



European Union

**Sixth informal thematic session on
Irregular migration and regular pathways, including decent work, labour mobility, recognition of
skills and qualifications and other relevant measures**

for the UN Global Compact for Safe, Orderly and Regular Migration

(12-13 October 2017, Geneva)

Statement by

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- CHECK AGAINST DELIVERY -

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EU Statement

Panel 1: Irregular migration and regular pathways

Chair, I have the honour to speak on behalf of the EU and its MS. The EU and its MS welcome that this session is looking into irregular migration and pathways for safe, orderly and regular migration. In this last thematic meeting, we look into the ways to address these key aspects of migration.

We believe that the future Global Compact should aim at providing long-term, sustainable and comprehensive solutions for the benefit of all parties involved, taking into account their interests and competences. It should promote a comprehensive approach to migration encompassing measures to address and reduce irregular migration, address return and readmission and at the same time facilitate opportunities for safe, orderly and regular migration recognizing labour market needs and demographic trends and taking into account national competencies in migration policies. In this regard, we acknowledge a shared responsibility to manage large movements of migrants and highlight the need for close cooperation among countries of origin, transit and destination.

We stress the risk of exploitation, abuse and discrimination inherent in unsafe and irregular movements. There is also a clear need to promote a more coordinated, holistic and structured approach to migration, in particular irregular migration, including preventing and stemming irregular migration flows, fighting the smuggling of migrants and trafficking in human beings.

At the same time, we also need to facilitate opportunities for safe, orderly and regular migration, in accordance with the commitment in the 2030 Agenda, including, as appropriate, employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities, while taking into account national competences and also considering and strengthening capacities of the host societies.

EU legal framework facilitates the entry of certain categories of migrants such as students, researchers, seasonal and highly qualified workers, long-term residents and intra-corporate transferees. The European Commission has put forward a proposal for a more effective EU Blue Card System, which is currently negotiated between Commission, European Parliament and Council.

In this context, we would like to recall the sovereign right of states to determine whom to admit to their territories and under what conditions, subject to that state's international obligations. Thus, we acknowledge that states, as an important element of their security, have both the right and the responsibility to manage and control their borders. Border control procedures need to be carried out in accordance with applicable obligations under international law, including international human rights and international refugee law and in particular the principle of non-refoulement.

There is also a need to emphasize the obligation of all states, as enshrined in international law, to accept without condition the return and readmission of their nationals. Therefore, we call upon states to cooperate effectively towards that end and facilitate the return of their nationals who do not have a right to stay on another state's territory, notably by swiftly identifying their nationals and issuing travel documents. To this end, states should establish reliable means of identification for their nationals by adding biometric identifiers in population registers.

We must ensure that returns and readmissions are carried out in dignity, safely and effectively, in full compliance with international law, including international human rights and international refugee law. Such measures should be conducted in conformity with human rights and with respect for human dignity as well as the prohibition of collective expulsion, ensuring fair standards and procedures for return and respect for the right to an effective remedy as well as access to information about rights and obligations.

In this context, voluntary return should be prioritized and the importance should be given to effective and sustainable reintegration assistance for returnees into their country of origin. At the same time, we need to ensure effective monitoring of their arrival and subsequent reintegration measures. The EU and its MS support and promote, as appropriate and in co-operation with international organizations, assisted voluntary return in safety and dignity as well as effective and sustainable reintegration assistance for returnees as an important complementary element of return management.

Last but not least, all stakeholders, and this includes national and local governments, international and regional organizations, civil society, the private sector and diaspora communities in host countries, should contribute to increasing migrants' and potential migrants' awareness of the dangers of irregular migration and of the existence of legal migration pathways. The EU has in place an EU Immigration Portal providing practical information about coming to work or study in the EU and on how to join family members in the EU. The Portal also informs migrants in the countries of destination about how to move from one EU country to another and of dangers of irregular migration.



Panel 2: Decent work and labour mobility

Chair, I have the honour to speak on behalf of the EU and its MS. The EU and its MS welcome that this session is looking into decent work and the ways to promote and facilitate labour mobility.

We recognize the positive contribution of migrants to inclusive growth and sustainable development, as stated in the 2030 Agenda, and that well-governed regular migration can contribute, through coherent and comprehensive responses, to sustainable development for countries of origin, transit and destination, including through social and financial remittances. The contribution of migrant women should also be recognized in this regard.

We all need to facilitate opportunities for safe, orderly and regular migration, including employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities, while taking into account national competences and considering and strengthening capacities of the host societies.

In this regard, we recall support to the ILO's Fair Migration Agenda and the Conclusions concerning fair and effective labour migration governance as adopted at the International Labour Conference in June 2017. We stress that the effective implementation of fundamental principles and rights at work for migrants and decent work should inform the overall approach to labour migration. Access to justice needs to be ensured, irrespective of migrant status. Measures that protect and ensure decent work contribute to social and economic integration and equality of treatment. Freedom of association is a fundamental right and an enabling condition for the realization of decent work.

Fair and ethical international recruitment of legally staying migrants, along the ILO's General principles and operational guidelines for fair recruitment adopted in September 2016, is crucial to prevent trafficking in human beings, migrant smuggling and exploitation, abuse, gender-based violence, child and forced labour and protect the rights of workers. In this regard, we also note the IOM's International Recruitment Integrity System (IRIS) as a voluntary multi-stakeholder certification system for labour recruiters developed to support the ethical recruitment of migrant workers.

