

Migrants in the European Community



European File

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More than 12 million people living in the European Community have moved from their country of origin to find work. At the beginning of the 1980s it was estimated that 27% of them came from other Member States. Once Spain and Portugal join, this proportion will rise to around 40%. Whether from within the Community or outside it, most migrant workers were recruited during the 'golden' years of the 1950s and 1960s by European firms faced with acute labour shortages. Today the climate is very different. ¹

Different circumstances but the same aim

Since the mid-1970s the pattern of migration has been transformed by a series of structural changes: the slowing down of economic growth, the shortage of jobs, the development of new technologies etc. Faced with spiralling unemployment, the Member States of the Community halted or restricted the recruitment of workers from non-Community countries. For the most part, the great migratory movements of earlier years have come to a standstill but the duration of residence in other countries has tended to increase and workers' families have tended to unite in the place of work. Immigrant communities have taken on increasingly the characteristics of a permanent feature in the host country: almost equal numbers of the sexes, a constantly growing second and even third generation of young people, the ageing of the first generation. From now on the issue is no longer one of population movements but rather of the integration of foreigners or people of foreign origin. The problem has been made at once more complicated and more urgent by a sharpening of racial tensions and the growth of xenophobic feelings.

As pointed out in recent statements of the European institutions, the Community cannot afford to ignore the problems of migrants:

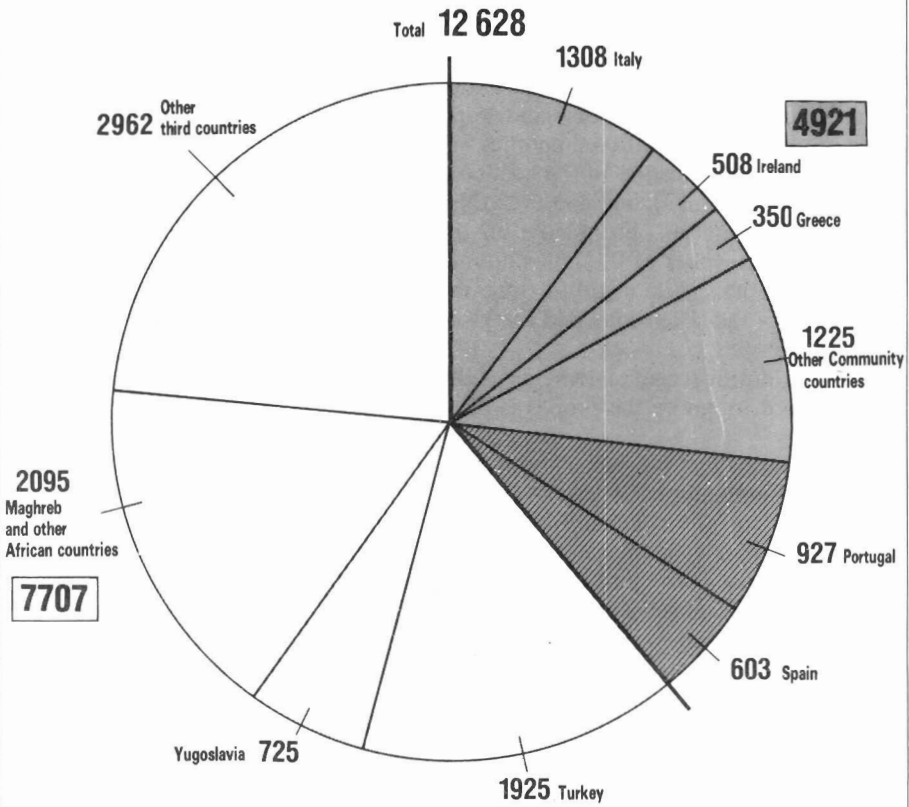
- The right of free movement from one Member State to another is guaranteed to all Community citizens and is one of the fundamental principles of the European treaties which forbid all discrimination on grounds of nationality. The Community Heads of State or Government pointed out in June 1984 that the improvement of the lot of migrants from other Community countries is one of the best ways of realizing a people's Europe.
- The problems of immigrants from non-Community countries also deserve attention. The difficulties they encounter in the host countries are broadly alike. It would therefore improve the effectiveness of national efforts, if a joint Community approach was adopted. This would also assist Community policies proper, such as the social, economic, industrial, regional and overseas development policies, which are closely linked to migration policy.

Whether they come from the Community or third countries or former colonies, for instance the Commonwealth, immigrants face the same problems. The Community

¹ This file replaces and updates our No 9/80.

**Foreign residents in European Community countries
(in thousands)¹**

- Citizens of Community or acceding countries
- Citizens of third countries



¹ Estimates, based on 1983 statistics from host countries compiled by Eurostat (France and Greece : 1982; Ireland, Italy and Luxembourg : 1981).

has therefore adopted a policy which aims to provide equal living and working conditions for immigrants, wherever they come from. This objective has been reaffirmed by a new Commission communication entitled 'Guidelines for a Community policy on migration'. This document updates the action programme drawn up in 1974. It gives consideration to a number of issues, including immigration legislation, concertation between States and information policy.

