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Comments of the Italian National Contact Point on the European Commission's Green Paper

Following careful analysis of the Green Paper regarding the immigration of workers for economic reasons to the European Union, the Italian National Contact Point – Centro Studi e Ricerche IDOS, working in collaboration with Italian Caritas, provides the following comments to spur constructive debate for the development of Community regulations.

Although the Italian NCP respects the Commission's frequently expressed need to protect the authority of individual Member States regarding the number of migrant workers to be admitted, it, nevertheless, agrees with building the foundation for the establishment of a common platform to systematically manage a phenomenon that, in its most basic elements, can no longer be handled within a national context. It has been amply demonstrated by now that the migratory decisions of individual countries inevitably have repercussions for other Member States. However, it is true that this process would not be immediate, since the harmonisation of any migration policies adopted at the national level would require a significant amount of time. Now more than ever we must begin this process through the creation of flexible regulations that can, on one hand, guarantee individual States a certain measure of independence and, on the other, create a common space that allows migrant workers to move easily, with the assurance that there are definite regulations.

The creation of such regulations would aid our labour market, which could more effectively respond to manpower shortages, and it would promote development in the immigrants' countries of origin, which would obtain undeniable benefits from finding employment for a certain portion of their workers.

Moreover, we believe that this Green Paper is a first important step towards creating a virtuous circle that will make the unified management of the countless other issues that affect the lives of the millions of immigrants living within the Union possible over time, especially those rights of citizenship that are currently not greatly enjoyed by persons from third countries, particularly in some Member States.

Below we have provided a succinct list of issues that we believe are priorities in terms of future Community regulations regarding migrant workers within the EU.

- Although the decision regarding non-EU worker quotas will continue to remain the responsibility of individual Member States for a considerable amount of time, it would still be desirable to establish a **common legal framework** to manage the entry and employment of all citizens from third countries who come to the European Union so as to not limit oneself to a sectorial legislative approach that would, apart from everything else, create an extremely non-homogeneous regulatory framework.
- The concept of **community preference** does not appear to be entirely suited to a labour market that is as flexible as the one in Europe. It is a mechanism that has been tested for years in Italy and its usefulness does not seem to justify the administrative burden that it

would entail. Community preference understood in this manner cannot be the only cornerstone of Community policy but, more simply, one of the possible options for protecting the flexibility of the market. If necessary, it should make it possible for employers to recruit people directly from abroad within the context of established quotas on the basis of equal treatment. To a large extent, the preference given to non-EU workers who have already worked in a Member State also seems to be another formal mechanism that does not provide any positive effects for the labour market. However, the free circulation of workers from third countries from one Member State to another would be useful, since it would undoubtedly create economic advantages for the Union albeit in the medium- to long-term period. The admission of citizens from third countries to the EU labour market must not always be based on the existence of an actual vacant position (**economic need**) to be ascertained through the estimated quantification of the employment deficit.

- The creation of a residence permit to search for employment is a priority, since it would allow aspiring immigrant workers to fill vacant positions thanks, in part, to their higher degree of mobility. As a result, illegal employment, which has become a veritable plague, especially in Italy, could be more effectively countered.
- The establishment of a **migrant worker selection system** is not very useful for many countries and risks further burdening the administrative machinery: it would only be helpful if it is not defined in an absolute manner but rather is adapted to the needs of individual countries. In fact, in Italy, migrant workers are currently employed in low-skilled jobs, making the verification of their requisites in terms of experience, academic instruction, etc, of little concern to employers. In this context the information system (EURES), which provides the CV's of employment-seeking migrant workers, is not always fruitful. These same criteria should also be used to judge the **right of pre-emption** for workers who have followed training courses abroad, especially in those sectors where training does not play a significant role. Training is, however, desirable for civic socialisation in the immigration country.
- The ability to **change employers or sector of work** should be liberalised within the framework of self-regulation that meets the needs of the labour market. These changes are only possible if workers are able to circulate freely within a common space in which the labourer is the sole possessor of the work permit, without any type of conditioning by the employer.
- The creation of **immigrant worker rights** must be viewed, above all, within the wider context of abundant Community and international regulations. More specifically, the UN Convention on migrant rights should be ratified to guarantee the greater protection of migrant workers and their families.
- It is undoubtedly desirable to establish **accompaniment measures** to facilitate the integration of migrants for economic reasons, especially in the countries of origin where it would be opportune to provide appropriate information regarding methods for entering the European Union legally, the rights and duties of migrant workers and anything pertaining to entry, residence and removal. In this regard, it would be preferable to complete the reference to consulates or embassies with recourse to international organisations, which is already occurring in part. The assisted return of migrants who have come to work temporarily should be supported without neglecting so-called virtual repatriation, which consists of the advantages that third countries receive from the migration experience of their citizens in terms of monies sent home and know how.