COMMISSION OF THE EUROPEAN COMMUNITIES

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Consultation on Migration Policies vis-à-vis Third countries

(Communication of the Commission to the Council)

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I. INTRODUCTION

In the Council Resolution of 21st January, 1974⁽¹⁾, the 1.1. Member States expressed "the political will to adopt the measures necessary to establish an action programme for migrant workers and members of their families which shall aim in particular to promote consultation on immigration policies vis-à-vis Third Countries".

The subsequent action programme for migrant workers (2) 1.2.

contains a chapter on the coordination of migration policies, and in the Resolution of the Council of 9th February, 1976⁽³⁾, concerning the programme, the Council considered "that it is important to undertake appropriate consultation⁽⁴⁾ on migration policies vis-à-vis Third Countries, that the social problems arising for workers who are nationals of the Member States and resident in certain Third Countries and for members of their families should be examined as necessary", and expressed "the political resolve that the measures referred to in this Resolution be implemented". In addition, both the European Parliament and the Economic and Social Committee have, on a number of occasions, commented upon the need for consultation between the Member States on their migration policies vis-à-vis Third Countries.

1.3. In the preparation of this Communication the Commission has taken account of a new element of political importance, which has arisen since the original mandate from the Council. This concerns enlargement, and the essential need to arrive at an effective consultation, in order to ensure that the obligations undertaken by the Council in

regard to new Member States are fulfilled.

1.4. The historical developments leading to the present situation, and a description of likely future developments, is contained in the Annex.

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German: Abstimmung Italian: concertazione Dutch. car lag French: concertation

⁽¹⁾ OJ NO C 13 of 12 February, 1974.

⁽²⁾ Bulletin of the European Communities, suppl. 3/76.

⁽³⁾ OJ NO C 34 of 14 February, 1976.

^{(4) &}quot;Consultation" being understood as: Danish: Afstemning

II. The need for consultation, the factors which determine policy towards Migrant Labour from Third Countries, and the implications of enlargement

2.1. In certain Member States, in the years preceding 1973, the progressive growth of employment had been possible by recourse to migrant manpower, which often compensated for the demographic reduction in the available national labour force. Migrant manpower, still representing about 5% of the Community labour force, cannot be ignored, in view of the important contribution being made to the economies of the Member States. In order that the action taken shall be coherent with the work to be accomplished in consultation on employment policies generally, as has been stressed by the Council in the Resolution of 9 February, 1976, it is indispensable to extend consultation to the migration policies of the Member States.

In this period, in a manpower demand situation (see Annex), recruitment policies were liberal⁽¹⁾, and often stimulated without sufficient regard to the social repercussions on either the migrants themselves or upon the indigenous population.

2.2. The future economic situation in general will be of vital importance, and economic growth is expected to continue at a moderated rhythm. In any event, the economic development of the Community in the very near future will probably show a continued lack of demand for migrant workers, except for certain non-qualified

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(1) The link between the economic cycle and the influx of migrant workers may be drawn from the analysis in the Annex, particularly the graphical illustration.

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activities which the indigenous population are either unable to satisfy or are reluctant to accept. Whilst the labour market requirements are fundamental, they have to be weighed also against social and economic factors, such as the adequacy of the social infrastructure, the existence of unacceptably high levels of unemployment, and obligations arising in relation to priority in access to employment for Community nationals.

2.3. A sizeable migrant population from Third Countries,

including many from new Member States, remains in the Community, and becomes increasingly long-resident. In this situation, it is necessary to avoid inequality of treatment of Third Country migrants in regard to living and working conditions, which could flow from either the provisions of existing bilateral agreements between Member States and Third Countries or the specific relations, existing or foreseen, between the Community and certain Third Countries. The social situation which arises from inequality of treatment, and the failure to insert the migrant workers and their families into the economic and social life of the host country, leads to tensions and discriminations which are potentially dangerous.

