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Towards a comprehensive European Migration Policy: Cracking down on employment of illegal immigrants and fostering circular migration and mobility partnerships

The European Commission is determined to tackle the pull factor for illegal immigrants created by employers providing illegal work. Today it presented a proposal for a Directive on sanctions against such employers. This is part of a comprehensive European Migration policy which supports legal migration, fights illegal migration, builds cooperation with Third Countries and works with the development agenda. Two Communications on the external dimension of migration were also published today.

"It is vital to acknowledge that the near certainty of finding illegal work in EU Member States is the main driving force behind illegal immigration from third countries. Not only is this illegal employment unlawful, it is also harmful" stated Vice-President Frattini, EU Commissioner responsible for Justice, Freedom and Security, adding that "the chance of work draws many to the EU, but the dream can turn into a harsh reality of exploitation and slavery-like conditions - no protection on building sites or when working with harmful pesticides, or working 12 to 16 hours a day, sometimes for just €30. The pull factor for potential immigrants created by this illegal employment is also strongly linked to the sadly sometimes tragic journeys, often organised by traffickers, causing 3-4,000 deaths every year that illegal migrants take to come to the EU. This illegal employment also distorts competition and the functioning of the internal market. We must therefore be firm and committed and act as one to vigorously combat this phenomenon by creating similar penalties for employers and ensuring effective enforcement."

Vice-President Frattini added that "experience has shown that existing sanctions have failed to achieve full compliance with bans on employers. The European Council has already endorsed the Commission's proposal to intensify measures at its meeting in December 2006. Ensuring that all Member States introduce similar measures, and enforce them effectively, is vital. Currently checks on staff records in Europe's firms are rare - just over 2% were checked in 2006. The risk of being discovered is practically non-existent. This proposal requires Member States to inspect at least 10% of their companies every year. I count on the Directive being a strong deterrent to employers thinking about providing work to illegal immigrants".

"Being tough here means we can offer legal alternatives to illegal migration, without undermining the credibility of Europe's migration policy." the Vice-President explained. "The EU needs legal immigration. The number of people living here is set to decline. We must make the EU an attractive destination for legal workers. I am confident that our proposals on circular migration, mobility partnerships and strengthening our relationships with our neighbours and other countries will help us to manage migration more effectively".

Background

Precise figures are difficult to obtain but recent estimates of illegal migrants in the EU range between 4.5 and 8 million, with an estimated increase by 350 000 to 500 000 per year. From 7 to 16% of the EU's GDP is estimated to come from the shadow economy, although this is not entirely staffed by illegal migrants. Construction, agriculture, house-work, cleaning, catering and other hospitality services are the sectors of the economy most prone to such undocumented work in general and attracting illegal migrants in particular.

Member States already have sanctions to combat illegal employment, but these vary in severity and enforcement. Experience has shown that the existing sanctions have failed to achieve full compliance. Ensuring that all Member States introduce similar penalties, and enforce them effectively, will avoid distortions on the single internal market caused by unfair competition from employers of illegal migrants. In the EU there are currently 22 million lawfully established firms. Checks on staff records are rare - just over 2% were checked in 2006. The risk of being discovered is practically non-existent. This proposal requires Member States to inspect at least 10% of their companies every year.

In the Proposal employers must undertake certain checks before recruiting a third-country national and notify a competent national authority. Employers who cannot show that they have complied with those obligations will be liable to fines and other administrative measures. Member States would however be required to provide for criminal penalties in four serious cases: repeated infringements, employment of a significant number of illegally staying third-country nationals, particularly exploitative working conditions and if the employer knows that the worker is a victim of human trafficking. Indeed illegal immigrants are often drawn to the EU by the chance of work and expectation of a better life, but often end up in the harsh reality of exploitation and slavery-like conditions - no protection on building sites or when working with harmful pesticides, or working 12 to 16 hours a day, sometimes for just €30.

The Communication on "circular migration and mobility partnerships between the European Union and third countries" proposes partnerships between the EU and third countries interested in working with the EU to fight illegal migration. Opportunities for legal migration, such as short-term visas, could be offered to nationals of the relevant third countries. The Communication also looks at how circular migration can be facilitated. Circular migration can both help the EU address labour needs and contribute to development in the countries of origin. It avoids a brain drain, as migrants returning to their country of origin after working in the EU bring skills and other resources back with them.

The Communication "Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union" puts forward proposals for expanding the geographical scope of the successful Global Approach, which has so far focused on Africa and the Mediterranean region. Turkey, the Western Balkans and European Neighbourhood Policy partners in the East and Middle East are some of the new areas suggested.

For further information on the activities of Vice-President Frattini, please visit his website at: http://www.ec.europa.eu/commission_barroso/frattini/index_en.htm