



The European Pact

on Immigration and Asylum



When France assumed the Presidency of the European Union, the French President wished to demonstrate that Europe is able to take up the challenges faced by society and also address the everyday concerns of European citizens.

This has already been achieved by the European Pact on Immigration and Asylum.

Introduced by France, the Pact is now a European reality. This policy document has been unanimously accepted by our European partners, whatever their political sensibilities or geographic situation. It was formally adopted by the 27 Heads of State and Government on 16 October in Brussels.

With this Pact, Europe has at last taken clear steps. As far as immigration and asylum are concerned, things are about to change as never before. For the first time, a common strategy has been set out, with clear objectives, practical tools and a specific timetable.

Our commitments are coherent: to organise legal immigration more effectively, combat illegal immigration more effectively, make external border controls more effective, construct a Europe of asylum and consult more with countries of origin. Rejecting both closed door and open door policies, the Pact strikes the right balance Europe needs.

I would therefore like to present this new tool, which demonstrates that Europe is both able to protect its citizens, honour its traditions and develop partnerships.

The Pact represents a successful project for France, real progress for Europe and a positive step forward for us all.

Brice Hortefeux,

Minister for Immigration, Integration,
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President of the "Justice and Home Affairs"
Council of the European Union for immigration
and asylum matters



The European Pact on Immigration and Asylum

On the 15th and 16th of October 2008, on France's proposal, the European Council adopted the "European Pact on Immigration and Asylum". This document, which has agreed upon by Heads of State and Government, expresses, at the highest level, the political commitment of the European Union and its Member States, vis-à-vis their citizens and non-member countries, for an effective common policy in immigration matters.

What is the reason for the Pact?

Immigration, a durable phenomenon which forms an integral part of international relations, is one of the principal challenges in the years and decades to come. Immigration pressures will remain as long as there continue to be disparities in development between Europe and southern and eastern countries.

Zero immigration is an illusion. Organised and regulated immigration can offer opportunities, as they are a factor in promoting human exchanges and growth, particularly for countries for which economic development and an ageing population reflect an increasing need for renewed legal immigration.

When badly managed, immigration can have negative consequences for the host countries and for immigrants themselves. The majority of European countries have to cope with illegal immigration, which is an obstacle to the smooth integration of legal immigrants, and a cause of conflict. Governments cannot settle for such a situation.

Furthermore, European construction has resulted in the formation of a vast area of free movement of peoples, which is a remarkable advance in terms of freedom, and an essential factor for prosperity. This change requires combined and common management of migration flows. The decisions taken by a Member State will have repercussions for all other Member States.

The European Union is convinced that a fair, balanced and effective policy must deal with all aspects of immigration at the same time: management of legal immigration, control of illegal immigration and encouragement of synergy between migration and development.

This is the "Global Approach to Migration".

For the first time, all European policies on immigration and asylum are based on a formal document which has been adopted by Heads of State and Government, and this is the idea behind the European Pact on Immigration and Asylum.



The European Pact on Immigration and Asylum

What is the Pact?

The Pact is a political document, by which the Member States of the European Union have a commitment to each other, their citizens and the rest of the world. It contains a set of political objectives and strategic guidelines for the development of European immigration and asylum policies.

The European Pact on Immigration and Asylum commits its Member States in 5 key areas:

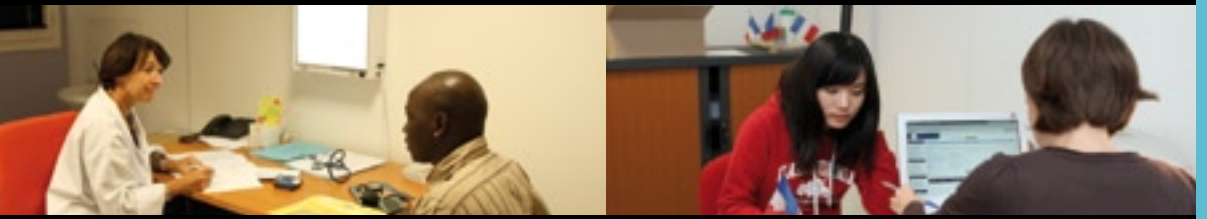
1. To organise legal immigration to take account of the priorities, needs and reception capabilities determined by each Member State, and to encourage integration;
2. To control illegal immigration by ensuring the return of illegal immigrants to their country of origin or a country of transit;
3. To make border controls more effective;
4. To construct a Europe of asylum;
5. To create a comprehensive partnership with countries of origin and transit to encourage synergy between migration and development.

National and European measures will implement all of these commitments.

How will the commitments of the Pact be adhered to?

The Pact must be implemented by the European Parliament, the European Council and the European Commission, as well as by the Member States, as it concerns them individually.

The European Council of Heads of State and Government will organise a debate every year on immigration and asylum policies, based on a report presented by the Commission relating to the implementation of the Pact. Member States will inform the European Council of the most important changes they are considering with regard to their immigration and asylum policies.



Commitment 1

To organise legal immigration to take account of the priorities, needs and reception capabilities determined by each Member State, and to encourage integration

★ Legal immigration policy must be selective and **concerted**.

Legal immigration must be a matter of joint cooperation, for the country of origin and the host country. Benefits must be **mutual**.

★ It is the responsibility of each Member State to implement labour migration policies and decide on the number of persons it wishes to admit according to **its individual labour requirements**.