2.4. The recruitment of manpower has taken place between Member

States, following the application of the right of free movement of workers arising from the Treaty of Rome, and by individual recruitment programmes with Third Countries by certain Member States. The policies pursued by the Member States in this latter area have been founded upon national legislation concerning the migration and employment of foreign workers, and has led to the conclusion by some Member States of bilateral agreements with certain Third Countries. As would be expected, most of these agreements have common elements, if not similar provisions, such as recruitment procedures, equality

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of treatment in regard to working conditions. However, it is necessary to stress that certain bilateral agreements make only fleeting reference to questions such as family reunification, reception arrangements, whilst other bilateral agreements devote a not insignificant attention to these questions and other matters such as integration arrangements, housing and other social provisions. Furthermore, there are numerous agreements between Member States and Third Countries, all with varying provisions concerning social security.

There has also been a limited attempt at a common approach to "manpower aspects" in the various agreements which have been concluded between the Community and certain Third Countries.

Furthermore, it should be considered whether consultation is needed on a number of matters, as has been proposed in the final communiqué of the "European Summit" in Paris on 9th/10th December, 1974, which called particularly for a "stage by stage harmonisation of legislation affecting aliens".

2.5. The prospect of enlargement of the Community brings a new and important dimension to the need for consultation. It is self-evident that this need arises initially in order to agree upon the terms to be offered to an applicant State, a process already in hand as far as enlargement negotiations are concerned.

The current experience of enlargement negotiations illustrates that any future new Member States are likely to endure transitional periods before their nationals can enjoy full free access to the Community labour market.

There may be obligations to accord a priority to new Member States's nationals during transitional periods in relation to mignants from Third Countries; in the

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event of recruitment which cannot be satisfied from the labour market resources of the present Member States. Amongst the Third Countries, the Community has already given a special place to Turkish workers, as a result of the implementation of the Association Agreement.

2.6. All this has led to a large heterogeneous population of migrants (see Annex), with varying rights:

Apart from the Community migrants enjoying legal equality, in regard to employment, living and working conditions, a certain number of categories may be itemised as follows:

- migrants from new Member States;

- migrants from Associated Countries;

- migrants from countries with which the Community has concluded agreements with manpower provisions;
- migrants from countries with which the Community has agreements without manpower provisions;
- migrants from countries with which certain Member States have bilateral agreements or special ties;

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- migrants from countries with no agreements whatsoever.

Finally, account must be taken of the not inconsiderable population of illegal migrants, spread in irregular fashion throughout the Community.

2.7. Moreover, there are certain traditional migratory flows

of Community migrants towards Third Countries. The activities carried on in Third Countries, by enterprises from the Member States, particularly within the framework of the development of these Third Countries, have also led to a considerable growth of Community manpower in those countries. Consultation must, therefore, aim, in this particular area, at the achievement of an equitable treatment on a reciprocal basis for Community nationals living and working in these Third Countries.

2.8. Endeavours should be made to include in any eventual new bilateral agreements, and in the existing agreements with Third Countries, the maximum of common provisions, taking account of the particular interests certain Member States have in some Third Countries. The objective should be, in the long term, agreements at Community level.

2.9. Finally, the evolution of Community policies points towards the need for greater consultation and coordination in the policies to be adopted in relation to the recruitment and admission of migrant workers from Third Countries, in order not to prejudice Community policies, notably those relative to enlargement, or the objectives of the development policies of the Third Countries.

2.10. For all the reasons indicated above, and in order to meet the needs of a Community labour market, and to determine how the obligations already undertaken, and yet to be agreed, can be fulfilled, whilst safeguarding the fundamental principle and right of freedom of movement for Community workers, the Council should decide on the principles of consultation between the Member States and the Commission. Only in this way can the Community respect its obligations in relation to the national and Community labour markets, before turning towards Third Countries.

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III. The areas in which consultation should take place

3.1. Insofar as the areas in which consultation should occur, these should be related to the terms and conditions under which a Third Country migrant is admitted to a Member State to take up work and be accompanied by his family, as well as the definition, as necessary, of permanent and temporary migration. Migration for reasons of political asylum or tourism being excepted.

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3.2. Insofar as the terms and conditions under which Third Country citizens are admitted to a State, the decision on admission is related fundamentally to labour market policy, at national as well as at Community level. It is, in fact, labour market policy which generally determines the conditions and terms under which a non-Community migrant is admitted or allowed to remain, and, in this regard, consultation on migration policies vis-à-vis Third Countries, constitutes a corollary to the Community policy of free movement of Community workers.