At the same time, we need to recognize that the protection of migrant workers' rights at work as set out in relevant ILO Conventions requires a coordinated approach from relevant national authorities enforcing labour laws and regulations and social partners. Capacities of employers, trade unions, civil society organisations and the media should be enhanced to provide more reliable information and services to migrant workers through the recruitment process and during their employment period.

States should give careful consideration to the effective governance of temporary regular labour migration to protect the rights of migrant workers, including migrant women workers, and national workers. They should ensure decent work, afford equal treatment in accordance with national laws and regulations and international obligations, and respect the fundamental principles and rights at work. Part of this is to ensure access to basic services with particular reference to access to education, health care, justice, and language training.

The EU legal framework facilitates the entry of certain categories of migrants, including temporary workers, and ensures equal working conditions as well as health and safety at the workplace.

Circular migration is a fundamental aspect of EU rules on the conditions of entry and stay of seasonal workers. EU legislation provides that Member States must facilitate the re-entry of seasonal workers wishing to work again in the same Member State after a first stay. The labour of irregular migrants creates a pull factor and undermines the development of a labour mobility policy built on legal migration schemes. Through the adoption of the Employers

Sanction Directive, the Member States must prohibit the employment of irregular migrants and impose financial, administrative or criminal sanctions for illegal employment as well as improve the detection mechanisms.

We reaffirm the importance of the social and economic inclusion of legally staying migrants, recognizing that the cost of non-inclusion exceeds the cost of inclusion. Local authorities have an important role to play and require support in this regard. At the same time, we recall the obligation for migrants, as for all other members of the society, to fully observe the fundamental values of respect of human dignity, freedom, democracy, equality, the rule of law, as well as laws and regulations of their host countries.

Since June 2016, the EU has in place an Action Plan on Integration of Third Country Nationals. The Action Plan assists Member States with concrete measures in five areas that are crucial for integration: pre-departure measures; education and training; access to basic services; labour market integration and vocational training.

The social and economic inclusion of migrants who are legally staying in host societies should be promoted – also in transit countries, giving special attention to legally staying migrants in vulnerable situations, including women and children, and we should promote the exchange of best practices in this regard.

Chair, women and women leaders in migrant communities have a significant contribution to make; we should ensure their full, equal and meaningful participation in the development of local solutions and opportunities.

Panel 3: Recognition of skills and qualifications and relevant measures

Chair, I have the honour to speak on behalf of the EU and its MS. The EU and its MS welcome that this session is looking into the recognition of skills and qualifications and relevant related measures.

We recognize the positive contribution of migrants to inclusive growth and sustainable development, as stated in the 2030 Agenda, and that well-governed regular migration can contribute, through coherent and comprehensive responses, to sustainable development for countries of origin, transit and destination, including through social and financial remittances. The contribution of migrant women should be recognized in this regard.

Further work should be carried out on the recognition, development and application of skills and qualifications across borders at bilateral, regional and multiregional level. This needs to include skills acquired formally or informally, as well as access to general education, vocational training and employment counselling, especially through increased cooperation between countries of origin and destination to this end. The matching of skills between supply and demand should also be facilitated by enhancing particular sets of skills in countries of origin that are in higher demand in countries of destination. This shall not necessarily lead to a responsibility of countries of destination to further extend legal pathways to enter their territory. It will allow to ensure that skills and qualifications of migrants are valued, used to their full potential and matched appropriately, thus avoiding 'brain waste' and helping to balance the supply and demand of workforce. This will bring significant benefits to their countries of origin through social and financial remittances and circulation of knowledge. We would also encourage job creation in the countries of origin so that migrants could return and make use of their newly acquired skills.

The New Skills Agenda for Europe launched by the European Commission in June 2016 focuses on increasing skills levels to boost employability and competitiveness, supporting fair, inclusive and sustainable growth. It outlines a number of initiatives with the aim to assess, profile, recognize and upgrade skills of third country nationals, including:

- launch a 'Skills Profile Tool for Third Country Nationals', which will assist services in receiving and host countries to identify and document skills, qualifications and experience of newly-arrived third country nationals;
- work with national authorities to support recognition of migrants' skills and qualifications, including refugees', support the training of staff in reception facilities to speed up recognition procedures, and promote the sharing of information and best practices on understanding and recognition of skills and qualifications;
- improve transparency of third country qualifications through cooperation with third countries through the revision of the European Qualifications Framework (EQF);
- make available online language learning for newly arrived migrants, including refugees, through Erasmus + online linguistic support;
- support the upskilling of low-skilled and low-qualified, including third country nationals, by presenting a proposal for the establishment of a Skills Guarantee.

All stakeholders should recognize the importance of creating a level playing field between migrant and national workers by ensuring equal treatment and non-discrimination to legally staying migrant workers, the application of the same labour standards, including on occupational safety and health and social protection, and that of the ILO's General principles and operational guidelines for fair recruitment. In this regard, we recall the commitment to the implementation of the 2030 Agenda for Sustainable Development, in particular of Goal 8 which aims to protect labour rights and promote safe and secure working environments for all workers. Needless to say, this includes migrant workers, in particular women migrants, and those in precarious employment.