The attractiveness of the European Union for **highly qualified workers** must be reinforced. Temporary and circular migration (i.e. return trips) must be made easier, while trying to **avoid the brain drain phenomenon** from immigrants' countries of origin.

★ Family immigration must be more effectively organised. It must respect the European Convention for the Protection of Human Rights and Fundamental Freedoms, and be in accordance with the **acceptance capabilities** of Member States and the **integration capabilities** of families.

Member States must have ambitious integration policies, which are based on a **balance between rights** (access to employment, housing, social services) and **the duties** of immigrants (respect for the laws and identity of the host country). **Learning the language of the host country** and **access to employment** are considered crucial factors for integration.



Commitment 2

To control illegal immigration, particularly by ensuring the return of illegal immigrants to their country of origin or to a country of transit

★ The Pact reaffirms the determination of Member States to **control illegal immigration**, in the best interests of States and the immigrants themselves.

Cooperation between countries of origin and transit **will be strengthened** in order to combat international criminal networks in immigrant trafficking and the trading of human beings.

★ Foreign persons who are in countries illegally must leave territories, preferably of their own free will. Deportation decisions taken by a Member State will be recognised by all Member States.

Measures of **assistance for voluntary repatriation** will be **recommended** and must be **extended** across all Member States.

Readmission agreements with non-member countries will be concluded to facilitate repatriation procedures.

★ Member States must cooperate with each other more effectively and take **joint measures** to ensure the repatriation of illegal immigrants.

They will steadfastly combat any form of exploitation of illegal immigrants.

Member States must limit themselves to **regularisations on a case by case basis** for humanitarian or economic reasons.



Commitment 3

To make border controls more effective

★ Each member state is responsible for controlling external, land, sea and air borders of the European Union for the part of these borders which belong to them. This control will be also carried out in the interests of all Member States.

Members States will undertake to use **all available and required resources** to fulfil this responsibility effectively.

★ The issue of visas containing **biometric identification** (digitised photo, fingerprints) will be extended across all Member States from January 2012.

A Visa Information System (VIS) electronically connecting all consulates and central government departments will be set up. This system will help to control illegal immigration more effectively by identifying visa holders and their countries of origin with certainty.

Consulates of Member States must improve their level of cooperation and, where possible, pool together and share their resources for the issue of visas.

★ Whenever it proves necessary, coordination for the control of external borders of the European Union will be provided by the **FRONTEX Agency**. The agency's resources must be strengthened to deal with crisis situations. Member States will undertake to provide FRONTEX with the resources it requires.

Cooperation with countries of origin and transit will be intensified to enable them to improve the control of their own borders

Member States which have to deal with massive and disproportionate influxes of migrants (in relation to their acceptance capabilities) must be able to rely on the effective solidarity of other Member States.

The control of the external borders of the European Union requires modern technological tools which will be developed jointly.



Commitment 4

To build a Europe of asylum

★ The Pact reaffirms that any persecuted foreign person is **entitled to assistance and protection** on the territory of the European Union, in accordance with the core values of the Union and international commitments of its Member States.

★ The Pact calls for the setting up of a **common European asylum system** in order to avoid the disparities which still exist in granting refugee status, and their consequences.

A European Support Office will be set up in the first quarter of 2009 to facilitate practical cooperation between Member States and unify procedures and legal systems.

A **single asylum procedure** containing common guarantees will be introduced by 2012. Refugees and persons granted other forms of protection will also have uniform status within Europe.

★ Solidarity towards Member States who are faced with massive influxes of asylum seekers will be organised in particular through the setting up of European teams responsible for examining applications. Furthermore, more effective distribution of persons with refugee status will be organised between Member States, on a voluntary basis.

In close cooperation with the United Nations High Commissioner for Refugees (HCR), resettlement policies will be re-launched, enabling persons placed under the protection of the HCR abroad to be settled within the European Union.

Personnel who are responsible for border controls will receive training in respect of the rights of persons who require protection.



Commitment 5

To create a comprehensive partnership with countries of origin and transit, encouraging synergy between migration and development

★ The European Union reaffirms its commitment to the “**Global Approach to Migration**”, which deals at the same time with the organisation of legal immigration, the control of illegal immigration and synergy between migration and development. It will take up the challenges faced by immigration by setting up a partnership between countries of destination, origin and transit.

Migration must become an important component part of the external relations of Member States and the European Union.

★ Member States must conclude **agreements** with countries of origin or transit which take into account all aspects of migration.

They will be encouraged to offer nationals of these countries opportunities for legal immigration which are adapted to their labour market. Migrant workers can gain work experience and build up savings which are of help to the development of their country. **Circular migration** will be encouraged.

Cooperation with countries of origin will be developed to discourage and combat illegal immigration.

★ The Pact will promote **actions for combined development**, which will enable migrants to take part in the development of their country of origin. Specific financial instruments must facilitate the most secure and most cost-effective transfer of migrants' savings.

Development policy will be more effectively coordinated with migration policy to benefit the development of countries and regions of migration origin.



La version française est téléchargeable sur le site
www.immigration.gouv.fr



La versión en español se puede descargar en el siguiente sitio
www.immigration.gouv.fr



La versione italiana può essere scaricata sul seguente sito
www.immigration.gouv.fr



Die deutsche Version kann unter
www.immigration.gouv.fr heruntergeladen werden



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