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The matter does not stop at admission alone; the policy must cover also the conditions of stay and the circumstances in which departure and return home should or may be considered. Here considerations intervene which are independent of those connected with the labour market, such as the adequacy of the reception facilities and the total social infrastructure. In a situation where an immigration policy is founded upon demographic considerations, the same conditions and terms, and the labour market considerations would apply.

3.3. Agreement on the enlargement aspects examined in Chapter II, is a pre-requisite for subsequent consultation on migration policies vis-à-vis Third Countries.

Thereafter, the following examples illustrate the matters which might be considered within the context of consultation:

(i) entry to Member States:

- conditions relating to the issue of work and residence permits; for example, job opportunities, health examination, proof of qualifications, etc.,

- the conditions governing the admission of dependents.

(ii) Stay in the Member States:

- duration of initial work/residence permit and conditions for extension, change of employment or employer, both for the worker and for members of his family,

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- maintaining links with the culture of origin.

(iii) Departure from the Member States:

- considerations of public health, security and order,

- assistance to migrants, and members of their families,
 who decide to return to their country of origin.
- (iv) Equality of treatment of migrants and members of their families - living and working conditions:

 social security provisions to be examined to see if the existing provisions of Bilateral agreements can be harmonized and improved,

- vocational training facilities to be reviewed with
 a view to providing appropriate training for those
 wishing to return to take up employment in their country
 of origin,
- the facilities for education to be examined, with a view to improving the language and vocational training opportunities,
- health and housing provisions to be examined, with a view to improving their position.
- (v) The problems of reciprocity of treatment arising for workers and members of their families who are nationals of the Member States, and resident in certain Third Countries.

3.4. Furthermore, the level of illegal immigration in the Member States is the cause of some concern and has already led to a proposal from the Commission, which is at present being considered by the Council in the light of their Resolution of the 9th February, 1976⁽¹⁾, in which they called for the strengthening of "cooperation between Member States in the campaign against illegal immigration of workers who are nationals of Third Countries".

3.5. There should be close cooperation in the determination of future immigration policies. The present "standstill"

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situation in regard to the recruitment of Third Country nationals

⁽¹⁾ OJ NO C 34 of 14 February, 1976.

is the right time to determine policies which will not only safeguard and strengthen the priority for Community nationals in the Community labour market, but also lead to a less haphazard and ill-planned recruitment of Third Country migrants, and will also lead to a coherent approach in regard to the attitude to be adopted, and the measures to be taken, in any future negotiations for association or commercial agreements containing manpower provisions.

3.6. Finally, a consultation on "entry to employment" aspects, as suggested in para. **3**.5., would undoubtedly do a great deal to avoid many of the social and economic ills which have come from the past recruitment policies, and be of considerable aid in improving the conditions of those migrants already in the Community, as well as any who may come in the future.

IV. Matters proposed for immediate consultation

- 4.1. In the light of the previous considerations, the Commission is of the opinion that the following aspect of the matter suggests itself as appropriate for examination:
- all the possibilities of giving priority to nationals of Member States, including any new Member States in a transitional period, in order to ensure that obligations taken at a Community level are respected, before turning to Third Country manpower,
- the current policies of the Member States in order to determine the areas in which immediate common actions might be undertaken, by the Member States at Community level. Some items which suggest themselves for attention are:
 - the policy concerning return home of migrants, including appropriate vocational training;
 - . the measures to deal with illegal migration and illegal employment;

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- the future plan in the matter of recourse to non-Community labour, if such need exists;
- . the policy concerning family reunification in the host countries;
- the position of Member States and the Community in relation to signature, ratification, etc., of existing, or proposed, measures in other international organisations, such as the International Labour Organisations, Council of Europe, OECD, etc.

4.2. It is quite clear that in the highly sensitive area of migration policy, it is essential to move by cooperation and by a determination to utilize to the full the existing institutional arrangements.

To this must be added that consultation, such as has been outlined in the proceding considerations, does not necessitate the setting-up of new means, and that the matters to be considered, even when they relate to enlargement or the negotiation of agreement with Third Countries, should be dealt with by the present institutio arrangements and the existing machinery charged with coordinating th position of the Member States in regard to agreements with Third Countries. The Commission thinks that the rules and procedures provided by EEC Regulation 1612/68, particularly Article 19, are sufficiently flexible and applicable to deal with the problem. This means that at frequent intervals the Commission could report upon the results of Community arrangements for vacancy clearance, and the foreseeable developments in the labour market, including the likely response by Community workers to the jobs available. The existing machinery does not preclude the establishment, as necessary, of ad hoc working groups on specific matters. In this framework an effective association of the social partners can be assured.

