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Regularisation programmes for irregular migrants

Motion for a recommendation
presented by Mr Greenway and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. At a conservative estimate, there are between 3 million and 5 million irregular migrants in Europe.
2. Member states of the Council of Europe are increasingly having to focus on strategies to deal with the large number of irregular migrants in Europe and entering Europe.
3. Voluntary or forced return may be the favoured option of many States, but it may not always be possible. Some persons can not be returned because of the absence of readmission agreements and states may decide that they do not wish to return others for humanitarian reasons or even economic reasons if their economy is dependent on the labour provided by the irregular migrants.
4. One strategy which has developed over the last decades by a number of member states is the regularisation of large numbers of irregular migrants.
5. The IOM and the Organisation for Economic Co-operation and Development (OECD) estimated that in 5 countries of Europe during the 1990s about 1.5 million people were regularised. In more recent years Greece introduced a regularisation programme affecting approximately 228,000 persons, Portugal in the same year regularised 170,000 persons, Italy regularised 634,700 persons in 2002 and Spain has in 2005 adopted a large-scale regularisation programme which has attracted approximately 700,000 irregular migrants.
6. This strategy of regularisation has however been highly controversial, both at a national level and also at a European level, where certain states, such as Germany and the Netherlands, have spoken out strongly against such programmes.
7. A number of arguments have been advanced in favour of regularisation programmes, including that they:
 - provide Europe with the labour and skills needed
 - offer a way of tackling the shadow economy
 - can increase tax returns and bolster social security contributions
 - provide an effective way to guarantee the rights and human dignity of a large number of persons living on the fringes of society

8. The detractors of regularisation programmes however argue that:

- there is no evidence that they solve the problem of irregular migration;
- they undermine the credibility of a regular migration policy;
they have a pull effect, encouraging further irregular migration whereby new migrants enter the country to fill the gap for cheap and exploitable labour;
- many irregular migrants do not sign up for the programmes and continue to work in the shadow economy with an irregular status;
- those who are regularised may move to another country in Europe to work, impacting on unemployment in third countries.

9. There is a need for an informed debate at European level on the advantages and draw-backs of regularisation programmes, taking into account the different experiences in Europe to-date. A range of questions need to be answered. These include questions on:

- the form of different regularisation programmes undertaken so-far;
- the political, social and economic impact of regularisation programmes;
- the contribution such programmes can make to a comprehensive migration management strategy;
- the accompanying measures needed when adopting and operating such programmes;
- the beneficiaries of different programmes and how they should be defined and treated.

10. In view of the controversy over the use of regularisation programme, the Parliamentary Assembly recommends that the Committee of Ministers:

- contributes to an informed discussion on the use of regularisation programmes in Europe through an analysis of the different regularisation programmes that have been conducted in Europe;
- draws conclusions on the successes and failures of regularisation programmes carried out in the past;
- establishes guidelines on their future use by member states so as to contribute to a managed migration policy for Europe;
- explores the opportunities which could be provided by regularisation programmes towards improving the conditions of employment of migrant workers generally and the strengthening of their rights.

*Signed*¹:

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EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group