



Reconciling Mobility and Social Inclusion

- the role of employment and social policy

“We summoned workers, people arrived”

Max Frisch

Irish Presidency Conference

Bundoran, Ireland

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1 Minister Brennan was appointed Minister for Social and Family Affairs in September 2004.

2 Minister Coughlan was appointed Minister for Agriculture and Food, September 2004.

3. Minister Fahey was appointed Minister for State at the Department of Justice, Equality and Law Reform, September 2004.

4. Minister Curran was appointed Minister for Parliamentary Business, October 2004



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FOREWORD



The mobility of workers between occupations, and between regions and countries, is a key element in a well functioning labour market, both at national and EU levels. It makes a major contribution to achieving a good match between the skills, aptitudes and experience of workers, and the jobs they hold. It also enables gaps in skills to be filled by workers from other

regions and countries. This is now becoming of critical importance to the countries of the European Union, which face the prospect of growing labour shortages resulting from falling birth rates and ageing populations.

Mobile workers, and especially those who migrate from other regions and countries, are particularly vulnerable to social exclusion. Mobility can involve leaving behind the supports of family, friends, local community and one's own culture, and experiencing much difficulty in finding comparable supports in the host country. This demands that, in solidarity, we work to provide them with the supports they need to achieve social inclusion and integration. It is clearly also in our interests to do so. The social exclusion of migrants can result in their working well below their potential as well as high rates of unemployment. This has negative consequences both economically and in relation to social cohesion. Two of the key goals of the Lisbon agenda, greater economic competitiveness and social cohesion, are well served, therefore, by reconciling mobility and social exclusion.

This, of course, was the theme of the Conference hosted by the Irish Presidency, with the support of the European Commission, in Bundoran,



Co. Donegal on 1 - 2 April, 2004. The location in the West of Ireland was appropriate, given its long tradition of emigration, which was also a feature of many other parts of Europe. This has been reversed in recent years, resulting in the new challenge of net immigration.

The Conference also took place against the background of EU Enlargement, involving the accession of 10 new Member States from 1st May, 2004. This had given rise during the previous months to a debate on immigration in many EU countries, based on fears of a major influx of migrants from the new Member States, which the Conference helped to dispel.

The Conference brought together leading experts and policy makers from all the countries of the EEA, the EU Commission, academic institutions, the social partners, and NGOs. Virtually a full record of the excellent papers, reports of discussions and exchanges during the Conference is now available on the website of the Office for Social Inclusion, www.socialinclusion.ie, and in this publication. It is also being published.

It is intended in this way to ensure that the fruits of the Conference deliberations will reach a wider public. It should also help to inform policy development in relation to these issues in the context of the preparation of the 3rd NAPs/incl, due for completion towards the end of 2006, and the employment action plans.

One group for whom mobility is an ongoing reality is politicians! My predecessor as Minister, Mary Coughlan TD, and my other Ministerial colleague, Frank Fahey TD, then Minister for Labour Affairs, who between them hosted the Conference on behalf of the Irish Presidency, have since assumed other Ministerial responsibilities. I wish to thank them for their leadership and overall contribution. I also wish to thank the EU Commission, in particular, Director General, Odile Quintin, for their support at all stages.

I wish to thank all who contributed and participated, speakers, rapporteurs, chairs, interpreters and all those who attended from all over Europe and made the Conference such a success.

A special word of thanks to Margaret Curran, Minister for Communities, Scotland, who, although ultimately unable to attend, did send for delivery the text of her speech which made an important contribution to the deliberations. Similarly, I wish to thank representatives of organisations representing emigrants who made an important contribution to the proceedings, not least Dr Mary Tilki, who substituted for Minister Curran in chairing the rapporteurs' session at short notice and did an excellent job.

Finally, I wish to thank the staff of my own Department and the technical support staff from other Departments and agencies, not least the security personnel, for their hard work in ensuring that it all happened.

The quotation from the writer, Max Frisch, "we summoned workers, people arrived" simply and clearly states the challenge we face in reconciling mobility and social inclusion. I hope that the Bundoran Conference, and this publication of its proceedings, will make a contribution to helping us fully recognise and effectively meet that challenge in the years ahead.

**Séamus Brennan, T.D.,
Minister for Social and Family Affairs,
Ireland**

INTRODUCTION TO REPORT

Gerry Mangan

Director, Office for Social Inclusion,

Department of Social and Family Affairs, Ireland

The main purpose of this introductory report is to provide an overview of the main challenges addressed and issues discussed in detail at the Conference. The detail can be found in the excellent papers delivered and the reports of discussions at the Conference, virtually all of which are reproduced in this report on the Conference proceedings

The Conference addressed two major challenges - the need for the mobility of workers and, given the vulnerability that arises in many cases as a result of mobility, the need to specifically promote the social inclusion of these workers and, where appropriate, that of their families. These challenges are of major significance for economic, employment and social policy – the “policy triangle” at the core of the Lisbon Agenda. The Conference examined the role of employment and social policy in meeting these challenges. If successfully applied to mobile workers and their families, a major ongoing contribution can be made towards enhancing the economic competitiveness of the European Union and promoting greater social cohesion – both core goals of the Lisbon Agenda.

Conference deliberations – some background themes

The Conference brought together leading experts and policy makers from all over the enlarged European Union to participate in the deliberations.

The location on the West coast of Ireland was appropriate, as it is a part of Ireland and of Europe with a long history of emigration, and on the Atlantic Ocean, the passage for many emigrants from Europe to the New World of the Americas.

Emigrants

Immigrants are, of course, also emigrants from their home country and many EU countries, in addition to supporting immigrants, also need to support their own emigrants when leaving and returning, and to an extent when they are abroad, in liaison with NGOs and the authorities in the host countries. This dimension was discussed at the Conference.

A significant proportion of people born in Ireland, for example, still continue to live abroad resulting mainly from the relatively high emigration in the early post war decades. This is also true of certain other European countries which, like Ireland, have a significant diaspora abroad. The experience of these emigrants, their descendants, and the descendants of earlier generations of emigrants, has much to teach us on how best to facilitate mobility and reconcile it with social inclusion and on the obstacles to be overcome. Representatives of these emigrants, who are also members of immigrant support organisations, were especially welcomed as observers and participants at the Conference.

Enlargement

The Conference took place just one month before the 10 new Member States formally acceded to the European Union. In the circumstances, there was an especially warm welcome for the representatives of these countries for whom the migration of their citizens to the EU 15 countries was becoming a major issue. Despite much alarmist media speculation in the period before the Conference, it became clear that there was unlikely to be a major influx of immigrants from those countries, which has since proved to be the case. In fact, the current indications are that most of the 10 new countries, already experiencing the ageing of their populations and benefiting in the years ahead from EU membership, including access to the Single Market, may before long be experiencing net immigration.



Integrated approach

However, it is still the case that the likely increase in overall migration resulting from Enlargement has given a renewed focus to the need for more developed and integrated policies to support immigrants. As the Conference focussed, in particular, on the contribution that both employment and social policy can make to facilitating mobility and promoting social inclusion, the need became apparent for a more integrated approach between employment and social policies especially in supporting immigrants.

Conference proceedings

The Conference involved three half day sessions. These were made up of an opening plenary session on the first day and a closing plenary on the second day, with an afternoon session on the first day devoted to workshops in which participants got an opportunity to exchange their views and experiences on the issues. Participants included members of the EU Employment and Social Protection Committees the Administrative Commission on social security for migrant workers, Heads of Employment services, representatives of the social partners, NGOs and academics. A key feature of the Conference, which proved to be much appreciated, was that participants specialising in either employment or social policy got an opportunity to hear and contribute to the discussions on the other policy area. The positive interaction that arose from this contributed greatly to the general acceptance of the importance of developing a more integrated approach to promoting and supporting both the mobility and social inclusion of immigrants.

Conference papers and records of discussions

A virtually complete transcript of the speeches, papers, and rapporteurs' reports on the Workshops follow this introductory report⁵. These include a full transcript of the very lively panel discussion, chaired by Antonis Kastrissianakis , Director, EU Commission, in which many key issues

5 The Irish Presidency wish to acknowledge that a number of the papers appearing in this publication are either translations from their original language or are based on recorded audio transcripts from the conference. In these circumstances, the Irish Presidency accepts all responsibility for errors made in the translations or written transcripts.

were raised and discussed. A copy of the Irish Presidency report on the Conference to the EU Council of Ministers in June, 2004 is also reproduced in the appendices.

Mobility – labour market perspective

Géry Coomans began with reminding the Conference that labour market efficiency means the widest possible mobilisation of available human resources and the flexible relocation of these to achieve more productivity. Discrimination, for example, against women and migrants, therefore, has a major cost, as we are failing to deploy to best effect talented human resources. An example is a disproportionate concentration of foreign nationals in hotels and restaurants. Another indicator of labour market inefficiency is length of job tenure. Average job tenure is 4 years in Denmark, Ireland, UK, Netherlands and Spain, while it is 6 to 9 years in other Member States.

Migration may take different forms in countries such as France and the UK which formerly had colonial empires, while low fertility rates are having an effect on attitudes to immigration in countries such as Spain, Italy and Greece. The path of economic growth being pursued will also effect patterns of emigration. There is likely to be higher immigration in countries that privilege low wage and low skill employment compared to countries that put more emphasis on high value and high skill employment, with more off shoring of less skilled employment.

An analysis of the EU 15 labour market shows that employment growth among workers from other Member States was lower than the 1.5% for Member State nationals, but that employment growth for non EU 15 nationals at 5% was significantly higher. This means that globalisation of our Labour Market is developing faster than European integration i.e. than a European integrated labour market.

However, there was no difference between other EU nationals and those resident in the State of employment, in relation to success in obtaining employment commensurate with their skills. By way of contrast, non EU 15 nationals are considerably less successful, especially in the case of



women, for whom the rate was just 57% compared to 80% for EU nationals. The under-mobilising of immigrants is widespread, irrespective of educational level. Research shows that the host country, as a factor, definitely matters more than the guests, in achieving efficient and flexible allocation and inclusion in the workforce. For example, France would need 3.1 additional immigrants to have one joining the labour force, but the comparable figure in the U.K, is 2.3, and in Spain, 1.8. This clearly is a policy area where the exchange of best practice may greatly assist in achieving better outcomes.

Mobility – its importance for employment

The key importance of mobility to the European Union's success was much emphasised during the Conference. Ireland's then Minister for Labour Affairs , Frank Fahey, in an opening speech stated " the harnessing of its most valuable asset – its flexible pool of skilled labour – is crucial in ensuring that the EU achieves its aim of becoming one of the most dynamic and competitive economies in the world today". This was echoed by Antonis Kastrissianakis, EU Commission, who pointed out that " a single European labour market, enhancing the free movement of workers, is central to the development of the Union." Allan Larrson in his keynote speech stated that with "an ageing and declining working age population, Europe has to be able to attract, retain and develop talent", if it is to meet the challenges of globalisation and technological change, and realise the Lisbon Goal.. There is now also the EU Enlargement, with its attendant opportunities and uncertainties.

Mobility – relatively low levels in Europe

Labour mobility in Europe is low both between jobs and in a geographical sense. There "are symptoms of sclerosis and inflexibility" (Kastrissianakis). Job turnover rates are at 10 per cent i.e 15 million jobs per year. Up to 37 per cent of EU businesses have vacancies which take longer than 3 months to fill, almost half of them because of lack of skilled people. Up to 46 per cent of EU businesses say they would consider employing someone from another country.

Average job tenure is 10.6 years in the EU, compared to 6.7 years in the USA. Less than 20 per cent have moved to another region in the same

country, and less than 5 percent to another country – in the last 10 years. Only 0.1 per cent of resident populations move across Member States per year and about 0.5 per cent of third country nationals. Up to 34 per cent prefer to stay in the same region and be out of work, with just 38 per cent being prepared to move to find a job. Denmark, the Netherlands and Sweden are the most successful countries in the EU in facilitating mobility, with Denmark having developed an interesting mix of flexibility and security (Larsson)

Antonis Kastrissianakis pointed out that “if we really want to become world beaters, we simply must free up the movement of labour to cope with the demands and opportunities which face us”.

Reduced mobility – reasons

There are several reasons why cross border mobility of the endogenous EU population has been decreasing for decades, despite the easing of legal and other barriers (Larsson). The gap in living conditions between the traditional countries of net emigration such as those in the South and Ireland have been reduced over the last 3 decades. There has been a profound change in the production paradigm with the transition from low skill, labour intensive production to the knowledge based economy. There is an increasing gap between house prices and housing costs generally in cities and in the provinces. The shift from one to two bread winner families makes it difficult to line up comparable jobs for both partners in the same area. Language continues to be an important barrier and ageing is likely to depress mobility on an ongoing basis.

Much of the subsequent exchanges in the workshops and in the panel discussion on employment themes centred on the policies needed to remove obstacles to mobility both within and between countries. Issues dealt with included the following.

Employment and mobility

Workshop 1 focussed mainly on implementation of the Commission’s Action Plan for skills and mobility. On occupational mobility there is a series of benchmarks to be met by 2010 mainly on educational



attainment and training relating, for example, to early school leavers and lifelong learning. Removing obstacles to geographical mobility include preparations for the introduction of the European Health Insurance Card, simplification and modernisation of co-ordination of social security rights, better portability of pension rights and the launch of the Language Action Plan. The opening of the European Job Mobility Panel is making a major contribution to the provision of information and the transparency of job opportunities, as is the modernisation of EURES.

Less progress has been made on developing new skills and qualifications related to the ICT sector, on draft directives to streamline the recognition of qualifications, and on immigration for work-related purposes. The Workshop discussions focussed mainly on what remains to be done in the areas where less progress is being made and on whether the priorities of the Action Plan were sufficiently adapted to the needs of the new Member States. It was also pointed out that progress on meeting the objectives of the Action Plan could also be affected by the economic downturn which may give rise to fewer job vacancies and less readiness to invest in some of the measures foreseen in the Plan.

Information and support for migrants

Workshop 2 dealt mainly with the supports to mobile workers and employers abroad provided by Employment Services, in particular EURES, the European Employment Service. The presentation on the main functions of EURES is reproduced in this report.

One conclusion, based on empirical and hard evidence, is that many of the problems faced by migrant workers arise either due to lack of adequate preparation by the job seeker, or by employers giving poor or incorrect information about the conditions of employment. Concern was expressed about the extent to which policy experts and practitioners are fully aware of and have access to EURES services. The practical experience of mobility was given in two presentations. The first was on the mobility of Polish workers, including to Ireland, by Krzysztof Kaczmarek from the perspective of the Polish Labour Market Department. The second was based on a study by Izabela Grabowska, an

official in the Embassy of Poland in Ireland, on the experiences of Polish workers coming to Ireland. These presentations demonstrated the importance of education and training, language skills and proper recognition of qualifications in enabling migrants to obtain employment that matches their innate abilities and qualifications. Reference was also made to the trends towards more short term work. When workers are treated fairly and given proper recognition of their abilities, this is likely to stabilise integration. Integration is hampered when jobs acquired are at a level lower than a person is qualified to do, which can lead to deskilling, and to discrimination and demotivation, when a person is paid less than a comparator for work at the same level. These concrete examples underlined the more general findings made by Gery Coomans in his paper.

Much greater cooperation between countries is required to facilitate mobility and to ensure that migrant workers get the support they need before they leave, as well as when they are in the other country, to enable them obtain employment that matches their abilities.

Education, training and employability

Workshop 3 examined the crucial importance of education and training in achieving employability and thus facilitating mobility. Lifelong learning is essential for this, as it is also for personal development, civic participation and social inclusion. Lifelong learning can be enhanced by mobility for both work and learning purposes – mobility should be seen as an opportunity and not as a threat. The main challenges include lack of investment in education and training, both public and private, lack of mobility due to the barriers that still exist, and lack of transparency, together with lack of qualifications and competences. Urgent action is required to remedy these and the action being taken to do so, including reform of education and training systems, and greater investment by the private and public sectors, is outlined in the presentation by Gordon Clark. It was also pointed out that enhanced cooperation in Education and Training can help the development of the new Member States, candidate and third countries, so that the quality of their education and training systems is trusted, and their systems are able to converge



around common principles and references. Enhancing the quality of national systems also contributes to managing the “brain drain” of qualified workers away from these countries.

The second broad theme of the Conference on social inclusion was similarly covered in keynote speeches and workshop discussions, and an overview of some of the main issues raised under this heading follows.

Achieving the social inclusion of migrants

The papers and discussions on mobility demonstrated the extent to which mobility brings benefits to society and the migrants themselves, but the degree to which this occurs can be dependent on the degree to which social inclusion and social integration is facilitated, supported and achieved. Sarah Spencer in her keynote speech stated that this requires investment, it cannot be left to chance. On each path to inclusion – economic and social – migrants face barriers. Inclusion is not an end state we can achieve over a given period, but a process. This requires strategies to achieve ongoing progress. A clear framework for such strategies was set out by Sarah Spencer and developed in her speech, which included the following key elements: leadership of public debate, developing an evidence base for inclusion policies, reviewing the impact of immigration controls, providing effective protection against discrimination, providing information to migrants, ensuring migrants know how to get independent advice, reviewing the capacity of mainstream services to meet migrants’ needs, consulting migrants and adapting provision accordingly, building bridges across communities, promoting understanding and acceptance of human rights standards, and mobilising civil social partners to share responsibility. This keynote presentation, also clearly set the framework for the subsequent papers and discussions on the social inclusion theme at the Conference.

Current actions on social inclusion for migrants

Hugh Frazer, EU Commission, provided an analysis of the actions being taken by Member States to combat the risks of poverty and social exclusion faced by immigrants, as described in the 2003 NAPs/inclusion. The analysis revealed that there is increased awareness and coverage of

the issue, though there is often a blurring of measures for migrants and ethnic minorities and not much clarity about the different situations that might face different groups of migrants. There are, however, a number of interesting examples of policies and programmes that provide a good basis for exchange of learning and best practice. The need for these exchanges was also demonstrated by an overall finding that “in most Member States the approach remains insufficient to the scale of the problem and rather narrow” (Frazer)

A broader and more effective approach can be achieved by strengthening the data and analysis of the position of the different groups of migrants to better understand the policies and programmes required, these policies and programmes need to be multi-dimensional and not just have a narrow labour market focus, and there also needs to be a greater focus on access to rights. The Joint Report on Social Inclusion in one of its conclusions specifically urged Member States to make “**a concerted effort to reduce the levels of poverty and social exclusion and to increase the labour market participation of immigrants and ethnic minorities to the same level as the majority population.**”

Access to social protection and information for migrants

Workshop 4 examined this theme. Bernd Schulte pointed out that the ability and willingness of individuals and groups in activities in markets, politics and civil society are crucial for the formation of social cohesion. Barriers and obstacles to equal participation in work, decision-making, education and family life are important aspects of inequality that weaken social cohesion. Remedies include promoting equal access to education, vocational training, employment, housing, health care and social protection. His paper includes a detailed analysis on the progress made in this regard, especially that achieved by EU law, and the obstacles which remain. Some of these may be due to lack of the information required to access entitlements, others to national rules designed by countries to prevent possible abuse of their social protection systems which are outside EU competence. Social protection systems and social policy generally have to adapt to the major challenges of demographic change, particularly, migration. The open method of co-ordination (OMC)



should facilitate exchanges of knowledge, experience and best practice between Member States on how to meet these challenges and support Member States in introducing the necessary reforms and changes.

Health and social services

This theme was examined in Workshop 5. In essence it dealt with the reality of the significant differences in health status and health outcomes between the resident population and minority groups. Research shows that such differences also exist between minorities and between sub-groups within minorities, such as women and older people. The causes may be more mainstream, such as poverty, employment and education, but may also relate to cultural differences, life style choices, and psychological factors, such as experiencing social anxiety. The response to these challenges can best be achieved by a multi-disciplinary, culturally sensitive approach related not just to improving effective access to services, but also to health promotion. This would need to be underpinned by evidence based policy development, including ethnic monitoring of mortality and morbidity, for which there is currently a dearth of data. The effectiveness of such an approach could be greatly enhanced through close cooperation with NGOs, who often have a deep understanding of the situation of minority groups and a great empathy from working with them.

Examples were given from research carried out by Dr Ronnie Moore on the experience of the Irish in Britain in relation to health, summarised here in the report of the rapporteur, Ilse Brands Kehris. The poor health outcomes of significant numbers was attributed not only to socio-economic disadvantages, compounded by socio-cultural and lifestyle patterns and differences, but also to self-perceptions and perceptions of the group by others. These may have had an adverse effect on their health, but also on their readiness to seek appropriate health care and in its provision. The fact that the Irish in Britain were an invisible minority may also have reduced awareness of the need to make special provision for them. Suzanne Lyons presented research findings, also summarised in the report of the rapporteur, on the treatment given to pregnant women from minority groups in Ireland. One of the findings was that all such women were treated in the same way, despite the fact that many

come from widely differing cultures. Problems experienced were virtually always attributed to ethnicity, when social, economic and environmental factors could also be the cause. This study highlighted the need for a more culturally sensitive approach to service provision and minority participation in its delivery.

The conclusions reached included the need for a strategic approach that would be based more on the need for mainstream services to recognise and cater for the needs of minorities rather than an approach that saw the minorities as the problem; this approach to be multi-dimensional and integrated, recognising the diversity among migrants based on disaggregated data.

Social support structures for migrants – Irish in Britain

There are many similarities between the experiences of immigrants, whether they come from outside EU Member States or move within the EU. An analysis of the experience of Irish people moving to the UK was given by Professor Mary Hickman. This experience can be very instructive, as it involved large numbers of emigrants relative to Ireland's overall population, has taken place over a long period, so that the outcomes of various phases and experiences can be assessed from an era when emigrants were mainly low skilled, to more recent years when the emigrants are more highly educated and skilled. Then there is the experiences of the growing numbers of UK citizens of Irish parentage. The impact on the Irish Community in the UK of the conflict in Northern Ireland may also be instructive for certain other groups of immigrants today.

Research shows that Irish immigrants to Britain despite being similar in many respects to the majority residents in the UK in terms of language, colour, and culture, achieved, on average, lower levels of social and economic mobility and a poorer health status compared to the resident population. The specific difficulties being experienced did not attract policy initiatives in either Ireland or the United Kingdom until more recent years. The provision of special supports may not have been considered necessary due to the similarities between the Irish and other UK residents, the fact that the UK was more economically developed, and



Irish people entitled to the same treatment as other residents. Now there is a growing acknowledgement on the part of the Irish Government of the need to support its emigrants. Recommendations in the report of a Task Force, set up by the Government to provide guidance on how best this support should be given, are currently being implemented. These recommendations are summarised in Professor Hickman's paper.

Greece – a source becomes a destination

Greece, like Ireland, has experienced net emigration for much of its recent history. However, as Professor Lyberaki shows, since the 1990s Greece has become a destination country for many immigrants from surrounding countries, mainly following the break up of the Soviet system. She identifies four strands of immigrants, including a particularly high concentration of immigrants from Southern Albania. A potential fifth strand in the future may be that of "Grey Tourists" retiring to the sun in Greece.

Research findings show the positive impact of immigration, especially in relation to the Albanians and Albania. Their educational levels are comparable to that of their Greek hosts, they come on average for five years and there is a high incidence of savings and remittances. On return they continue to make a significant contribution to the economic development of Albania, for which immigration has been a significant factor in achieving stability and steady economic growth. The economic benefits for Greece include the strengthening of problem areas and the rejuvenation of rural areas, and an expanded services sector that is greatly assisting women in returning to the Labour Market. More negative outcomes include delays in economic restructuring due to the abundance of cheap labour and a strengthening of the "grey" market. The overall positive impact on the economy and on employment greatly outweigh any increased burdens for social protection.

Governance

Dr Breda Gray in her report on the workshop discussions on this theme pointed out that much of the discussions revolved around the issue of governance. It was suggested that a strategic, "joined up" approach was

needed similar to the approach adopted in the Task Force report on emigration in Ireland. There should be greater cooperation on migration between EU institutions, national governments and the NGOs. Much could be achieved, in particular, from cooperation between the sending and the host countries. This is especially the case given the growing temporary and cyclical nature of migration to which systems will increasingly have to adapt. There is no “typical migrant”, so multi-dimensional inclusion programmes are needed. These approaches should also be based on human rights, enshrined in the various international instruments listed in Dr Gray’s report.

Conclusions

The issues raised during the course of the Conference were debated in a lively and very informative panel discussion and similarly dealt with also in the conclusions drawn by Jerome Vignon, European Commission, and Mary Coughlan TD, then Minister for Social and Family Affairs, on behalf of the Irish Presidency. These are all reproduced in this report. Minister Coughlan’s conclusions formed the basis for her report on the Conference to the Council of Ministers, which is included in the Appendices. Some of the key issues that emerged from the Conference included the following:

- ▶ **Actively facilitating and promoting both occupational and geographical mobility is essential for the maintenance and enhancement of economic competitiveness;**
- ▶ **Mobility between countries within the EU, and immigration from outside the EU, will be of particular importance for the future, given falling birth rates and the ageing of the population, and similar issues and challenges can arise for both mobility within and from without the EU;**
- ▶ **Social inclusion and integration of workers is not only of fundamental importance to protect the rights of those workers, as human beings, and thus to achieve greater social cohesion, but is also essential to ensure that their human potential and thus their productivity is fully realised;**



- ▶ Success in achieving social inclusion and integration is related more to the policies and practices pursued by the host countries than to the characteristics of the immigrants;
- ▶ A strong commitment to fundamental human rights, and an openness to cultural diversity are essential;
- ▶ The effective dissemination of comprehensive information not only on rights and entitlements, job opportunities etc, but on all aspects of immigration, should be pursued, including to the resident population in a country, to dispel fears and provide reassurance on the benefits of immigration;
- ▶ A strategic approach is essential for policy development and implementation, involving an integrated approach to both the employment and social policy dimensions and, if possible, the immigration dimensions, which should include direct cooperation between sending and host countries, and working closely with the relevant NGOs; and
- ▶ The open method of coordination at EU level should facilitate exchanges of knowledge, experience and best practice. These exchanges should greatly assist in achieving better outcomes, especially given the wide variations in outcomes between countries revealed at the Conference.

OPENING ADDRESSES

**MARY COUGHLAN, T.D.,
MINISTER FOR SOCIAL AND FAMILY AFFAIRS,
IRELAND**

It gives me great pleasure on behalf of the Irish Presidency to extend to you a warm “Cead Mile Failte” - a hundred thousand welcomes - to Bundoran, to County Donegal and to Ireland.

I very much appreciate that many of you have come long distances to be present here today to discuss the important theme of reconciling mobility and social inclusion. The travel may have made you more immediately conscious of the realities underlying our Conference theme. This arises especially from the difficulties of being away, even for a short period, from home, family and familiar surroundings and having to come to terms with a different and unfamiliar culture and landscape. That, however, is the everyday reality for those who come from abroad to live and work in our countries.

Mobility between countries and across continents can undoubtedly confer great social and economic advantages both on individual migrants and the receiving countries who benefit from their work and overall contribution to society.

Countries of origin also benefit greatly from the remittances sent home and from returning emigrants bringing newly developed skills and valuable work experience with them. This has been Ireland’s experience. At a time when Ireland was much less developed, emigrant remittances



contributed greatly to improving directly the standard of living of many families and the country generally.

Returning emigrants have had a significant role in our recent economic development as they previously had in the '60s and '70s.

But mobility can also have a negative side. This includes the risk of social exclusion and exploitation, especially for those who may already be vulnerable for other reasons. Social exclusion of migrants, as with other groups, may also be a risk to a country's social cohesion.

Immigration to the European Union has been growing significantly in recent decades. According to the EU Commission report on the social situation of the European Union for 2003, international migration has rapidly gained importance as a major determinant of population growth since the mid-1980s, contributing 72% of the increase in the last 5 years. There are currently almost 19 million non-nationals living in EU countries of whom one third (6 million) are citizens of another EU Member State, and the remaining two-thirds are citizens of countries from outside the Union.

Within a month from today, the accession of 10 new Member States will occur. Citizens of these countries will, after a transition period, gain the right to freedom of movement within the EU. There will be no transition period in the case of Ireland. This is likely in time to result in an increase in mobility within the EU, but, according to the experts, nowhere near the scale that some are predicting.

All the current indications are that the numbers of people from abroad living and working in our countries will continue to grow, and a significant proportion of that growing number will be at risk of social exclusion. The challenges this presents is encapsulated in the title of this Conference "Reconciling Mobility and Social Inclusion".

There are two broad dimensions to these challenges. One concerns the effective management of immigration. This must include ensuring that the

numbers entering are at a sustainable level and in a position to become self-sufficient mainly from employment. We need to work closely with our colleagues in Justice and Home Affairs to ensure this objective is achieved. In the past months here in Ireland we had to tighten up our residence rules in relation to social assistance payments, similarly to those in other EU countries, to avoid people being attracted here to claim benefit only. These rules, of course, do not affect the acquisition and granting of entitlements under social insurance, which are related to employment.

The second dimension of the challenges concerns policy for emigrants. This involves ensuring that those admitted to a country as legal residents are given the supports they need to realise their potential and achieve social inclusion.

In this Conference we will be mainly concentrating on this second dimension and specifically on how such supports can be more effectively provided through employment and social policies.

The Irish Presidency was keen to have a Conference on this theme for a number of reasons.

The European Council had asked that the position of immigrants be given special attention in the Second National Action Plans on social inclusion. As you know the Joint Inclusion Report submitted just last week to the Spring European Council contains a summary report on this matter. This should now provide the basis and the opportunity for Member States in the Enlarged Union and the European Commission to build on and improve their policies for reconciling mobility and social inclusion, as part of their future strategies to combat social exclusion.

This can be greatly assisted through the Open Method of Co-ordination, and the exchanges of knowledge, information and experiences which it facilitates. The hope of the Irish Presidency is that this Conference will assist the development at EU level of this process of exchanges on how best to achieve social inclusion for migrants.



The Irish Presidency also considers that reconciling mobility and social inclusion requires a holistic approach, one that includes social, economic, cultural and other aspects. The key elements of a holistic approach that this Conference will focus on includes the aim of ensuring that migrants are in a position to obtain a decent job yielding a sufficient income, and access to health and social services and other benefits.

A third reason is closer to home. Emigration has been a major part of Ireland's history, as it has of many other EU countries. Millions have left the shores of Ireland and of Europe in the past for the "New World" of the Americas and Australia and to every other continent to seek a new life for themselves and their families. They also were at risk of social exclusion. Today 6 million EU Citizens live in other EU countries, soon to be supplemented with those from the new Member States. Some are also at risk of social exclusion, especially among the older age groups who may never have fully integrated into their adopted country. In fact, there is much to learn from the failure to integrate the immigrants of earlier periods.

Our recent and continuing experience in Ireland of emigration, both in the past and in the present, gives us a special understanding of the experience of emigration and a commitment to supporting migrants nationally and internationally. Since the mid 1990s we have also begun to experience the challenge of net immigration, a transition we share with countries of Southern Europe. In holding this Conference on a migration theme, it is fitting that we are following and building on the work of the preceding Presidencies of Greece and Italy from Southern Europe, who also gave priority to aspects of this subject.

And now a few concluding remarks on the specific themes of the Conference.

Immigrants generally move in order to work so that they can have a better standard of living for themselves, their families and relatives back home. Work, as we know, is the main route out of poverty and social exclusion.

Our primary goal, therefore, must be to ensure that those who come obtain jobs, and that they receive the supports necessary to enable them obtain

jobs suited to their abilities. How best to achieve this is one of the key themes of this Conference. My colleague, Frank Fahey, Minister for Labour Affairs, will shortly give an Irish Presidency perspective on this issue.

The writer Max Frisch encapsulated the challenge of promoting social inclusion in the statement , “We summoned workers, people arrived”. People need social supports, such as social protection, and in the case of migrants may need additional assistance in getting the supports needed to achieve social inclusion for themselves and their families. How best to provide such supports, and the additional assistance that immigrants may need is the second major theme of this Conference.

Immigration of course, by definition, also involves more than one country. Those involved are emigrants in one country and immigrants in the other, but often with no country feeling fully responsible for them.

It should be a priority to promote closer coordination and cooperation within countries and between countries as a core part of promoting a holistic approach to providing more effective and integrated services to immigrants.

I have recently set up procedures in my own Department to promote and facilitate greater coordination of services for migrants. I am also promoting this with other Ministries through the Office for Social Inclusion.

Similarly there is much to be gained from greater cooperation and support between the sending and receiving countries. Experience shows that one of the first steps to successful integration is good pre-departure services, including information, in the sending country. Returning emigrants likewise gain from similar services before their return. In many areas such as health and other supports the effectiveness of the services being provided can greatly benefit from exchanges of experience and expertise with the sending country.

Like other groups at risk of social exclusion, it is important that immigrants themselves and organisations that represent them are closely involved in advising on the development and delivery of policies



that apply to their communities. They are likely to know better than most what will work and will not work and what the priorities for action should be. Specific provision should be made to effectively involve them in policy making and, in a coordinated way, in service and programme delivery.

An important aim of this Conference is to show the need for greater coordination and cooperation, especially in the fields of employment and social policies, and some best practices in ways of achieving this.

In conclusion, I wish to give a special, warm welcome to representatives of organisations from Britain and the United States who do a marvellous job in helping Irish emigrants abroad and to the organisations represented here who do similarly excellent work both for emigrants and immigrants. They have joined us as observers at this Conference. We greatly value and appreciate the support and services you provide and the dedication and commitment you bring to this important work.