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4.3. The Commission will present in the first quarter of each year, an annual report to the Council, European Parliament and the Economic and Social Committee, on migration from Third Countries into the Community. Thus the Council will be able to assess the progress made, and decide, if necessary, on the basis of the report on the policy to be pursued taking into account the ideas formulated in this Communication, as well as the principles guiding the employment policies of emigration countries.

V. Conclusions

5.1. The Commission invites the Council to have an exchange of views, in depth, on the points made in the present Communication. The Council is invited to conclude that, in the light of their exchange of views, the Commission will organise, within the existing Community institutions, strengthened as neceșsary, consultation with and between the Member States.

The historical developments leading to the present situation, and likely future developments

- 1. The recourse to migration is a phenomenon which existed in Europe though limited to certain sectors of industry, particularly mining even before the Second World War. Later it assumed unprecedented proportions, notably during the period 1960-73, during which time it included most sectors of the economy, with a considerable concentration of immigrant labour in specific activities and areas. In the Autumn of 1973, the number of migrant workers in employment in the Community was assessed at 6.600.000⁽¹⁾. One can add to this figure the families of these workers, which, it is estimated, brought the total to more than 12 millions.
- 2. Of the total of migrant workers in September, 1973, nearly 73% originated from countries outside the Community. At that time, migrant workers from Third Countries were mainly from the Mediterranean area, and developing countries.

Turks, Yugoslavs, Portuguese, Algerians and Spaniards constituted the principal groups of immigrant labour, these nationalities each being represented by a labour force of about half a million. Furthermore, in the United Kingdom the New Commonwealth citizens totalled more than half a million workers. Migrant workers who were Community nationals, mainly Italians (860.000) and Irish (454.000), totalled 1.800.000.

3. Prior to 1973 certain Member States were already aware of the problems which had arisen through large scale immigration, and thoughts were turning towards the need for a more controlled recruitment of migrant labour, particularly because of inadequate social infrastructures in certain areas of the Community. The occasion of the energy crisis in 1973, and the subsequent cut-back in economic activity, rapidly reduced the demand for manpower, and unemployment increased. Thus the need for

⁽¹⁾ Not all Member States furnish annual statistics on migrant workers. There is an estimate only for the year 1971 from the United Kingdom.

migrant labour declined, and by the Autumn of 1974 the number of migrant workers in the Community was estimated at 6.300.000, of which 1.650.000 were Community nationals, mainly Italians (740.000) and Irish (454.000).

- 4. The period since the end of 1973 has seen a stagnation of growth, with simultaneous unemployment and inflation, and the employed migrant labour force at the end of 1977 was estimated to have shown a decline of about 800.000 (12% of the September 1973 peak). Approximately 257.000 were still unemployed and remained in the Member States, it may be assumed that the remaining 543.000 have left the Community. There is still a sizeable migrant worker population in the Community, estimated at 6.000.000 at present; with their families probably around 12 and a half million. The increase in family members is significant and indicates that there will be a growing problem of migrant youth employment in the near future. In 1977 it was estimated that there were 800.000 migrant children in the Member States between the ages of 10 to 15 years.
- 5. At the present time, in the nine Member States, the Community migrant workers are estimated at 26.8% of the total of foreign workers; no change from the 27th September 1973 peak situation, and the rate of participation of all migrant employees in employment varies, the figures are: Belgium 8.3%, Germany 9.5%, Denmark 2.2%, France 11.1% Luxembourg 36.3%, Netherlands 4.5%, and the United Kingdom 7.4%.

Of major significance is the change in the nature of the migrant worker population within the EEC. As indicated in para. 2. above, at the peak of migrant employment the Third Country migrant workers accounted for 73% of the migrant workers in the EEC, a situation which persists at present. This contrasts with the situation in 1959 (a Community of Six Member States), when the Third Country migrant workers accounted for

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In addition, during recent years, clandestine migration has increased. A statistical evaluation of the phenomenon is impossible. The opportunities offered for free individual movement into and within the Community for tourist travel, make it difficult for Member States to take adequate measures against exploitation of such manpower. That is why the Commission has invited the Council to adopt a Directive, which aims particularly at the strengthening of cooperation between the Member States in the fight against illegal immigration and illegal employment, and which replies to the terms of the Council's Resolution of 6 February 1976 (see para. 3.4. of the Communication).