Improving legislation for Community migrants

Community law states that migrants from another Member State must be treated like nationals of the host country.

- Leaving aside the transitional periods agreed for new Member States (until the end of 1987 for Greece and until the end of 1992 for Spain and Portugal), Community migrants do not need a work permit and can claim a five-year residence permit which is automatically renewable, even after their retirement.
- All discrimination on national grounds is forbidden, whether relating to employment, wages, social security, trades union rights, living and working conditions, housing, education or vocational training.

But there is no shortage of work for the legal experts. Community legislation must be improved and adapted to changing circumstances if a people's Europe is to be achieved. There should also be a better respect for treaty principles at grass roots level.

- Right of residence: in time this right should be extended to all Community citizens, whether or not they are working. The European Commission would like to see the advantages of the long-term residence permit, with automatic renewal, extended to temporary workers, the unemployed seeking work and retired people who did not work in the host country.
- Right to work: only two restrictions are allowed on the free movement of workers: firstly for justified reasons of public order, health or safety; secondly, for certain forms of public administration work. The Commission plans to specify the scope of this second exception in the light of case-law in the European Court of Justice. In addition it will continue to weed out obstructions to the right to seek work in other Community countries. These obstructions include:
 - Lack of information: the Commission would like to see cooperation between national employment services. It has set up the European system for exchanging job information (Sedoc) which publishes lists of vacancies in the Member States.
 - The divergence of qualification and diploma requirements: the Commission is seeking to extend the range of professions covered by mutual recognition

of diplomas.¹ It intends to develop a system of recognition of university diplomas and a narrowing of differences between professional training qualifications.

- Right to social security: the non-discrimination principle must apply fully to a number of services on the fringe of social security and welfare systems.
- Political rights: recognition of migrants' civic, political, individual and collective rights (right to vote, right to stand for office, right to form associations) is a powerful factor in social integration. The European Commission has already called for voting rights for migrants in local elections. It recommends that consideration should be given to full political rights for Community citizens living in other Member States.
- Particular problems in specific areas: more consideration should be given to the problems of frontier workers, who face exchange rate fluctuations and taxation problems. The Commission has proposed tax harmonization for people in this category. There should also be an examination of the problems faced by seasonal workers, nomads, seafarers, artists, teachers and social workers. The growing number of political refugees also deserve special attention. Although they are covered by European social security regulations, they still do not have the right to seek work freely in all Community countries.
- Grassroots application of Community rules: the Commission is striving to simplify regulations and encourage coordination. A check-list of rules affecting social security has already been published. The Commission intends to bring out a booklet containing Community texts on free movement, with comments and, possibly, teaching materials. Finally the Commission would like to sponsor training programmes for lawyers, senior officials, social workers, social security officials and local officials who deal directly with migrants as well as employers' and workers' organizations.

Concertation of migration policy

Despite the similarity of their problems, the migration policies pursued by host countries are very diverse. Economic, technological and social developments of recent years have profoundly altered the approach of many governments. This diversity, coupled with the overlapping of Community and national competences, justifies efforts to convert migration policy at Community level. The principle of such a concertation was accepted by ministers in 1976 and 1979 but with little result. It is now necessary to establish a formal framework for discussion in three priority areas: employment policy, social security and the integration of migrants in society.

¹ See *European File* No 13/84, 'Mutual recognition of diplomas and professional qualifications'.

- Employment policy: however far flung their original homes, communities of foreign origin are increasingly composed of people born in the host country or long established there. They have therefore acquired additional residence and employment rights. But problems still exist which should be tackled as part of an overall policy towards the labour market:
 - Residence and work rights: spouses of workers from third countries and other relatives given settlement rights are not always allowed to seek work. Unemployed migrants can sometimes be stripped of their residence and work permits. A possible solution to these problems would be acceptance of the Council of Europe convention on the rights of migrant workers.
 - Secret immigration and illegal employment: these phenomena have been encouraged by the rise of the black economy generally. The consequences, both for the workers directly involved, who are often exploited, and for above-board national and foreign workers are undesirable. The European Commission repeats its plea to Member States to increase their cooperation to prevent and punish such abuses, whilst safeguarding rights acquired through work carried out by illegal migrants.
 - Return to country of origin: there can be no question of compulsion, which could be a renewed exile for second generation migrants. In any case, the countries of origin frequently have no jobs to offer. Volunteers, on the other hand, should receive aid and the best conditions possible for repatriating their finances and finding new jobs. Young people who fail to adapt to their family's country of origin should, during a certain period, be allowed to return to their host country. Much should depend on bilateral agreements between Member States and the countries concerned. The Community can play a role by financing training schemes appropriate to job opportunities in the country of origin and by helping to create jobs there through development aid.
- Social security for migrants from third countries: this is traditionally dealt with under bilateral agreements between Member States and third countries. They deal mainly with the consolidation of insurance contributions and the payment of family allowances in the place where the family is living. The Commission believes that progress is needed towards equal treatment of migrants, on the principle of non-discrimination on the basis of nationality. The social clauses of the cooperation agreements between the Community and Mediterranean, African, Caribbean and Pacific countries should be implemented rapidly. Bilateral agreements should be based more closely on the principles applicable to Community workers.
- Integration in society: the integration and social and professional advancement of migrants, especially those of the second and third generations, is necessary for social justice, economic efficiency and the struggle against racial tension. Its achievement is often blocked by the uncertain status of the migrant and by inadequacies in education, training, housing and health care.