I know that there are corresponding organisations in every other EU country doing similar work with the same dedication and commitment and I warmly salute them also.

The European Commission has been to the forefront in promoting and protecting the interests of migrants. The Irish Presidency is currently working closely with the Commission in securing adoption by the European Parliament of proposals for simplified EU Regulations 1408/71 on social security agreed by the Council of Ministers. I can assure you that together we are making every effort to secure this Agreement before this term of the European Parliament ends. These Regulations already provide comprehensive protection for the social security rights of migrant workers and their families and have also been extended to third country nationals moving between EU countries. The simplified version when adopted and implemented should enhance this protection and streamline implementation. The issue of how best to assist migrants in accessing their rights to social security, including health care and social services, is an important theme of the Conference.

The Commission has taken a series of other major initiative in the field of immigration since the Treaty of Amsterdam and the European Council in Tampere. These include the Communication on immigration, integration and employment which will be one of the key reference documents at this Conference.

On behalf of the Irish Presidency I wish to thank Jerome Vignon, our Chairman for this session, Antonis Kastrissianakis, our next speaker, and their colleagues for all the assistance and support they have provided us in organising this Conference. We are also grateful to Odile Quintin, Director General for Employment and Social Affairs, for her strong support, and regret that another pressing engagement prevented her from joining us.

I hope that this Conference will be of assistance to the Commission in developing further the support that can be given at EU level to Member States, especially through the Open Method of Cooperation, in developing a more holistic approach to promoting the social inclusion of migrants.

Finally, Kofi Annan, Secretary General of the United Nations, in a speech to the European Parliament in January this year (2004) stated

“One of the biggest tests for the enlarged European Union, in the years and decades to come, will be how it manages the challenge of immigration. If European societies rise to this challenge, immigration will enrich and strengthen them. If they fail to do so, the result may be declining living standards and social division.”

We are creating a new Europe through the enlarged Union. I have no doubt that if in building this new Europe we work to reconcile the mobility that will continue to occur with social inclusion, we will indeed, in the words of Kofi Annan, “enrich and strengthen” our European societies.

I hope that this Conference, taking place on the edge of the Atlantic, the passage from Europe to North America crossed by so many European emigrants in the past, will assist in meeting this challenge in the new Enlarged European Union we are building.



OPENING ADDRESS

FRANK FAHEY, T.D., MINISTER FOR LABOUR AFFAIRS, IRELAND

I am very pleased to join my colleague Mary Coughlan TD, Minister for Social & Family Affairs in welcoming you to this conference on labour mobility and social inclusion. The holding of a Conference on this topic is appropriate and timely in light of the forthcoming expansion of the European Union from 15 to 25 Member States.

Mobility is, and always has been, the key to the European Union's success. The harnessing of its most valuable asset –its flexible pool of skilled labour - is crucial in ensuring that the EU achieves its aim of becoming one of the most dynamic and competitive economies in the world today. I should say that Ireland is excited about the wealth of opportunities that the addition of the ten new Member States represents, and I would like to take this opportunity to warmly welcome our European neighbours to the Union.

As already mentioned, for many centuries Ireland was a country of net emigration, with large numbers of young people emigrating to find employment overseas, in all corners of the globe, many of whom never returned. However, this all changed in the 1990's, when rapid economic growth transformed the country from one of net emigration to one of net immigration. From 1997 to 2000, Ireland experienced an unprecedented level of growth in the region of 10%, year on year, in both GNP and GDP. This strong performance has brought about an unprecedented growth in the labour force. In the last five years, we have seen our Labour Force grow by 251,000 (currently 1.9m), whilst the numbers employed have grown by 270,600 (currently 1.8m). The current level of unemployment is 4.5%, which compares favourably with the EU average. This level of employment growth has in turn given rise to significant labour shortages and a rapid increase in the number of workers recruited from overseas. These have come not only from the countries of the European Union, but also from a wide range of other countries.

The scale of this is evident in the numbers of work permits that have been issued in respect of non-EEA nationals in the past number of years. In 1999, 6,000 work permits were issued. By 2003, this figure exceeded 47,000. Persons coming here to work on foot of work permits are fully compliant with our immigration requirements and are made welcome in their places of employment and their new communities. They have made, and continue to make, a significant contribution to Ireland's economic growth.

Much of the labour migration to Ireland is of a temporary nature and is consistent with the broader pattern of intra-European labour migration. Ireland is still at the early stages of labour migration from overseas, and many of the people who come here to work are young, single people, who may wish to come to Ireland for a few years and then return home. Most EU States experienced this stage of migration some years back, and are now experiencing a far more significant level of what might be termed "family" migration, where a high proportion of migrants who come to the country are coming to join a family member already working there.

Mobility in a European context will take on a new focus from the 1st of May when ten new Member States join the European Union. This is a momentous occasion in the history of the EU, and will be the largest ever expansion of the Union since its foundation in 1951. The population of the EU will increase by 75 million, bringing it to a total of 450 million across the 25 Member States, which represents a significant opportunity in terms of intra-European employment and development.

At present, it is estimated that some 300,000 persons from the ten Accession countries are employed in the EU, representing 0.3% of the EU workforce, and 6% of the total 5.3 million non-EU workers in the EU. This clearly shows that migrants from the Accession countries are not the main source of non-EU labour migration up to now. In Ireland's case, nationals from the Accession States accounted for about 37% of all work permits issued in 2003. For a number of months now, Ireland has been giving concrete expression to its community obligations under the Accession Treaties by giving preference to applications in respect of nationals of the Accession States. This has seen the percentage of new



permits issued in respect of nationals of these States rise to 64% for the first three months of this year.

It is difficult to predict with any accuracy the number of Accession State nationals that might migrate to the current EU Member States to work after the 1st May. Numerous forecasts have been made, and predictions vary. Most studies estimate an annual flow of workers of 70,000 to 150,000 per year, with some forecasting a drop in the rate of immigration after a decade, and others predicting that the annual flow of migrants will remain high over the whole period of time.

Past experience of EU enlargements has shown that fears of a large wave of migration from the new Member States were largely unfounded. Apart from wage differentials, there is a range of factors influencing people's decision to migrate. These include geographical proximity, tradition and networks, and language. Also, accession itself, or the prospect of it, may have an important influence on expectations and might even reduce the perceived need to migrate in EU accession countries.

Two interesting points have emerged from surveys carried out in the ten accession States. The first is that the majority of those who have indicated an interest in migrating are interested in migrating temporarily in order to earn money and gain experience before returning home. Very few potential migrants wish to migrate permanently. The second is the overall high level of education of potential migrants. This is a very important point in view of the continuing shortage of highly skilled labour in Ireland and elsewhere in the Union.

It is predicted that Ireland will continue to require labour and skills from overseas for the foreseeable future, and that employers in Ireland should be able to meet their needs from within the expanded EU, which will greatly reduce the need for labour from the rest of the world. This means that in the short-term employers should no longer have to look beyond the EU to fill labour shortages, although it is expected that third country nationals will still be required in some specific skill sectors.

To achieve the goal of making the European Union the most competitive and dynamic knowledge economy in the world, the availability of a skilled and flexible labour force is essential. It is forecast that Western Europe's falling birth rates will lead to serious shortages in its labour market by 2010, at which stage there will be full freedom of movement for EU citizens across most, if not all, 25 States of the Union. However, at that stage, it can be expected that citizens of the ten new Member States will be less likely to migrate to other EU countries to work, as a balance should have taken place between the economies of the current Member States and the ten Accession States. Put simply, where people have a better chance of securing employment in their own country, they are less likely to migrate. This may lead to Member States having to compete vigorously with each other to recruit from within the expanded EU. It may also lead to the EU having to look increasingly beyond Europe to source the labour that it needs, which brings with it its own particular set of challenges.

It is my view that Member States should, as far as possible, take full advantage of the opportunities being offered by the current expansion of the Union. It has been the experience in Ireland that working abroad, even for a limited period, can have very beneficial effects, not only in terms of personal development, but also in contributing to more open and flexible attitudes at a broader social level. We, for our part, look forward to playing our part in an expanding and developing European society composed of many diverse strands. The coming years promise to be quite challenging and rewarding, and we should enjoy them together.



OPENING ADDRESS⁶

MARGARET CURRAN, M.S.P., Minister for Communities, Scotland

Firstly I should like to express my regret at not being able to attend the conference, as I was initially invited to open it, but parliamentary business prevented me doing so. I would very much have liked to have participated in the exchange of the wealth of experience gathered for this conference on this important issue. However, I look forward to receiving the report on the conference proceedings, which will give me an opportunity to increase my knowledge of the issues explored.

Global migration and the issue of managed migration has taken on a increased profile within the European Union more recently and in order to make the transition a positive experience for those who choose to migrate, it is necessary for countries to share their knowledge and experiences on the integration of migrants. As I hold the communities brief within the Scottish parliament it is of particular interest to me and extremely valuable to learn of others' experiences at local community level and positive approaches that we may replicate in Scotland.

County Donegal is a fitting location for such a conference as Ireland has a long tradition of migration and is an important source of ideas on reconciling mobility and social inclusion.

Migration, though driven by jobs, is fundamentally a human issue. For some the experience is positive and for others very traumatic and it is the role of government to facilitate the range of social support to nurture the smooth integration of migrants into local communities.

If we are effective in doing this, and use, to best effect, the skills such migrants bring, this benefits the migrants, the local community, the local and wider economy.

⁶ Address delivered on behalf of Minister Curran by Dr. Mary Tilki

I would like, by way of example, to say a few words about how Scotland is tackling the issue of managed migration.

Scotland has an ageing and declining population. Its population is declining at a faster rate than the rest of Europe which has serious long term implications for the provision of public services, pensions and the Scottish economy. A year ago the first minister asked the Scottish executive to address this. The outcome has been the “fresh talent initiative”.

The implementation team reported at the end of 2003 and in February 2004 the first minister announced a number of measures. The one of most interest to this conference is the establishment of a “one stop shop” relocation advice service. This will provide a range of advice, working in partnership with major stakeholders in both the public and private sectors, to anyone wishing to live and work in Scotland. There will be web based information through to individual one to one support on enquiries. We are working closely with the Home Office, in particular the work permits area, to ensure Scotland’s profile is raised with those who express an interest in living and working here and to facilitate the application process for visas, work permits and other immigration issues.

We will work closely with Euros (Job Centre plus’s European division) to facilitate the transfer of eon members who wish to take up employment opportunities and to provide Scottish employers with an additional pool of skilled talent. CHI Scotland, the federation of small businesses in Scotland, private recruitment agencies, universities, Scottish enterprise, highlands and islands enterprise, local authorities and citizens advice Scotland, have agreed to support the initiative and will work together to provide a high quality information service and welcome at local level which will give Scotland competitive advantage in a global market place for economic migrants.

The strategic aim of the centre is to provide a high quality welcome to allow migrants to integrate quickly and easily into local communities thus settling well and contributing to the economic growth of Scotland. A positive experience benefits the migrant, their family and Scotland.



It is also our wish to retain foreign graduates on completion of their studies at Scottish universities and we have negotiated with the Home Office a two year extension for the right to remain in Scotland after they graduate, which will allow them more time to seek employment and hopefully stay longer, perhaps settling permanently in Scotland. The centre will keep in contact with them and support them where possible to integrate in to local communities.

The centre, which will open this October, will be run as a three year pilot in the first instance and, if successful, may be rolled out to other regions within the UK. The European Commission has already expressed interest that this may be a good model for managed migration – the public and private sector working together to integrate and support migrants - and will be monitoring our progress.

Research by the team has indicated that integration at local level is an important factor in retention of migrants. I am therefore keen to learn of the successes of others at this level and the support mechanisms put in place to deliver this, through the report of the proceedings of this important and timely conference.

OPENING ADDRESS

ANTONIS KASTRISSIANAKIS,
Director for Employment and ESF Policy Coordination,
EU Commission

I should like first of all to thank the Irish Presidency for the initiative in organising this conference in such a splendid location and around the particular themes which will concentrate our minds over the coming days.

The dual themes for this conference have not come about by accident. Focusing at the same time on labour mobility and integration of migrants is a clear reflection of our concern for a balanced and integrated approach towards employment and social affairs policies. We know very well that successful mobility and migration depend on successful integration.

We are one month away from one of the most momentous occasions in the EU's short history. While this conference is not only about enlargement, we will inevitably be discussing its implications for mobility and social inclusion, and I am delighted that we have with us a broad representation from across the wider Europe to take part in our discussions.

The freedom to move is one of our most cherished freedoms in the European Union, and it is significant that the European Council last week underlined that a single European labour market, enhancing the free movement of workers, is central to the development of the Union.

I am particularly pleased that we shall be hearing from Allan Larsson on the results of his own Task Force aimed at developing a new European Agenda for Labour Mobility. I am sure that he will give us much food for thought.

As for my own contribution, I intend firstly to look at the mobility dimension before moving on to the symbiotic relationship this has with



issues of social inclusion. I should like to present three aspects to labour mobility: how it affects the current Member States; what the situation is in an EU of 25; and the attitude towards third country migrants.

EU labour mobility

What are the key challenges facing us which will impact on our discussions today on labour mobility? First of all the global market in which the EU must remain a major player is accelerating the pace of economic change and restructuring. Secondly, the ageing profile of our population and workforce will also significantly affect the regenerative capacity in our labour markets. And thirdly, we have the EU's enlargement, with its attendant opportunities and uncertainties.

We all know that, given the performance of the European economies, achieving the Lisbon objectives by 2010 will be uphill going. Part of this means making labour markets more efficient: low levels of mobility, both between jobs and in a geographical sense, are symptoms of sclerosis and inflexibility. We have low labour mobility in Europe, and if we really want to become world beaters, we simply must free up the movement of labour to cope with the demands and the opportunities which face us. Adaptability of enterprises and workers is the order of the day.

Another consideration is that of labour supply. Improving the potential for geographic mobility is linked to the need to increase employment. Regions of high unemployment exist side-by-side with regions suffering from skills shortages. Business surveys tell us that 37% of EU businesses have vacancies which take longer than 3 months to fill, almost half of them because of a lack of skilled people; and 46% of EU businesses say that they would consider employing someone from another country. With population ageing and the looming fall, as of 2010, in the population of working age, the problem of labour supply will begin to have a direct negative impact on economic growth and on prosperity.

Finally, investing in human capital is crucial for increasing the supply of well educated, skilled and adaptable labour. Better educated and trained people are more likely to be open to mobility to improve their career

prospects. The education and training benchmarks signed up to by the Ministers of Education and incorporated in the EU Employment Guidelines are a significant recognition of the need for co-ordinated targets. The Employment NAPs tell us that there has been no improvement in the proportion of the working population taking part in education and training between 2000 and 2002. In an increasingly knowledge-based economy, occupational mobility, promoted by investments in human capital, is essential for adapting to structural change and increased global competition.

These three strategic themes: adaptability of workers and enterprises, labour supply, human capital together with improved governance, are part and parcel of the reformed and revitalised European Employment Strategy of 2003 and have been underlined in the recent report of the Employment Task Force chaired by Wim Kok, in the Commission and Council Joint Employment Report and in the conclusions for the European Council. We are intent on strengthening the implementation of the European Employment Guidelines and will shortly propose more forceful EU recommendations under these themes.

The Commission has been tackling the specific barriers relating to labour mobility under the aegis of the Action Plan for Skills and Mobility of 2002. Since then, progress has been achieved in some areas. For example, the introduction of the European Health Insurance Card in June this year; and there are high expectations on the recognition of qualifications and the simplification of social security provisions. Moreover, Member States are committed to ensuring in 2005 that information on all job vacancies registered with public employment services should be accessible by job seekers throughout the EU. This could have a significant impact. However, we are looking further to Member States for a high degree of co-operation in bringing down the still-remaining barriers to mobility (such as boosting lifelong learning, ensuring qualifications are portable and recognised, developing commonly agreed ICT and e-skills). The social partners also have a key role to play in all these fields including negotiations over pension rights. We shall look forward to working with them more closely so that the



priority they have accorded mobility in their 2003 to 2005 joint work programme can be effectively delivered.

Enlargement and mobility

In a month Europe will be united in common cause. For some in the new Member States this achievement may entail a degree of ambiguity: a united Europe, yes, but are we all on equal terms? The free movement of people is guaranteed, but the free movement of workers from the new Member States will be qualified by restrictions. While there is nothing surprising about this – the accession treaties with their transitional periods have been around long enough for the consequences to be well known – there is understandable disquiet about the restrictions on labour mobility. There are concerns by current Member States about the numbers of job seekers aiming to move, there are also moves to restrict access to welfare benefits. The Commission believes that an informed debate (and this conference is one occasion for such a debate) will help to dispel misgivings, foster mutual understanding and strengthen our cohesion.

We have been careful to analyse the expected movements of labour post-accession, in particular from the new Member States from central and eastern Europe. Our own studies show that the number of nationals from the accession states in the present EU is expected to reach approximately 1 million persons this year. This would suggest that under half a million workers from the new Member States are currently in the EU. The immediate impact of enlargement in the absence of transitional measures available under the accession Treaties would not be huge, though it would tend to be concentrated in Germany and Austria. We would have expected an initial increase in migration of around 280,000 people from east to west in 2004, reaching a peak of around 360,000 in 2005. Over the next 25 years, the stock of new EU citizens that will migrate to current EU Member States is expected to be around 3.7 million (implying under 1 million workers) and it is further estimated that restrictions on the movement of post-accession labour will only have the effect of delaying the migration, and not substantially affecting the overall numbers of mobile workers.

These considerations lead the Commission to conclude that it is appropriate for current Member States to regularly review their arrangements governing the movement of workers from the new Member States. In the report which we are required to make before the end of the first two years following accession, we will consider making recommendations.

In any event, it is important that clear and accurate information is provided to EU citizens, particularly from the new Member States, regarding their access to jobs elsewhere in the EU. The Commission aims to provide this information through EURES - the European Job Mobility Portal, which is EU's number one information point with regard to job mobility. To do this we need all Member States, current and future, to provide updated information on the rules they will be applying.

Third-country migration

The third level of mobility which concerns us is that involving third countries.

The Commission made considerable progress in addressing the whole issue of immigration, integration and employment in its Communication of last year. The message in that Communication is that net immigration to the EU is on the increase and that further increases in immigration are not only likely but necessary. Between 2010 and 2030 the contribution of employment growth to economic growth will become negative as the EU will lose, on average, one million workers a year due to population ageing. This outlook is worrying, because in order to maintain a decent growth in GDP in the future, productivity growth would have to rise well above current levels, an increasingly problematic challenge.

It is therefore becoming an imperative to make a success of a proactive and inclusive immigration policy. I would go as far as to say that maintaining living standards and a decent future for all of us depends to a significant degree on the successful immigration of third country nationals to provide a dynamic input to our economies and societies. Such success depends both on a more intelligent management of immigration flows and on more effective integration policies.



In last year's Communication we presented a number of areas in which progress needed to be made on employment, integration, inclusion and education to further the agenda mapped out at the Tampere European Council in 1999.

The European Employment Guidelines are now more focused on immigration issues. The new guidelines urge Member States to take labour market aspects of immigration into account when addressing change, adaptability and mobility in the labour market. Full consideration should be given to the additional labour supply resulting from immigration, and a significant reduction in the unemployment gaps between non-EU and EU nationals is now an important target. On average the unemployment rate of non-nationals is twice as high as that of EU nationals and their employment rate, especially among the high skilled, is significantly lower. This means that we are not making the best use of the human resources which are already available.

Social inclusion

The focus on increased immigrant labour market participation, is not, however, just an economic necessity - it is also a political and social priority.

It is essential that mobility and migration for job purposes is effectively supported by active measures to ensure social inclusion, both for labour migrants as well as for other types of migrants. Many migrants suffer from manifestations of social exclusion, and discrimination. There is a fight to be fought against social exclusion and poverty which involves access to basic social services, housing, health, etc. While many legally resident migrants have integrated successfully and made an important contribution to the economic and social development of their host countries, social exclusion affects migrants more than nationals, and they are often the victims of racism and xenophobia.

The fight against social exclusion

At Lisbon the European Council defined a new open method of co-ordination to “**make a decisive impact on the eradication of poverty and**

social exclusion", help define common objectives, and encourage convergence towards the "best European practices". This push started with the first round of National Action Plans for social inclusion in 2001, and the common objectives for the second round gave more emphasis to the plight of ethnic minorities and migrants. Member States agreed to "highlight more clearly the high risk of poverty and social exclusion faced by some men and women as a result of immigration".

However, despite all MS recognising the vulnerability of immigrants and ethnic minorities to poverty and exclusion, there is scant evidence in the latest National Action Plans of specific targets and objectives for supporting immigrants. Little attention is paid to promoting the access of immigrants and ethnic minorities to resources, rights, goods and services, in particular to social protection schemes, to decent and sanitary housing, to appropriate healthcare and to education.

Conclusions

This conference is an important occasion to debate these issues. Over the next few years we shall have to cope with a shrinking labour force and a shortage of skills, despite the active labour market measures we will be deploying to keep older people in work and skilled, and to entice into work those who need some help to do so. Making the best use of the workforce available and looking beyond our borders for fresh talent will be our common challenge.

We are therefore faced with a substantial agenda at EU level to cope with the need for greater labour mobility within the EU of today and of tomorrow. We also have the task of managing the immigration of third country nationals to plug the gaps and revitalise our economies. Greater recourse to labour mobility brings with it greater responsibilities to ensure fair treatment and effective integration policies. We have a general policy framework to deal with immigration, employment and social inclusion – the Commission will be reporting next month on the progress made following its 2003 Communication on Immigration, Integration and Employment. But the framework is still incomplete, which gives added importance to this conference. And in this regard I would like to underline three points:



1. Firstly, we must **improve knowledge and awareness**. We need credible and comparable data in order to understand more accurately the needs of the labour market and the potential contribution of migrant labour to satisfy market demand. We must be better equipped to anticipate skills shortages and the need for certain occupations. Greater knowledge is also needed to fight against social exclusion and discrimination, and against widespread public opinion (often whipped up by a biased press) which makes certain groups of migrants the “scapegoats” of unemployment and insecurity. The situation of immigrants and ethnic minorities faced with poverty and exclusion will require greater effort and analysis if we are to increase their labour market participation and to promote their participation in social, cultural and political life. We will shortly launch a new and ambitious mutual learning programme in the field of employment that we hope will cover the issue of immigration.
2. Secondly, and based on accurate information and data, we must **raise the level of debate** within Member States, at political level, in civil society and at the work place. The issues of mobility and migration need to be debated in a dispassionate and informed way. We have to reassert European values, including respect for traditions and national citizenship, and a determined fight against all forms of discrimination. The Tampere European Council called for “a more vigorous integration policy”, which “should aim at granting legally resident third country nationals rights and obligations comparable to those of EU citizens”. It is essential that the Charter of Fundamental Rights of the European Union is incorporated in the new Constitutional Treaty, and we have high expectations of the Irish Presidency in this regard. This Charter could further the concept of civic citizenship, with a common set of rights and obligations, for third country nationals. Enabling migrants to acquire such a citizenship after a minimum period of years could help many migrants settle successfully into society or be a first step in acquiring the nationality of the MS concerned.
3. Finally, it is essential to be pro-active, and create **effective partnerships** between the actors who need to be involved in labour

mobility and immigration issues, especially through micro-level actions: regional and local authorities, particularly in the larger towns where many migrants settle, employment services, providers of education, healthcare, social welfare, the police, the media, social partners, non-governmental organisations and migrants themselves and their associations. Civil society and NGOs in general should be involved more actively in defining and implementing policies on the integration of immigrants. Many NGOs are concerned, directly or indirectly, with this, whether in the defence of civil freedoms, in the fight against exclusion, in culture, sport or education. Another crucial form of partnership is also crucial, between the EU and the countries where migrants come from. Let us not forget their investment in the migrants who leave them to come to us, nor the financial benefits which they accrue through remittances. And, finally, we need better partnerships between our Ministers for Employment, Social Affairs, and Home Affairs.

KEYNOTE SPEECHES

MOBILITY TRENDS IN EUROPE

GÉRY COOMANS

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We will be talking about European diversity, a diversity indeed illustrated by different levels of Labour market efficiency. Labour market efficiency in fact is relatively simple to define. It may well look like a typical economist's wording but it only means the following: Labour market efficiency means the widest possible mobilisation of the available human resource and its flexible reallocation to more productive activities. It gives a simple criterion to apprehend discrimination in terms of cost. Discrimination is indeed a cost, as we are depriving ourselves of useful talented human resources.

For example, we all know that the glass ceiling is limiting female promotion. That is a cost and that is a waste. Similarly for the relegation of some groups of the workforce into some niches or into some fringe activities. By now 2 in every 5 Chinese nationals working in the EU are concentrated in hotels and restaurants. This is not an efficient allocation of people. Similarly, 1 in every 5 Italian or Greek expatriates in other Member States are concentrated in the same sector. This is not necessarily efficiency.

We have in Europe very different backgrounds, in terms of Labour market efficiency and an inclusive Labour market. Different factors are important here, and it must be pointed out that there is no ideal pattern, but just

different combinations. We can have either an “open” or a “closed” Labour market : it is an “open” kind in Denmark, Ireland, UK, the Netherlands, or Spain when considering young people. In these countries, the average job-tenure lies close to 4 years, while it lies between 6 and 9 years in all other Member States – which makes a very clear split. Depending on the countries there are also more or less egalitarian patterns presiding over Labour market allocation, including safety nets and tolerance towards illegal migrants. Typically in some Nordic countries the argument that migrants would become dependant upon wide social security systems has been considered as justifying strong limitation on immigration. Another important point that must be taken into account is the migration calendars, because the question is certainly different for the countries who have had some colonial episodes. For the UK or for France, the geography of countries sending migrants is obviously different. Another important factor is the responsiveness to demographic changes. It is no wonder that Spain, that faced low fertility rates in the past decades, is now open to increasing immigration more than others. Similarly for Italy or for Greece.

The last point that should here be taken into account is the kind of growth strategy. Is it about giving a priority to low wage / low skill activities or to high added value activities? For example, where a high added value strategy is prevailing, the employment of non-EU nationals in industry may be declining. When one has off shoring it may be at the disadvantage of non-EU nationals.

After these introductory remarks, we will have a look at the global change in recent years using the latest available Labour force survey (2003). That LFS is still not available for Germany, Luxembourg and, partially, for the Netherlands. We'll exclude Italy, because non-nationals are not reported – and we have here to rely on older data (2000).

Let us first consider the annual growth rate of employment between 2000 and 2003: it lies at 1.6% in the EU15 (excluding Italy). But the annual growth rate lies below, at 0.9% for the EU-nationals who were expatriate in other Member States, and much higher, at 5.4%, for the non-EU



nationals. What does this mean? It means that the globalisation of our Labour market is developing faster than European integration, i.e. than a European integrated Labour market.

If we now consider the same figures at the national level, significant differences appear. At one end, Ireland and Spain stand out with very high increases in employment of non EU15-nationals. Greece should be added, given that non-EU nationals contributed to half of the total employment growth – whilst they contributed one quarter of all additional jobs in Ireland, or one sixth in Spain – or in the UK – against one ninth on EU average. But the employment of non-EU nationals simply declined in France, in Belgium and Austria. When scrutinising the data to find out which countries took the largest advantage of some EU-wide integration of labour markets, Ireland and Spain again, and no less Finland, stand out, with a growth in employment of EU expatriates that lies much higher than that for nationals. Those three countries are also the ones where overall employment growth was highest in recent years.

Notwithstanding areas of fast growth, we Europeans are still under-mobilising and under-utilising the potential labour force of non-EU 15 nationals. Indeed, the employment rate of non-EU nationals still lies significantly below that of nationals (53% against 66%, for EU15 excl. Italy) and also below that of EU-expatriates in other Member States (67%). This is true at whatever educational level: the employment rate of non-EU nationals against that of nationals lies at 44% against 51% for low-educated (ISCED 0-2), at 62 against 72% for medium-educated (ISCED 3), at 65 against 83 for tertiary-educated. The latter case illustrates the extent of the waste of resources, but at whatever educational level, these differences are the main factors in exclusion. It should also be pointed that this under-utilisation of human resources is aggravated for women (42% of non-EU nationals in employment against 59 female nationals) compared to men (64% against 74%).

At this stage, we need to have a closer look at a very special situation: Spain, that has by now become a mass-immigration country, with an annual figure of 1/4 million, of which over half are South Americans. In

Spain, a higher share of male non-EU nationals than of male nationals are employed: 78% of South Americans, 88% of Romanians or 79% of Moroccans as compared to 73% of nationals. And it is remarkable that this remains true at whatever educational level: it cannot be said that non-EU nationals are here trapped by lower employability. This example also contradicts the fear that higher immigration would not meet the qualification mix that the receiving countries may need.

The central point is that the “quality” of the incoming immigrants is a less determining factor than the capacity of the receiving country to integrate them. Even when considering those with the highest educational attainment, namely the immigrants from North America (of which above half reached a tertiary level degree), differences are striking: male North Americans (still for the 15-64 age group) display an employment rate at 92% in the UK, but at 75% in Germany – and the scaling is similar at whatever educational level.

Other examples must be taken: the employment rates of male nationals from Black Africa rank between 23% in Belgium and 70% in the UK (or 45% in France, 54% in France, 61% in Germany): that is a one-to-three ratio. For male nationals from North Africa, the employment rates rank between 50% in France and 78% in Spain (or 56% in the Netherlands, 64% in Germany). For male Turks, they are at 62% in Germany, but are at 71% in Austria.

Considering male nationals from Central and Eastern European countries, the employment rates rank from 52% in France, 62% in Germany, 78% in Austria and 87% in Greece – and the latter countries even display a 85% employment rate for those CEECs nationals with low educational attainments, along the Spanish pattern.

While Denmark is reputed to display the best-in-EU employment rate for those with low educational attainments, its performance for non-EU nationals is less brilliant: the employment rate for male nationals lies above 80%, but hardly above 50% for non-EU nationals.

This diversity contains our main conclusion: inclusion depends more on



hosts than on guests. This suffers no exception for males, but there are exceptions for females. The local capacity to ensure integration remains predominant seemingly for females nationals from Black Africa (employment rate at 39% in France against 51% in the UK), or for females from South and South-East Asia (respectively 32% and 39% in the same two countries). Similarly for female nationals from CEECS: their employment rate ranks between 36% in France and 52% in Sweden (or 45% in the UK; 49% in Germany, 51% in Greece).

But there is one group for which some “cultural distance” might lead to effective lower employability, ending up in systematically lower employment rate and less easier integration: that is the group made of Muslim women. For women from North Africa, the employment rate lies at 10% in Belgium, 23% in Spain, 26% in France, and at 33% for Turkish women in Germany. In Spain, that 23% figure compares with the 64% employment rate of Romanian women or with the 62% of South American women.

So, if there was a case where the low employment could be either attributed to or heavily constrained by the fact of being a non-national, it must be argued that it only happens when the cultural distance is extreme – admitting that such cultural distance can be found in no other case than Muslim women.

An additional form of under-utilisation of resources lies in the relegation of non-nationals in some specific activities. The case of “hotels and restaurants” – where many guest workers become the hosts of the national population” – is obvious: non-nationals males make up 8% of the employment figure in this sector – that can also act as a shelter for non-nationals. In “private households” activities, non-national males make up 10% of the workforce. A recent example in Italy needs mentioning: over half a million “badanti” take care of elderly people _ but they include people with tertiary educational attainments. And this is where a “closed labour market” is adding up biases that reduce the potential growth.

We have now no time to further scrutinize other forms of discrimination. We will limit ourselves to mentioning some global aspects. For instance, close to half of non-EU nationals at work hold the highest occupational levels (ISCO lines 1-2-3 as % of total employment) in the UK, against 40% for nationals. Norway displays slightly above 40% both for nationals and non-nationals. But in all other cases, the gap works clearly in favour of nationals. At the lower end of the educational scope, we find again a massive over-representation of non-EU nationals in the lowest occupations (ISCO lines 7-8-9), with only the UK and Ireland close to parity. The conclusions hold in the following statements:

- 1) The host definitely matters more than the guest in achieving efficient and flexible allocation and inclusion of the workforce.**
- 2) The prospects of the contribution migration can make to overcoming the shrinking labour supply are very dependent on internal practices, and no intrinsic quality of the incoming labour force can reasonably be opposed to evidence. This means that given the present employment rates, France would be in need of 3.1 additional immigrants to have one joining the labour force, while the UK would need 2.3 and Spain 1.8. In other words, the Spanish (or Greek) capacity of integrating non-nationals allows for a lower absolute level of immigration and will contribute more to solving any given supply shortage than would be the case where non-nationals are trapped in low employment - that should not be renamed as low employability.**
- 3) Therefore, the option of promoting a fine-tuned selection of immigrants is not a “sine qua non” issue. Such a choice is at risk of mainly reflecting the local inability to bring people to work. And attracting higher level immigrants is made less easy when relegation or discrimination is striking the average immigrant.**
- 4) This European diversity certainly justifies that more attention be paid to the surveying and monitoring of good practices.**



LABOUR MOBILITY IN AN EXPANDING EUROPE, Report of a CEPS/ECHR Task Force

ALLAN LARSSON

**Chair, Skills and Mobility Taskforce,
Centre for European Policy Studies.**

The purpose of the Task Force report is to provide a basis for reflection and discussion on public policies and practices in relation to labour mobility in Europe and a new agenda for action.

Why mobility is the issue

A first issue to be addressed is why is mobility an issue now. The current demographic outlook is for an ageing and declining working age population, which will diminish the potential in Europe for economic growth. Globalisation and technological change means that Europe has to be able to attract, retain and develop talent. This is essential for meeting the aim of the Lisbon Strategy of creating the most dynamic economy in the world by 2010. It is the three “P’s” – people, productivity and politics – that make mobility a key issue.