- 6. The existing migrant population is likely to remain static, certainly in the short-term, account being taken of the counterbalance between departures from the Community, arrivals albeit limited, of new Community migrants and additions to the migrant population through births. The following factors point to this conclusion:
 - any economic expansion which might occur in future will deal with manpower needs by mopping-up unemployment, mainly by capital intensive activities, except in certain sectors, where the social implications of heavy unemployment demand labour-intensive expansion. In the face of this prospect, the general policies of the Member States will probably be directed towards the maintenance of the almost total ban on the entry of new Third Country migrants (except for family members of some migrant workers already in the Community), and the stabilization of the migrant population at a lower level.
 - However, it is necessary to take account of two factors which will, by their nature, tend to detract from the effective application of the aforementioned policy, and to put a brake upon the fall in the migrant population:
 - the reluctance of indigenous (Community) unemployed workers to displace the migrant labour force, which is largely engaged in the less well-paid and less socially acceptable jobs;
 - the fact that the migrant population has withstood the worst of the unemployment/inflation cycle, and has shown a desire to see it through and remain in the Community, rather than return home to a situation of almost certain unemployment. Furthermore, the total ban on recruitment of Third Country migrants would prevent their return.

ANNEXE

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- Note : r = chiffre rectifié.
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 - (a) estimations établies par les services de la Commission.
- <u>FRANCE</u>: (1) frontaliers non compris; (2) estimations concernant la situation fin 1973 établies par le Ministère du Travail et de la Participation; données plus récentes non disponibles.

IRLANDE : (1) ressortissants du Royaume-Uni non compris; (2) il s'agit du nombre de permis de travail délivrés en 1977.

- <u>ITALIE</u> : (1) frontaliers non compris; (2) moyenne annuelle 1975; données plus récentes non disponibles.
- LUXEMBOURG : (1) frontaliers y compris.
- PAYS-BAS :
- (1) frontaliers belges et allemands y compris; (a) frontaliers au 1.12.1977;
 - (b) estimations de la situation fin 1977 établies par les services de la Commission.
 - (c) dont 887 frontaliers allemands au 1.6.1977.
 - (d) il s'agit du nombre de permis de travail valables, dont
 39 165 pour travailleurs occupés moins de 5 ans.

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- (1) estimations concernant la population active étrangère née à l'étranger, établies par le Department of Employment, dans cadre du recensement de 1971; données plus récentes non disponibles.
 - (a) estimations établies par les services de la Commission.
 - (b) dont 631.000 travailleurs nés dans les pays du Commonwealth.

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*) estimations établies par les services de la Commission.

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The effect of GDP and unemployment on migration

The attached graph shows the flow of migrants into the Community (6) over the period 1959-77, and the development of GDP and registered unemployment over the same period. For convenience, the data has been plotted on a logarithmic scale, but this does not affect its interpretation. The following are the main points to note:

- The rate of growth of GDP has been a good indicator of changes in the rate of immigration: peaks and troughs in GDP growth seem to correspond closely with peaks and troughs in immigration. However, it does not on its own explain the level of immigration.
- 2. The levels of immigration have also been influenced by Community unemployment. They have been highest when unemployment has been bw, while high Community unemployment has meant low immigration.
- 3. Since the crisis of 1974, immigration has been low, despite some recovery of growth. This is explained by continued high unemployment.
- 4. The flow of new immigrants from Italy follows the flow from outside the Community remarkably closely. However, it does show some recovery since the crisis.

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It can be concluded that immigration has responded to changing economic conditions within the Community, and this seems to have had more influence than institutional constraints. The flow of migrants from Italy, which could be expected to be a useful guide to migration from the new Member States, seems to have been largely influenced by economic factors. Although it has shown some recovery since 1975, its level remains very low compared with that of the 60s. Thus it is unlikely that immigration will again be on a large scale until both GDP growth recovers and Community unemployment falls.

