

Inclusion for Change

*Emphasising Positive Effects of Immigration
for Local Communities*

*An overview of migration policies, and young immigrant inclusion strategies in the
European Labour Market*



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European Labour Market

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Crossing Borders is an NGO that works to provide young people and educators with knowledge about diversity and globalization as well as tools for creating space for dialogue among different cultures and viewpoints. Crossing Borders is based in Humlebæk, Denmark and has activities in Europe, the Middle East, Africa and South America.



CESIE is a European centre of studies and initiatives, established in 2001, inspired by the work and theories of the sociologist Danilo Dolci (1924-1997). The organization's mission is to promote growth through innovative and participative educational approaches. Our vision is - The world to become only one creature.



Cnam – Conservatoire national des arts et métiers - of Pays de la Loire is a professional training center and has a specific department in order to support employability. It combines an individual dimension (to strengthen competences of men and women by providing life-long training opportunities) and a collective dimension (to improve the competitiveness and the performance of companies in order to support a sustainable development of territories). Both actions are related to each other: Cnam's core business is to develop and implement plans that fit to individuals (employees as well as unemployed people) and also companies in order to create common projects of changes related to economic, social, technological or organisational evolutions.



The People for Change Foundation (PfC) is a Malta-based human rights think tank with a Maltese, European and global scope. PfC provides evidence-based, independent, practical and creative ideas on the protection, respect and promotion of human rights in Malta and across the European Union. Our work involves inter-disciplinary analysis, debate and action on a variety of contemporary human rights issues, informed by engagement in a multilateral process with all communities and stakeholders, and at all levels.

Our unique approach creates a safe space for research ideas to be developed and debated. We bring together various methods and approaches to create outputs that are academically rigorous and policy relevant.

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1. Introduction

Immigration to the European Union is a solution to concerns relating to ageing populations, labour market shortages and mismatched skill sets. Supporting Third Country Nationals (TCNs) access to the European labour market will help address labour market shortages within the destination country, while empowering young migrants in their overall integration process. It is for this reason that Europe should make the integration of young migrants a priority.

Migrant: No universal definition for migrant exists, and while it can refer to anything from people holding foreign citizenships to EU nationals born from migrant parents, the term is generally used in reference to legal migrants and not undocumented migrants or asylum seekers.

While the inclusion of migrants in the labour market is not a new (economic, social and political) issue, it has become a pressing one, with greater numbers of TCNs entering European Union (EU) Member States. In 2013, the population of the EU was 503 million, with 20.4 million being TCNs, corresponding to a total of 4% of the population.¹ Given recent demographic trends, the EU is keen to attract labour migration of highly skilled TCNs to compensate for its ageing population,² as well as part of its commitment to sustainable economic growth under the *Europe 2020* strategy.³

Third Country National: Defined as a non-EU national who is neither from the Member State in which he/she is residing nor from any other Member State. COM (2011) 847 specifically defines TCNs as 'any person who is not a citizen of the EU within the meaning of Article 17(1) of the Treaty'.

For the purposes of this report the terms 'migrant' and 'TCN' will be used interchangeably. While the term 'TCN' is strictly defined as 'non-EU national', the term 'migrant' is more inclusive. In assessing the labour market inclusion of migrants as well as their broader integration, this report

¹ European Commission, *5th Annual Report on Immigration and Asylum* (Brussels: European Commission, 2014), 3.

² Consistently low levels of fertility over many years have contributed to population ageing, with fewer births leading to a decline in the proportion of young people in the total population. Eurostat, "Population structure and ageing," http://ec.europa.eu/eurostat/statisticsexplained/index.php/Population_structure_and_ageing#Trends_of_population_ageing_in_the_EU

³ Europe 2020 is an EU growth strategy for smart, sustainable and inclusive economy. These priorities will help deliver high levels of employment, productivity and social cohesion, along with the five objectives about employment, innovation, education, social inclusion and climate/energy. "European Commission *Communication from the Commission Europe 2020; A strategy for smart, sustainable and inclusive growth* (Brussels: European Commission, 2010), 5.

has found it useful to use the term ‘migrant’, as obstacles to successful inclusion and integration (such as institutional discrimination) are often more far-reaching than the narrow definition that TCN allows. While this report -as the FETE project overall-, targets labour market inclusion as a measure to enhance integration of young migrants overall, it is also important to consider the policy and legal background of integration. At a fundamental level, integration includes three main pillars:

1. Legal/political integration,
2. Socio-economic integration, of which labour market inclusion constitutes a small part
3. Cultural integration.

These various issues intersect and are inter-connected. In other words, a migrant who is able to enter into employment shortly after his arrival in a country has enhanced prospects of integration more broadly. This is due to the fact that labour is a significant part of everyday life and thus enables TCNs to gain self-confidence, independence and be part of the workforce of the place, contributing in this way to the society of which they are becoming part.⁴ Indeed, the *Common Basic Principles (CBP)*, which form the foundation of EU initiatives in the field of integration, do not define labour market inclusion. However, CBP 3 recognises that: *“Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible”*⁵.