Occupational mobility – the state of play

Job turnover rates are running at 10 per cent a year i.e 15 million jobs. A successful management of jobs available and job seekers is key to reaching the Lisbon targets.

Average job tenures in the EU are 10.6 years, with Denmark, the Netherlands and Sweden. performing best in promoting mobility. Average job tenure in the USA, however, is 6.7 years. The downside of greater job stability, however, can be greater stagnation in the European economy.

Occupational mobility: public policies

There has been progress in some areas, for example on agreements in the Council on benchmarks. The main problem, however, is the falling levels of investment in knowledge in Member States. This occurs especially in relation to education, especially lifelong learning, and research and development. Investment in education is a key factor in

promoting social inclusion. There are, of course, great differences between Member States in the support being provided to facilitate and promote mobility. Denmark, for example, has developed an interesting mix of flexibility and security which other Member States could learn from.

Geographical mobility – the state of play

Less than 20 per cent of the workforce have moved at least once to another region in the same country in the last 10 years, with less than 5 percent moving to another EU country over the same period. Only 0.1 percent of the resident population move across member states per year, with about 0.5 per cent of third country nationals moving across member states.

Geographical mobility – attitudes

EU citizens are not very willing to move to get a new job. Just 38 per cent are prepared to move to find a new job, but 34 per cent prefer to stay in the same region and be out of work. This is a serious problem and a significant reason as to why employment levels are low, and dependency ratios so high.

Geographical mobility – trends

Despite the easing of legal and other barriers the cross border mobility of the endogenous EU population has been decreasing for decades. There are several reasons for this which include:

- ▶ **North/South gap in living conditions has been reduced over the last 3 decades;**
- ▶ **Change in the production paradigm: transition from low skill, labour intensive production to knowledge based economy;**
- ▶ **Increasing housing costs, ever greater gap between prices in the big cities and in the provinces;**
- ▶ **Language continues to be an important barrier; and**
- ▶ **The shift from one to two bread-winner families.**

Ageing is also likely to depress mobility.



The public policy paradox

There is low intra-EU migration despite considerable steps to facilitate mobility in the context of the Single Market. In practice, it is YES to the Single Market, but legal and administrative barriers are still in place. At the same time, there is growing immigration into the EU from non-EU countries despite tighter immigration policies.

Net immigration – getting more important

Natural population growth in virtually all Member States is declining. Net immigration has in turn increased since the mid 1980s. Net immigration flows now amount to more than 1 million people, 0.26 per cent per year. National immigration policies now have to match the need for skills. Germany, for example, now provides green cards for ICT experts. Ireland during the course of the last decade has moved from a long tradition of net emigration to a position of net immigration, through which it is meeting labour market shortages for nurses and other medical professionals, workers in construction and agriculture and ICT specialists. Outside the EU, Canada is an example of a country with developed pro-active immigration policies to match the need for skills.

The role of mobility for enterprises

More companies need a mobile and international workforce. As a result the opportunities for employees to work abroad have increased. Innovative companies have all designed human resource mobility policies and practices and there are several of such companies in the EU.

Recommendations for action

Concerted action needs to be taken by the EU, by Member States and by business on a new European agenda for labour mobility, and it should be included in the agenda of the new European Parliament and the new Commission. It should have the following 4 elements:

1. **Focus on the Lisbon mid term review on the resourcing of the labour markets.**

Concerted action is required for investment in occupational mobility, education, training and life long learning. Concerted immigration policies are also a priority.

2. **Appoint a Commissioner for Mobility.** The purpose of such an appointment would be to make mobility a top priority of the new Commission and equip the Commission to tackle present and future labour market challenges,. A Commissioner should have her or his own portfolio of mobility issues and be the driving force for mobility initiatives in other areas. A central objective is to bring about a new balance in cost and benefits between governments, enterprises and individuals.
3. **Name and fame leading countries – and offer incentives for progress.** Have the Commission organise an annual review of mobility policies in all 25 Member States of the EU. During the transition period of the Commission, the CEPS and the ECHR are prepared to carry out a first review. Consideration should be given to providing economic incentives to Member states, which are making good progress.
4. **Strengthen corporate policies for mobility.** The Task Force would encourage leading businesses in the EU to:
 - ▶ establish a European Business Mobility network to promote the exchange of experience and information;
 - ▶ organise peer reviews to help improve business practice; and
 - ▶ speak with one voice and become an active partner to the EU.



Conclusion – invitation to reflect and respond

Work on the report of the CEPS/ECHR Task Force was entirely financed by companies, which demonstrates their commitment to tackle the mobility issue. The report aims to achieve a more practical approach to EU policies and to encourage a process of further business involvement and public-private partnership. Accordingly, the CEPS and the ECHR invite all interested parties to comment on the report and to contribute to the further development of this New European Agenda.

ACHIEVING THE SOCIAL INTEGRATION OF MIGRANTS

SARAH SPENCER

Deputy Chair, Commission for Racial Equality (Great Britain)⁷

We are on the cusp of a new phase in the history of migration in Europe. It is evident in the title of this conference, 'reconciling mobility and social inclusion'. There is recognition, now, that migration – to and within Europe – is here to stay.

Migration brings significant benefits to our economies – our prosperity depends, at some level, upon it. It brings benefits to our societies, and to migrants themselves. But it also brings challenges. The social inclusion of migrants requires investment. It cannot be left to chance.

On each path to inclusion – economic and social – migrants face barriers. Whichever indexes we choose to measure it – education outcomes, labour market performance, health, living conditions, civic participation, community relations – there is some cause for concern.

And the presence of migrants, the most visible evidence of globalisation and the rapid social change it engenders, has become the focus of mobilisation by the far right; spreading the politics of hate where we need trust, cooperation and mutual respect.

The European Union recognised the imperative to change gear on this agenda in the Thessaloniki summit conclusions in May 2003, and the Commission's Communication on integration (Com (2003)336) in June. Member states have also shifted their attention to this agenda, each in their own way, reflecting their individual circumstances.

That is as it should be. Inclusion is a process, not an end-state. How we engender that social change depends on the nature of the barriers, in each society, to be overcome. It is not, as a local government officer put

⁷ www.cre.gov.uk Sarah Spencer is also based at the centre on Migration, Policy and Society at the University of Oxford, www.compas.ox.ac.uk



it to me recently, like a good refuse service: there is not one best way to make it happen.

Nevertheless, there are some broad principles, a framework we might consider; and successful initiatives from which we can learn. That good practice will be discussed in workshops later today. My task with the framework is to suggest some answers to these questions:

- ▶ **Who is this inclusion strategy for?**
- ▶ **What are we trying to achieve?**
- ▶ **Which policy levers could we use?**
- ▶ **Whose responsibility is it to make it happen?**

Who is this strategy for?

It is often assumed that our inclusion strategy need target only sections of our migrant communities: only those who are from outside the European Union; only those who intend to stay in the long term; only refugees.

We require migrants to enter through a particular channel and acquire a label – seasonal worker, refugee, highly skilled permit holder, dependant – and can then assume that their needs differ, or that it is only worth investing in those who will be with us in the long term, or that European citizens, as holders of equal rights, are already included.

But we know that, even within the 15 member states, EU citizens exercising their free movement rights have faced language barriers, non recognition of qualifications or resentment from the public.

And temporary third country nationals, perhaps less likely to have families to whom they can turn for support, less incentive to learn the language or to build good relationships with their neighbours, while having greater susceptibility to exploitation, may need intervention to ensure that they have a **level** of inclusion matching their, and society's, best interests.

Moreover, **within** each category of migrants, women may have different needs from men, and the young from those who have greater experience in life.

Is the lesson here that we need:

- ▶ **to understand the differing barriers experienced by different groups of migrants**
- ▶ **to clarify our objectives for each group, and**
- ▶ **develop a portfolio of interventions, recognising that one-size-fits-all will not deliver for this disparate group of people any more than it would for the population as a whole?**

What are we trying to achieve?

If so, does this beg the question – what are we trying to achieve?

Inclusion, I suggest, in four spheres of life:

- ▶ **inclusion in the labour market, addressed in other sessions at this conference;**
- ▶ **Social inclusion, into the mainstream institutions and activities that meet individual and societal needs – education, health and social care, housing;**
- ▶ **Inclusion in civic life – active participation in the institutions and obligations of civic society, particularly for those remaining in the long term; and**
- ▶ **the outcome of all of these – the building of trust, ‘bridging capital’, and good community relations.**

Our goal is not inclusion in one but all of these spheres. Not inclusion of migrants in the labour market but living on the margins of society, with little contact with established communities. Nor socially included, but unemployed and dependent on the state.

Why ‘inclusion.’? A more satisfactory word, perhaps, than ‘integration’, capturing the essence that it is not only migrants who need to **want**



inclusion and adapt, but society that needs to open up to allow them in: a **two way** process, a process not of absorption but of change. Migrants cannot be included, cannot **feel** included, unless we include them.

A migrant could achieve 5 'A stars' in any integration course we devise but remain excluded if the door to jobs and social participation is not opened to let them in.

Barriers

What kind of barriers do migrants face? I suggest there are three:

First, restrictions **intentionally** imposed by migrants' conditions of entry, limiting their access, and that of their dependants, to jobs, public services or welfare benefits.

It must be right that the migrant who arrives in Copenhagen or Dublin, who steps on to the tarmac at Heathrow or Charles de Gaulle, cannot immediately access the full range of social benefits and public services to which long term residents have contributed.

But have we given enough thought to **which** services and benefits they should, over time, have access - to which it is in the interests of **society** that they have access, because access promotes self sufficiency and social inclusion? Do we have the balance right between exclusion of migrants from public services (to limit public expenditure, deter welfare tourists and perhaps appease public opinion) and allowing access to services that promote inclusion?

Second, there is the barrier of discrimination – discrimination on grounds of race and, increasingly it seems, of religion. Discrimination can be overt, but more often unintended and systemic in the way services are organised to meet the needs of the majority. Untuned to the differing needs of new communities, lacking interpreters or materials in minority languages, services which we intend migrants to use can fail to meet their needs or exclude them entirely.

And discrimination is a barrier to inclusion not just because it excludes migrants from the jobs they are eager to do and the services they need, but because of the resentment which it fosters. Why go on trying if you keep getting knocked back? As my colleague the Chair of the Commission for Racial Equality put it at a conference in Amsterdam earlier this year:

‘Feelings of resentment based on discrimination, or the sense of rejection, can drive migrants into the arms of the minority who would like to retreat to the village instead of joining the world – into the arms of the people who support forced marriages, the folk who will not allow their wives to work or speak English, and the people who will back any kind of conduct on the ground that it is justified by cultural difference. These people are the enemies of integration and we should have no time for them.’

Action to address discrimination should be seen, therefore, not simply as a matter of individual rights, as a separate project in a separate department from work on inclusion – but as one central, essential component of that agenda.

The third and related barrier, I suggest, is public attitudes – the concerns, fears, hostility of some in the majority population towards newcomers. Such attitudes can breed discrimination. But they can also lead to a break down in trust, to tension, even disorder. For the migrant, no lessons in citizenship, no encouragement to identify with the collective ‘we’ will over-ride a negative message from their neighbours that says ‘you do not belong’.



Which policy levers could we use?

So how do we move forward? What should our action plan for social inclusion contain? I would like to put on the table ten suggestions for you to consider:

1. **Leadership of the public debate:** that government, at European, national and local or regional level explain to the public, in a consistent and balanced exercise in public communication, why different categories of migrants are living amongst us and,, the rationale for migration policies and the contribution migrants make; and that they then listen in turn to public concerns, separating real conflicts of interest that must be addressed from unfounded prejudices.
2. **Develop, through research, monitoring and evaluation, an evidence base for inclusion policies:** the fact that we know that language proficiency has a significant, measurable impact on labour market performance is a powerful reason for providing access to language classes. But do we have an equal understanding of the impact of other inclusion policy levers?
3. **Review the impact of immigration controls:** to ensure that they provide migrants with a secure legal status, with rights and responsibilities that reflect their temporary or permanent status, with maximum possible access to the rights that promote integration – including work, family reunification, public services and participation in the democratic system – exploring, perhaps, the concept of ‘civic citizenship’ that the European Commission has proposed for those not yet eligible for Citizenship status.
4. **Provide effective protection from discrimination:** EU law requires protection from race discrimination in employment and in services, but only in employment if discrimination is on grounds of religion or belief. Nevertheless, we should ensure that religious minorities are not treated less favourably when seeking access to housing, health or education services, if we want them to feel, and be, included.

The Council of Europe suggests we go further and give public bodies a duty not just to tackle race discrimination but to take active steps to promote equality. The UK has recently done this and the organisation I am representing today, the Commission for Racial Equality, oversees implementation of that duty in Great Britain.

Requiring public bodies – from health and education providers through to the police and housing authorities – to identify barriers to equality in their service and take steps to deliver change, the new law is taking equality from the margins to the mainstream of each organisation's service planning.

5. **Provide information to migrants: on arrival: on their rights and responsibilities, on the practicalities of life like finding a local doctor and opening a bank account, and on social expectations of behaviour.** I see that the manual for new members of Danish society helpfully asks migrants not to take offence if a colleague's use of irony in humour seems rude, suggests what to take if invited to a party, and not to assume, if they see someone sun bathing with no clothes on, that this is an invitation for sexual advances. Canada's booklet for new migrants reminds you to clean up after your dog in the park!.

This is more important than it sounds. In my research I have come across an Albanian boy whose father had kept him out of school for two years because he wrongly thought he had no entitlement to attend; but also of patients who became aggressive with the local doctor because he could not provide them with housing – in each case simple misunderstandings.

Equally, there are tensions caused by lack of knowledge of social expectations – a new migrant who put rubbish in the street each day because she has not been told that it is collected once a week; or leaves young children to go out to work, only to find that she is accused of neglect.

6. **Ensure migrants know how to get independent advice: so that they can access the opportunities that are open to them. That advice may be linked to a personal assessment of their needs and provision of**



services as it is for refugees in Sweden and the Netherlands, or from independent sources. Without access to advice, migrants face the barrier of ignorance, and are vulnerable to exploitation.

7. Review the capacity of mainstream services to meet migrants' needs, consult migrants and adapt provision accordingly: – whether through mainstream services (which have the greater budget and coverage) or through targeted services for migrants alone. Which services should have priority? That depends on the evidence, in each country, on the barriers, and outcomes you are trying to achieve.
8. Build bridges across communities, bringing people together in circumstances in which they develop shared interests, common understanding, and positive relations. The mandate of the Commission for Racial Equality in Britain is, unusually, not just to promote race equality but also to promote good race relations and it sees equality and good relations as two sides of the same coin.

We cannot achieve equality without positive public attitudes of mutual respect; and we cannot achieve good relations if inequality breeds resentment and alienation. So we need initiatives to promote both, side by side.

9. Promote understanding and acceptance of human rights standards as common values that can unite us: Each of our nations is a signatory to the European Convention on Human Rights which sets down minimum standards not only on how the state treats us, but an ethical code for how we treat each other: teaching respect for privacy, equality, and family life; challenging intolerance and degrading treatment. We do not, in our diversity, need to agree on everything – there was huge diversity of values in Europe before post war migration added to that cultural mix. But we need a common code which over rides unacceptable extremes. The international human rights standards provide that.
10. Mobilise civil society partners to share responsibility: with migrants and the state, for delivery on this agenda. Employers, trades unions,

voluntary organisations, faith groups, members of the public – already the key players in those every day inter-actions which determine the inclusion or exclusion of migrants, but so often under-resourced, under-utilised, unrecognised as partners in this vital exercise – the inclusion of newcomers - which should, I suggest, be seen in this way as the responsibility of us all.



NATIONAL ACTION PLAN ON SOCIAL INCLUSION (NAP/Inclusion), ANALYSIS OF PROVISION FOR MIGRANTS

HUGH FRAZER

Social Protection and Inclusion Policies, European Commission

The Union's social inclusion process, the Open Method of Co-ordination on poverty and social exclusion, was put in place at the European Council of Lisbon in March 2000. The aim was to make a decisive impact on the eradication of poverty by 2010 and thus contribute to achieving the Union's goal of greater social cohesion as well as the most competitive economy and more and better jobs. Under this process Member States have to prepare two yearly National Action Plans on poverty and social exclusion. The 15 existing Member States prepared their second round of NAPs/inclusion by 31st July 2003 – the new Member States will prepare their first plans by July this year.

The NAPs/inclusion are prepared on the basis of a common framework which is based on common objectives on poverty and social exclusion first agreed at the Nice European Council in 2000. When the first round of NAPs were prepared in 2001 Member States identified the need to address the issue of integration of immigrants in a more comprehensive, integrated and strategic manner. Thus, when the Common Objectives were reviewed by Member States and the Commission in 2002 it was agreed to give more emphasis to “ **the risks of poverty and social exclusion faced by immigrants**”. In my short presentation this morning I will report briefly how this new emphasis was in fact reflected in the 2003 NAPs/inclusion.

Overall the 2003 NAPs are a step forward compared to 2001. There is increased awareness and coverage of the issue, though there is often a blurring of measures for migrants and ethnic minorities and not much clarity about the different situations that might face different groups of migrants. There are more examples of interesting policies and projects. However, in most Member States the approach remains insufficient to

the scale of the problem and rather narrow. On the other hand there are a number of interesting examples of policies and programmes that provide a good basis for the exchange of learning and best practice.

As in previous National Action Plans, a majority of Member States continue to clearly identify ethnic minorities and immigrants as being particularly at risk of social exclusion. In Germany, for example, the unemployment rate of immigrants is twice that of the general population and immigrants are more than twice as likely to be in low-income households. In Denmark, activity, employment and education rates are lower for immigrants across the board, in particular for first generation and female immigrants. In France, the poverty rate for foreign households is significantly higher than the national average. Immigrants in Finland are four times more likely to live in poverty and are three times more likely to be out of work than the population as a whole.

Most countries, however, continue to present the issue of immigrants and ethnic minorities in rather general terms with little attempt to analyse their situation or the factors which lead to exclusion and poverty. Only a few countries attempt to identify trends, negative or positive, in the living and working conditions of these groups. Few Action Plans give clear evidence that the situation facing migrant populations has improved since the submission of the first action plans in 2001.

There is a lack of generalised data and common indicators for people of immigrant origin. Only a small number of countries (including the United Kingdom, Belgium, Netherlands, Spain and France) list data or indicators thereby attempting to gain a real picture of the situation and needs in their countries. The UK continues to have a well developed range of statistics and indicators, for example on percentage of different ethnic groups in low income households, qualifications, etc. Some progress can be noted, however. In Germany for example, a recent study of poverty, immigrants and health highlighted the lack of data and research in this area. To improve this situation, a national health survey for children and young people commissioned by the Federal Government will develop a module to record the health conditions of children and young people with



an immigrant ethnic background. This data should become available for the first time in 2006

Only a few countries have provided clear and specific objectives and targets for supporting immigrants. For example the Netherlands has set a concrete target of increasing paid work of ethnic minorities by 0.75% per year to 2005. The Irish Plan aims to double the participation in third level educational institutions by mature disadvantaged students, including Travellers and refugees, by 2006. The Swedish Plan specifies the integrated nature of its approach, with all targets valid for both women and men, irrespective of ethnic background. Denmark has set a rather general target in that people from a non-Danish ethnic background must be integrated to allow them to participate in the labour market and society on par with the rest of the population.

Despite the acknowledgement that immigrants are at a particular risk of social exclusion, a narrow integrationist approach dominates, comprising mainly language and other training measures. National programmes for integrating immigrants consist in general of three main components: language tuition, orientation or introduction courses and professional labour market training. The programmes, compulsory in certain countries, are either of a general nature or tailored to the specific needs of the individual. Even when such specific measures were highlighted, however, few indications were given on the allocation of financial resources to support this action.

The following are among the specific measures, which focus, in particular on employability.

In the UK, the National Asylum Support Service provides funding for local authorities to support language training and wider employment integration initiatives for refugees.

In Sweden, local authorities in co-operation with the National Integration Office run induction programmes, language training and assistance for new immigrants in finding a job.

In Denmark mentoring schemes for minority ethnic women have been set up targeting young women who enter into forced marriages and lose contact with their families and support network. The women are offered practical support and advice on pursuing education or training or applying for a job. In 2002, the Danish government also launched a programme “Urban areas for everyone”, involving five projects that will run over a four-year period, focusing on integrating new refugees and immigrants into housing schemes. Support is provided by the Federal Government in Belgium for “Diversity Plans” in companies and certain sections of the civil service.

In Germany, in the North Rhine-Westphalia Land, an information campaign “Immigrants: An Opportunity for Business and the Administration” has been running since June 2002, with the aim of improving the situation of young people from immigrant families in training and work. A second project has been launched in Berlin: “Berlin – City of Diversity”, aiming at equipping school and health authorities with qualifications in diversity and anti-discrimination issues.

In Greece, an operational programme for immigrants with a budget of EUR 260m (between 2003-2006), has been planned. The programme will provide information, advisory and support services for immigrants; development and promotion of opportunities for integration into the labour market; cultural integration; upgrading of provision of health and preventive medicine services for specific groups of immigrants; creation of support structures to respond to emergency needs for reception and temporary housing.



In France, a “contrat d’accueil et intégration” (reception and integration agreement) has been created for every newly arrived foreigner, which includes courses in the French language and civics training. In the Netherlands, “Integration Programmes” both for newly arrived immigrants and those longer established will be offered.

In Luxembourg, introduction programmes and an awareness-raising campaign will be launched in view of the next local elections, to facilitate participation of immigrants in civic and political life.

Only a minority of Member States (UK, S, FIN, B, IRL, F) made a direct link between discrimination and social cohesion issues. Sweden, for example clearly sets its work on vulnerable groups in a human rights/anti-discrimination context with a detailed overview of the work of the Swedish Ombudsman. Only a few countries link fighting discrimination and legislative measures. The Council directive on combating discrimination on the grounds of ethnic or racial origin, which was to be implemented into national law during 2003, was highlighted in only a number of the National Action Plans, including Sweden, Denmark, Italy and Ireland.

In many cases the emphasis is on the need for immigrants to adapt, most notably through training and support measures. In Austria, Italy and Luxembourg, for example, a primary focus is on providing language courses for immigrants. Furthermore, Austria financially supports a great number of projects which on the one hand offer social and legal advice to the target groups and on the other hand facilitate integration. While these initiatives are important, in particular in the initial phase of integration, there is a continued need for measures that address the potentially discriminatory behaviour, attitudes or practices of the majority population which can prevent an immigrant from accessing a job or service or training course irrespective of his or her language ability. In addition, few plans explicitly acknowledge the contribution of foreigners and immigrants to the economic prosperity and cultural diversity of their country.

Little attention is paid to promoting the access of immigrants and ethnic minorities to resources, rights, goods and services, in particular to social protection schemes, to decent and sanitary housing, to appropriate healthcare and to education as was envisaged at the Tampere European Council in October 1999 which called for “a more vigorous integration policy”, which “should aim at granting legally resident third country nationals rights and obligations comparable to those of EU citizens”.

However, in spite of the rather narrow approach adopted in most NAPs, when one looks across all the NAPs one can see a range of policies and initiatives in different policy domains which indicate the types of actions which, if combined together, could collectively provide the basis for developing an effective integrated approach to ensuring the social inclusion of migrants and ensuring their access to basic rights, resources, goods and services.

For instance, while surprisingly little is included in most NAPs/inclusion specifically about the right to **social protection** and a minimum income for migrants, Sweden has created an additional subsistence allowance for, mainly, immigrant older people deprived of rights and in Finland, an Act on special subsidies for immigrants. In relation to **housing** several countries take actions in favour of immigrants such as better co-ordination of housing, social and care services, provision of more social housing and better information and advice services. In relation to **health** some countries give attention to improving access to primary health care for migrants. In relation to **education** there are initiatives such as increasing access to childcare for migrants and giving attention to the better integration of children from an immigrant background in schools. In relation to access to **culture** Finland acknowledges the need to target support for cultural plurality with a view to preventing the escalation of cultural conflicts and promoting social participation of ethnic groups and have plans for promoting the cultural rights of ethnic groups. Several countries when highlighting efforts to improve access to **legal aid** and mediation services particularly emphasise improving access for ethnic minorities, immigrants and asylum seekers. In relation to increasing opportunities to participate in **sport** Greece specifically mentions immigrant communities.



It is also encouraging that in proposing examples of good practice three examples are proposed that specifically address the social inclusion of immigrants. France highlights its initiatives for the integration of new migrants. Germany describes the **Berlin – City of Diversity** project with its anti-discrimination training measures in public administrations in Berlin. Spain outlines its inter cultural social mediation service. Several other examples of good practice also give special attention to immigrants.

In conclusion, I would stress three things that will be important if future NAPs/inclusion are to further strengthen their contribution to preventing and overcoming the high risk of poverty and social exclusion faced by immigrants. First, there is need to strengthen the data and analysis of the position of different groups of migrants so as to better understand the policies and programmes required. Secondly, there is a need for a broader and more multi-dimensional approach that emphasises not just integration and access to the labour market but also covers all key policy domains that are important for participation in society. Thirdly, there is a need for a greater focus on access to rights. In this context, the likely integration in the new Treaty of the Charter of Fundamental Rights of the European Union is an essential point of reference since most of its provisions are applicable to all persons irrespective of their nationality. This provides a useful framework for the further development of integration policies.

Finally let me draw your attention to the six key policy priorities which Member States are urged to give particular attention to over the next two to three years. These are contained in the recently adopted Joint Report on Social Inclusion which is based on an analysis of the 2003 NAPs/inclusion. One of these specifically urges Member States to make **“a concerted effort to reduce the levels of poverty and social exclusion and to increase the labour market participation of immigrants and ethnic minorities to the same level as the majority population.”**

LABOUR MARKET WORKSHOPS

WORKSHOP 1: EMPLOYMENT AND MOBILITY

PRESENTATION ON THE COMMISSION'S COMMUNICATION "EUROPEAN EMPLOYMENT MOBILITY" – PROGRESS MADE ON THE COMMISSION'S ACTION PLAN ON SKILLS AND MOBILITY

TIM MAWSON,

**D.G. Employment and Social Affairs
European Commission.**

The overall policy context for the EU Commission initiative includes the Lisbon European Council Conclusions or the "Lisbon Agenda", the Commission's Communication on the New European Labour Markets (COM (2001) 116), and the Stockholm European Council of March 2001.

Challenges and objectives

The main challenges identified are inadequate occupational mobility and low geographic mobility. A further challenge is the fragmentation of information and the lack of transparency of job opportunities, which may be an obstacle to the achievement of greater mobility. The main objectives of the Action Plan are to meet these challenges by expanding occupational mobility and skills, facilitating geographical mobility and developing policies and programmes to greatly improve the availability of information and the transparency of job opportunities.



European Employment mobility – state of play – February 2004

The following has been achieved in relation to occupational mobility and skills:

Occupational mobility

- ▶ **Basic qualifications – European Benchmarks for education and training systems adopted in May 2003**
- ▶ **Research – Increase R&D investments in the EU to 3% of GDP by 2010**
- ▶ **Life-long learning – policy guidelines in European Employment Strategy**
- ▶ **EU Awards – given for lifelong learning, inclusion and equality in 2003**
- ▶ **ICT and e-skills and e-learning – European e-Skills Forum in 2003 and Commission e.learning programme adopted in Dec.2002**
- ▶ **Recognise non-formal qualifications and learning – set of principles expected spring 2004**
- ▶ **Transparency, recognition and transferability of qualifications – Europass and Vet credit transfer system (ECVET)**

Geographical mobility

There has also been significant progress made in facilitating geographical mobility which includes the following:

- ▶ **Right of residence – for salaried and independent workers, students, retirees, etc – Directive expected 2004**
- ▶ **Social security rights – reform and simplification of Regulations (EEC) 1408/71 - Spring 2004 plus extension to third country nationals moving between EU States –June 2003**
- ▶ **European Health Insurance Card – deployment 2004**
- ▶ **Occupational pensions – social partner consultation continuing. Pensions Fund Directive adopted in May 2003.**

- ▶ **Recognition of professional qualifications for regulated professions – political agreement in European Parliament elusive**
- ▶ **Language Learning Action Plan – adopted in July 2003**
- ▶ **More European mobility in education, training and research – policy recommendations for 2004**
- ▶ **Immigration policy – Commission proposal on immigration, integration and employment issued in June 2003.**

Information and Transparency

Progress on improving information and transparency includes the following:

- ▶ **EURES – the reformed network for job mobility**
- ▶ **European Job Mobility Information Portal – September 2003**
- ▶ **Mobility information campaign – September 2003**
- ▶ **European information and guidance networks – study of European networks starts in 2004 to prepare Europass decision.**

Evaluation – progress significant

There has been notable progress made in relation to the European Health Card, Regulation (EEC) 1408/71 on social security for migrant workers, the Immigration and Employment Communication, the Commission proposal for the Europass decision and the European Job Mobility Information Portal. In the latter case the clear diagnosis of the difficulties was fragmented information. The main objective in addressing these difficulties involves bringing together existing information and promoting networking between actors. There is also an enhanced version of the EURES site and the integrating of Ploteus. The European Employment Guidelines provide that by 2005 all vacancies advertised by PES be consulted.



Evaluation – progress slow

Progress at EU level has been slow in relation to the following:

- ▶ **Directive on the recognition of professional qualifications**
- ▶ **Directive on conditions of entry and residence of third – country nationals for employment and self-employment**
- ▶ **Commonly agreed ICT and e-skills definitions.**

Areas where progress at Member State level has been slow includes the following:

- ▶ **Developing skills in the context of lifelong learning**
- ▶ **Promoting access of adults to further vocational training**
- ▶ **Equipping young people with basic skills**
- ▶ **Promoting initiatives to enter, remain, progress in the labour market**
- ▶ **Transferability of social security rights, incl. pensions.**

Necessary Additional Action – Priorities

The main priorities for additional action are:

- ▶ **Reinforcing investment in Human Capital**
- ▶ **Strengthening the Lifelong Learning Culture**
- ▶ **Improving the participation of the disadvantaged in learning**
- ▶ **Recognition of qualifications, integration of learning**
- ▶ **Investing in ICT skills for global competitive advantage**
- ▶ **Focus on potential of the Information Society.**

Issues for further consideration

The following are issues for further consideration in the context of implementation of the action plan:

- ▶ **What should be the outstanding priorities in the short, and the medium term?**
- ▶ **Are there other obstacles to mobility to be tackled, not mentioned above?**
- ▶ **Are the priorities in skills and mobility appropriate to the needs of the new Member States?**
- ▶ **How relevant are the policy objectives in times of economic downturn: fewer job vacancies available may reduce the already low job mobility even further?**
- ▶ **How does it affect the readiness of actors from sectors most affected by the slowdown to invest in some of the measures foreseen in the Action Plan?**



WORKSHOP 2: INFORMATION AND SUPPORT FOR MIGRANTS – PREPARING WORKERS IN SOURCE COUNTRIES FOR WORK IN ANOTHER COUNTRY, AND HELPING THEM INTEGRATE INTO HOST COUNTRIES

EURES – THE EUROPE-WIDE NETWORK THAT PROVIDES INFORMATION TO WORKERS SEARCHING FOR WORK IN OTHER COUNTRIES

KEVIN QUINN,

EURES Manager in Ireland

EURES

EURES, the European Employment Service is a cross-border network made up of 29 Public Employment Services (PES), social partners and other actors including universities. In all, there are over 600 EURES advisors providing information across Europe.

The objectives of EURES can be summarised as follows:

- ▶ **to support the free movement of workers within the EU;**
- ▶ **to support employers in their search for labour;**
- ▶ **to facilitate the integration of European labour markets;**
- ▶ **to manage Public Employment Services as they pertain to the EU;**
- ▶ **the development of a European labour market which is open and accessible to all (making specific use of the internet);**
- ▶ **to exchange information on trans-national, inter-regional and cross-border vacancies and job applications; and,**
- ▶ **to facilitate a transparent information exchange on living and working conditions, training opportunities etc.**

Within these objectives, the role of the more than 600 EURES advisers is to provide advice and counselling to migrant workers by being expert on

living and working conditions across Europe and to have access to all PES vacancies across the network.

In the source country, the role of the adviser in relation to the applicant is to provide a screening service, individual advice and counselling and to give information on living and working conditions.

On the other hand, an adviser in a receiving country is a source of information and advice on employment opportunities, and on issues such as rates of pay, accommodation, travel costs, socialisation, career advancement, recognition of qualifications, as well as legal and tax requirements.

The benefits of the EURES system to each PES is that it provides the national labour markets with well prepared job applicants. To the migrant worker, it offers the availability of a EURES adviser in both the sending and receiving countries as well as access to other actors in the labour market. Finally, it is a free and easily accessible service for all.



CASE STUDY EXAMINING POLAND AND IRELAND

PREPARATION OF WORKERS IN THE HOST COUNTRY

KRZYSZTOF KACZMAREK

Deputy Director of the Labour Market Department, Poland

The Harp and Dulcimer – or shall we play a Duet?

While Ireland and Poland may not be known for their close links, I wish to begin this presentation by talking about what I see as the similarities. I do not know if the harp and the dulcimer would play well together, but I do know that Irish music and our Polish Highlander's songs are much closer than one might imagine!

