Ritzenthaler.
CFE-CGC Group	Ms Couturier, Mr Delage, Mr Dos Santos, Mr Lamy, Ms Weber.
CFTC Group	Mr Coquillion, Ms Courtoux, Mr Ibal, Mr Louis, Ms Parle.
CGT Group	Ms Cailletaud, Ms Crosemarie, Ms Cru-Montblanc, Ms Doneddu, Ms Dumas, Ms Farache, Ms Hacquemand, Ms Kotlicki, Mr Marie, Mr Michel, Mr Naton, Mr Rabhi.
CGT-FO Group	Mr Bellanca, Mr Bernus, Ms Boutaric, Ms Fauvel, Ms Medeuf-Andrieu, Ms Millan, M. Nedzynski, Ms Nicoletta, Ms Perrot, Mr Pihet, Mr Porte, Mr Veyrier.
Cooperation Group	Mr Argueyrolles, Ms de L'Estoile, Mr Lenancker, Ms Roudil, Mr Verdier.
Corporate Group	Ms Bel, Mr Bernasconi, Ms Castera, Ms Dubrac, Ms Duhamel, Ms Duprez, Mr Gailly, Ms Ingelaere, Mr Jamet, Mr Lebrun, Mr Lejeune, Mr Marcon, Mr Mariotti, Mr Mongereau, Mr Placet, Mr Pottier, Ms PrévotMadère, Mr Mr Ridoret, Mr Roger-Vasselin, Ms Roy, Mr Schilansky, Ms Tissot-Colle, Ms Vilain.
Environment and Nature Group	Mr Beall, Mr Bonduelle, Mr Bougrain Dubourg, Ms de Béthencourt, Ms Denier-Pasquier, Ms Ducroux, Mr Genest, Mr Genty, Mr Guérin, Ms Laplante, Ms Mesquida, Ms Vincent-Sweet, Mr Virlouvet.
Mutual Group	Mr Andreck, Mr Davant, Ms Vion.
Student Bodies and Youth Movements Group	Mr Djebara, Mr Dulin, Ms Trellu-Kane.

Overseas Group	Mr Arnell, Mr Galenon, Mr Grignon, Mr Kanimoa, Mr Lédée, Mr Omarjee, Ms Romouli-Zouhair.
Qualified Individuals Group	Mr Aschieri, Ms Ballaloud, Mr Baudin, Ms Brishoual, Ms Brunet, Ms Cayet, Ms Chabaud, Mr Corne, Mr Delevoye, Ms El Okki, Mr Etienne, Ms Flessel-Colovic, Ms Fontenoy, Mr Fremont, Mr Gall, Mr Geveaux, Ms Gibault, Ms Grard, Ms Graz, Mr Guirkinger, Ms Hezard, Mr Hochart, Mr Khalfa, Mr Kirsch, Mr Le Bris, Ms Levaux, Mr Lucas, Mr Martin, Ms Meyer, Mr Obadia, Mr Ricard, Mr Richard, Ms du Roscoät, Mr de Russé, Mr Santini, Mr Soubie, Mr Terzian, Mr Urieta.
Liberal Professions Group	Mr Capdeville, Mr Gordon-Krief, Mr Noël, Ms Riquier-Sauvage.
UNAF Group	Ms Basset, Mr Damien, Mr Farriol, Mr Feretti, Mr Fondard, Mr Joyeux, Ms Koné, Ms L'Hour, Ms Therry, Mr de Viguerie.
UNSA Group	Mr Bérille, Ms Dupuis, Mr Grosset-Brauer.

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OPINIONS
OF THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COUNCIL

The landscape of international migrations has changed considerably over the last three decades; the majority of countries are now involved, while migrants' profiles have become more diverse. New challenges have emerged, of which the humanitarian crisis faced by the European Union constitutes one of the outward signs. In the face of these issues, a new approach to the management migrations needs to be envisaged at the international and European levels.

In this Opinion, rather than immersing itself in current affairs, the ESEC's intention is to take a detached approach in order to study the full complexity of the question. This results in a series of recommendations aimed at the promotion and effective implementation of international law, guaranteeing fairer and more coherent management of migration issues. As far as the European Union is concerned, the ESEC advocates an approach based on greater solidarity and responsibility between Member States, drawing upon the existing body of law and an improved common migration policy.

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