A broad interpretation of labour market inclusion acknowledges unemployment, temporary employment as well as employment below one’s skill level usually due to a reluctance of the country to recognise foreign diplomas and certificates, as a lack of full labour market inclusion⁶, with stable full-time employment or high income considered at the high end of the inclusion spectrum.

It is generally assumed that the duration of stay within the host country is a clear factor in the success of inclusion, in accordance with the European Commission and Eurostat, which determined long-term residency as one of the core indicators for successful integration.⁷ A

⁴ *Supra*. 1.

⁵ Justice and Home Affairs Council, *Common Basic Principles* (Brussels: European Union, 2004), 1.
http://www.eesc.europa.eu/resources/docs/common-basic-principles_en.pdf

⁶ Marloes de Lange, Maurice Gesthuizen, Maarten H.J. Wolbers “Youth Labour Market Integration Across Europe,” *European Societies* 16, no. 2 (2014): 196-197.

⁷ “Migrant Integration Policy Index blog,” Mipex, Last accessed July 16, 2015,
<http://www.mipex.eu/blog/commission-deplores-weak-impact-of-eu-long-term-residence-directive>

study by Panteia⁸, commissioned and funded by the European Commission,⁹ indicated that with a long-term decline in the European population, long-term labour inclusion of migrants will be “essential for Europe’s future”. However, while Europe tries to cope with the economic recession, labour market inclusion of migrants has been severely affected, with employers being more reluctant to hire migrants and more likely to terminate employment of migrants.¹⁰

A more thorough analysis of EU frameworks surrounding the labour market inclusion of TCN youth reveals some deficiencies. Firstly, EU instruments addressing TCN integration fail to address the specific challenge of TCN youth. Many EU directives address TCNs and many EU programmes are directed towards improving youth prospects, but few address both. Secondly, most labour market inclusion strategies are primarily focused on labour migration, thus excluding other forms of migration including persons arriving in Europe to seek international protection. There is considerable evidence suggesting that those with migrant backgrounds have a considerably higher chance of having a NEET status (Not in Employment, Education or Training) with one report citing the chance as high as 70%.¹¹

The impact of the economic crisis on migrants and their employment.¹² In a globalised economy and a declining global workforce¹³, investing in those that can help meet plans of ‘smart, sustainable and inclusive growth’¹⁴ will remain essential for a inclusive labour market policy. While the economic crisis might tempt policy-makers to look towards short-term goals and solutions -with some EU Member States adopting more restrictive immigration policies¹⁵ the commitment to labour market inclusion, and integration as a whole, ought to be maintained.

⁸Panteia is a private institute specialised in Economics research in The Netherlands. In 2000, the Economic Institute for Small and Medium Enterprises, (EIM). was established and over the years various research and consulting firms have joined. In 2010, all agencies under the name Panteia merged into one of the largest research and consultancy companies in the Netherlands.: <http://www.panteia.nl/>

⁹ Employment, Social Affairs and Equal Opportunities, *Migrants to Work: Innovative approaches towards successful integration of third country migrants into the labour market* (Research voor Beleid: The Netherlands, 2010).

¹⁰OECD, *International Migration Outlook 2014*(OECD Publishing: Brussels, 2014).

¹¹ Eurofound, *NEETS: Young people not in employment, education or training: characteristics, costs and policy responses in Europe*(European Union: Luxembourg, 2012), 2.

¹² European Service Network and Migration Policy Group, *Using EU Indicators of Immigration Integration*, Final Report for Directorate General for Home Affairs, p.19, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/legal-migration/general/docs/final_report_on_using_eu_indicators_of_immigrant_integration_june_2013_en.pdf

¹³ McKinsey Global Institute, *TheWorld at Work: jobs pay and skills for 3.5 billion people* (McKinsey & Company, June 2012), 14.

¹⁴ *Supra.* 7

¹⁵ Independent Network of Labour Migration and Integration Experts, *Migration and the Economic Crisis in the European Union: Implications for Policy* (Brussels: International Organization for Migration, 2010), 4-5.

2. EU Legal and Policy Framework

A number of EU Directives and other policy instruments address the issue of TCN integration.¹⁶ The various directives address the rights of residence of different migrant groups, the rights and entitlements whilst in country, conditions for labour market entry and mobility as well as the prohibition of discrimination. This section will briefly summarise EU policy frameworks that address integration as a whole, with a longer section addressing labour market inclusion and employment strategies specifically. A number of non-legislative instruments, such as financial programmes, council conclusions, strategies and action plans also address a variety of relevant issues, whether directly or indirectly. A critically important financial programme is the Asylum, Migration and Integration Fund which builds of, amongst others, the European Refugee Fund and the European Integration fund which existed in the previous funding cycle.