My presentation is divided into 4 sections:

- i) **The legal background – what do we see now and what we will see after 1 May?**
- ii) **The possible impact of limited access to the labour market on the work-force mobility of Polish workers;**
- iii) **Migration policy in general and the instruments that support work-force mobility in Poland – the labour market service;**
- iv) **Prospects for Irish – Polish links.**

1. The legal background

In terms of what is happening at the present time, we know that there are 4,800 Polish workers with work permits in Ireland and, of these, 2,700 have permits for the first time. In contrast, there are only 187 Irish workers with work permits in Poland. However, there are over 320,000 Polish people working abroad on short-term agreements at the present time.

Legally, bilateral agreements are the only way to enter or leave Poland. However, the number of Polish workers in Ireland occurs despite the fact that Ireland and Poland do not have any bilateral agreement. What

experience tells us is that, with or without agreements or other conditions, there are always the same reasons that people move.

- 1) **The Brain Drain** – this is an attempt by workers to achieve better working and living conditions (professional development, wages and so on). Typically, this occurs bilaterally between relatively rich and poor countries, although in Poland's case, it can be seen as both a source and destination country. In any case, only a few thousand Poles leave the country every year for an extended period, or for good.
- 2) **Foreign Capital Investment** – More than a half of all work permits in Poland were delivered to the personnel of foreign companies working in Poland. In the case of Irish people working in Poland, 65% of work permits handed out were for managers and/or members of the board of directors of foreign companies.
- 3) **Short-term work** – The great number out of the 320,000 Poles that received a job offer abroad last year work there under short-term agreements (more than 280,000 of them in Germany). This 'work and travel' trend is extremely popular, especially among students.
- 4) **Educational, cultural and sporting exchange.** – This could come under the 'Brain Drain' heading, but the high social advantage points us toward distinguishing it as a separate item. As an example of this, 39% of all Irishmen working in Poland are employed in the education sector as teachers.

In 2003, Poland was host for almost 19,000 foreign workers, including 8,000 from the EEA. In addition, more than 20% of foreign workers came from the former USSR countries. These workers are usually well educated and highly skilled, but the wages offered them in their native countries are not very attractive. Managers and members of Boards of Directors make up 71% of foreign workers, although this rises to more than 90% if we only examine workers from EEA countries.

2. What shall we see after 1 May 2004.

In general, migration and employment policy will consist of one or more



of the following policies:

- 1) an 'open markets' policy;**
- 2) restricted access to social security benefits and allowances;**
- 3) restricted access to employment.**

In reality, only the first of these options is worthy of discussion here, as the other two are quite similar to the situation we had under the old system of bilateral agreements.

From my own perspective, I do not wish to say that I only favour an open market, yet I also believe that restrictions are not good things. To back this up, I offer the following argument.

We take as our starting point the premise that every 10 years, 80% of existing technology is removed from the market and replaced by a completely new one. This means that within two years of restricted access to the labour market, we lose 16% of skills that we could have possibly gained from another country. But if we accept that not more than 30% of the work-force is ready to move, but only 1 in 10 of these are ready to go abroad and live there, we can conclude that if we keep the market closed we lose more than can achieve.

In addition, if we keep the market closed for an extended period of time we will find, sooner rather than later, that there are no workers speaking our language because they decided to go to other countries.

From the perspective of 'social position', the possible impact of a limited access policy to the labour market will not change the mobility of Polish workers, because the gap between the skills that are demanded and those which can be supplied will be maintained.

From an education perspective, we will not be able to fully see the changes for another 3-5 years when some new school-leavers come onto the labour market and we can analyse their preferences. It may happen,

for example, that some foreign languages or some high school courses will lose their attractiveness because of changing preferences depending on the fact that some markets are, or become, open, while others are, or become, closed.

Perhaps the most spectacular change will be seen from the perspective of long-term changes in societal behaviour because of the amalgamation of all the determining factors over a long period of time. If we remember that every 10 years more than 80% of technology is replaced, and our power of learning is not as high as to cover this 80%, it means that keeping the market closed will only produce additional barriers for our own economy that cannot achieve well educated workers.

Finally, we should note that every year of an inaccessible market will exclude some potentially productive workers because they change their career direction.

3. Migration policy in general and the instruments that support work-force mobility in Poland.

The Polish Public Employment Service (PES) is well prepared for its new role in a larger Europe. In this regard, our experience of dealing with 300,000 migrants every year is worthy of being emphasised.

The continuing growth in the number of our high schools guarantee a good education level among young people as well as a system of further training support for adults.

4. Prospects for Irish – Polish links.

We have already seen that Poland and Ireland are not traditional partners for exchanging workers. However, there can be such links in the future if 3 conditions are fulfilled:

- i) a high number of programmes for sectoral exchange will occur;
- ii) a high level of cooperation at the educational level will be established; and
- iii) an agreement setting out the directions for further activity in this field.



There are a number of questions we can now ask which apply, not only to the Polish –Irish situation, but to the overall one. Future cooperation between our two countries could be a model if the Irish labour market stays open and, if so, our PES will have to answer these questions sooner or later. The services offered to the job-seeker by our PES is of good quality, but the world is spinning faster and faster each day.

The first question to be asked is whether we can resolutely say that bilateral agreements belong definitively to the past, or do we say that improved results can be achieved by the modernisation of these agreements only?

Secondly, can we say that short-term work will dominate the trans-national movement of workers in the near future?

Thirdly, if we accept that the contemporary labour market is highly affected by modern technology that needs proper and effective interaction, not just reaction, then what does it really mean for the PES to interact and how can we adapt the contemporary model of international personnel exchange to this role? Can we draw a multinational project on this, or do we remain on a bilateral basis?

Fourthly, the Irish-Polish experience of trans-national mobility is still a running experiment with a low level of interest on both sides but, I believe, this will increase soon. Accordingly, do we see the necessity of mutual monitoring of the process of people exchange and can we agree that such a monitoring could be the proper way to offer the employer and jobseeker a better and more effective service?

CASE STUDY EXAMINING POLAND AND IRELAND:

INTEGRATION INTO HOST SOCIETY

IZABELA GRABOWSKA

Embassy of the Republic of Poland in Ireland

1. Why people are coming to Ireland

Ireland used to be a country of emigration, but is now a new destination country for immigration. This has been created by a number of pull factors such as delayed convergence between Ireland and more developed economies; the rapid transition of Ireland from an agrarian society into an information society resulting in immigration gaps and niches. In addition, the emergence of the Celtic Tiger in Ireland and resulting labour shortages have made inward migration to Ireland a more attractive prospect.

The methodology of the study involved in - depth interviews with workers to create a snapshot of their experience, an analysis of existing literature and the observation of study participants. The primary focus of the study was on immigration of those seeking employment. There was a smaller identified group of settled immigrants – immigrants who left Poland for more ideological reasons – but these were not significant in number:

Two organisations are central to the integration of Polish immigrants in Irish society:

- ▶ **The Irish Polish Society** for those who want to learn more and be more quickly integrated into the Irish society (mixed couples; semi- and high-skilled employees)
- ▶ **Polish Cultural and Social Association** - for those who have no or very little English; low-skilled workers.

In addition the Polish House (20 Fitzwilliam Place, Dublin) has an important role to play in integration regarding help and information, and personal networking, including help with vacancies and accommodation, health, banking, and sending money home. Also



the diplomatic representations/ consulates have a role to play in support information to communicate recruitment and employment (legal aspects, contacts) and rights.

2. Labour immigration - 'the new immigration' - main focus

▶ statistics

4808 work permits issued in 2003

Poland ahead of Latvia and Lithuania

▶ sectors

▶ service industry

▶ agriculture and fisheries

▶ catering

▶ industry

▶ Phases of migration may be outlined as:

▶ Initial phase

▶ Decision - making phase

▶ Recruitment phase

▶ Phase of new arrivals

▶ Adaptation phase

▶ Preliminary stabilisation phase

▶ Integration /Stabilisation phase

▶ Decision - making phase to leave

The Initial phase involves advertisement in local media; underground

information from the companies in Poland; holiday experience of Ireland one year - two years beforehand; and local contacts with people who experienced working in Ireland. The Decision-making phase involves considering and weighting pros and cons of migration to Ireland - an analysis of respondents' lives: strengths, weaknesses, opportunities and threats. In the recruitment phase there are two streams depending on whether recruitment takes place outside Ireland (via agency, direct advertisement: in newspapers and labour offices, or personal networking) or in Ireland. There is also the phenomenon of pseudo - tourists engaging in migration.

On arrival people need to search for accommodation and sometimes a job; renewing contacts with friends and friends' friends; building up a chain network (via places where the Polish people used to meet e.g. the Polish House). Then there is the adaptation phase involving getting used to new conditions and challenges; improving English; building up new relationships. This leads to the Preliminary stabilisation phase of being settled in a place of accommodation and organising social life. The stabilisation phase of being well settled in, having a grounded knowledge of the market and a well organised social and cultural life, leads to the decision-making phase where some immigrants choose to leave having become bored with the host country, found a new contract abroad with the same company, encountered family problems in the country of origin, or having achieved their goals.

In the adaptation phase a number of factors facilitate smooth transitions between Poland and Ireland. These include the similarities between Poland and Ireland in history, lifestyle, rural tradition and religion; and the role of 'the old emigration' - Polish House and Polish NGOs in Ireland. At work, migrants are able to construct their personal career and national identities as compared to the other nations. Interviewees see themselves as people who are able to work efficiently, punctual, meeting deadlines, ready to work; who are actively seeking their chances - particularly recent third level graduates. However, there are also factors undermining integration such as delivering work of higher quality than an Irish worker at the same position and at the same time earning less than their relevant comparator. As a result migrants can feel discriminated against on the basis of nationality in relation to their wage level.



In general terms there is the perception that people from the new EU Member States are still treated as purely a cheap labour force. In the workplace people often experience a process of de-skilling which can undermine self-esteem and confidence in the labour market. This can lead to a dichotomy of experience with short term migration being a stimulus for improvements in skills, such as language, but long-term migration involving work far below qualifications leading to disillusionment. This dichotomy is reinforced by non-recognition of qualifications by Irish employers and inadequate command of the English language on the part of the migrant. Also the experience of discrimination in some settings can hamper the process of participation and result in extreme cases of social exclusion.

The high costs of socialising in Ireland can be an important negative factor resulting in people socialising domestically rather than going out. This depends on the category of migrant:

- ▶ **Category 1: Bread-winner abroad, money earner, supporting a family in Poland and spending money in Poland - low level of integration;**
- ▶ **Category 2: Global migrant, moving to the other (higher wage; post-industrial) country in order to improve living and working conditions; often a couple without children - medium to high level of integration;**
- ▶ **Category 3: Affluent life-style migrant, exploring opportunities of multicultural metropolis and aspirant to cultural and social life of the upper middle class in receiving countries - desires to be fully integrated.**

Key points which this study identify as being in need of action include:

- ▶ **The abolition of the work-permit system, an employer led system, which will facilitate integration and equality in the labour market.**
- ▶ **A programme of investment in migrant community associations, the support infrastructure, to support their capacity to network migrant**

workers, to articulate their interests and to communicate employment and other rights information.

- ▶ To develop effective channels of communication with migrant workers, at the point of recruitment, regarding rights and situations.
- ▶ A policy rationale concerning family reunification policies for migrant workers.
- ▶ In order to develop an effective integration strategy, which is adjustable and flexible, it is important to identify a migrant's category and phase of the migration process where she/he is at.
- ▶ The development of specific initiatives to support and address the situation of migrant workers in low skills employment.
- ▶ A new role for trade unions?
- ▶ The proper recognition of qualifications.
- ▶ The development of facilitated integration, whereby there is reciprocal profitable exchange of human capital.

More information about the study can be downloaded at:

Centre of Migration Research, Institute for Social Studies, University of Warsaw
<http://www.iss.uw.edu.pl/osrodki/cmr/wpapers/workingpapers.html>



HUBERT KRIEGER

Research Manager, European Foundation for the Improvement of Living and Working Conditions, Dublin

We had three interesting presentations and a short but lively debate. We discussed conditions of migration and integration, the role of various bodies and actors in this process and in particular the role and functioning of the European Employment Service (EURES). As a case study we looked more in-depth at recent migration and integration practices regarding Polish migrants in Ireland. Generally, it was concluded during the workshop that effective information and support is an important factor in reconciling mobility and social inclusion and increasing potential mobility in the future.

The debate on migration took place within an analytical framework of migration and mobility, which was provided by K. Kaczmarek and M. Grabowska. Just some key words

- ▶ **Migration has to be seen on the individual level as a process starting with reflections on the general possibility to migrate based either on push or pull factors going through different stages until a final migration decision is taken.**
- ▶ **The decision to migrate is often not determined by an individual but within the family, i.e. not only the individual but also the family needs support and information.**
- ▶ **Simple economic rationales are not the only drivers of decisions on migration, as decisions are taken in an uncertain context and with incomplete information. Hence support services in sending and receiving countries play an important role in improving the quality of decision-making by providing high quality information and reducing uncertainty.**
- ▶ **Economic rationales have as much importance as social factors in**

the decision-making process also in view of reducing uncertainty. Important factors are: family context, social networks, human, social and cultural capital, voluntary organisations and existing social support. These patterns have to be considered in order to organise a proper and effective support service for migrants, i.e. information and support is also important on non-economic aspects of life.

Information and support services have to be tailored in regard to the available resources, and their concrete provision and structure to the profile of the migrants, as each group has different information needs:

a. Socio-structural profile

- ▶ Gender
- ▶ Level of education and qualification
- ▶ Age

b. Types of migrants

- ▶ “For good”, Poland e.g. has only a few thousand per year
- ▶ Temporary (short term): Poland e.g. has 320,000; 5,000 work permits in Ireland, 187 work permits for Irish in Poland
- ▶ Circular: Back and forth:
- ▶ Illegal migrants, here the big question is, how to treat illegal migrants?

c. Specific challenges for each “migration” country e.g. Poland

- ▶ Poland is a sending and receiving country at the same time
- ▶ It has a high degree of temporary outward migration



- ▶ It has probably a problems with brain drain
- ▶ It also has some west-east migration (managers and language teachers) which have to be integrated

Our Polish colleagues also estimated the number of potential migrants from Poland into the EU15

- ▶ **Based on their skill profile only 30% of the Polish workforce can be seen as potential candidates to work abroad**
- ▶ **This may change due to adjustments in the education and professional training of the younger generation**

Based on the structure of migrants' activities, information provision in the sending and receiving countries have to consider also the capabilities of different groups of migrants

- ▶ **To access information**
- ▶ **To digest given information.**

The channels to gather information before migrating vary:

- ▶ **via private recruitment agencies**
- ▶ **via public employment agencies**
- ▶ **via government publications**
- ▶ **via advertisements**
- ▶ **holiday experience**
- ▶ **through contacts with people, who worked or who are still working in the target country**

In the discussion there was agreement on the need to provide through different channels and via different players information that would be

- ▶ **Objective**
- ▶ **Neutral**
- ▶ **Comprehensive**
- ▶ **Comprehensible**

With the increasing importance of private employment agencies, doubts were raised as to the extent they would provide high quality information, and if there would be a systematic need to supplement private activities through public employment agencies. It was also asked, what is the role of temporary employment agencies in this context.

Employment policy in both receiving and sending countries has to monitor closely the efficiency and effectiveness of information provision and of the given support services to migrants. It also has to consider a stronger horizontal integration of support services in a 'one stop service' as provided in the UK.

On the European level the European employment services (EURES) plays an important role in this context by providing support services for outgoing and incoming migrants (Kevin Quinn). Its objectives are:

- ▶ **Support the free movement of workers**
- ▶ **Support employers in their search for labour**
- ▶ **Develop a European labour market, which should be open and accessible for all**
- ▶ **Provide transparency and information on living and working conditions in the receiving countries**

EURES has the following network structure:

- ▶ **Public employment services in 29 countries**



- ▶ **Cooperation with social partners**
- ▶ **Cooperation with other actors (universities)**
- ▶ **600 plus EURES advisors**

In the sending countries EURES provides e.g. the following services:

- ▶ **Services and screen applicants for employers**
- ▶ **Give information on living and working conditions**
- ▶ **Provide individual advice and counselling**

In the receiving countries it provides the following support:

- ▶ **Source employment opportunities**
- ▶ **Checks details of employment contact**
- ▶ **Advice on legal and tax matters**

Obviously the key policy question is:

- ▶ **To what extent is EURES known to its potential users?**
- ▶ **How accessible is it?**
- ▶ **How effective is it?**

In a second part we discussed the integration process of Polish migrants in Ireland. The discussion was based on the following assumptions:

- ▶ **Integration has to be seen as a process**
- ▶ **Integration is a two-way relationship between the host country and the migrants**
- ▶ **It should not be confused with ‘assimilation’**
- ▶ **Integration is determined by conditions in the sending and the receiving country**
- ▶ **It is influenced by social and economic factors**

- ▶ **Social partners and NGO are important in the integration process**
- ▶ **There is the increasing importance of EU legislation (e.g. anti discrimination)**

All integration efforts have to be related to specific types of migrants:

- ▶ **Bread winner migrants: Low potential for full integration**
- ▶ **Global professional migrant, unmarried: Medium potential for integration**
- ▶ **Affluent life-style migrant: Highest potential for successful integration in host society**

The following presentation focused more in-detail on the integration process of Polish migrants in Ireland

- ▶ **Role of consulate and embassy**
- ▶ **Role of Polish-Irish organizations**
- ▶ **Practical help, information and supporting networking**

It identified integration problems for Polish migrants in Ireland

- ▶ **Affordable accommodation is a big problem**
- ▶ **High costs of social life undermine integration**
- ▶ **Discrimination in the workplace: wage levels, work beneath level of qualifications, non-recognition of qualifications (In regard of all these aspects: importance of support services like EURES, but also importance of trade unions)**
- ▶ **Extreme cases of social exclusion and social isolation**

It identified also positive integration needs of Polish migrants in Ireland

- ▶ **To provide real equal opportunities**
- ▶ **To provide effective access to social rights on work, housing, access**



to social services, health, education (Council of Europe)

- ▶ To connect to the positive will and high expectations of Polish migrants to perform 'well'
- ▶ To support community association of migrants
- ▶ To stop treating AC10 migrants as cheap labour

In conclusion the workshop stressed that it would be

- ▶ **not only necessary to support the integration into the labour market , but also to support social integration into social networks;**
- ▶ **not only necessary to support migrants at arrival, but to support them already in the sending countries.**

All this should be done through effective and efficient national and European support services.

RAPPORTEUR'S REPORT

DONAL SANDS

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This workshop identified the need for a stronger European dimension to education and training strategies in order to promote competitiveness and social cohesion, which, in line with the objectives of the Lisbon Strategy, are the challenges which enlargement will bring. Lifelong learning was viewed as being essential for promoting employability, personal development, civic participation, and social inclusion.

Crucially, lifelong learning is enhanced by increased mobility, providing opportunities to increase social cohesion for both countries of origin and countries of arrival. However, there are also considerable challenges to be met in the areas of quality of educational programmes, the transparency of delivery systems and in recognition of qualifications, which require co-ordinated action at EU level if these opportunities are to be seized.

Co-operation between Member States can assist the development of trust in the education and training systems of different Member States, with growing recognition and valuing of qualifications, the accompanying promotion of social inclusion, the facilitation of integration of immigrants and ethnic minorities, and the attraction of more people into the labour market.

The key issue to be tackled is the fact that different actors are often responsible for education, training, immigration and social inclusion in Member States. Increased internal coordination must, therefore, go hand in hand with reform and updating of EU Strategies. This focus should be freely entered into by Member States, who must avoid treating migrants as one homogenous block but remain conscious of issues such as the needs of existing migrant populations, varying education needs across



migrant populations, their vulnerability, the decline of traditional migrant community networks, and early school leaving among migrants.

The key action for Member States is to formulate a joined up approach to immigration from Social Welfare, Education, Employment Agencies, and the private sector; so that States can clearly identify who is coming and who is responsible for the different aspects of their welfare. The cornerstones of this approach would be a Basic Skills Package for Employment, Learning and Social Integration, provided by the receiving country, and the integration of diversity into school curricula. Also, it is important to shape educational and skills programmes to take account of diversity; including life experience, accredited prior learning, the suitability of some people to workplace rather than classroom learning, and the specific educational needs of older migrants.

SOCIAL INCLUSION WORKSHOPS

WORKSHOP 1: ACCESS TO SOCIAL PROTECTION AND INFORMATION FOR MIGRANTS

ACCESS TO SOCIAL PROTECTION AND INFORMATION FOR MIGRANTS

BERND SCHULTE

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Outline

1. Migration in Europe
2. Migration and social protection
 - 2.1. The Objective of Social Protection Systems
 - 2.2. The Personal Scope of Social Protection Systems
3. Special Problems of Migrants in Social Protection Systems
4. Equality of Treatment in European Community Law
5. Immigrant Integration in the European Union
6. Information for migrants

1. Migration in Europe

In the late 20th Century, especially after the Second World War the democratic **nation state** has become the European norm as the principal unit of political organisation with the modern welfare state as its culmination. At the advent of the 21st Century the state appears, however, increasingly precarious due to globalisation, internationalisation and europeanisation. These developments have eroded national boundaries, broken the nexus between territory and state and have thus weakened legal sovereignty and political autonomy of the state. The challenges of **globalisation** and **internationalisation** have multiple and manifold dimensions, namely the increase in global markets and transnational corporations with economic power which is greater than that of many states, the emergence of new, global communication techniques, the increasing role of international and – in Europe – supranational (= EC) institutions in regulating both inter-state relations and rights of the individual and, last but not least, the growth in cross-border migration. **Migration** thus plays a key part in contemporary social transformations and is a driving force for change both in migrants-sending and migrants-receiving states and societies.⁸

The immediate impact of migration is felt, first of all, at the economic level, but it also affects labour and social relations, culture, national politics and international relations, and the systems of social protection and it inevitably leads to greater ethno-cultural diversity within these entities.

The concept of the **nation state** implies a close link between ethnicity and political identity, the nation being usually seen as a group of people who have a feeling of belonging together on the basis of shared language, culture, traditions and history, the state being a structure with territorial boundaries that should (but do not necessarily) coincide with ethnic ones and which represents the political values of the nation.

8 See for an overview on the connection between migration and social protection **Schulte, B.**, Implications of Labour Migration for Social Security Systems in European Countries. Basic Document for the 8th Conference of European Ministers Responsible for Social Security, Bratislava (Slovakia) 2002

In the 1960s, **migrant labour** had become a structural feature of Western European labour markets and abundant labour with low wages and related social costs was a vital factor for the economic boom in this period. "Guest-workers", as **migrant workers** were called in Germany, were not expected to settle, but it was assumed that they would go back when losing their job or when retiring. Accordingly, they were seen simply as workers and not much concern was given about long-term consequences of labour migration, on the social needs of migrants and on the potential impact of migration on receiving societies.

Changes in migratory patterns took place in the 1970s. While **labour recruitment** was stopped and the afflux of migrant labourers came to an end, **family reunion** got more and more important and made the trend towards no-return of migrant workers and permanent settlement in their host countries obvious. Attention shifted then to the growing number of **immigrant children**, i.e. the second generation of migrant workers. Labour migration did not come to an end, but it has changed its form.

This means that **different types of migration** must be distinguished: (1) economic (labour) migration subdivided into (1.1.) **unskilled** labour migration; (1.2.) **highly skilled** labour migration; (1.3.) "**business**" migration; (2) **family reunion**; (3) **refugees**, separated in two categories, namely (3.1.) **the Convention** refugees ("Geneva Convention") and (3.2.) **asylum-seekers**. (4) In addition, **temporary migrants** and **permanent settlers** can be distinguished. (5) Lastly, **illegal migration** must be mentioned. The illegal situation of a migrant derives from the legal rules of EU Member States establishing the rights to enter, to reside and to work in the country, in which the person concerned is settled.

Migration policies must balance international solidarity, on the one hand, with social, economic and political interests in the receiving countries, on the other hand. This implies, first of all, the recognition and acceptance both in states and in international organisations (and also in the European Union) that a certain amount of both temporary and permanent migration will take place in the years to come. There have been growing concerns in recent years about the ability of migrants in terms of **how**

they are partaking in the host society and the forms of discrimination they are facing. Many people express anxieties about the perceived ability of their country to accommodate migrant groups.

The ability and willingness of individuals and groups to participate in activities in markets, politics and civil society is, however, crucial for the formation of **social cohesion**. Barriers and obstacles to equal participation in work, decision-making, education and family life are important aspects of inequality which weaken **social cohesion**. Social cohesion relates to the degree to which individuals and groups within a particular society are bound by common feelings of consensus, share common values and goals and relate to one another on a co-operative basis. In the promotion of social cohesion the following are core concerns:

- ▶ **the extent of inequalities in terms of income, health and other living conditions as it affects different groups, for example, older people, children, women, the long-term unemployed, people with disabilities, last but not least, migrants etc.;**
- ▶ **the effective reduction of these inequalities, through the formal systems for social protection, education, and health; and**
- ▶ **trends in social participation, i.e. developments in the extent to which citizens contribute more directly to the construction and consolidation of social cohesion through their participation in economic, political and social life. Activities aimed at improving access to social protection and social rights are very important in this respect.**

As **employment** is the main source of income, the promotion of more and better employment is a major instrument in the containment and reduction of inequalities and risks of exclusion. **Employment rates** are indicative of peoples' ability to participate in work through paid employment and to provide for themselves and their dependants because paid employment is the most widespread form of participation in society and an important factor in the social status of people of working age who, as a rule, spend more time at work than in any other participatory activity.



Social protection systems have played a fundamental role in promoting a cohesive society and combating risks of exclusion, and they adapted well to a number of challenges over time.

Rates of participation in trade unions, political parties, social movements and other voluntary organisations may be interpreted as indicative of the readiness of people to come together in order to collectively address common problems as such interactions contribute to the development of shared values and a sense of common belonging leading to trust between partners and confidence in fundamental societal institutions. Another indicator of social cohesion is the extent to which people trust central institutions and social groups.

The notion of **citizenship** which is characterised as a system of rights and obligations between the individual and the state may be an appropriate means to meet this above-mentioned challenges in so far as it protects the individual. For it is nationality/citizenship in the legal sense, which entitles its bearers to full citizens' rights and which guarantees participation in the political and civil, social and economic, and cultural life of the country concerned, whereas those who do not possess the nationality or citizenship of the state of residence are often excluded from the catalogue of these rights.

The **triad of citizenship rights – civil rights, political rights, economic and social rights** - as embodied by legal instruments rests on the assumption that these rights, in particular social rights, including the rights to education, to work, to health care and to a social minimum of existence are essential for members of society to be full citizens. There is a need for citizenship rules which guarantee formal inclusion of all permanent residents of a given country. Furthermore, there is a need for economic and social policies which make social citizenship possible for all and which overcome trends to social exclusion. This implies the guarantee of certain basic social standards and a social 'safety-net' for all.

The basic right of a person to sufficient resources in order to live in a manner compatible with human dignity is an essential part of any policy to combat social exclusion.

However, social exclusion is multidimensional in nature. As a result, measures to combat social exclusion have to be developed in a wide range of policy areas such as education and vocational training, employment, health, housing and last but not least social protection. Experience has demonstrated the need for ensuring an active participation of all stakeholders, including those who are excluded or exposed to social exclusion, as well as of the organisations working for their interests including the social partners and civil society actors such as non-governmental and voluntary organisations.

2. Migration and social protection

2.1. The objective of social protection systems

Standards of income, nutrition, health, housing and education which are assured to citizens as of right are considered to be the essence of the welfare state. This view relates to the conviction that the state has a fundamental responsibility for social protection in so far as the provision of basic social protection against the vicissitudes of life constitutes an element of citizenship.

As in the case of nationals, a non-national's/foreigner's social protection is warranted if the person in question is entitled to protection against social risks, i.e. an adequate income upon the occurrence of social risks, i.e. sickness, maternity, accidents at work and occupational diseases, invalidity, old-age unemployment, death of the breadwinner, and family charges, as well as protection in the event of special and additional needs arising from the occurrence of such risks, e.g. - most recently - dependency/nursing care benefits.

Migrant workers more often than nationals come up against problems in obtaining adequate social protection, having access to social



protection schemes and taking up their rights, including the most basic health care. This situation runs counter to the need to guarantee to these people human dignity and respect of their fundamental rights and human dignity.

One of these problems is the risk of unemployment or under-employment to which migrant workers are, as a rule, more exposed than nationals, because of their, inter alia, more insecure legal, economic and social status and their lower levels of occupational qualification.

Family members of migrant workers may have specific needs with regard to social security.

2.2. The personal scope of social protection systems

As far as a person's **inclusion in social security schemes** is concerned, different approaches are feasible. The **personal scope** of social protection schemes may embrace:

- (1) all nationals of the country concerned at home and abroad (= delimitation according to the pure **nationality principle**);
- (2) all nationals resident in the domestic territory (= delimitation according to the nationality principle, restricted by the **territoriality principle**);
- (3) all nationals of an European Union (EU) or - from 1/1/1994 on - an European Economic Area (=EEA) State who are resident in the domestic territory concerned (= extension of the nationality principle to include all EU/EEA nationalities in connection with the pure territoriality principle);
- (4) all persons resident in the territory concerned (= delimitation according to the pure territoriality principle);
- (5) all persons who resided in the territory of the State concerned for a certain period of time and for a definite purpose during working life (= delimitation according to the territoriality principle with reference to life history), supplemented by

- (i) a definite period of residence, i.e. a time factor;
- (ii) a definite period of residence, i.e. time factor, supplemented by other prerequisites (e.g. payment of contributions, child rearing, family membership, etc.);
- (iii) a definite period of residence, i.e. a time factor, along with other prerequisites such as, for instance, EU's and/or EEA's member state nationality.

Nationality and **residence** conditions thus govern access to social protection schemes in the EU Member States. The personal scope of social security schemes determines the range of persons to be included in the coverage of such schemes by virtue of the above-cited principles as well as of other criteria, and in this way, at the same time indirectly regulates the equal or unequal treatment of nationals and non-nationals. In the concrete event, the choice of such criteria will depend on:

- the **fundamental maxims of the national social policy in question, i.e. on the basic social ethical conceptions which prevail in society (e.g. with request to freedom, equality - not least in the sense of social justice -, and solidarity);**
- the **function of social policy within the context of a specific economic system, i.e. the conceptions governing the degree of participation in social protection on the part of the government or public bodies, on the one hand, and the role of non-governmental - e.g. occupational or other (profit-oriented or voluntary) private - institutions providing social protection, on the other hand, - the conceptions concerning scope and reasonableness/adequacy of individual protection, and so forth;**
- the **specific social “problem situations” and “situations of need”, e.g. securing subsistence or existence respectively, warranting income orientation, or maintaining a standard of living;**
- the **organisation and methods of social security;**
- **ways and means of financing;**
- **as well as the specific types of benefits and services, e.g. cash benefits, benefits in kind and in-door and out-door services.**



All these factors determining a person's inclusion or exclusion are interdependent and constitute a highly complex bundle of criteria to be considered. For all that, it is possible to differentiate individual 'foundation stones' for structuring the personal scope of social security schemes, namely the 'universal' and the 'categorical' foundation stones:

- **universalist systems of social security define the category of persons entitled to protection primarily by referring to their membership of society as a whole; these systems presuppose that all individuals' need protection and ask about the social problem situations necessitating protection.**
- **categorical systems of social security assume specific social problem situations as given and are selectively linked to the social protection needs of certain categories of persons and define categories of persons entitled to protection primarily by referring to their specific status - in particular their socio-economic status as workers (employee, self-employed) - in society. These distinctions between these two ideal type approaches have been softened in practice by manifold mixed forms as well as by the concurrence and combination of schemes assignable to one of the two aforementioned poles.**

It is against this background that social security systems have evolved in all EU Member States. These systems do not, in principle, include every individual to the same extent, but solely embrace persons in groups fulfilling specific accession prerequisites which may differ from one social security branch to another and which - at any rate traditionally - differentiate, inter alia, between **nationals** and **non-nationals**.

Corresponding distinctions are made in respect of the criteria governing the award of benefits abroad ('export of benefits') and the consideration of foreign elements and especially of the above-mentioned problem situation characteristics and entitlement characteristics when they happen to arise or being fulfilled abroad.

As a result, **personal coverage** of social security systems often varies from one branch of social security to another. For example, unemployment and accident at work and occupational

diseases insurance schemes cover, as a rule, only a much smaller proportion of the workforce than old-age, invalidity and survivors' social insurance schemes.

Health care systems and **family benefits schemes**, on the other hand, often have wider coverage than pension insurance schemes.

Though social protection is provided in a combination of different ways ("welfare mix"), there are basically four options for extending social protection: (i) extending the compulsory personal coverage of contributory schemes; (ii) promoting voluntary coverage by contributory schemes, **inter alia**, through the provision of state subsidies; (iii) introducing universal benefits or services financed from general state revenues; (iv) establishing or extending means-tested benefits (e.g. social assistance which is financed from general taxation). All these methods are likely to have some part to play in a fully developed system of social protection though careful thought has to be given to their respective roles and to the linkages between them.

Whenever contributory schemes have been made compulsory for a limited section of the labour force in the formal economy, states have, as a rule, envisaged extending their coverage at a later stage.

Contributory schemes can and usually do tend to incorporate a number of features which favour workers likely to be particularly in need, such as the low paid or those who suffer from chronic sickness, invalidity or recurrent unemployment, for instance by means of pension credits for periods of sickness and unemployment, minimum benefits, weighted benefit formulae, etc.