- Culture and education: the European Social Fund supports a range of national schemes, both public and private, for vocational and language training and social integration. Nearly 200 000 migrants were helped in 1983. More needs to be done, however. Although widespread, training in the language of the host country is often organized in a haphazard way and poorly financed. It should be extended to education in literacy, basic skills and vocational training, taking account of the decline of some sectors of the economy and the rise of new technologies.

More attention needs to be given to the problems of women. Their choice of action is frequently limited to housekeeping and an even more restricted range of job skills. They are often ignorant of their basic rights and at a loss how to respond when faced with a sick child or a child needing help with school work.

Finally, contrary to frequent prejudice, it is necessary to sustain, not to suppress, links with the culture and language of origin. Successful integration depends on achieving an interrelationship between the two cultures in which the immigrant lives. For the host society, bilingualism and biculturalism represent an often underestimated source of enrichment.

- The social and vocational advancement of young migrants: almost half the migrant population is less than 25 years old: Young 'migrants' were often born in and are nationals of the host country. Confronted with different cultures, they are often in search of their identity. Their future depends on better training and legal security, including residence and work rights for those born in the host country or admitted to re-unite families.

The Community is already active in this area: it supports and coordinates a series of educational pilot programmes. The Social Fund co-finances a range of projects which aim to improve methods of reception and education of migrants and the training of teachers. About 100 000 young migrants benefited from these projects in 1983. But an enormous amount remains to be done. Nursery schools must be encouraged to make an early start on training young migrants in the language of the host country, without damaging their mother tongue. Success for young migrants in primary schools can only be achieved in this way. As for statutory schooling, Member States should implement their political decision to extend to third country citizens the rights to special introductory classes already given to the children of Community migrants. This would include an obligation on Member States to promote the teaching of the mother language and culture and the specialized training of teachers. In addition, teachers should be encouraged to ensure that all children, including second and third generation migrants, receive appropriate civic and health education.

Finally, vocational training must be adapted to migrants' needs. Each year 100 000 migrants leave school unqualified and can find no place in job

training. Special measures should take account of new technologies and the slump in the traditional sectors which used to recruit unqualified labour.

- Health and living conditions: many migrants, the victims of discrimination or ignorance of their rights, live in poorer homes than workmates from the host country who earn the same wages. Their health needs also tend to be overlooked because of their own inadequate health education. The European Commission hopes to:
 - Continue to co-finance experimental housing projects and increase its work with urban renewal specialists, especially in areas with heavy concentrations of migrants. The Commission also wishes to subsidize the information and self-help of migrants in fields such as home improvement and access to financing and housing programmes.
 - Finance studies and pilot projects on health information and sickness prevention.

Concertation of policies would also be productive in another field. More and more Community citizens are reversing the traditional migration trail and seeking work in other countries. They include executives and technicians recruited by firms and agencies in these countries or by European firms or as part of overseas development programmes. Their rights must also be safeguarded, especially on their return, when they often experience difficulties in finding a job or when a long absence demands vocational retraining or threatens their social security rights.

Improved information

Integration problems, the difficulties caused by communities living side by side in certain neighbourhoods, fresh outbreaks of racism – which have encouraged the creation of a European Parliament commission of enquiry on the rise of racism and fascism in Europe – all these things underline the need for increased information and awareness in the host countries, amongst officials who deal with migrants and in the migrant communities themselves. The European Commission has called for:

- A Community declaration against racism and xenophobia;
- The establishment of an annual Immigrants Day in all Member States;
- An umbrella organization for migrants groups at European level to assist their dialogue with Community institutions;
- Pilot projects organized jointly with interested parties in two areas: the improvement of the information of local officials, the training of specialists to

help migrants to present their case better and to protect their rights through free legal assistance programmes.



In addition to these European Commission initiatives, the Economic and Social Committee and the European Parliament have adopted respectively in May 1985 an opinion and a resolution on the problems of immigrants. Further, in June 1985 the Council of Ministers added its weight to the discussions by agreeing a resolution. This debate should lead, as far as possible, to common and imaginative solutions. The free movement and equal treatment of Community citizens are now part of the established rules of the Community. Against the background of a troubled social and economic climate, the promotion of migrants' rights – whatever their country of origin – is one of the Community's principal social objectives. The future stability and humanitarian quality of our societies depend on the solutions found for the problems affecting an immigrant population which is now greater than that of several individual Community countries ■

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