Such elements of solidarity can add up to quite significant support for the less well off, provided that they are affiliated to the social security system. There is some evidence to suggest that redistribution of this type is more acceptable to the public – both to beneficiaries and to contributors and tax-payers – than the more explicit form of redistribution exemplified by tax-financed social assistance or other benefits.

In contrast to the **law concerning foreigners** which provides a more or



less uniform legal basis regulating the legal status of non-nationals in respect of residence, employment and other activities and which confers upon non-nationals - depending, *inter alia*, on their origin and the reason for their stay - differing titles of residence, stay and employment, there exists **no specific 'foreigners' social law'** as a specific branch of social law. Rather, the status of non-nationals in terms of social law is determined by a variety of different regulations of national, international and supranational, i.e. European Community origin. Provisions of social law pertaining specifically to non-nationals in most cases take the form of modifications of general social legislation in respect of the non-national status of the person concerned or in respect of foreign criteria affecting his legal position.

3. Special problems of migrants with regard to social protection

Under contributory schemes **migrants** are sometimes at a disadvantage, as many of them are low paid and have to spend substantial periods of their working life outside the labour force in the "informal economy" or with care of young children or other family members. For both these reasons, the cash benefits which they receive (particularly their pensions) tend to be lower than average, though there is, as a rule, relatively little discrimination of foreigners in such social security schemes in the domestic law of the EC Member States.

The biggest drawback of contributory schemes with regard to **foreigners** can be that they are excluded from coverage.

Affordability of social protection is a specific problem for low-income groups and for many of the self-employed, particularly as the latter have no employer to share the contribution. Measures may be taken to mitigate this problem.

Social insurance coverage in many countries has for long been available on a **voluntary** basis to persons who are not subject to compulsory coverage. However, few people exercise this option, as they are often unwilling - and/or indeed frequently unable - to pay the combined employee's and employer's contribution.

Most of the financial support currently given to **voluntary insurance** tends to go to **supplementary** pension and health insurance schemes and to favour the higher income groups. The workers concerned are usually also covered by the statutory social security scheme, so this type of voluntary coverage must be viewed as a way to improve social protection rather than to extend it.

The systems of social protection are exposed to migration in different ways. In social insurance schemes with a strong link between individual contributions and benefits, migration generally does not overburden the system as benefits depend on a previous contribution record. Much more exposed are tax-financed social protection systems whereby the community is directly confronted with the needs of new members. **Social assistance schemes** are examples of this type of programmes. Such schemes may soon come to their limits when rising needs are putting ever higher demands on the members of the community. This might be one possible interpretation of the tendency to confine eligibility for social assistance to the permanently resident population that can be found in many countries in recent years, as in the three countries considered here.

Means- or income-tested benefits schemes such as social assistance schemes are to be found in virtually all Member States, where they serve to fill (at least some of) the gaps in social provision left by other social protection schemes, for example for the long-term unemployed who have exhausted all unemployment benefit entitlements, for those who cannot work at all and whose other benefits are too low to ensure a minimum standard of living for themselves and their families, or for those who require expensive medical or personal care but do not have adequate insurance coverage.

In all countries, expenditure on **social assistance** is very much lower than that on other types of social protection. Social assistance benefits are, as a rule, targeted only at those in need and the means-test can be made rigorous enough to exclude all but those whose needs are greatest.

Social assistance covers, as a rule, the vast majority of the population, yet is not always fully universal. Parts of the population may be excluded



from eligibility because of their age, residence status or employment. Special social assistance benefit schemes for **foreign nationals** may offer markedly lower benefits than the general social assistance level.

Although social benefits are not strictly limited to nationals in any country, certain restrictions apply to some categories of migrants such as **refugees or asylum seekers**. This policy exemplifies well that social assistance is considered as a public grant that is not easily bestowed to strangers or follows harsher criteria for non-members of society.

Germany, for instance, gradually restricted social assistance for asylum seekers and some other categories of foreigners. Spurred by the rising number of asylum seekers during the late 1980s and early 1990s, a specific social assistance scheme for asylum seekers has been introduced in 1993. Not only has increasing expenditure on social benefits for asylum seekers provided the motivation for such policies, but these decisions can also be seen as a reaction against the growing number of legal appeals against negative decisions on asylum applications.

Social assistance benefits may fail to reach many of those in greatest need for different reasons. Persons in greatest need are, however, sometimes unwilling to apply as to do so may stigmatize them in the eyes of their neighbours and friends or would find it often demeaning and upsetting to have to reveal details of their financial and personal circumstances, or persons who are legally entitled to such benefits may be unaware of their rights under the legislation. facilitating access to social rights and especially to rights to social protection are, therefore, of highest relevance in this respect.

It must generally be borne in mind that many of those in greatest need, and especially foreigners, will often be unfamiliar with administrative and legal procedures. **Migrants** find it quite often difficult to submit an application for benefit, either because the administrative procedures are complicated (e.g. documents must be presented and must be filled in) or because the process is costly and time-consuming (e.g. if the competent social office is far from home).

Furthermore, social assistance is often subject to considerable administrative discretion, so that people who for religious, ethnic, political or other reasons may not be favoured by the officials responsible may wrongly be denied benefit.

The situation of third country nationals legally resident within a Member State of the European Union has been considerably improved via inclusion in the personal scope of the Regulations 1408/71 and 574/72 as from 1 July 2003 on.⁹ There is, however, an important restriction for third country nationals to invoke the rights entrenched in this Regulation in so far as they must be legally resident in the territory of a Member State and they must be in a situation that is not confined in all respects within a single Member State.¹⁰

There had been in the past uncertainties as regards the competence of the European Community to extend the Regulations 1408/71 and 574/72 to third country nationals, because Article 42 of the EC Treaty was not considered by some member States to be an appropriate legal basis there was reluctance as regards the applicability of Article 308 EC Treaty as well. Therefore Article 67 (4) EC was put forward as the legal basis for the extension of the personal scope of Regulation 1408/71 to third country nationals

The complexity of the EC co-ordination system had been increased by the existence of co-ordination rules spread out over numerous bilateral and

9 For the former situation and the reform process see Maydell, B. von/Schulte, B. (eds.), *Treatment of Third Country Nationals in the EC and the EEA Member States in Terms of Social Security Law*, Leuven 1995; Commission of the European Communities/Departamento de Relações Internacionais e Convenções de Segurança Social (eds.), *Social Security in Europe. Equality between Nationals and Non-nationals*. European Conference, Oporto, November 1994, Lisbon 1995; Jorens, Y./Schulte, B. (eds.), *European Social Security Law and Third Country Nationals*, Brussels 1998

10 See for an up-to-date comment on EC coordination law Pennings, F., *Introduction to European Social Security Law*, 4th ed., Antwerp 2004



multilateral legal instruments regulating the legal position of third country nationals in the field of social security. The applicability of the Regulations 1408/71 and 574/72 not only reduces this complexity, but forms also part of the need for the integration of those migrants into European society by increasing the equality of rights.

Illegal work is widespread in many Member States. This kind of work is combated as it undermines the financing of social security, because contributions and taxes due both from the employer and from employees are not paid. Illegal migrant workers, however, do, for humanitarian reasons, receive in many countries social support including social benefits in the case of urgent need, such as basic health care and the means of subsistence necessitated by their condition.

The **informal economy** is not really a “sector” as such. It is in fact a phenomenon to be found in various sectors of the economy. It includes workers of all categories: employees, the self-employed, homeworkers, men, women, children, unpaid family workers etc. In many countries a higher proportion of foreigners than of nationals work in the informal economy, to some extent because of discrimination encountered in the formal economy.

There is also a widespread tendency for foreigners to remain trapped in the informal economy for much of their working lives, whereas for others it is merely a temporary stop-gap.

This difference has important implications for long-term income security, in general, and social security (e.g. in old age), in particular. For informal economy workers have, as a rule, only little or no **security of employment**. Their **earnings** tend to be very low and to fluctuate more than those of other workers. Whenever they are unable to work – for whatever reason (sickness, maternity, accident) – they have no income security. A brief period of incapacity of work can leave the worker and her or his family without enough income to live on.

Furthermore, work in the informal economy is often intrinsically hazardous and the fact that it takes place in a wholly unregulated environment makes it still more so.

Evidence suggests that a rather high proportion of **female foreigners** who work do so in the **informal economy** and that women are more likely than men to remain in such work for long periods of their life, given the discrimination often practised against women in the formal economy and the fact that such type of work is often more compatible with their role in the household.

Women may face additional disadvantages owing to discrimination related to their reproductive role, e.g. dismissal when pregnant, or upon marriage and in the informal economy they do not benefit from the safeguards related to pregnancy, birth and child-rearing that commonly apply to women in formal wage employment (e.g. maternity leave and benefits, family allowances, nursing breaks, assistance with the cost of child-care).

It is therefore necessary to find effective ways to **extend social protection**. In doing so the wider economic, social and political context must be taken into account. The prospects for extending social protection will depend to a very large extent on the demand for labour. So long as such demand remains weak, many people will have no access to decent jobs and will be forced to depend on ill-paid and unprotected work and to work in the informal economy. If the demand for labour increases, far fewer workers will have to resort to the informal economy and to accept the poor conditions that characterize it.

Recognition of the **principle of equal treatment of migrant workers** as regards access to social protection, housing and education, including the right to social security and health care, is essential for integrating these workers legally and socially into the societies in which they live.

Effective application of the principle of equal treatment calls for the implementation of policies and measures for promoting migrant workers' and their families' access to social rights, including the right to social security and health care, in particular, by providing them with information concerning their rights, and for special measures in their favour where necessary. Such measures to ensure equal treatment of migrant



workers, which can facilitate their integration in the societies in which they live, must be promoted.

As there are limits to the capability of states and societies to cope with diversity, policies must strike a balance between promoting diversity, on the one hand, and maintaining cohesion, on the other hand (the term “**cohesion**” most often being used in the context of policy debates on employment, poverty and social exclusion).

It is **nationality** or **citizenship** in the legal sense, which entitles its bearers to full citizens’ rights and which guarantees participation in the political and civil, social and economic, and cultural life of the country concerned, whereas those who do not possess the nationality or citizenship of the state of residence are often excluded from the catalogue of these rights.

Implementing **international human rights standards**, establishing equal treatment of all citizens irrespective of their ethnic, national and social origin, and developing **economic, social and cultural policies** which are inclusive are measures which are apt to promote **social cohesion**.

An important complement to monitoring policy implementation is the ability to measure concrete results in order to assess whether policies and other measures are effective in facilitating social integration and preventing direct (overt) and indirect (covert or hidden) discrimination. With respect to social protection, the number of migrants – sub-divided into the above-mentioned different categories who are affiliated to (which?) social security scheme, who are legally entitled to other social (and fiscal) advantages, who do factually draw social security and other social benefits, and who are in this respect treated equally with nationals of the respective host country are indicators of the degree of integration into the system of social protection.

All European welfare states share some distinctive characteristics that embody the **European social model**. Normatively, there is a common commitment to social security and social justice. Full employment, universal access to health care, education and adequate social protection

for sickness, maternity, invalidity, old age, unemployment and social assistance to prevent poverty and social exclusion, are widely accepted by all EU Member States and deeply entrenched in law, policies and institutions. The European social model is based on a recognition that social security and social justice can contribute both to economic efficiency and social progress.

4. Equality of treatment in European Community law

Free movement of workers is one of the four fundamental freedoms – alongside of freedom of movement for capital, goods and services – which have been entrenched in the EC Treaty in order to achieve the economic goal of a common market as the core of European integration. As freedom of movement is an instrument to achieve, first of all, economic objectives, **equality of treatment on the labour market and in social security** went along with this legal guarantee and legislative measures have been adopted by the EC organs in the fields of labour market and social protection.

Free movement of workers includes the **prohibition of discrimination based on nationality** (or on any other criterion leading to the same result) for workers in EU Member States in the areas of employment, remuneration for work, conditions of work and employment as well as with respect to social security benefits and other social and fiscal advantages. The fundamental principle that all **discrimination on grounds of nationality is forbidden** is one of the pillars of European Community law. The source of the right to non-discrimination on grounds of nationality arises both from primary and secondary EC law.

According to Article 12 EC “within the scope of the application of this Treaty, and without prejudice to any special provisions contained therein”, any discrimination on grounds of nationality shall be prohibited. As regards workers, Article 39 EC reads as follows:

- “1. Freedom of movement for workers shall be secured within the Community.**
- 2. Such freedom of movement shall entail the abolition of any**



discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.”

As regards the self-employed and the providers of services, corresponding non-discrimination rights are contained in Articles 43 and 49 EC. In subsidiary EC legislation, Article 7 of Regulation 16/68 states:

- “1. a worker who is a national of a Member State may not, in the territory of another Member State be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and should he become unemployed, reinstatement or re-employment.
2. He shall enjoy the same social and tax advantages as national workers.
3. He shall also by virtue of the same rights and under the same conditions as national workers have access to training in vocational schools and retraining centres.
4. Any clause of a collective or individual agreement or of any other collective regulation concerning eligibility for employment, employment remuneration and other conditions of work or dismissal shall be null and void in so far as it lays down or authorises discriminatory conditions in respect of workers who are nationals of the other Member States.”

In the field of **social security for migrant workers**, Article 3 of Regulation 1408/71 reads as follows:

- “1. Subject to the special provisions of this Regulation, persons resident in the territory of one of the Member States to whom this Regulation applies shall be subject to the same obligations and enjoy the same benefits under the legislation of any Member State as the nationals of the State (...).

2. Save as provided in Annex III the provisions of social security conventions which remain in force presumed to Article 7 2. c) and the provisions of conventions concluded presumed to Article 8 (1) shall apply to all persons to whom this Regulation applies.”

Depending on how these provisions are interpreted and used they can provide more or less effective protection for migrants against differential treatment. It should be borne in mind in this respect that only discrimination which is based on nationality is taken account of. Furthermore, the prohibition of discrimination is limited to the field of application of Community law and does not extend to areas where the Member States are exclusively competent. That means that due to the limits of competence of the European Union migrants may not get comprehensive protection in this respect.

Furthermore, article 13 EC empowers the Community organs to **prohibit discrimination on other grounds than nationality**, namely **sex, racial or ethnic origin, religion or believe, disability, age or sexual orientation**.

This **principle of equality of treatment** has been given a broad interpretation in the case-law of the European Court of Justice, prohibiting not only direct discrimination based on nationality but also indirect forms of discrimination (“hidden discrimination”) which by applying other distinguishing criteria in fact achieve the same result. Thus both **open and covert forms of discrimination on the ground of nationality** are forbidden and the above-mentioned provisions of primary and secondary community law may require that circumstances which have occurred in another member state must be taken into account for entitlement to social security benefits, even if the letter of the regulation does not so provide.

The **Gaygusuz judgment** of the European Court of Human Rights¹¹ has added a new element to the discussion. The **European Court of Human Rights** considered that equality of treatment in social security is, under

11 Judgement of 16 September 1996, Case Gaygusuz v. Austria, No 39/1995/545/631



certain conditions, guaranteed by the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR). The Court based its judgment on Article 1 (property rights) of Protocol No. 1 to the charter in combination with Article 14 on the right to equal treatment. It considers social security rights as property rights as soon as there is a direct or indirect link to contributions paid by the beneficiary. The question raised by this judgment was whether the exclusion of third country nationals from the provision of social security benefits was still compatible with the fundamental rights which are part of the **general principles of European Community law**.

5. Immigrant integration in the European Union

Social exclusion is multidimensional in nature. As a result, measures to combat social exclusion must be developed in a wide range of policy areas such as education and vocational training employment, housing, health and social protection. It should be borne in mind that the **fight against social exclusion** is one of the highest objectives on the Agenda of the European Union and that it has been built nowadays around the Open method of coordination (OMC). Immigrants are one of the main target groups of that policy as their share in the number of socially excluded persons is, as a rule, very high.

The concepts of **inclusion** means the encompassing of the entire population in the performances of the individual function systems (**Luhmann**). This means that every person has to have access to every function system if and in so far as his/her mode of living requires the use of the respective functions of society. The social welfare system is the realization of inclusion. For everyone should not only enjoy legal status and protection of the law, but must be educated and vocationally trained, must acquire and spend money, etc. Against this background, inequality of opportunities is a common problem of all Member States which are confronted with the need to integrate immigrants. Experience has furthermore demonstrated the need for ensuring an active participation of all stakeholders especially those excluded or exposed to social exclusion, as well as of the organization working for their interests, and of civil society actors. Employment is rightly seen as a (or even the) main road towards

integration. The access to the labour depends, however, on the legal and political status of the immigrants. The same applies to access to the social welfare system which is another major road towards integration.

(A) **Legal** and **political integration** must ,therefore be considered as the gate towards (B) **socio-economic integration** and (C) **cultural integration**.

The impact of the legal status on integration policies may be illustrated by reference to social-economic integration and, in particular, the social welfare system. The extent of inequalities in terms of education, vocational training, income from work and from other sources, assets, housing, health, social security, company's benefits, private insurance, other living conditions affects different groups such as older people, children, women, unemployed persons, persons with disabilities, etc. but also immigrants. The effective reduction of such inequalities through the legal system, the social welfare system and related policies is a criterion for the success of integration policies ("outcome").

The above-mentioned anti-discrimination rules contained in primary and secondary EC law have much significance in the tax and transfer (benefit) systems, as they are directly applicable provisions of higher-ranking, i.e. supranational law which takes precedence over the municipal law of the Member States and, accordingly, has the power to break national regulations impeding or hampering equal treatment of EU migrant workers and national workers.

The anti-discrimination clause was used by the European Court of Justice in order to allow migrant workers to enjoy tax and social advantages in their host country and to strengthen the statutory legal position of third country nationals in agreements on association or cooperation concluded between the European Union and his Member States, on the one hand, and third, i.e. non-EU countries, on the other hand.¹²

The **European Union** has been promoted as an area without frontiers, not

12 See Jorens/Sculte (eds.), *op. cit.* (note 2)



only for capital, goods and services but also for people, i. e. European citizens. The original dimension of European economic integration, i. e. a common market allowing free movement of workers, has meanwhile been enriched by a new concept, namely that of **Union citizenship**.

Whereas economically active people have always been covered by the provisions on free movement of persons and, accordingly, have enjoyed extensive rights in other Member States, including entitlements to equal treatment within the territory of the host country, with respect to social advantages in general and social security benefits in particular, the European Court of Justice expanded further the legal content of **Union citizenship** by extending the social benefits linked to free movement to individuals who are not economically active and were previously excluded.

It was in its ruling on the **Martinez Sala** case that the European Court of Justice opened up this new field of Community social law by granting those citizens of the Union who cannot benefit from having any current or having had any previous professional activity the right to receive in their Member State of residence of which they are not a national the same treatment as nationals of that State for the granting of social benefits. This jurisprudence established the principle that lawful residency in another Member State entitles Union citizens to challenge discrimination on grounds of nationality in accordance with Article 12 EC.

Union citizenship supplements national citizenship and does not replace it. The concept of citizenship of the Union was absent from the founding Treaties and was only introduced into primary European law by the Treaty on the European Union of Maastricht. It is an emerging concept of primordial importance which will prove to have many consequences in the various fields of EC policy.

A national of a Member State residing legally on the territory of another Member State comes under the personal scope of application of the provisions of the EC Treaty devoted to **Union citizenship** since Article 17 EC attaches to the status of citizen of the Union the rights and responsibilities set out in the EC Treaty, including the right mentioned in

Article 12 EC of not suffering any discrimination because of nationality in the *ratione materiae* field of application of the Treaty.

The result may be that a Union citizen who is lawfully resident in the territory of a Member State can rely on Article 12 EC in all situations which fall within the material scope of Community law, including the situation where that Member State delays or refuses to grant that claimant a benefit which is provided to all persons lawfully resident in the territory of that State on the ground that the claimant is not in possession of a document which nationals of that same Member State are not required to have and the issue of which may be delayed or refused by the authorities of that State.

It seems that the Member States up to now do not take sufficiently notice of the implications of this ruling which – in connection with more recent judgments such as *Grzelczyk*¹³ may on the long run enable Union citizens to advance claims over the social protection system of a Member State where he/she has neither a connective based on nationality nor a connective based on economic status. In this context, the link of the Union citizen to his host country and the financial burden which the host state will have to shoulder as well as general principles of law such as the principle of proportionality and fundamental social rights play an important role.

However, the reality of this area without frontiers and of the Union citizenship are still called into question in so far as individuals seeking to assert the rights linked to these concepts come up against all kinds of obstacles preventing them from actually exercising these rights. The aim of the EC legal instruments on the free movement of workers, as an enshrined in Articles 39 and 42 of the EC Treaty and in Regulations 1408/71 and 1612/68, is therefore not only to achieve freedom of movement, but above all to translate into practice this above-mentioned European area.

We also have to bear in mind that the EC Treaty does not only aim creating

13 E.C.J., Case C-184/99 [*Grzelczyk*], 2001 E CR I-6193



a Europe based on economic principles but also a social Europe which does not tolerate a two-tier society from a social point of view. The **principle of equality of treatment** occupies a central position in the debate on solidarity in Europe and over the years it has proved instrumental in moving closer the objective of integrating migrant workers in the societies of their host countries by taking steps which go further towards assimilating their rights with those of citizens of the Member States.

In the past, one of the main restrictions in the Regulations on Social Security for Migrant Workers resulted from the fact that the rights of **members of the family of a migrant worker** were confined to **derived rights**.¹⁴ The European Court of Justice abandoned, however, this distinction between personal rights and derived rights and ruled that family members may invoke provisions of the Regulation 1408/71 which do not apply exclusively to workers, i. e. employees – such as, for instance, Articles 67 to 71 concerning unemployment benefits – and self-employed persons.¹⁵

Furthermore, **Regulation** 1612/68 remedies some of the restrictions which are inherent in the Regulations 1408/71 and 574/72. For the concept of **social advantage** laid down in Article 7 of Regulation 1612/68 as interpreted by the European Court of Justice encompasses not only the social security benefits already covered by Regulation 1408/71 but affords still wider protection to migrant workers who are nationals of an EU Member State.

Social advantages, in the sense of Article 7 (2) of Regulation 1612/68, are all those which, whether or not linked to a contract of employment, are generally granted to national workers primarily because of their objective status as workers or by virtue of the mere fact of their residence on the national territory of this State. The extension of these social and tax advantages to workers who are nationals of other Member States is suitable to facilitate their mobility within the European Community.¹⁶

¹⁴ E.C.J., Case 10/76 (Kermaschek), 1976, ECR 1669

¹⁵ E.C.J., Case 308/93 (Cabanis), 1996, ECR 2097

¹⁶ E.C.J., Case 32/75 (Cristini), 1975 ECR 1085

It is extremely important that social assistance which is not within the material scope of Regulation 1408/71 – Article 4 (4) – is also covered by Article 7 (2) of Regulation 1612/68. The European Court of Justice interpreted this provision in a broader way also in so far as this provision does not necessarily require that recipients be resident within the State's territory. **Frontier workers** can claim that they are treated equally with the workers of the State of employment and that certain benefits must be exported.¹⁷

In December 1998, the European Commission submitted a proposal for a new co-ordination regulation to replace Regulation 1408/71.¹⁸ The objective of the proposal was to give simpler rules than Regulation 1408/71, because this legal instrument has been criticised for its length and complexity which hampers the free movement of workers. These shortcomings of the Regulations 1408/71 and 574/72 are due, among others, to the fact that unanimity in the Council is still needed for any amendment and that, in accordance, such amendments require lengthy negotiations in which compromises must be made and exceptions to the rules must be accepted, as is demonstrated by the Annexes to the Regulation, in order to reach consensus. Furthermore, the text of the Regulations cannot be interpreted without taking into account the respective case-law of the European Court of Justice which has grown continuously since the early 1970s when the Regulations came into force.

Meanwhile, agreement was reached in the Council on a proposal for a draft Regulation. However, this draft still lacks agreement on the Annexes and still requires a draft Regulation on the application of the new Regulation. In accordance, it will take presumably still some time before a final text will be ready and accepted. It will then be necessary to take steps to ensure that both the letter and the "spirit" of the legal instruments on social security for migrant workers are strictly complied with.

17 E.C.J., Case 57/96 (Meints), 1997 ECR I-6708

18 COM [1998] 779



By a wide interpretation of the concept of non-discrimination the European Union safeguards the rights of migrants to move, reside and exercise economic activity. However, non-discrimination, no matter how widely interpreted is not sufficient to ensure the free exercise of the right of movement. For that to be achieved the abolition of obstacles to movement must be insured as well.

The establishment of family reunion rights for migrant workers as laid down in Article 10 of Regulation 1612/78 may be considered as an appropriate **legal step** towards this objective

Open method of coordination.

The EU Member States are exposed to diverging demographic challenges and immigration processes as they are composed of diverse immigration policy traditions and legal and institutional arrangements. Therefore their objectives and instruments to the challenge of integrating immigrants do and will vary widely. Therefore the objectives of the Open method of coordination (OMC) in the field of migrant integration cannot be, at this very early stage, aimed at achieving a common policy, but rather at institutionalising processes for sharing policy experiences and the diffusion of best practice.

The OMC aims to organise a learning process about how to cope with the common challenges of the global economy in a coordinated way while respecting national diversity. At the same time, it is becoming a new exercise for **governance** at European and national level.

The implementation of this method is now under way. One of its objectives is to organise a process of co-operation between the Member States in order to modernise social protection, identifying reforms to answer to common problems such as matching pension systems with population ageing, and taking action against social exclusion in each and every dimension of the problem (including education, vocational training, health, housing). (This **political** strategy must be distinguished sharply from the above-mentioned **legal** coordination of social security systems of the Member States' social security systems via Regulations 1408/71 and 574/72. The only thing the two strategies have in common is the term "coordination".) The European

Council, Lisbon 2000, defined the OMC as a method which is designed to help Member States to progressively develop their own policies and which involves fixing guidelines for the Union combined with specific timetables achieving for the goals which they set in the short, medium and long terms; establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practices, translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences, and periodic monitoring, evaluation and peer review organised as mutual learning processes.¹⁹ Due to the lack of Community competencies in the area of social protection and social inclusion, the strategy does not aim at harmonising the social security systems of Member States, but is meant to intensify cooperation between the Member States and thus to enhance the (mostly de facto) convergence of the diverse national systems in a “process-driven” way. It is a rather pragmatic strategy which supplements the other European Community instruments such as legislative procedures, financial means (e.g. the Structural Funds), intergovernmental co-operation, etc. Due to the limitations of EC competencies in the area of immigrant integration policies, it can be an appropriate way to support the national integration policies and thus contribute to the development of an EC immigration policy as well. This will not happen in the field of immigrants integration policies, however, at this area is not yet “europeanised” itself, but is widely determined by salient national differences in policy legacies and interests which rule out common European solutions. The OMC must therefore be adapted to the special characteristics of each field of action. That means that it must be applied differently to cater for each specific area of application and that an appropriate procedure must be developed in each case.

The OMC should, however, not circumvent the legislative procedures established in the EC-Treaty and should, above all, not lead to some sort of “hidden” and clandestine “parallel legislation”.

19 European Council, Lisbon, Presidency conclusions, para. 37



The term “open” means that the OMC aims at the involvement of various actors including those of the civil society in this new tool of governance. The OMC can thus be viewed as a way of solving the problem of the legitimacy of policy-making in the Union by including social partners and representatives of civil society. However, the role of these actors – even of the social-partners which are the most powerful Member State actors in EU policies – has not yet been defined sufficiently.

The European Commission acts as a catalyst in these processes by formulating guiding principles and broad guidelines, organising the exchange of best practices, proposing indicators and managing the peer review. It has thus been entrusted with the task of implementing OMC in co-operation with the Member States. The Commission elaborates proposals on national guidelines, proposes indicators and sets up monitoring processes and peer reviews. It is also the Commission in co-operation with the Council which evaluates the performance of the Member States in periodic reports (which will be streamlined with other reports on the economic situation, on employment, etc. in the future when general and country specific recommendations may be made). The European Parliament is only involved in the OMC process in a very unsystematic way.

It has a formal role only in the consultation procedure provided for in Articles 128 EC and 130 EC and thus in European Employment Policy (though there are complaints that the consultation period is often too short for Parliament to deliver a opinion in the same way as in the legislative process).

6. Information for migrants

The **lack of information** in the field of social protection is particularly acute among the general public but only too often also among national authorities which are not always able to supply the accurate information required by the persons concerned or do not know how to apply Community law correctly. This is mainly due to the complexity of the Regulations applicable.²⁰

20 See for these shortcomings of the Regulations 1408/71 and 574/72 Jorens, Y./Schulte, B., Observatory on Social Security for Migrant Workers within the European Union. European Report 2003, Ghent/Munich 2004 (based on National Reports from the 15 Member States)

The above-mentioned on-going reform will shorten, simplify and modernize the EC co-ordination rules. At the same time, the important role of the **Administrative Commission on Social Security for Migrant Workers** should be highlighted. This body which is made up of government representatives of the Member States deals with all administrative questions and questions of interpretation arising from the Regulations 1408/71 and 574/72.

Furthermore, it should be mentioned that there is an urgent need for **abolishing the unanimity principle** in Article 42 EC in order to make this legal instrument more flexible and effective.

The purpose of the **Observatory on Social Security for Migrant Workers within the European Union** set up by the European Commission is, first of all, to assist the European Commission services to develop a global picture of the implementation and application of Regulations 1408/71 and 574/72 in the Member States by ensuring a constant flow of systematic, reliable and up-to-date information on the situation in the Member States with respect to this issue.

Although the national authorities and institutions must and will apply the correct principles and solutions developed by the European Court of Justice and the Administrative Commission on Social Security for Migrant Workers, this results in a cumbersome and complex process for both users and advisers. It should therefore always be borne in mind that migrant workers who have left "the safe haven of their homeland to assert themselves in their working life in other countries" need and deserve special social and legal protection which must always be adapted to the actual challenges.

There is a broad consensus on the necessity to spread information on EC coordination law. Obviously there are persons who are legally entitled to benefits according to the Regulation who do not claim the benefits because they do not know their rights, who cannot enforce their claims, or who suffer from delays in the granting of benefits.



Whilst there is much complaint on the complexity and inaccessibility of the coordination Regulations, there is also a deep understanding for the difficulties inherent in the on-going process of simplification of the Regulations.

On the one hand, there is a strong belief in the necessity of simplifying the coordination mechanism in order to make it easier to apply by the actors in the Member States, in particular in view of the accession of Central and Eastern European countries (CEECs) which still have little experience in dealing with international social security coordination by bilateral or multilateral agreements.

On the other hand, there are demands for modifications of the Regulations in order to take account of new legal and other developments both on the national and on the supranational level.

Effective social security coordination relies on the correct implementation and application of the coordination rules by many institutions in the Member States. As far as we know, the staff of these institutions mostly carry out this work with great competence and dedication, and the competent institutions cooperate successfully with each other. At present, information on the „social security career“ of an individual migrant worker is most often still passed between the competent institutions of the competent Member States by means of – rather complicated – paper forms. It is obvious that the work of these institutions would be made easier and faster if these procedures were modernised by taking advantage of the new information technology available to them.

Under the **TESS Programme** which was started in 1992, the European Commission has begun to modernise the exchange of data between social security institutions of the Member States. The latter have already started exchanging information by means of an electronic network. TESS has also started to examine whether mutually-recognised social security or sickness insurance cards replacing form “E 111” could bring advantages. Such mutually recognised cards would certainly raise awareness of coordination and of the rights and guarantees which are contained in Regulation 1408/71.

It is for this reason that already in 1995 the European Commission published the first edition of an easy-to-use guide to social security coordination which is aimed at the average European citizen moving within the European Union. Such information was very much appreciated in the Member States and should be up-dated.

It should be pointed out in the debate on this issue as well that the Regulations 1408/71 and 574/72 hitherto are considered to have been, in principle, quite capable of performing their incumbent task of coordination, given the fact that these rules cover the national social security systems of meanwhile 18 EEA countries (and, most recently, Switzerland, too) whose structures have become more and more complex in recent years.

Since the early 1970s, when the Regulations (EEC 1408/71 and 574/72) were enacted and implemented, the demographic and economic situation, the nature of the labour market and employment patterns, the nature of migration and other social conditions have changed radically. The same applies to the number and the nature of social security systems which are coordinated by the Regulations.

The **accession process** once again gives rise to concern about the complexity of the Regulations. One major problem concerns the **Annexes** to the Regulations which are quite often interpreted by Member States in a rather “generous” way taking the practice of some Member States as an example. Generally it is felt that there are too many derogations and exceptions to the, in principle, uniform text of the Regulations.

There is still a need both for an up-dated text of the Regulation and an easily accessible compilation of the most important case-law of the European Court of Justice dealing with the co-ordination regulations at least in English, preferably also in the other languages of the European Union.

The **Compendium of Community provisions on social security** which contains among other documents, decisions, recommendations and resolutions of the Administrative Commission should be up-dated and published in short intervals.



There is also still a case for a better **documentation of the case-law of the European Court of Justice** on the Regulations, as both lack of information and of transparency of EC coordination law , as well as its complexity, being widely held responsible for the reluctance of national judges to submit preliminary questions to the European Court of Justice.

The range of information available to all institutions and persons in the Member States, which deal with EC coordination of social security , or are (or should be) interested in this issue, i.e. politicians, administrators, judges, the social partners, lawyers, representatives of migrant workers' associations, members of claimants' unions, representatives of NGOs, independent experts and academics, should be extended and improved.

The information which should be contained in web sites/databases should include an overview on relevant national legislation, administrative guidelines, agreements among social security coordination, national court rulings (included those, for instance, of lower courts, which are not reported regularly), administrative and judicial settlements of litigation, institutions involved in the application of the Regulation in order to facilitate access of persons entitled to benefit, information on administrative practice (in the widest sense), statistical data, the contents of political and academic debate, etc.

Furthermore, there is in most countries still a need for an easily accessible **compilation of the leading judgements of the European Court of Justice dealing with the Regulations 1408/71 and 574/72**, especially as regards a publication in the respective native languages.

Special efforts should be made to motivate ministries and social security institutions to register national cases which refer to the Regulations. There should be a publicly available **record of the number and the nature of appeals** brought before the national courts concerning the interpretation and application of the Regulations.

There should as well be more information on the **factual situation** of EU migrant workers in social security, particularly with regard to statistics

concerning the number of migrants in the Member States, lengths of stay or residence, amount of benefits paid, kind of benefits, etc.

In general, there is a need for more reliable **statistical data** on issues relevant for the implementation and application in the Member States, of the coordination regulations, for instance on frontier workers and the members of their family, posted workers (both employed and self-employed), etc.

For instance, **Article 17- agreements** seem to be applied quite often. However, there is no reliable statistical data available for most Member States.

Today it is quite impossible from the information available to assess whether or not non-nationals from Member States are affected disproportionately by certain rules on the award of benefits and whether or not they are thereby discriminated against. There should be a breakdown according to nationality in relevant **statistics** as well. Any information or events in connection with Regulations 1408/71 and 574/72, their application and case-law should be made available to all institutions involved in dealings with the situation of persons moving within the European Union.

Sometimes reference is made to the **enlargement of the European Union** which will increase the number of systems of social security of EU Member States to be coordinated by Regulations 1408/71 and 574/72 from – today – 15 to 25 – Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic, Slovenia – or even 28 – Bulgaria, Romania, and maybe Turkey, Croatia, etc. The impact of the resulting increase in the numbers of migrant workers must be taken into consideration as regards the economic consequences for the social protection systems of those Member States which will receive most of these migrants. Thus the **accession process** once again gives rise to concerns on the complexity of regulations.



Accordingly, there is a strong case for simplifying the Regulations (possibly without introducing any changes as regards the subject matters). At the same time, however, it must be borne in mind that certain characteristics and peculiarities of the social security systems of the candidate States will require modifications of the Regulations, possibly derogations of certain provisions, etc. Thus the co-ordination mechanisms must be adapted to new real realities, for instance the changing character of migration.

The **Stockholm European Council** on 23 and 24 March 2001 gave the Council the mandate to draw up by the end of 2001 so-called **parameters** to modernise Regulation 1408/71. These parameters which have been established and agreed on, meanwhile comprise clear priorities and principles to develop the framework within which the Council and the European Parliament can subsequently decide on specific reforms.

Finally, it should be borne in mind in this respect that the European Commission has made considerable efforts in the past in order to make information on the laws and systems of social protection in the Member States accessible such as the **Mutual Information System on Social Security** (MISSOC), the **Reports on social protection in Europe**, and the above-mentioned **Observatory on Social Security for Migrant Workers within the European Union** the purpose of which is, first of all, to assist the European Commission services to develop a global picture of the implementation and application of Regulations 1408/71 and 574/72 in the Member States by ensuring a constant flow of systematic, reliable and up-to-date information on the situation in the Member States with respect to this issue which should also be of benefit to other institutions and persons including migrants themselves.

RAPPORTEUR'S REPORT

CLAUDE EWEN

**Head of International Relations, Ministry of Social Security,
Luxembourg**

There were twin aspects to the basic theme of our discussion group: on the one hand, access to social rights; on the other hand, information provided for migrants.

My contribution will be limited to the single topic of access to social rights. The aspect concerned with information to be given to migrants produced some important presentations but did not lead to any discussion in depth.

Professor Bernd Schulté of the Max Planck Institute, Munich, who was the speaker for our group, made an excellent presentation. To get to the heart of the matter, we concentrated initially on defining the concept of the migrant, which has naturally changed greatly over the course of time. I am not going to summarise here the scientific classification provided by Professor Schulté, who made a distinction between six different categories of migrants, but I will read you a short extract from the **Frankfurter Allgemeine Sonntagszeitung**, dated 14 March 2004, which describes very accurately the situation of the migrant and which, as you will see, is not very clearly perceived by a large section of the public.

A thought to ponder

The typical migrant

The typical migrant from the acceding countries is young, lives alone and has a university education. This was the picture painted by an EU survey that estimates total potential European migration over the next five years at not more 1.1 million. The public's perception is, however, rather different: the typical migrant from the acceding countries is seen as an



unemployed, illiterate alcoholic who steals and sends his children out to beg. He is one of some six million Romanies who populate Third World islands in eastern and south-eastern Europe, who are crammed together in refugee camps, ethnically discriminated against, socially uprooted and without a future.

(Frankfurter Allgemeine Sonntagszeitung, 14.3.2004”)

I will now return to the heart of our discussion, namely access to social rights, or access to social protection. It appears that a distinction must be made here between three clearly defined situations: social security, welfare assistance and social cohesion.

Social security is a consequence of the four great freedoms of movement recognised by the EU Treaty, namely freedom of movement for goods, services, capital and workers. Clearly all workers would think long and hard before availing of their freedom of movement, acknowledged by the Treaty, if it meant losing their rights in respect of social security. Hence the establishment of a co-ordination system which, though admittedly complex, works well in practice. This is the famous Regulation 1408/71 covering social security for migrant workers, which has four basic principles: equality of treatment, the aggregation of insurance periods in order to access rights, the exportation of benefits and the uniqueness of applicable legislation. By abundant jurisprudence which tends increasingly towards European integration, the European Court of Justice has given a considerable boost to the emergence of a genuine European law. The recent extension of this co-ordination system to the nationals of third countries has further strengthened social rights, although the legal basis for this extension is the legal residence and not free movement. With one important limitation: if the migrant confines himself to a purely national situation (ie not coming from another EU country but directly from a non-EU country), or if paying a visit (i.e. a stay of short duration) or if his presence on the territory of the European Union is irregular, the co-ordination system does not apply.

When it came to the second pillar, namely welfare assistance, we found more logical limitations when speaking of access to social rights for

migrants. By welfare assistance should be understood the mechanisms of financial assistance, the bare necessities for existence and other benefits, financial or in kind. It is true that Regulation 1612/68 makes provision for the principle of equality of treatment, but this principle is strictly limited to those workers alone who find themselves in a comparable situation. It is only recently that a new concept has emerged: that of the European citizen, i.e. the situation of a person who derives his social rights not by virtue of his work or his nationality, but as a result of being on the territory of the European Union. This concept of the European citizen clearly contains within it a development potential for access to social rights; however the nationals of third countries inevitably find themselves excluded from this concept and cannot benefit from the advantages of the European citizen concept.

In the course of our discussions, three different situations emerged which must on no account be confused, namely illegal work, "moonlighting" and migrants who find themselves in irregular situations. It must be realised that in these circumstances it is outside the competence of the EU to assist such persons in gaining access to social rights. By applying the principle of subsidiarity, it comes down to a matter of national legislation and this is where a major drawback arises, for each state responds to this challenge individually and on a national plane.

I will conclude with the third concept on which we concentrated: that of **social cohesion**. This is a broader concept than that of social rights; it is multi-disciplinary and encompasses all forms of opposition to exclusion, but also embraces other areas, such as employment, education, family, cultural rights and social rights in general.

The aspiration of being able to improve access to social rights in this regard clearly depends on the OMC, the open method of co-ordination, with its famous NAPS, national action plans. The voluntary collaborative approach between member states, the setting of common goals to be reached, the idea of "best practice", acceptance of critical looks from other member states on one's own national policy (peer reviews), all these can be conducive to furthering the notion of social rights.



The open method of co-ordination undoubtedly brings with it a plus, but it is at macro-economic level that the repercussions are felt, if - and only if - the objectives are appropriately interpreted by the various states at national level. Where there is genuine co-ordination, that which is applied to the co-ordination of social security systems, the benefits are felt at micro-economic level. These are real situations where a solution is found, such as calculating the pension of someone who has worked in several states, or medical benefit granted to someone injured in an accident while visiting a country other than the one in which he is insured.

My conclusion is contained in four words. I will repeat that famous phrase of the writer Max Frisch, which has been quoted both by the Minister in his opening address and by Bernd Schulté in summing up: "We summoned workers, people arrived".

Let that be our guiding thought when we speak of the social rights of migrants.

PROMOTING THE SOCIAL INCLUSION OF MIGRANTS: KEY ISSUES FOR HEALTH AND SOCIAL SERVICES

DR. MARIA DUGGAN

Independent Health Policy Analyst

The purpose of this presentation is to locate discussions about mobility and social inclusion within a broader debate about public health within an enlarged European Union. In addition, we will consider how to mainstream effective responses by health and social care agencies to the needs of migrants.

There are a number of reasons for looking at the UK dimension to this debate. Socioeconomic inequalities in health and expectation of life persist despite a dramatic fall in mortality rates over the last century. In general, inequalities are measurable in terms of mortality, life expectancy or health status; whether categorised by socio-economic measures or by ethnic group or gender. In terms of international comparisons, the UK is around the middle of comparable western countries.

In the UK, mortality rates (including all causes) for nearly all migrant groups are higher than the average. In relation to morbidity, more people in overall terms from migrant groups report their health as being poor. However, we also need to recognise that there are differences in the prevalence of health needs amongst different groups. In addition, there is limited data available on the health needs of white groups – with the Irish show high rates of both mortality and morbidity.

In terms of evidence, the contribution of migration to health status has been much debated. Recent research demonstrates a complex association between socio-economic status and health, while we have also seen that socio-economic status contributes to health differences within as well as between groups (Acheson Report).



The causes of health inequalities remains a contested area between lifestyle choices and chronic social anxiety. In any case, the determinants of health includes those which are proximal and measurable as well as those which are distant and less measurable. Social and health policy needs to address all determinants in a joined up way.

There are a number of issues and dilemmas associated with EU enlargement, migration and health inequalities. For example, what will be the impact on migratory flows of enlargement, who are the new migrants, and will there be health needs inequalities between the unskilled and the skilled. Also, what will be the impact of cultural differences in lifestyle choices, such as diet, smoking etc., and what differences will there be in the understanding and expectations of health and other services. Finally, will there be an increase in 'unacceptable' practices, including female circumcision.

Migration also has an impact on the global burden of disease, in terms of new migratory patterns on existing health challenges; multi-drug resistant TB, HIV/Aids and the non-communicables – CHD, mental health etc.

The migration of health workers from the accession countries to 'old' Europe could also have some unintended consequences. Health tourism from west to east could further limit access of populations to health care in their own countries.

In this context, the goal of health policy should be to reduce health inequalities between groups and to improve the health of migrants through effective prevention, health promotion and access to appropriate health care.

However, this objective is not just a health policy challenge. Health inequalities are multi-factorial, needing coordinated solutions which join up health, economic and educational policy. Mainstream health and social care systems will need to see the reduction of health inequalities among migrants, as central to their role.

To achieve a strategic response, each Nation State needs to develop specific proposals for improving the health of migrants and reducing inequalities within and between groups. The components of this strategy should include:

- ▶ **Reducing poverty**
- ▶ **Early intervention programmes, including childcare,**
- ▶ **Improving housing, safety and the material environment,**
- ▶ **Improving services – outreach within communities in culturally sensitive ways, e.g. public health assistant project**
- ▶ **Specific resource allocations, and**
- ▶ **Health impact assessments.**



RAPPORTEUR'S REPORT

ILZE BRANDS KEHRIS,

Director for the Latvian Centre for Human Rights and Ethnic Studies

The workshop was opened with a contextual introduction by **Anastasia Crickley**, in which she reminded us of the scale of migration world-wide, with 100 million migrant workers globally (ILO data), whose contribution to the economy is greater than all the development aid together. The social inclusion of these migrants in host societies is a major challenge and there are a variety of issues that impinge on the health and social services for migrants. There are barriers not only with regard to access to these services, but also to the process of provision of services as well as to the outcome of these services. It is not unusual that existing problems and barriers relate to racism and discrimination.

The starting point for all the presentations is the inequalities in health indicators among various groups in society, with migrants and minorities representing more vulnerable groups. There are also major differences among different minority groups and a new challenge to society is the possible increase in inequalities through the arrival of new immigrant groups. The challenge for the public health and social services is to mainstream services to the needs of migrants and minorities as policy and consistent practice, not providing simply an ad hoc response to a problem when encountering it.

Too often the health inclusion debate is still reduced to the access to health services, when instead it concerns fundamental and much broader issues of public health. Maria Duggan stressed the complexity of the issue, both the heterogeneity of groups, but also the potential for new health problems with new arrivals, “new” diseases. In addition, there are sub-groups among each migrant and minority group – such as based on gender, age – whose problems may differ from that of the group as a whole. These arguments underscore the points made by Sarah Spencer in her key note speech about the need to understand the differing barriers experienced by different groups of migrants and to work on

clarifying group-specific objectives, so that policy will be differentiated and hence more effective. Although Sarah Spencer's point is broader in scope and includes all social inclusion policy, this certainly applies to the health and social services as discussed in this workshop.

The causes for the differences among groups are no less complex. While socio-economic causes for inequality clearly contribute to the health inequalities, causes are multi-factorial and should be seen holistically, including a focus on poverty, housing, employment, education. In addition, cultural differences among the groups need to be taken into account – which entails not only the need for culturally sensitive care, but also touches on the controversial (or at least debatable) issue of the connection of lifestyle choices to health. Psychological factors also play a role, such as the more recently highlighted chronic social anxiety, which has been found to influence the health of marginal groups both psychologically as well as physiologically, at the molecular level.

Thus social and health policy needs to address the causes of health inequalities as multiple determinants joined up. A multi-disciplinary approach is needed for the development of effective, mainstreamed public health services to migrants and minorities. The goal of health policy should be not just to reduce inequalities, but also to improve the health of migrants and minorities through prevention, promotion of health and ensuring access to appropriate health care. However, Maria Duggan made the point that the challenge to reduce health inequalities is not just a challenge for public health policy, but needs broader, coordinated solutions. In addition, health and social care systems need to perceive the reduction of health inequalities as a core dimension of their role, identifying solutions and mainstreaming them. Inequalities in health indicators is not the problem of the groups who fare less well, but an issue for all society.

A strategic response to the challenge would mean that each state needs to develop specific proposals for improving the health of migrants and minorities and thus to reduce health inequalities. Components that should be included are poverty reduction, early intervention programmes,



housing policies and improving housing conditions, development of culturally sensitive services, specific resource allocations where most needed and the development of health impact assessment methodologies and criteria (in order to avoid working in evidence-blind environment), so that policies can be adjusted according to needs over time.

Thus Maria Duggan made a call for evidence-based policy making, cautioning against policy-based evidence making, which frequently results when serious monitoring and analysis is missing. Several work shop participants agreed that central to effective policy development and assessment criteria is the data collection issue—gathering group-specific data on health indicators, in order to identify problems and hence potential solutions. Ethnic monitoring on mortality and morbidity is needed for realistic, evidence-based policy development in the health sector. The data collection varies greatly across the EU and is dependent on national legislation, as discussion in the plenary session noted, but even in countries where it is well developed, as the UK, there are still problems with invisible minority (and other) groups and missing data collection categories. There may also be a need for gathering additional data on other variables, where group-based differences may become apparent that have not yet been noted or analyzed. Without the basic statistical data and with qualitative methods alone, realistic, well-targeted policy is not likely to result. This reasoning is in line with Sarah Spencer's call for development of evidence-based inclusion policies by promoting research, monitoring and evaluation on social inclusion.

It was noted in the work shop that too often the burden of mainstreaming and providing targeted health and social service assistance to migrants rests disproportionately with NGOs, while the public authorities have not yet successfully developed comprehensive mainstreaming strategies and policies. . At the same time, Sarah Spencer included a recommendation that civil society partners should be mobilized to share responsibility with migrants and the state. The seeming contradiction is explained by the acknowledgment that NGOs and civil society contribute greatly in the delivery of the social inclusion agenda, but that they are "so often under-resourced, under-

utilised, unrecognized as partners in this vital exercise — the inclusion of newcomers”.

Ronnie Moore presented data on the health indicators of the Irish in the UK — the largest migrant group with very high morbidity and mortality rates compared not just with the host ethnic group, but also with other minority ethnic groups. In contrast to some other ethnic groups, where certain specific health problems tend to stand out in differentiation to those of other groups, among the Irish in the UK the poor health indicators are to be found across all diagnostic categories., although some key problem-areas can be identified (as circulatory disease, respiratory disease, mental health problems).

There are naturally some structural and socio-economic factors at the basis for these differences: the cycle - migration-lower social class-higher unemployment - is in evidence. However, these poor health indicators relative to other groups continue into the second and even the third generation of Irish migrants, even though their socio-economic situation often has greatly improved. This confirms yet again that although socio-economic disadvantages do play an important role, they do not provide the full explanation of the health inequalities. Other significant factors are socio-cultural and life-style patterns and differences, but also self- perceptions and perceptions of the group by others. Moore indicated that while negative stereotypes and racism against the Irish have been a commonplace experience by the Irish in places of education, employment and local communities, official discourse has not acknowledged that there is racist discrimination against the Irish in Great Britain. The history of Irish migration, cultural stereotypes and also the stereotypical association with terrorism in the 1970s, the history of negative interpretation of Irish identity has had a direct negative impact on the health indicators of the Irish minority in access to health care, lower rates of consultation, lower frequency of home visits, etc.

Identity and culture factors are thus interlocked with economic factors to predispose the Irish in the UK to greater health risks.



Another important factor pointed out by Ronnie Moore concerns invisible minorities and the possibility to overlook disproportionate health problems of a group because the group itself is not identified. The issue of Irish health in the UK has been only recently identified, since the Irish in the UK were not conspicuous as a minority in a society focused on more visible minorities and the white-black dichotomy. Indeed, the Irish did not see themselves as an ethnic minority either and were often assumed to be assimilated, according to Moore. The ethnic invisibility led to a lack of monitoring even to the extent it existed for other minorities and migrants and the health problems of this large group remained hidden for a long time. This argument clearly has implications for data gathering policy – any criteria and list of identifiable groups should be kept adjustable and open for regular review, as in all likelihood there are more as-of-yet undiscovered invisible vulnerable groups in each society.

Suzanne Lyons reported on a study on ethnic minority women in a Dublin maternity hospital, using both statistical evidence and qualitative methodology – interviews with service providers. Births to non-national women have increased in Ireland and it is estimated that up to 20% of all births in Dublin are to non-national women. Suzanne Lyons focused on political and ethnic invisibility, access to health care and structural factors affecting the health indicators of these women.

The political and ethnic invisibility of the women is based on the fact that although there is extreme heterogeneity among the non-national women, with over 140 countries of origin represented, care providers tend to perceive minority women as a homogenous group. They are frequently labelled asylum seekers, although many of them are not and they are considered as “black”. Ethnicity itself is perceived by care providers as the explanatory factor for health deviances, with no focus on social, economic or environmental issues. The data collection issue surfaced again, noting the tension between the need for data for proper information and monitoring, but also the danger of ethnically disaggregated data reinforcing existing stereotypes. Another issue concerning data in Ireland mentioned was that although data on ethnicity was gathered, there was no data on nationality, although such data gathering is planned to begin in 2005.

In the area of access to health care minority women have a lower rate of antenatal care, frequently booking late for services (after 20 weeks of pregnancy), while at the same time the minority women were perceived as more demanding by the care providers interviewed, often associated with not following hospital rules. The minority women were also frequently perceived as abusing or misusing the health care system, even though often the only way to knowledge and thus access to care for the women was through emergency care.

Structural factors negatively influencing the health situation of minority women include a service system that finds it hard to cope with other than standard preferences: according to Suzanne Lyons, the Irish proclivity for active intervention and management of labour means that Ireland has the lowest house birth rate in Europe and a care that is not women-centred. In addition there are specific barriers such as language problems and communication difficulties, with over-reliance on informal interpreters with no training and no medical experience. Institutional racism is also a contributing factor: a policy of assimilation coupled with the perception that minority women are making “extraordinary” demands, but also direct and overt racism in the health services by both staff and other patients. Recommendations included providing appropriate interpretation with trained and responsive professional interpretation, measures of education, including anti-racism training of care providers, as well as community-based measures, such as peer-led education for ethnic minority and migrant women on issues of health care and maternity care.

Nirmalya Bandopadhyay presented two projects: minority elderly care and quality hospital care for black and minority ethnic elders. The first project aims to make a comparative analysis of data from 26 minority groups in 10 countries, with country profiles and suggestions for new common European directions for minority elder care as the projected outcome. The quality hospital care project uses as a starting point the need for care providers to meet any particular patient needs, regardless of gender, personal appearance, communication abilities, race, culture, language, religion or belief. Although this should be part of anti-discrimination and



the person-centred care policy, it is not clear in practice how to achieve it. Nirmalya Bandopadhyay's conclusions fit well with other presentations, namely the mainstreaming of minority elder care and the need to develop assessment tools for various components of the staff communication with the minority elder patient (including emergency response, ongoing care, discharge from hospital care). Communication needs include the availability of interpreters and also culture-sensitive delivery of services. The key is to enable minority elder patients to make an informed health care choice. Models are developed including the professionals' and the minority elders' points of view and needs.

The discussion following the presentations brought NGO responses to the presentations, to a large extent underlining the problems described. The complex causal factors of the health and social service problems for migrants and minorities include issues of housing. The increasing homelessness affects health not only through direct physical conditions, but also through stress and psychological factors and the spread of health problems such as drug-resistant tuberculosis. The point was made that this problem largely remains invisible and a disproportionate burden for assistance to these vulnerable groups lies with NGOs. It was reconfirmed that the real-life examples illustrate clearly that not only health policies but also housing policies need to be reassessed and developed. Health and social services need to change fundamentally the model of service provision and ways of working to be more open and to search for more multi-dimensional solutions to migrants and minority problems, including health problem solutions. Listening to the needs of minority patients and direct participation by minorities, including recruiting more minority representatives directly into the services is necessary.

Discrimination and racism as serious contributing factors to health inequalities were also stressed and it was suggested that any issues of migration and inclusion should include a specific focus also on these questions. Integration should reflect a multi-disciplinary approach in all European institutions. The need to directly involve the persons and groups affected was also acknowledged: the migrants, NGOs, civil society. It was stated that it is essential that European Union further

strengthen its focus on human rights. Any elaboration of migration policy should acknowledge and include migrants' social concerns. Migrant women should be acknowledged as an especially vulnerable group that requires special attention. Another NGO commentator called for an equality-sensitive approach beyond the EU directives and action programmes: a coherent, strategic mainstreaming policy at the level of the European Union is necessary — even a constitutional basis for mainstreaming equality in all fields.

The importance of changing overall perspective was stressed at the end of the discussion: “stop looking at the guest as the problem and refocus on the host”, i.e. the problem not of the other person, but of society as a whole. This view chimes well with Gery Coomans more broad conclusion in his presentation on mobility trends in Europe that flexibility of labor and effective inclusion depends more on the host than on the guest. Also Sarah Spencer agreed in a panel discussion later in the day that the usual approach in Europe has been that the migrant is the one that must change, but instead entrenched practices need to be reevaluated by looking at the barriers established for migrants. A shift is necessary to a two-way perception of the process of inclusion, instead of a one-way migrant integration into a pre-existing society.

The data gathering issue received yet another comment regarding the disaggregation of data: the need to use and disaggregate the existing raw data and ensure that analyses of sub-groups within minority or migrant groups are looked at separately. The need to identify where data is lacking was also mentioned.

Finally, a reminder that although the European Union can and should provide leadership on the issues of inclusion and mobility, much is still in the hands of member states and even individuals. There is a need to work on public support for the necessary strategies and policies and the need for political leaders to promote the good practices.



Conclusions and Recommendations from the workshop:

- ▶ The challenge is to develop a social inclusion strategy for health and social services within the European Union, mainstreaming migrant and minority needs in all Union-level and national institutions and policies. Social integration should be perceived as a two-way process and entails a shifting of focus and responsibilities away from the migrant as the problem-issue to an integration and mainstreaming issue for the entire community and society as a whole.
- ▶ A multi-disciplinary and integrated approach to social inclusion for migrants and minorities is required and should be further developed. The coupling of employment and social affairs in this conference has been fruitful and is a laudable initiative. In the future we should look to include also the Justice and Home Affairs dimension for a full tripod of mobility and inclusion aspects.
- ▶ The diversity among and within migrant groups needs to be acknowledged in order to develop targeted policies and identifying especially vulnerable groups. The vulnerability to inequalities of migrant women should be acknowledged and gender mainstreaming should be included in a new way as a necessary dimension in the social inclusion of migrants.
- ▶ Realistic social inclusion policy formulation requires monitoring and analysis for which ethnically disaggregated data is necessary. The collection of such data should be encouraged by the EU at both the EU-level and nationally, and the EU should take a lead in developing guidelines for such ethnic data-gathering, while observing personal data protection requirements.
- ▶ The social inclusion of migrants is dependent on an overall EU migration policy. Therefore development of this policy should include the social dimension.
- ▶ Racism and discrimination — including institutional discrimination — must be addressed when dealing with the social inclusion of migrants. The social inclusion of migrants should be included in the forthcoming discussions on the Green Paper on anti-discrimination.

- ▶ A call is issued for a pilot programme throughout the European Union with integrated partnership initiatives on social inclusion and migrants, building on the Poverty 3 Programme experience.
- ▶ Structured dialogue with civil society on issues of integration of migrants and minorities is necessary. Direct and effective participation in the development of services and care by those directly affected and their representative organizations is essential. Migrants and minorities are also to be involved directly in the delivery of social inclusion measures.



WORKSHOP 3: SOCIAL SUPPORT STRUCTURES FOR MIGRANTS

PROFESSOR MARY HICKMAN,

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1. Introduction

It is well established that migration may result in a high risk of poverty and social exclusion for people moving from third countries to EU member states. Similar problems can also be faced by those moving within the EU and the likelihood is that this may be magnified with the 10 new accession states who joined in May 2004.

Originally there were assumptions that the free movement of labour within the EU would be a phenomenon quite different from migration into the EU jurisdiction from elsewhere. People moving from one EU country to another have rights as EU citizens but due to a variety of factors their experiences often differ considerably. These movements can share similarities with global inward migrations to the EU, on the one hand of vulnerabilities and social exclusion and on the other hand of the importance of diasporic social networks and of other interactions with the sending country.

Few migrant streams are homogenous and consequently different cohorts of the same national migrant stream may have experiences quite unlike other cohorts. Migrants in one EU country may have very different experiences from their compatriots in another EU member-state. Differing experiences within the same receiving country could result from both differing occupations and from different motivations for migration. Differing experiences between member states could be due to the legislative context, the structure of the labour market, differing perceptions of immigrants in general or differing perceptions of the particular migrant group.

All EU countries experience outward migration but their responses differ. For example, The Council of Europe Committee on Migration Report,

Refugees and Demography Report **Links between Europeans Living Abroad and their Countries of Origin** (1999) discusses 'kin-state/external citizen' relationships of the member states of the Council of Europe and divides these into three main categories:

- i) **States with 'national outreach' or 'proactive' policy programmes in which citizens outside the State are not just a symbolic part of the state but the state has developed 'resolute policies on their expatriates and make them a priority, even if their budgets do not always match their good intentions'. These states are mainly Mediterranean states and include: France, Spain, Portugal, Greece, Cyprus, Turkey.**
- ii) **States that have little or no outreach programmes are described as 'laissez-faire', a position mainly taken by northern European States including the UK, Germany, Holland, Finland, Sweden, Norway, Denmark.**
- iii) **Ireland and Austria are identified as states in which policies are in a process of transition from the second approach to the first one as they are beginning to adopt a proactive or outreach position in relation to citizens abroad.**

My presentation about Irish migration to Britain and the needs and social support requirements of that population is contextualised by Ireland experiencing, since 1995, the longest period of net inward migration for over 150 years comprising both return migration and immigrations new to Ireland. Ireland has a long history of emigration and even in the current sustained period of net immigration continues to experience outward migration, some of it involuntary. Although historically much of this emigration went to places like the USA, Canada and Australia in two periods of heavy migration in the twentieth century, the 1950s and 1980s, the main destination was Britain. Most migrants leaving Ireland since 1945 have been young with the highest numbers concentrated in the 15-24 age group. Although in the peak periods of out migration many in adjacent age groups, 25-34 and 35-64 have also left. Slightly more men have left Ireland since 1945 but in the 1990s women were leaving at a



greater rate than men. A significant change is that in the past two decades emigrants have been increasingly drawn from professional and employer/manager households. The changing economic fortunes of Ireland have coincided with a greater concern with its diaspora. One manifestation of this was the establishment in 2001 by the Irish government of the Task Force on Policy regarding Emigrants. The Task Force was particularly concerned about the needs for social support that were identified in Britain.

The movement of Irish people to Britain makes a good case study for comparative purposes both with intra-EU movements and with certain migrations into the EU member states from third countries because:

- i) After 1945 Irish people predominantly entered unskilled and semi-skilled jobs (with the exception of nurses), although since 1980 this pattern has shifted to include an increasing proportion of those entering professional and managerial occupations. Irish migrants, therefore, enter the two strata of the British labour market for which European economies most commonly recruit immigrants.
- ii) The bulk of the 1950s migrants to Britain have lived through, and the 1980s migrants arrived during, the period of the Troubles in Northern Ireland. This included the IRA bombing campaign in London, Birmingham and other cities and the British security response to that campaign. The impact of these events on Irish communities was far-reaching with Irish people subject to the types of demonization and surveillance now being experienced by other, mostly Muslim, migrant groups.
- iii) Prior to the 1990s Irish migrants were leaving a small, less prosperous economy for one of the major economies in the EU in a not dissimilar pattern to the movements from East and Central European states today.
- iv) Irish migrants include a distinct sub-group Irish Travellers who experience particular difficulties and hostilities.

2. The Irish in Britain²¹

As research commissioned by the Irish Task Force on Policy Regarding Emigrants states more 'than three-quarters of the Irish-born living outside of Ireland now live in Britain' (Walter et. al. 2002:37). A peak of 957,000 Irish-born were living in Britain in 1971, this has declined subsequently, 850,000 in 1991 and 670,000 (approximately) in 2001, but remains the largest concentration. It is estimated that a further 1.7 millions have been born to Irish parents in Britain (Hickman, Morgan and Walter 2001).

In England the Irish-born population grew most rapidly in the 1950s when most of the very large outflow from Ireland entered Britain. Most of this group settled permanently and the peak of second-generation Irish people now in their thirties and forties represent their children born in the 1950s and 1960s. The 'third wave' of 1980s migrants added a new younger population with markedly higher educational qualifications when they arrived. Throughout the period 1951-91 there have been more women than men from the Irish Republic. Gender ratios of women to men are increasing as men in the 1950s cohort of migrants die younger. The Irish in England are strongly clustered by region of settlement. The tendency to settle in the South East, especially in the Greater London area, strengthened in the post 1945 period and over half (56.7%) lived in the South East in 1991 and within London further clustering by boroughs and wards occurs.

In the 1950s large numbers were also attracted to the employment opportunities in the industrial West Midlands (11.9% of the Irish-born in England in 1991), including Birmingham and Coventry. In North West England, which includes 12.8% of the Irish-born in England, very large numbers of people are of Irish descent. Towns outside these regions also have large Irish populations, for example Luton (5.4% Irish-born, estimated second generation 12%) and substantial clusters are found even where

21 [This account relies heavily on two sources: **Discrimination and the Irish Community in Britain**, Hickman and Walter 1997; and **Irish Emigrants and Irish Communities Abroad**, Walter et. al. 2002]



overall totals are lower, for example in Sheffield. When the second-generation estimates are included the proportion of local populations in particular sections of cities and towns can range from 10-20 per cent. Irish-born people in Britain have very high rates of participation in the labour market and are more likely to be self-employed than White people as a whole. The 1991 census shows that Irish-born men's occupations are quite similar to those of the whole population. They are under-represented in 'white collar' occupations but are slightly over-represented in professional work. Irish women by contrast, are more strongly clustered in particular occupational groupings. Much higher than average proportions of Irish women are in occupations such as nursing, and also in personal services such as domestic and catering work. There are therefore two very different groups of Irish women – highly qualified nurses and low-skilled personal service workers.

Many Irish people have been economically successful in Britain but this has by no means been the complete story. The 1991 Census showed that in terms of social class Republic-born men were much more likely to be in Social Class V (unskilled manual class) than any other group of men, including Pakistanis and Black British. If the lowest Social Classes (1V and V) are merged, an approximation to a working class grouping, Irish Republic-born women are second only to Pakistani women in proportion, whilst men are very close to Black Caribbean and Pakistani men who have the highest proportions. A persistent pattern of below average upward social mobility and above average downward mobility for Irish-Republic born immigrants of the post-1945 era is well established. However the arrival of young, highly qualified Irish people entering professional and managerial careers in the 1980s and 1990s is likely to have produced significant changes in the overall profile during the 1990s.

For a variety of reasons, including socio-economic positioning, not all of those who migrated from Ireland, or grew up as a person of Irish background in England, are fully integrated. In 1997 the Commission for Racial Equality (CRE), a body funded by the British Government, responded to strong pressures from Irish voluntary organisations over a ten year period, to produce a report on **Discrimination and the Irish Community in**

Britain (Hickman and Walter 1997). This included a detailed documentation and analysis of specific issues of disadvantage and inequality which are brought to Irish welfare agencies by Irish people in Britain. The CRE report identified barriers to integration and social inclusion. These included:

(i) non-recognition of Irish needs, cultural specificity and experiences of racialised hostility and prejudice

Irish people entitled to, and in need of, statutory services were not receiving resources on an equal basis with other members of society. For example, they were not routinely included in ethnic monitoring procedures which would allow Irish agencies to demonstrate needs. Their migrant background was wrongly used to argue that they were 'intentionally homeless' and ineligible for housing. Culturally sensitive community care plans were rare.

(ii) stereotyped responses and exclusionary practices

Stereotypes of Irish people widespread in British society and reproduced casually in anti-Irish jokes include portrayal as stupid, prone to drunkenness and fraudsters. Service providers made judgements based on these stereotypes to deny equal access. For example, benefits claims were delayed and excessive documentation demanded.

(iii) racial harassment

Physical and verbal abuse of Irish people was reported to Irish agencies. But action was rarely taken because of an understanding in British society, accepted by authorities such as the police, that racial attacks could only involve black/white encounters.

Overall the CRE Report and those of many Irish welfare organisations confirm that certain groups of Irish people in Britain are potentially vulnerable: new migrants; Irish elders; Irish Travellers; second-generation Irish people; drug users; mentally ill people; homeless people; disabled migrants; gay and lesbian migrants; children who are adopted and fostered; prisoners. One of the major recommendations of the CRE report was that in order for these exclusions and disadvantages to be recognised and addressed systems of ethnic monitoring must include an Irish category. The



2001 Census included an 'Irish' box in the Ethnic Group question for the first time, one consequence of the report, but may not produce satisfactory results because of the problematic form in which it was framed.

The Irish population in Britain is large and diverse. Many people still relate strongly to their Irish identities and maintain links of some kind with Irish family and friendship networks or more formal community organisations, social, cultural or educational. It includes a significant proportion of people with needs which relate to their Irish origins. An extensive network of voluntary organisations has developed to try to meet these needs. Often these organisations are entitled to seek funding from British sources, but they face a difficult task in gaining recognition – often described as 'the battle to be heard'. This is where specific support, especially in relation to capacity building, is critical from Ireland

Social support of sending country

The pattern of Irish migration to Britain, sensitive to labour market demands in the receiving country and traditionally providing a highly flexible source of un-skilled and semi-skilled labour means that the difficulties faced by this migrant group are salutary. This is the case because of a common assumption that as the Irish are white and considered to be culturally similar few problems will result for them compared with the experiences of black and Asian immigrants in Britain. Since the publication of the CRE report there has been some revision of this view but in many instances it is still difficult to get issues and concerns about Irish people on the agendas of both local and central government. A number of strategies are utilised by local organisations to tackle this situation. Where they have the resources they commission research as this has proved an effective method of generating a response from local authorities in particular. Another strategy is to mobilise diasporic contacts. In Britain there is an umbrella organisation – the Federation of Irish Societies – which raises issues with the Irish Embassy and individual Irish government departments on behalf of a large majority of Irish welfare organisations in Britain. This has included briefings for Irish government ministers from Irish community and welfare organisations when they are to meet their British counterparts.

Strategic support from Ireland has proved useful and part of the agenda of the Task Force was to review the position. Below I outline the main categories of existing social support and follow this with a synopsis of the Task Force on Policy regarding Emigrants deliberations and recommendations

Existing support lies in three main categories:

Financial support

In 1984 the then Department of Labour in Dublin established the London-based DION committee which dispensed small grants to assist migrants in Britain. The sums committed to this have grown substantially over the years although they were cut in 2003 and currently stand at 2.5 million euros per year. Since the innovation of the DION committee the grants have assumed an important role in supporting a variety of Irish organisations. For some of the larger centres the grant is an important strand of multi-source financing, in the case of some innovative projects it is a vital source of seedcorn funding.

Structural support

The role of the government of the sending country is important because even where ethnic welfare organisations exist many people may not know of their existence or may never visit one. Research has shown this to be especially true outside London (Hickman and Walter 1997). Thus raising issues of structural co-operation with government agencies and voluntary organisations in destination countries assumes a greater significance. Equally close cooperation and coordination between statutory and voluntary agencies in both the sending and receiving country is necessary in relation to specific vulnerable populations, for example, to find more effective ways of dealing with the needs of young and vulnerable migrants. It is notable that the improved relations between the UK and Irish Governments in the lead up to and the aftermath of the signing of the Good Friday Agreement has resulted in more systematic contacts between the two governments on many other issues, including those that pertain to the circumstances of the Irish in Britain.



Public support

During the 1990s two Irish Ambassadors made it a feature of their tenure at the Irish Embassy in London to give high priority to liaising with all elements in the Irish community (that is expanding the traditional emphasis on business, sport and high culture). In this way the role of the Irish Government became more critical for the diaspora as a whole. Undoubtedly the support for such policies of the current President of Ireland and her immediate predecessor have been instrumental in this respect. Not only did both ambassadors speak out on appropriate occasions against racist statements about the Irish in the British media but they followed an extensive programme of visits to every type of Irish community and welfare organisation. In this way improving the knowledge of the Irish Government on the Irish in Britain .

Ireland and the Irish Abroad. Report of the Task Force on Policy regarding Emigrants.

Four years after the publication of the CRE report the Irish government established the Task Force on Policy regarding Emigrants. This was in fulfilment of an undertaking in a national agreement on pay and on employment, economic and social policies between the Government in Ireland and the social partners entitled **Programme for Prosperity and Fairness**. It was in part prompted by concerns about the situation of some of the Irish in Britain. In addition to reporting on the current condition of Irish migrants and Irish-descent populations in the major destinations of the Irish diaspora the Task Force was also charged with examining the pre-departure situation as the Irish government's stated aim was that none should have to leave Ireland involuntarily, and the context in which some migrants are returning to Ireland.

Among the key recommendations the Task Force made are the following:

- **The adoption of a strategic and integrated approach to meeting the needs of the Irish Abroad which includes policy objectives, an action plan and the necessary structures and resources for achieving those objectives.**

The adoption of policy objectives designed to

- ▶ Ensure, as far as possible, that Irish people who emigrate do so voluntarily and on the basis of informed choice and that those who leave are properly prepared to live independently in a multicultural world;
- ▶ Protect and support the Irish Abroad who emigrate involuntarily and those who find themselves marginalised or at risk of social exclusion;
- ▶ Facilitate the return to Ireland and reintegration into Irish society of emigrants who wish to do so, especially the vulnerable and the elderly; and
- ▶ Support the Irish Abroad who wish to express their Irish identity.

The provision of pre-departure services:

- ▶ The inclusion of a module on education for independent living in the school curriculum;
- ▶ The development of comprehensive information materials for potential emigrants; and
- ▶ The provision of financial assistance to voluntary agencies to enable them to provide coordinated information and advice about emigration.

The provision of services to the Irish abroad:

- ▶ The promotion of increased cooperation between statutory and voluntary agencies in Ireland and overseas, and the Irish abroad;
- ▶ The allocation of increased financial assistance to voluntary agencies and programmes abroad which provide welfare services to Irish people who are vulnerable or excluded;



- ▶ The provision of financial assistance towards the cost of Irish community, cultural and sporting activities abroad where these help Irish people to express the Irish dimension of their identity;
- ▶ The commissioning of a study to identify the potential of the Internet and to build a communications hub to assist the Irish, at home and abroad; and
- ▶ The establishment of an Awards Scheme to recognise exceptional or distinguished service by Irish people abroad.

The provision of services to returning emigrants:

- ▶ The establishment of a funding scheme for the provision of care and support services to returning emigrants in supported housing accommodation;
- ▶ The introduction of a 'Holiday in Ireland' scheme for elderly Irish emigrants resident in the UK who are unable to return to live permanently in Ireland; and
- ▶ The development of employment and training services for returning emigrants.

The provision of structures and resources:

- ▶ The allocation to the Department of Foreign Affairs of overall responsibility for policy on emigration and for the coordination of support services to emigrants and Irish communities abroad;
- ▶ The establishment of a new structure – the Agency for the Irish Abroad – under the aegis of the Department of Foreign Affairs to coordinate the provision of services for Irish emigrants and Irish communities abroad;
- ▶ The appointment of additional staff in the Department of Foreign Affairs, at home and at certain Missions overseas, to support the Irish abroad;

- ▶ The allocation of additional resources to other departments providing services to Irish emigrants to enable them to improve and develop these services; and
- ▶ A significant increase in the level of official funding for emigrant services.

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MIGRATION AS A POSITIVE SUM GAME: SOME EVIDENCE FROM GREECE

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Greece: A source becomes a destination

Migration into Greece can be broken down into four main categories. The first of these is the returning **gastarbeiter**, characterised as often returning from long distances abroad, frequently after retirement and without their families who opt to stay behind. The second category is that of the Ethnic Greeks from the former Soviet Union, otherwise known as **Pontians**. This category can experience difficulties when coming to Greece in relation to legal status, language and inclusion difficulties.

The next category consists of economic migrants, mainly from Albania. These migrants, who enter Albania illegally, can pursue two possible alternatives to regularise their situation. Finally, the fourth category of migrants is that of Asylum Seekers.

In the future, however, we can expect more of the so called '**Grey Tourists**' who are attracted to Greece because of the idea of retiring in the sun.

Migrants in Greece: Who and how many?

The migrant population in Greece is between .85 and 1 million, or between 7 and 8.5% of the total population (11million). Of the total amount of legalisation requests received by the authorities, 65% are from economic migrants from Albania, while a further 18% come from migrants from Bulgaria, Romania, Serbia, Georgia and Russia. Even if we include the **Pontians** in the number of legalisation requests, more than 50% of such requests are still from Albanians. Of these Albanian migrants, the majority are from Southern Albania where the commercial and investment links between the two countries are concentrated. Such a concentration of migrants from one particular area makes the Greek situation radically different from the rest of Europe.

Some research findings for Albanians in Greece

According to research findings, the educational levels of the migrants are no lower than those of the host country. It would also appear that Greece is not an opportunistic destination – the average stay is for more than 5 years. The age and family pyramids are dynamic, while family income is not particularly low. While consumption is low among the Albanians, this is balanced by high levels of savings and remittances to the place of origin.

The research suggests that the situation of the migrants improves with time, especially as the stay in Greece is extended and through legalisation. The main inclusion problem experienced by the Albanian migrants is that of language, especially with the written language, which might have consequent problems for future generations.

Effect on economy.

In overall terms, the effect of this migration on the Greek economy is positive. New jobs have been created, mainly in services, while economic growth has accelerated. There has been a strengthening of problem regions and sectors, while rural areas have been rejuvenated. In addition, bottlenecks in the labour market have been alleviated while the expanded services sector have allowed women enter the labour market.

On the other hand, however, there have been some consequences which counter the above developments in the economy. Firstly, the abundance of low wage labour may delay the urgent restructuring needed in the economy while, secondly, the 'grey' economy may be strengthened.

Greece and Albania: closing the loop

Since the borders between the countries opened in 1992 a dense web of relations has developed. This has resulted in many flows across the border, flows of goods, people and ideas, the flow of Greek capital into Albania and financial aid flows. The EU aspirations of the Albanians are an important driver of this process and a certain geopolitical interdependence has become visible.

From the above, it follows that the externalities of immigration in Greece are clearly visible. In itself, the stability and growth of Albania, which



immigration has helped foster, is important, something demonstrated by the escape valve provided to the 1997 pyramid collapse.

An important link in the chain: return migration to Albania

In a recent survey which compared migrants returning to Albania from Greece and Italy, it was noted that 37% of the overall sample had planned to return from the outset, but that only 20% had intended to stay abroad for more than 6 years, despite the fact that they stayed on average for 7 years. In general, the migrants returned for positive economic reasons, such as having start-up capital available after having fulfilled their original objectives in the host country.

When comparing returning migrants from Greece and Italy, it was shown that recurring migration was more common in the case of Greece (28%) than in Italy (3.6%). It was also shown that, while higher skilled migrants went to Italy than to Greece, those returning from Greece appear to have been more successful.

The post migration performance.

In overall terms, the research shows that migration results in clear and strong overall improvement, in terms of professional status, incomes and house ownership. Such improvements and a smooth adjustment are positively correlated with the length of time spent abroad, while migration and return migration appears to be related to intensive social capital formation - 70% of respondents declared that they had returned permanently, although 56% admitted they would consider emigrating again if necessary, while 11% attempted to do so within 1 year of their return.

Some thoughts on social protection

The evidence would suggest that in order to reap the economic benefits and to avoid social tensions, there is a need for a clear perception of the benefits of immigration to the host economy as well as upward mobility potential for the migrants. In addition to this, for economic migrants, informal support networks are most important. Flexibility is the key advantage for these economic migrants, while comparisons between legal and illegal show similar problems experienced by both groups. Hence, social protection is of lesser importance.

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Taking Ireland/England and Albania/Greece as its two case studies, this workshop considered what might be learned from experiences in these two trans-national sites for the development of appropriate social support structures for migrants into the twenty-first century.

Professor Hickman suggested that the Irish in England represent a good case study for the EU of intra-EU movement and some movements into the EU from third countries, for four reasons:

- 1. Irish migrants to England in the 1950s entered the labour market in largely unskilled and semi-skilled labour market niches even if this pattern changed somewhat in the 1980s;**
- 2. The Irish experience of surveillance as a result of IRA activity in England up to the early 1990s and the targeting of Irish migrants by the Prevention of Terrorism Act prefigured the kinds of regulation and surveillance of non-white migrants following September 11th 2001;**
- 3. Irish Travellers, like the Roma, are a doubly disadvantaged immigrant group in England as a result of perceptions of and reactions to their nomadic culture; and**
- 4. Prior to the 1990s, Irish migrants, like most contemporary migrants to the EU, were leaving a small, less prosperous economy and moving to a major European economy for work.**

In her presentation, Professor Hickman paid particular attention to both the relationships that the source county (Ireland) has with its migrants, and the response to Irish migration in the country of destination (England). In discussing the particular relationship with the source country, Professor Hickman drew on the Irish government sponsored report of the Task Force on Policy Regarding Emigrants published in 2002, which made numerous



recommendations with regard to the responsibilities of the Irish state towards its emigrant population. These recommendations are still under consideration. She also considered the changing profile and experiences of Irish emigrants in England emphasising the non recognition of the specific needs of Irish migrants and their cultural specificity, the circulation of denigratory stereotypes, and racial harassment, as obstacles to integration, and the negative impact of these on the social mobility, economic and social welfare of migrants.

Professor Antigone Lyberaki addressed the contemporary context of Albanian migrants in Greece. Like Ireland, a traditionally sending country, Greece has become a country of destination over the past 15 years. Also, in common with Ireland and England, the proximity of Albania and Greece mean that migration can be seen as a part of a wider web of relations, with capital, ideas and people moving between the two countries. When migration is between proximate or neighbouring countries political as well as economic considerations will underpin the migration policies of sending/receiving countries. These political considerations often relate to regional political stability. Professor Lyberaki also emphasised the speed of change in Greece as it becomes a country of immigration, and the fact that in a globalised world the speed of change and unpredictability of labour market needs in any national economy make it more difficult to plan for migration. In a context where the speed of change is intensified and the direction of the changes are not always predictable, she suggested that it is perhaps informal networks that are best placed to identify and respond to changing needs and circumstances; state policies and institutions (and even less so, EU policies and institutions) are not always flexible and responsive enough in such circumstances.

Policy recommendations arising from the presentations and workshop discussion

- ▶ Having identified the limits of top-down policy developments, the initiative by the Irish government to establish a Task Force to develop a policy with regard to emigrants (as well as Irish Government initiatives to support the needs of vulnerable emigrants in Britain since 1984 via the DION committee) was identified as

crucial to the development of culturally sensitive support networks for Irish migrants in England.

- ▶ Alongside emigration policies, there was a call in the workshop for governments to adopt a clear coherent immigration policy that is informed by a wider human rights agenda including relevant international conventions, for example, the European Social Charter; the International Labour Organisation Equality of Treatment (Social Security) Convention; the European Convention for the Protection of Human Rights and Fundamental Freedoms; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; the UN Convention on the Protection of All Migrant Workers and Members of Their Families (not ratified by EU countries, including Ireland); the Council of Europe Convention on the Rights of Migrant Workers (not ratified by Ireland); and the International Labour Organisation Standards, which include employment rights for migrant workers and provides that states take all necessary measures to facilitate reunification of families of migrant workers. Such a policy framework would provide a minimum safety net for migrant workers whose lives are vulnerable to exploitation at so many levels.
- ▶ The question of the governance of immigration, locally, nationally, regionally, EU-wide, and globally, needs urgent attention. This is a complex matter and one that involves interventions at and across all levels of governance including communication and liaison between EU institutions, national governments and NGO levels, as well as between policy and practice. The practice of 'joined up government', although identified as necessary to the effective coordination of policy for some time now continues to elude us, but remains an important policy objective.
- ▶ Although it was acknowledged that immigration and emigration policies are important to the social protection of migrant workers,



speakers drew attention also to the limits of governance. For example, when, and in what circumstances, might regulation not be the way to proceed? How do border controls and strict immigration controls create the conditions for intermediaries and traffickers to flourish and exploit migrant workers?

- ▶ In the presentations and discussion, official links between the sending and the receiving countries were recognised as important, and a new transnational construction of migration was called for based on the fact that migrants increasingly maintain significant connections with the homeland and culture of origin.
- ▶ Indications that migration may be less permanent than in the past, and may be taking on a cyclical quality, also need attention in the development of social protection initiatives for migrants. The EU represents a context that might provide new legitimacy and even languages and frameworks within which to provide for this changing mode of migrancy. This may be already happening to some extent through social partnerships.
- ▶ The EU could also play a greater role in the collection and dissemination of information on profiles of EU member states with regard to sending and receiving countries and changing patterns of migration.
- ▶ In response to the repeated divergences between labour market needs and values of social protection, the need for a language framework that brings labour market integration, social inclusion, and anti-discrimination measures together, was identified as urgent.
- ▶ Perhaps more fundamental than language, although linked, is the need for attention to the values underlying policy development in relation to migration. When values of flexibility, mobility, and adaptability become established and given prime importance due to labour market needs, these become disembodied, dehumanised, abstract and de-contextualised values defined only by changing labour market needs. Values also need to emanate from beyond the market place in the contextualised lives of migrants themselves. Values of

belonging, dignity, respect and security need to be built into the agenda of social inclusion through the labour market. These might be partly addressed within the realm of social and cultural rights.

- ▶ The view expressed many times in the plenary discussions at this conference was reiterated in this workshop and that is that **there is no typical migrant**, so multidimensional inclusion programmes need to be adopted.
- ▶ Finally, social protection for migrants takes place most effectively on a daily basis within migrant communities themselves. The example of the Irish in England points to the need for migrants to be supported to engage with and inform policy and service provision initiatives. A structured framework of financial and other support needs to be directed to those who can best inform policy on social protection at EU, national, and regional levels, these are the **migrant groups themselves** and the NGOs that do the day-to-day work of social protection, integration and inclusion.

PANEL DISCUSSION

Key: **AK** = Antonis Kastrissianakis (Chair), **SS** = Sarah Spencer, **PT** = Platon Tinios, **MW** = Mats Wadman, **AS** = Armindo Silva, **RS** = Robert Strauss, **Sil** = Silvia Sherer.

AK: It would be wise to organise the discussion in two parts, one dealing with labour market issues and the other with integration and anti-discrimination issues. I would hope that the panellists would intervene irrespective of their specific responsibilities so that we can try to have a more rounded discussion.

Let us start with labour market issues. A basic set of questions was put earlier, which may not have been fully answered: What is mobility for, why are we talking about mobility at the European level? Is it an end in itself or is it a means to an end? We heard this morning that perhaps it is a means to achieving greater flexibility and a better functioning of the labour market, but why are we interested in mobility at the European level and why is it a very important priority? I would like to put this question firstly to our panellists – Mats you might like to start.

MW: Thank you Antonis. If you talk to economists or politicians, I think you could say that everybody would like to have a flexible labour market. There is no debate on that – the labour market should be as flexible as possible and one very important aspect of this flexibility is mobility, both geographical and occupational mobility. Then when you are discussing how to achieve mobility different opinions arise between politicians and economists but we need a flexible labour market and we need mobility.

The question is why we need mobility and the answer is very simple: In order to achieve higher GDP, a high employment, a high level of competition in the economy, which is more or less the objective of the Lisbon Agenda, then we need mobility.

We need people to be able to move from one job to another, from low - productive sectors to sectors with higher productivity, from areas where it is impossible to get a job. to areas where it is possible to find a job. If you have high mobility it is easier to fill the vacancies in the economy which lead to a higher GDP. Another aspect is that mobility is necessary if you want to keep the inflation rate down because, even if you have a high demand in the economy, without mobility people will be in unemployment or in low-productive jobs which will lead to a wage drift that will, in itself, lead to high inflation rates and that will affect the employment rate and the GDP. Simply, this is why we need mobility – it is essential if we are to reach the Lisbon targets.

AK: So mobility is very important for economic efficiency. The other panellists would like to intervene – Robert.

RS: Thank you Chair. I concur with what Mats has said – that mobility is key for flexibility. I would also say that it is key for adaptability – flexibility is one component of adaptability but the other important component is security. Both occupational and geographical mobility and the possibilities thereof are surely key components of ensuring security. Adaptability is, of course, one of the key priorities identified in the European Task Force report, reported at the end of last year. The Task Force, for those of you who haven't heard this before is chaired by Wim Kok (former Prime Minister of the Netherlands). Mobility clearly is a key component of adaptability both for enterprises and workers. Thank you.

PT: I'd like to touch on the aspect of the sending countries. The mobility of labour is very important not only for the countries receiving labour but also the countries sending labour, We heard yesterday about the cases of both Ireland and the UK, but also of Greece and Albania where in the case of a globalised economy the movement of labour is only one of the



various movements that can take place simultaneously. There is also the movement of direct investment, capital, ideas which creates a situation where migration can be part of a win/win gain between, in this case, the EU and the countries at its rim or the accession countries.

We have known, particularly in the case of Greece, examples of returning migrants bringing back with them capital, ideas, entrepreneurship; and they can be a factor of change and growth in the sending countries as well as the receiving countries. So the EU, to bring us back to the European perspective, is uniquely placed to try to co-ordinate this movement and to make sure that this is indeed a win/win rather than a win/lose – which it can be if co-ordination does not take place as it should.

SS: Chair, you're inviting contributions about why mobility is a good thing and I could contribute on the terrific social and cultural contribution that migrants make – the contribution to art, design, theatre, music, cuisine and so on. However, I'd like to use my minute to make a very different kind of point which is that the question of "Why mobility?" suggests that this is something we have a choice about. In "Mobility is good – so let's have it / Mobility not good – so let's not", there is the suggestion that this is something that we could turn off. I think we need an element of realism in the discussion that if we have a potent mix of job vacancies which, for whatever reason, there are not people within the country to fill and we have no or very few legal channels for people to come and work then what we have is a social problem. We will have people who will come illegally, or they will overstay their legal entry and work illegally, so mobility is something that is going to happen and therefore we need to channel it where it is going to do most good rather than have an inflexible system which gives rise to those problems.

I'd also like to make the point that most of the discussion at the conference has been around labour mobility and that what the conference is for but, of course, there are other reasons why mobility is important. The human rights dimension for families who need to be reunited and for people who need protection from persecution – this is

rightly not the subject of this conference but is another reason why mobility is so important outside of the labour market context.

AK: Thank you Sarah. Mats you wanted to add something?

MW: Yes, very briefly and maybe to be a little provocative also. Mobility is very important as we have discussed. We have also said in the Employment Committee and we have heard it today and yesterday that its important to use the full potential of mobility in all 25 Member States in the EU from first of May (2004 – date of Enlargement). However, as pointed out today the question of increased mobility, which is important, can never be a substitute for failure in other policy areas. I mean its important to have high mobility but also to use the labour force that is already in the Member States. We can't have a situation where you are discussing increasing mobility in the Union instead of doing things in other policy areas where you could include people in the labour market – its very important to have that in mind.

Another thing that comes up from the rapporteurs this morning is that someone said that the mobility should be voluntary. In a sense yes, of course, mobility should be voluntary, it is one of the rights and freedoms of the Union but, on the other hand, if you are living, for example, on unemployment benefits or other benefits for a time, yes, mobility can be voluntary. However, if you can't find a job, for example, then you have to choose sometimes between staying where you are looking for a job in your old occupation and/or in the area where you live, or to move. Then sometimes you have to choose between continuing to keep your benefits and move, or stay and lose at least a part of your benefits.

AK: So in practice sometimes the question is a choice between being unemployed and moving, and this is a real choice to be made. I'm wondering if the most important thing for public authorities is not to ensure that we give the opportunities to those people who need to move. Indeed, everybody should have that opportunity to move and this is the purpose of public policy in this regard. Moving on, on the opportunities side one of the important constraints to mobility is education, life long learning and the difficulties we have in the EU economies to organise



properly in this regard. I recall some figures: 19% are early school leavers, 8.4% in continuing training, only 2.3% of the wage bill is spent on training, and Allan Larsson was telling us that Member States have, in recent years, spent less on education and training than before. Researchers are leaving Europe to go to the USA and our graduates are often in unemployment – how do we deal with all this and what is the European Union’s role? Why are we failing and what can we do in order to address this challenge? I would like to put that question to our panellists.

RS: Thank you Chair. What are we doing and what can we do? We’re certainly not doing enough but we certainly are doing something. The EU Employment Strategy puts a great deal of emphasis on the importance of life long learning – there is a specific guideline that talks about promoting the development of human capital and life long learning, clearly calling for Member States to co-ordinate and together have a joint approach within their national employment strategies, so that there is a true European approach to life long learning.

However, there is only so much that can be done with good words and good intentions – we heard from one of the workshops that there was a feeling that the European Employment Strategy and the National Action Plans are not actually happening. I think the Commission is very aware of the failure or the weakness in actually implementing what has been undertaken by Member States. This failure has been underlined by the European Task Force, which I mentioned earlier, and the Commission is certainly aware and is attempting to ensure that the next years of the European Employment Strategy do focus on implementation – we don’t want to come up with new initiatives and new guidelines, but we do want to make sure that the existing guidelines are implemented better. As a concrete action the Employment Committee, which Mats chairs, is in the process of introducing a reinforced mutual learning programme whereby Member States will attempt to strengthen their ability to learn from each other - how good practices, hopefully best practises, in the field of life long learning, and in other fields, can be transferred and how they can learn from each other. So there really are serious efforts and attempts underway to ensure that we move from words and intentions to actions.

AK: Ok, Mats what can the Employment Committee, and Europe generally, do to transform good intentions into effective action?

MW: I think that, as Robert just said, what we are discussing in the Employment Committee is the introduction of this mutual learning programme. I think it is very important and that it is not just important to learn from best practice but also to learn from bad practice. I think that if you can bring together countries which have a good experience of integration of immigrants, for example, or in other areas with countries with good and bad practice; then we can have a discussion with all partners that can help the Member States to find solutions because you have to bear in mind that conditions in the Member States are so different that it is not possible to take one idea from one country to another one and implement it. However, through this type of seminar where you have the good and bad practice you can get some ideas on how to change development in the Member States. A lot of Member States are very interested in having these seminars so we will try to increase the number of them.

AK: Is this only a question of seminars? Is there any case for actually strengthening the recommendations at the European level and getting them implemented by the Member States?

MW: I was coming to that as I have a few more points. No that's not enough – we have to also develop indicators in a better way so that we know what is happening in the Member States. This is very important. A good deal has been done but it needs to be developed even more and then we have to initiate more studies because more can be done – more papers can be written where we take the experience of Member States, analyse this experience and come out with recommendations as to what can be done in these States. That will give a good base for increasing or developing recommendations to Member States and then, of course, we can follow them up better and put more pressure on the States to do more.

PT: Life long learning is not a good in itself – it is not just important how much you spend on it. It is not an example of what is known as a cargo



cult – that if you see other people being successful with life long learning and if you have something which you can label “life long learning” you can automatically get the benefits – it doesn’t work that way. You have to think very clearly about the content of life long learning and fit the content to the characteristics of the individuals involved. In this case, coming back to our main discussion of migration, I think the kind of life long learning that migrants need is very different from the general type of life long learning that is on offer to the general population. Quite frequently due to the pressure to be shown to be good or to be shown to be active in life long learning, the kind of programmes which are proposed and implemented are not particularly suited to the needs of society at large.

AS: I think that with the need to invest more in education and training, particularly directed to immigrants, it is very clear that there is a common thread throughout the European Union. We have examined, in the National Action Plans for social inclusion of 2003, which measures Member States were adopting in order to promote the social inclusion of immigrants and despite very diverse strategic approaches, not only on the question of immigrants but also more generally on the question of the ethnic diversity that exists in Europe, there was a common thread of an emphasis on training, information and language courses directed to immigrants. I don’t know to what extent this has been translated in terms of the real coverage on the ground, but certainly in terms of political intentions this was clearly there. Now while proficiency in the language of the host country is a fundamental condition to access employment, and as employment is certainly one of the safest routes to social inclusion, this may not be enough. Conditions of access to housing and healthcare can also be of fundamental importance in providing real conditions for immigrants to access jobs and be better integrated. We, therefore, need to put the same emphasis on and the same attention to these important issues in the National Action Plans. For this reason we have launched a study recently on conditions for housing for immigrants across Europe and we expect to direct attention to this particular problem in the policy discussions. Education certainly is also very important, but is not the only aspect to take into account.

AK: Armindo, we'll come back to the question of integration of immigrants and the access to services, but Mats you would like to say something more on this?

MW: There is one more thing that we can do at the European level in addition to what we have done today, in terms of identifying restrictions to movement. This is an area which has not been discussed so far, and I'm not sure if it will be discussed. So I have to take off my EMCO hat and my Swedish hat before I continue. We have a lot of subsidies in the EU, subsidies for example to the agricultural sector, which means that you lock people into this sector. At the same time you have a lot of discussion regarding our need for more people and maybe immigration from countries outside the 25. We also have a labour reserve in, for example, the agriculture sector, but as long as we support it, as we do today, we will conserve the structure and the number of people working in that sector, and that will be a restriction to occupational mobility in the future.

AK: Moving on to some of the other constraints. Access to education and life long learning are very important but there are constraints and obstacles such as the portability of pensions and what are we doing in this regard – perhaps Armindo could tell us.

AS: As Claude Ewen said already in the previous session, EU legislation protects the social security rights of migrants within the EU, to the extent that such rights have a statutory basis. In terms of pensions this means, broadly speaking, so called “first pillar” pension systems. However, as we all know, complementary pensions, based on capitalisation, are becoming increasingly important, but the same protection does not exist for these pensions. So there is a clear deficiency in Community legislation, which is partly explained by the very diverse legislation in Member States regulating complementary pensions. The EU Commission launched last year a consultation with the social partners to see what measures could be taken. Although there was no agreement reached with the social partners to carry out a separate bi-lateral negotiation on this, there was some encouragement given to proceed. We are now preparing an initiative that will allow beneficiaries of complementary pensions transport their



rights when changing occupation between countries. This will be, I think, a major step forward in allowing more mobility of professionals around Europe. Of course, given the diversity of legislation and the different situations across countries we need, in progressing this initiative, to carry out a very careful analysis of its impact.

AK: Well if this is very important why are Member States blocking progress?

PT: Well I personally try not to block any progress while this table is taking place. I think in Member States, pensions are the proverbial political hot potato, certainly in continental Europe, possibly less so in Ireland and the UK. Governments are very reluctant to open a pensions debate and quite frequently they have come to political difficulties because of that. The reason, I think, is that in order to guarantee portability of rights, the pension systems themselves have to be radically reformed. At the root of the problems of transferring rights is, for example, the differences in philosophy between the various state systems, and between systems of defined contributions and defined benefits. Under the defined contributions system, you accumulate your contributions in some kind of personal account. These contributions are defined, which allows for relatively easy portability. Although there still can be problems, in principle these are much easier to manage. Under the defined benefits system, you just accumulate rights and at the time of accumulating you have no idea what your benefits are going to be because they'll be decided at the end. It is much harder to define what portability means in case of these benefits and much harder to organise. Moving jobs, therefore, can result in quite a large loss in benefits, potential or imagined. One way the EU can contribute is through the open method of co-ordination by assisting countries in reforming their pension systems, a reform process which ought to be driven and is driven primarily by national factors. The EU can support this process by the transfer and exchange of best practice.

There's another issue which I think may be of interest to participants at conferences, such as this one on migration, and that relates to portability of rights between the EU countries and third countries. At the moment

this is governed on the basis of bi-lateral agreements. These agreements are very different from one country to the next and in some cases do not exist. So a migrant worker who is working in an EU country might be accumulating benefit rights and contributing, and at the end of the road he might get absolutely nothing. So this may become a direct transfer from the poor to the rich. This is the sort of area that the EU can have a very valuable contribution to make. I think we should be thinking in terms of the EU being granted the right to negotiate; there would be multi-lateral agreements between the EU and third countries rather than individual countries and each third country. That is for reasons which are to do with the structure of the system. It may be quite difficult, but I think it is the direction in which we ought to be going.

AK: That's an interesting suggestion. Now we are going to be faced with increasing migration and increased immigration in the future. We have heard from Scotland earlier, how the authorities there are trying to make the country more attractive to immigrants and yet in other places in Europe immigration is often seen in negative terms. What can we do in order to address this problem? How come that Scotland can have such an open approach and this is not appropriate elsewhere?

SS: Well I'm conscious that I'm in very esteemed company here. Scotland is, of course, a region rather than a state within the EU and we do have frustrations with that. Obviously the UK takes forward all negotiations and sometimes we have to merely "tartanise" what's decided at UK level, but that's just an aside. We're into our second period of devolution and the First Minister has been quite brave, I would say, in addressing the particular issue of demography of an ageing and declining population.

Currently, our research would indicate that Switzerland is a fifth country of choice as a destination for migrants. Scotland sits at about forty-fifth, so it is his aspiration that we raise our profile as a destination of choice. When I was scoping out this policy, I looked into the barriers that exist. Because we are in a global market place, the only way I could see us being able to attract migrants in any great number would be to make the process simple and positive and pleasant for them and that is what we



are trying to do. You can enter this cycle at any point. We have very good selling points in terms of quality of life and that is increasingly important to what Richard Florida describes as the creative class. For example, people are beginning to be much more interested in the life/work balance than in making mega bucks, and in having more quality of life for their family and their children. We are promoting that as an element and marketing Scotland under that particular heading. Obviously jobs are a driver. We are trying to encourage our economic migrant entrepreneurs to return. The home nation does have an emotional pull. Scots migrate naturally and have done so over generations. We try to encourage some of them to return saying "it is time to come back to Scotland and help us in achieving economic growth.". We are bucking the trend. The first Minister has put his head above the parapet and said yes we want to welcome immigrants. It doesn't necessarily resonate in the rest of the UK for obvious reasons given the considerable density of population in many parts. We would like to take this forward in a positive way and that is what we are trying to do.

AK: Of course we have other countries, not least Ireland, who have been more open in the context especially of the new Member States. Why can't we be more daring in relation to receiving more people from abroad in the European Union? Do you have a view Mats?

MW: I think that we can. I also think that most of the Member States are not afraid of free movement from people coming from other countries. I think there are two types of Member States. One is where we will have transition rules because I think that is what we are thinking about, like Germany and Austria. But a lot of other Member States like Sweden, which I know quite well, Netherlands and, if I understand them correctly, the UK and Ireland and some others too are not so afraid of free movement or of people from abroad applying for jobs. But the problem is the construction of the social security systems and that is the discussion in Sweden. For example, we would very much like to see people apply for jobs in Sweden from their own countries and that they be treated equally as soon as they come to Sweden. But we fear that they will misuse the social security system in Sweden. It is not that we mistrust the people

living in other Member States, but we fear, at least in Sweden, that there are maybe some employers that will misuse the social security systems. It is easy for such employers to hire people from Poland, for example, on very low wages and then say, come to Sweden, work for this low wage and then you will receive social benefits that will compensate you. All we need is some time to, maybe, change the social security system in Sweden. Yes! to a point It is very important to point out that we are not afraid of people applying for jobs from abroad, but we are afraid that employers maybe will misuse the social security system as a way of reducing wages in the economy.

AK: Any other views on this?

AS: Well, I think that we'll have problems of system sustainability in the long term, if we want to continue to have a massive influx of immigrants, but at the same time not making sufficient progress in assisting them achieve social inclusion. I think that the capacity to receive immigrants depends on a social consensus. It is, perhaps, insufficient to see mobility just from an economic and labour market point of view. It is a social process and it needs social consensus. That social consensus can be disrupted by social and political tensions, if the social inclusion of immigrants, already present, is not proceeding favourably. There are indications that immigration is continuing to increase or at least is reaching relatively high levels from an historical perspective. We are not witnessing significant progress in terms of social integration that can be measured by the available indicators. Of course, this was mentioned yesterday, specifically the huge gap in terms of the employment rate and education levels.

AK: But do we need to succeed with the integration of immigrants, before we put together the instruments for better management of immigration.

AS: No it is not a question of before and after, it is a question of a multi-dimensional approach. We just cannot manage people in terms of labour market priorities, independently of the social welfare framework, to develop the inclusion of those people in their host society. It is not a



question of before and after, but a question of simultaneity and a more strategic approach.

AK: Sarah.

SS: Just to pick up on this question of how we build this social consensus, I think one task is actually to study public opinion. We know, of course, in broad terms there are lots of anxieties and concerns, but when we study it we learn things that help us to have a strategy to do something about it. I can give three examples. First of all, and I take my examples from the UK, if we look at public opinion we find that attitudes towards migrants are most favourable in the area where most of them are. There is a sort of contradiction here that most concern is actually in the areas where there are fewer migrants and once people meet migrants and work with them, their concerns are decimated. So it is a fear of the unknown. Secondly, huge ignorance, astonishing ignorance, and misconceptions indicate a clear need for the facts, but also an appreciation of the economic contribution. Once you break down attitudes to different categories of migrants, the most favourable attitudes are to those who are working. We talked yesterday about what kind of strategy one might have to change public opinion. My point is, if you study it, it gives you ideas for what should constitute an effective strategy. Can I for one minute respond to the point Armindo Silva raised about Scotland, because it raises the Governance issue which has been such a recurrent theme throughout this Conference. If the purpose of immigration policy is simply to keep people out then this is a law enforcement policy. Maybe in the old days there wasn't such a need to have a governance arrangement that gives a much broader voice to different departments and directorates and services. However, now we're in the business of managing migration. It is striking that in this Conference we've talked about the need to take into account developing countries, we've talked about health, we've talked about social inclusion, education, and now we recognise there are actually different regions within a country, which might have a different set of interests with regard to immigration from the country as a whole.

I just wonder whether, at the EU level, but also at national level, we don't need to be thinking about different kinds of governance arrangements that's going to enable us to have this joined up thinking that we have been so conscious that we need, and indeed that this Conference has made a major contribution towards. I know that it has brought together sections of the Commission that haven't worked so closely together before and that's an achievement in itself, but we've also highlighted the need to go further than that at the EU and the national levels. Do we need to be thinking imaginatively about different arrangements both within Government, but also in bringing in the voices of stakeholders from outside of Government, that we are not doing so effectively at the moment.

AK: And since we are going to have more immigration and migration internally we need to have instruments to succeed with the integration of migrants. In the 1950's and 1960's, we used to have very important immigration into western Europe and there were a lot of structures there to organise migration. Today we have hardly any structures because we don't have the experience and we need to re-create them. So what kind of structures can we have? The Irish example of a Task Force was mentioned, but of course we need to have structures that ensure a so called holistic approach to integration, or a multi-dimensional approach to integration, but is this really possible? Is it words or is it a real possibility to apply a holistic approach to integration. What is the practice?

AS: I think the central point is that a socially inclusive society can handle immigration better in any case. So, if social inclusion and respect for diversity is embedded in society, then it can handle the integration of immigrants very much in the same way that it can handle the issues that arise, say, for people with disabilities, or people who have problems in their families. So it is promoting social inclusion as an end in itself. Immigration should be seen as a sub part of this, but the values of social inclusion are something greater and that embrace immigration policy. If you see it this way it avoids quite a lot of the dilemmas that come across when you define immigration policy, because the problem of immigration and social inclusion is that the immigrants themselves are socially



excluded, but also the people who feel most threatened by immigration are themselves primarily socially excluded.

Coming back to what Sarah Spencer said about attitudes, it is very important to create and foster the right attitudes, but also to create the institutions which lead to the spread of these kind of attitudes. In this sense political leadership, I think, is very important. It was mentioned yesterday that political reactions to immigration are very often phobic and they seem to be arguing from a position of disadvantage, as if there is a case to be made. Very few have come up boldly in favour of diversity of societies, of valuing diversity in itself, that in a globalised world diversity and having a diverse society is good in itself. It is possibly the best way of operating in the 21st century. In this sense immigration is not immediately associated as a problem, but can be seen as an advantage, as an opportunity. I am not quite sure what this means in terms of institutions, but it does mean that we should be weary of treating immigration as instinctively and immediately as a problem. It should be seen as an opportunity to be managed rather than a problem to be answered.

AK: What can the EU do in order to strengthen the institutions?

AS: I think that we probably lack a good European model, as judged by the outcome. We don't have one in this field, perhaps, any more than in any other field of economic and social policy, any particular good model that can be exportable. We have, however, interesting experiences, some of them innovative in Member States. We can offer the framework for the exchange of information about outcomes in relation to this policy experience. As of 2003, addressing the problems of social inclusion of immigrants is part of the common objectives of poverty and social inclusion. We have, as a result, been able to assess all National Action Plans submitted by Member States last year and how they were responding to this challenge. I must say that there was not much evidence yet of this holistic approach being reflected in institutional arrangements. However, as I said before the emphasis has been on, perhaps, short term intermediary action to the influx of immigrants, through education and language courses, which is valuable in itself but

probably insufficient . We expect that the open method of co-ordination for social inclusion, which, as Platon Tinios said very well, should include the issues that we are tackling with in the field of integration of immigrants. It can offer a number of important assets not only as in the exchange of best practice, but also to give and to put the emphasis on the need for a multi dimensional approach, avoiding easy solutions to what is a very complex and essentially a multi dimensional problem. I already mentioned here the importance of policies in a broad range of areas in order to ensure the access of all, including immigrants, to basic services, resources ,goods and, of course, employment.

I think , also, that we can offer a framework for better indicators in order to measure in a comparative framework the trends and outcomes of policies. However, here I would be perhaps less optimistic than a speaker in the previous session, Mrs Kehris, when she asked for ethnic based indicators, as, given the different legislations in this regard in Member States, it would not be possible to implement immediately, at least in the present European survey. What we can do, and will certainly do, is to work more on the basis of the existing framework, which allows us to distinguish between nationals and non-nationals, in order to be more able to extract what is important in terms not only of participation in employment, but also in terms of participation in a number of essential social activities. Of course, we can highlight where they have successful policies in order to try to inspire countries with similar problems. We also in this particular field will be keen to highlight examples of objectives not being fulfilled and of relative failure. These outcomes can also be equally inspiring, so that others can avoid making the same errors. And, finally, I think the open method of co-ordination can offer a framework for consultation, mobilisation and participation of a number of stakeholders with an interest in this field . One key stakeholder, of course, is the migrants themselves from whom I have not heard much here to-day .

We normally have contact with stakeholders in the field of social welfare services and anti- poverty. We have not normally contact at European level with stakeholders representing directly the interests of migrants. That is a difficult issue but I think we may need to reflect better on this.



Also I have not seen much reference today to the role of social partners. I think that in order to create, realistic viable employment opportunities for immigrants, the role of the social partners is essential. I think that this framework for consultation and for open debate is very important and is something also that Europe can do.

AK: Thank you very much Armindo - very quickly Sarah?

SS: A very short practical solution. I believe that at Thessalonika, one of the conclusions was that there should be an annual report on the integration of migrants.

I am sure that there are all sorts of institutional politics here, of which I am completely unaware, so, if I am putting my foot in it, I apologise. But it would seem potentially to be an opportunity to draw together the employment, the social inclusion, the skills, and the discrimination dimensions, so that at last within one heading we have all the dimensions.

AK: We will try to get this out in May

SS: Subsequent years?

AK: And subsequent years – a short comment?

AS: Just a short comment on a holistic approach, although it is not my direct domain the EURES system is currently being reformed. This is clearly an aspect of a holistic approach particularly to migration within the European Union of twenty five Member States. In the future, there is going to be an information platform which will gather together information on vacancies, the sort of CV necessary, the rules, the legal situation and the living conditions in places which potential migrants within the EU may want to move to. So this is another aspect of the holistic approach to the issue.

PT: Being an advisor to a former Prime Minister, I can say then, in this respect, that the Commission has been leading Governments and is way

ahead of Governments. We should be grateful for that and that is why this is an instance of the Commission playing its role very adequately. Now my second very short point is that we heard of the shortcomings in the National Action Plans for inclusion but still in a rather hesitant way. We have 2 years in which to get the next wave of NAPs right so this gives us a nice timetable to work to.

AK: Thank you very much. We will try, in the circumstances, to keep modest!

Ladies and Gentlemen, we have come to the end of the panel discussion. I would like very much to thank all the panellists for their contributions. It would have been much better, if it were possible to have some exchange with questions and answers. Unfortunately, I don't see any time left but I would like to thank you all for your attention.

CLOSING SESSION

JEROME VIGNON,

Director, Social Protection and Social Integration, European Commission

Firstly, I find it necessary to emphasise the feeling that is shared by all my colleagues in the European Commission who attended the Irish Presidency Conference and feel that this Conference was particularly successful and productive.

Where does this feeling come from? In certainty, and in the first place, it arises from the relevance of the chosen subject, which relates to a genuine issue in modern European life and not a repetition of common issues, on which agreement has already been reached, or a rehearsed approach totally defined in advance. This was due to the adequate balance between the subject and the variety of competences reflected by the participants. We created (1) specific perspectives for policies of employment, vocational training, encouragement to mobility, (2) instruments, of a strictly social nature, to ensure the social inclusion or, to be fairer to the term, the social integration of mobile workers. In our effort to think together, we have come closer to those who, in workshops, have recommended that we govern together. I must also mention that, in addition to these two issues, inevitably, we have also approached the issue of non-discrimination. The political orientation followed by several Presidencies to implement employment and social policies "as a whole" (illustrated, for instance, during the Irish Presidency with the elaboration of "key messages" for the Spring European Council) is entirely approved by the Commission. This orientation was largely echoed at the Conference.

It was definitely a success with regards to the quality of information, facts, ideas and proposals put on the table, up to, and including, the final panel discussion, which we have just attended.

What have we actually learned and, I would dare say, lived together during these two days in Bundoran.

The first lesson we learned brought us to pay close attention to the proposals exchanged yesterday morning between Allan Larsson and Sarah Spencer. They invited us to recognise in full the **political dimension** of the issue in debate, perhaps even its conciliation. The European Commission may be inclined to limit itself to a **functional** approach, in the form of a logical line of thought: “in order to survive faced with globalisation and demographic ageing, Europe needs to have more professional and geographic mobility and external active immigration. However, if we need more mobility, including active immigration, we need to invest much more in the civil and social integration of mobile and migrant workers”. **At the end** of the line, we need to have political leadership to convince public opinion concerned with cultural diversity and possible abuses of social rights. At the end of the line, we would need to speak to the readers of the **Frankfurter Allgemeine Zeitung**,

1. **Sarah Spencer presented the issue of political leadership and public consultation at the head, not at the end, of her agenda. In the context of, and beyond the functional integration of migrants, the questions put to public opinion must, surely, help us find out what sort of society we really want to become in our respective countries: truly based on access to fundamental rights, openness to cultural diversity without compromising traditions, openness to new comers, immigrants from third countries, children of these immigrants, or simply young people, women and people with disabilities. Much of what was discussed, in particular in workshops 2 and 5, concerning the personalisation of services in order to better meet common needs, is applicable *mutatis mutandis* to the old issue of insiders-outsiders on the employment market, including citizens who share the same nationality.**



For the European Commission, this constitutes a major confirmation of the symbolic and structural nature of the European Charter of fundamental rights, as the sole and truly distinctive sign of what we wish to become together, with today's new State Members, as my colleague, Antonis Kastrissianakis, has stated from his initial intervention.

2. A second lesson for the European Commission, is the importance, as reflected in our debates, of investing in information and the dissemination of information on these new aspects of social life, in particular, with regard to the migratory employment market and the contribution of migrant and mobile workers to the functioning of the general employment market. Alexis de Tocqueville suggested that democracy has never called in vain for "long passions"; in other words, democracy has never failed to work with conscience, reflection and intelligence. To invest in social integration, in particular in the context of addressing the issue of adaptation of host societies, means to invest in information and the dissemination of information. In a way, this would make many – the media, in particular – receive the same "beneficial shock" that we received when we listened to Gery Coomans during his presentation when he revealed that
- Social integration success depends more on the host country than on the migrants' efforts.
 - National strategies are capable of obtaining significant results in this field.

In the context of investment in information, please allow me to emphasise the visionary nature of the EURES portal (13 million hits per month). It constitutes a major tool with regards to mobility, access to information on rights, corporative as well as migrant needs. I can only hope that national administrations will, from now on, consider this tool as a central tool, not a peripheral one. At a time when we are entering a transition period of 7 years, which concerns up to 4 million migrant workers from East to West, EURES becomes our main tool to access practical information, our main

contribution to this “migrant workers’ information leaflet”, which, as it was suggested, should be published in each Member State.

3. As a third lesson for the European Commission, I would like to highlight the usefulness of the open method of coordination (OMC), especially in the fields of employment and social inclusion, which we have had the honour to discuss in the last two days. If this method did not exist, it would have to be invented to encourage the process of conciliation of mobility and social inclusion – “Name and Fame”, said Allan Larsson, very rightly so. The OMC should not be used to point fingers, but to offer ideas and encourage political, social and civil partners to, from the start, face undecided and hesitant public opinion. Considering the number of NAPs/incl for inclusion, Hugh Frazer, confirmed by Dr Mary Tilky, told us soberly that we were still far from achieving our main objective, namely, the implementation of a broad strategy of integration, including health, social welfare, campaigns against discrimination, public services and accommodation. However, making reference to the “seeds for the future”, which are the good practices revealed by “peer review” and action programmes, he also told us that innovations and developments are taking place everywhere, which we can encourage, including the use of community tools, such as Social Funds, for specific actions, and such as the EQUAL programme.

Therefore, now that we are reaching the half-way point through the Lisbon strategy, the Commission invites governments and social partners at national level, who have a distinctive role in civil society, largely discussed, to make use of – in a sort of crossed fertilisation process – the subject of inclusion in employment strategies, and the subject of migrant workers in inclusion strategies, by bringing their respective National Actions Plans closer together: would they not be able to find a realistic view for their situation and, at the same time, encourage actions, which would take into consideration what is happening in other Member States?

4. As I have just evoked the halfway point through the Lisbon strategy, the Bundoran Conference gives us one last crucial message. At a



time when the tendency for this review is at its halfway point, and in danger of, for convenience sake, concentrating efforts on “material” or “physical” aspects of competitiveness, and imposing the cost of change on a minority of mobile or migrant workers, it is also essential to analyse its progress, taking into consideration the efforts and results in terms of non-material investments, with the removal of obstacles to mobility and investment in human resources, in order to improve the quality of services that facilitate professional and, more broadly speaking, social integration.

How can we better thank and congratulate the Irish Presidency and, in particular, Ministers Mary Coughlan and Frank Fahey, than by emphasising the fact that they were the sowers of this new harvest of ideas and energy for the future?

CLOSING SPEECH

MARY COUGHLAN, T.D.,

Minister for Social and Family Affairs, Ireland

I am sure you will agree we have had a very productive Conference. We have focussed on how best we can reconcile mobility and social inclusion from the perspective of employment and social policy, benefiting considerably from the knowledge and expertise of some of the top experts in these fields from Europe and beyond..

A full report of the Conference proceedings will be drawn up and published, including on the Website. The aim is to capture the full range of knowledge and experience exchanged during the Conference and the full richness of these exchanges, and to make it available to a wider audience.

At this stage I wish to draw some key conclusions from our discussions. These will form the basis of my report to the meeting of the Council of Ministers in June. I trust these conclusions and the full report will be of assistance to future EU Presidencies in further advancing this important agenda.

The European Union already has over 19 million immigrants of whom over 6 million are from other EU countries. Enlargement may lead to an increase of 1.25 million in the number of immigrants coming from the Accession States. It is projected that this number will increase to 3.7 million approximately over the next 25 years of whom 1.5 million will be



workers. Up to half are likely to migrate to Germany and Austria, with the remainder going to other EU countries.

This shows that Enlargement is unlikely to lead to migration on a major scale referred to by certain commentators in recent times. However, the increased level of migration resulting from Enlargement should focus our attention more generally in the coming years on the challenges which migration will present.

The main cause of an increase in migration in the coming years, however, is more likely to come from the need to make up for the effects of the ageing of the population in EU countries, which will result in a shrinking workforce and a shortage of skills. Between 2010 and 2030 the contribution of employment growth to economic growth will become negative as the EU will lose, on average, one million workers per year. In order to maintain a decent economic growth in GDP in the future, productivity growth would have to rise well above current levels, an increasingly problematic change.

Some of the labour force shortfalls will be made up from internal migration within the EU, especially from the Accession States. But the Accession States are also experiencing the ageing of their populations. All the indications are that continuing immigration from outside the EU will be essential.

This demonstrates the need to ensure that full account is taken of immigration in planning and developing future labour supply. A major concern at present is that, on average, the unemployment rate of non-nationals is twice as high as that of EU nationals and their employment rate, especially among the highly skilled, is significantly lower, even though the Member States of recent immigration are doing much better than that. This means that overall we are not making the best use of the human resources which are already available.

Immigrants and their families are also more at risk of social exclusion. Measures are being taken to combat poverty and social exclusion in their

case, but an analysis of these measures in the recent Joint Report on social inclusion showed that they are not sufficiently comprehensive and that the resources devoted to them are inadequate.

Accordingly, one of the six key policy priorities in that report urges Member States to make “ **a concerted effort to reduce the levels of poverty and social exclusion and to increase the labour market participation of immigrants and ethnic minorities to the same level as the majority population.**”

Addressing the challenge and need of increasing immigration and the social inclusion of immigrants requires a holistic approach giving the multi-faceted nature of the problems. The development of such an approach should include the following:

- ▶ **A clear and comprehensive strategy to promote the employment and social inclusion of immigrants, involving immigration, employment and social policy with this to contain objectives, targets, and specific measures to give effect to them and appropriate institutional arrangements. These should include better management of immigration flows to ensure that new immigration is more in tune with the needs of the European Labour Market. The strategies should apply, in particular, to employment and social protection, and include health, social services, education and housing;**
- ▶ **For the process to be effective it is essential that the public be kept fully informed of the benefits and realities of immigration and the strategies being pursued to promote the social inclusion of immigrants, in particular, the projected needs of the EU labour market in view of the demographic trends and the ageing of the EU's workforce. Greater efforts are required to ensure that this information is available, through ensuring that the necessary analysis of these trends is carried out on a regular basis;**
- ▶ **The institutional arrangements should include partnerships between the Ministries with responsibility for immigration, employment and social affairs, and the active involvement of the social partners, civil**



society and, in particular, NGOs from the immigrant communities;

- ▶ Cooperation with the countries of origin of immigrants should be developed, especially in relation to pre-departure and returning immigrants, and in sharing experience and expertise in meeting the special needs of different immigrant communities while they are in the other country;
- ▶ This process of cooperation could be pioneered between countries within the European Union, in relation to people who move between these countries; the fact that EU citizens who migrate to other EU countries also experience similar risks to employment and social exclusion should be fully taken into account;
- ▶ The European Union can continue to provide a major impetus to the process by facilitating and promoting exchanges of knowledge, experience, expertise and good practice using the Open Method of Coordination and, in particular, the Employment and Social Protection Committees. The aim should be to build on the initiatives and measures described in the Commission Communication on “Immigration, Integration and Employment” and in the Employment Committee’s opinions as well as in the 2004 Joint Inclusion Report, with a view to having full comprehensive strategies in place for the next full National Action Plans for the period 2006 to 2009.

A key priority area for such cooperation must be in the field of information. There is a need at all levels for effective information and advice to assist people in deciding on whether to emigrate, to assist in integrating when they do, and the regular provision and effective dissemination of comprehensive and clear information on immigration to the public in receiving countries to allay unfounded fears on its impact, to promote understanding and acceptance.

Ladies and Gentlemen

I believe that this Conference has shown a clear way forward on how to reconcile mobility and social inclusion at national level in relation to

employment and social policy. It has also shown how the process can be fostered and promoted through international cooperation and support at EU level.

In conclusion, I wish to sincerely thank all those associated with the successful organisation of the Conference – the speakers, rapporteurs, Chairpersons of the Workshops and plenaries, the interpreters who succeeded so well in enabling us to understand each other.

I wish to thank especially my colleague Minister Frank Fahey for his participation and support and his officials from the Department of Enterprise, Trade and Employment. Once more many thanks to those representing the Irish emigrant organisations from Britain and the USA who made such a distinctive contribution to our deliberations.

Although in the end, due to the vagaries of the demands of parliamentary business, Minister Margaret Curran could not with us, we are grateful to her for arranging to have her intended contribution on the Scottish experience presented to the Conference by one of her officials, which will be included in the report of the Conference proceedings.

A warm thank you to Antonis Kastrissianakis and Jerome Vignon and their colleagues in the Commission, who with the support of Odile Quintin, Director General, gave us invaluable assistance. Without their support and commitment, it simply would not have been possible to hold the Conference.

There is another important side to a Conference like this, the social side. I wish to thank the McEniff Group for looking after us so well, and for some of us this was also provided superbly by the Sands Hotel in Rossnowlagh. The Management and staff of the Harvey's Point Hotel gave us a magnificent dinner last night, and we are all agreed that the music and entertainment provided by Altan was exceptional. We received much support in this and in other matters from Failte Ireland, North West Tourism and Donegal Tourism for which I am most grateful



A sincere thank you to the security personnel who looked after our safety. Beacon Travel and the transport staff are doing a thoroughly professional job with great good humour in handling all this mobility.

I cannot forget my friends in the media, who have greatly helped by getting out clear information from the Conference to the wider public. I very much hope you will help us to continue to engage with the public on the issues in this positive way going forward.

A warm word of thanks to the staff of my own Department for their commitment and hard work.

Last but not least I want to thank all of you for attending the Conference and for participating with such interest and commitment. I mentioned at the outset that those who travelled to reach here would have experienced some of the disadvantages of mobility. I hope that the past two days you will have also experienced some social inclusion among us here in Donegal and in Ireland.

I hope that you will enjoy the rest of your time here with us, and I wish you all a safe journey home.

A final commercial! You are always more than welcome to come back and experience further the delights of Donegal - one of Ireland's most beautiful counties!

Appendix 1 - Report to Council of Ministers

COUNCIL OF THE EUROPEAN UNION **Brussels, 27 May 2004**

9823/04

SOC 268

NOTE

from: The Presidency
to: The Council (Employment, Social Policy,
Health and Consumer Affairs)
Subject: Other business
Item 17(k) Report on Presidency activities

(i) Bundoran Conference: Reconciling mobility and social inclusion - the role of economic and social policy, 1 and 2 April 2004

Delegations will find attached a note from the Presidency on the above subject.

Bundoran Conference: Reconciling Mobility and Social Inclusion: the role of employment and social policy, 1 and 2 April 2004

The Irish Presidency, with the support of the European Commission organised a conference on the above theme in Bundoran on 1 and 2 April 2004 which involved an examination of both the employment and social inclusion dimensions of the above theme.



The results of the Conference can be summarised as follows:

- [1] The EU15 already had over 19 million immigrants of whom over 6 million were from other EU countries. Emigration from the new States may lead to an increase of 1.25 million rising to 3.7 million over the next 25 years. Further significant increases in immigration may arise in the coming years from the need to make up for the effects of the ageing of the population in EU countries, which will result in a shrinking of the workforce and a shortage of skills.
- [2] Some of the shortfalls will be made up from the new Member States, but as they will also be affected by ageing of the population, further immigration from outside the EU will be essential.
- [3] Immigrants and their families are also more at risk of social exclusion. In one of the six policy priorities recommended in the Joint Inclusion Report, Member States were urged to make “a concerted effort to reduce the levels of poverty and social exclusion and to increase the labour market participation of immigrants and ethnic minorities to the same level as the majority population”.
- [4] The importance of a holistic approach to these challenges was stressed at the Conference, given the multi-faceted nature of the problems. This would include the following:
 - (a) Development of clear and comprehensive strategies at national level to promote the employment and social inclusion of immigrants, involving immigration, employment and social policy;
 - (b) Public to be kept fully informed of the realities and benefits of immigration, with priority also being given to effective provision of information and advice to assist people making decisions on whether to emigrate and other related decisions;
 - (c) Institutional arrangements at national level should include partnerships between the Ministries with responsibility for immigration, employment and social affairs, and the active involvement of social partners, civil society and, in particular, NGOs from the immigrant communities; and

- (d) Cooperation with countries of origin should be developed, which could be pioneered in relation to people who move between EU countries; the fact that EU citizens who migrate to other EU countries also experience similar risks in relation to employment and social exclusion should be fully taken into account.
- (5) These strategic processes can be encouraged and promoted at EU level by facilitating exchanges of knowledge, experience, expertise and good practice. This can be accomplished through the work of the Employment and Social Protection Committees, particularly in the context of the preparation of future action plans on employment and social inclusion.

Appendix 2

Conference Programme

Thursday 1 April, 2004

9.00 Opening of conference

Chair: [Jerome Vignon](#), Director, Social Protection and Social
Integration European Commission

Welcome by local authorities:

[Sean McEniff](#), Chair, Bundoran Town Council

[David Alcorn](#), Chair, Donegal County Council

Opening Addresses:

[Mary Coughlan T.D.](#), Minister for Social and Family Affairs

[Frank Fahey T.D.](#), Minister for Labour Affairs

[Antonis Kastrissianakis](#), Director for Employment and ESF
Policy Co-ordination, European Commission

Mobility Trends in Europe:

[Géry Coomans](#), research director at Institut des Sciences
Mathématiques et Economiques Appliquées, Paris

10.45 Keynote speeches

Labour mobility in an expanding Europe:

Allan Larsson, Chair, Skills and Mobility Task Force, Centre for European Policy Studies

Achieving the Social integration of migrants:

Sarah Spencer, Deputy Chair, Commission for Racial Equality (Great Britain)

11.45 Questions and comments

**12.00 National Action Plan on Social Inclusion (NAPs/incl),
analysis of provision for migrants:**

Hugh Frazer, Social Protection & Inclusion Policies,
European Commission

12.15 Introduction to Workshops

Tim Mawson and Ida Monclair, DG Employment and Social Affairs, European Commission

Six workshops will be organised in the afternoon, three focusing on the issues surrounding labour mobility, and three on those issues connected with the social inclusion of migrants. Each workshop will have a facilitator, issues speaker(s) and rapporteur.



14.15 Session 1, Labour Market workshops

Workshop 1:

Employment and mobility

Chair: **Maria Candida Rodrigues Medeiros Soares**, Ministry for Social Security and Labour, Portugal

Presentation on the Commission's Communication "European Employment Mobility" - progress made on the implementation of the Commission's Action Plan on Skills and Mobility.

Tim Mawson, D.G. Employment and Social Affairs, European Commission

Rapporteur: **Patrick Venier**, World Association of Public Employment Services

Workshop 2:

Information and support for migrants – preparing workers in source countries for work in another country, and helping them to integrate into host countries

Chair: **Johan ten Geuzendam**, Head of Unit, Employment Services, European Commission, D.G. Employment and Social Affairs.

EURES - the Europe-wide network that provides information to workers searching for work in other countries.

Kevin Quinn, EURES manager in Ireland,

Case Poland – Ireland

Preparation of workers in the source country.

Krzystof Kaczmarek, Deputy Director of the Labour Market Department in Poland.

Integration into host country.

Izabela Grabowska, The Polish Embassy in Ireland

Rapporteur: Hubert Krieger, Research Manager, European Foundation for the Improvement of Living and Working Conditions, Dublin.

Workshop 3:

Education, training and employability

Chair: Padraig Cullinane, Principal, Department of Enterprise, Trade and Employment, Ireland

Lifelong learning and qualifications,

Martina Ní Cheallaigh, Vocational Training Policy Unit, DG Education and Culture,

Rapporteur: Donal Sands, Assistant Director-General, FAS (National Training Authority) Dublin.



16.30 Session 2, Social inclusion workshops

Workshop 1:

Access to social protection and information for migrants

Chair: [France Mochel](#) – Immigration, Asylum and Borders,
European Commission

Access to social protection and information for migrants

[Bernd Schulte](#) (Max Planck Institute).

Rapporteur: [Claude Ewen](#), Head of international relations,
Ministry of social security, Luxembourg

Workshop 2:

Health and social services

Chair: [Anastasia Crickley](#), National Consultative Committee on
Racism and Interculturalism, Ireland

“Social and cultural status and health chances”

[Dr. Ronnie Moore](#) / [Suzanne Lyons](#), Dept of Public Health
Medicine and Epidemiology, National University of Ireland

“Promoting the Social Inclusion of Migrants: key issues for
health & social services”

[Dr. Maria Duggan](#), Independent Health Policy Analyst

Rapporteur: [Ilze Brands Kehris](#), Director of the Latvian
Centre for Human Rights and Ethnic Studies

Workshop 3:

Social support structures for migrants

Chair: **Platon Tinios**, Social Protection Committee, European Commission

Social support structures for migrants

Professor Mary Hickman, Director ISET (Institute for the Study of European Transformations), London Metropolitan University

Antigone Lyberaki, Professor of Economics, Panteion University Athens / Migration Policy Institute, Greece

Rapporteur: **Dr. Breda Gray**, Department of Sociology, University of Limerick

Friday 2 April

9.00 Opening of second day

Chair: **Margaret Curran**, Minister for Communities, Scotland

Synthesis of workshop discussions

The **rapporteurs** from the workshops will present their summary reports, to be followed by discussions and comments between rapporteurs and the delegates.



10.45 Panel discussion

Chair: [Antonis Kastrissianakis](#), Director for Employment and ESF Policy Co-ordination, European Commission

Participants:

[Sarah Spencer](#), Deputy Chair, Commission for Racial Equality (Great Britain)

[Platon Tinios](#), EU Social Protection Committee

[Mats Wadman](#), Chair, Employment Committee

[Armando Silva](#), Head of Unit, Social Protection and Inclusion, European Commission

[Robert Strauss](#), Head of Unit, Employment Strategy, European Commission

Questions and comments

12.00 Closing session

Concluding remarks from

[Jerome Vignon](#), Director, Social Protection and Social Integration European Commission

[Mary Coughlan](#), T.D., Minister for Social and Family Affairs