The *Treaty of Amsterdam*¹⁷, which entered into force in 1999, introduced EU competence on migration issues for the first time. Despite the fact that it did not make any direct reference to integration, Article 14 addressed discrimination based on ethnic origin. At the same time, Article 63 enabled the Council to start determining the rights and status of TCNs wishing to reside within the Member States. The *Treaty of Amsterdam* also provided the basis for the adoption of the *Tampere Programme*, the first five year programme putting into effect common immigration and asylum policies. This programme was replaced by the *Hague programme* in 2004 and eventually by the *Stockholm programme* in 2010, from which the CBPs were adopted. The Stockholm programme, by focusing on rights and justice, is mainly directed at creating an open and secure European environment to serve and protect citizens. In order for the European Union to focus on people's interests and needs, the Commission intends to pursue a dynamic and comprehensive immigration policy, which will consist of clearly set actions by the Stockholm Programme. The Programme's goals are mentioned below as in the action plan:

- *“further develop the EU Global Approach to Migration to increase cooperation with non-EU countries;*
- *support migration to fulfil the needs of the EU countries' labour-markets;*
- *promote the integration and the rights of migrants;*
- *tackle illegal migration through readmission agreements and return policies;*
- *take into account the situation of unaccompanied minors.”*¹⁸

¹⁶ See table in Appendix for a full list of pertinent documents and EU instruments.

¹⁷ European Communities, *TREATY OF AMSTERDAM AMENDING THE TREATY ON EUROPEAN UNION, THE TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES AND CERTAIN RELATED ACTS* (Office for Official Publications of the European Communities: Luxembourg, 1997).

¹⁸ “Action Plan on the Stockholm Programme”, EUR-Lex, Last accessed July 16, 2015, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:jl0036>

The Stockholm programme also aims at pursuing a common asylum policy to establish a common area of protection for asylum seekers through the sharing of responsibilities among EU Member States. Additionally, the action plan provides for a strengthened external dimension through cooperation with the United Nations' High Commissioner for Refugees (UNHRC) and the development of the EU Resettlement Programme, as well as of new regional protection programmes. Furthermore, the Commission aims at taking into account the external dimension in its relation with non-EU countries, including a variety of agreements and partnership arrangements.¹⁹

In 2010, a new Agenda was proposed by the Commission; the *European Agenda for the Integration of Third Country Nationals*.²⁰ This Agenda is especially pertinent to the FETE project due to its emphasis on integration as a two way process between migrants and their local communities. Of particular importance are the suggestions for political participation of migrants, language courses at an early stage and reforming of the education system to adapt to multicultural settings. Furthermore, it recognises several important challenges to the labour market inclusion of migrants by addressing low levels of employment amongst migrants - especially female ones - the phenomenon of skill mismatch and over-qualification, as well as gaps in educational attainment.²¹

In May 2015 the European Commission published the latest Agenda on Migration in part responding to the so drowning earlier this year of hundreds of migrants seeking to cross into Europe²². This Agenda establishes the management of migration as an explicit priority of the European Commission. Moreover, this new Agenda reflects the EU's concern with irregular migration²³ with three of the four main areas to be addressed relating to it. Only one area is directed towards the integration of migrants already in Europe, with the Commission's focus strictly on attracting TCNs with appropriate skill sets for a competitive Europe by launching a review of the Blue Card Directive.²⁴ The Agenda includes both short and long terms priorities. This development, along with Donald Tusk's call for an extraordinary EU summit after the

¹⁹"Action plan on the Stockholm Programme", EUR-Lex, Last accessed July 16, 2015, [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52010XG0504\(01\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52010XG0504(01))

²⁰European Commission, *European Agenda for the Integration of Third-Country Nationals* (European Union: Brussels, 2011), 3.

²¹*Ibid.*

²²European Commission, *A European agenda on migration*(European Union: Brussels, 2015).

²³European Commission, "*Commission makes progress on a European Agenda for Migration*", (European Union: Brussels 2015). Press release retrieved from: http://europa.eu/rapid/press-release_IP-15-4545_en.htm

²⁴ "Entry and residence of highly qualified workers (EU Blue Card)," EUR-Lex, Last accessed July 16, 2015, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l14573>

tragedies of April 2015 during which 900 people lost their lives at the sea while trying to cross the Mediterranean,²⁵ has set migration as a high priority.

While perhaps it is too early to comment on the Agenda, its overt concern with irregular migration is a reflection of the Commission's attempt to address short-term rather than long-term goals. Especially in addressing legal migration, the EU should have a wider scope that does not only include the attraction of the highly-skilled migrants, but should also focus on wider economic inclusion and integration policies. It has been noted²⁶ that more effective channels for economic migration need to be set up and that the EU migration policies should be further expanded to encompass greater flexibility for migrants attempting to enter the EU for employment or family-reunification purposes. This is also the reason for the creation of a single status for non-EU long-term residents by the EU in 2003.²⁷ The Directive approximates the laws of EU countries and ensures equal treatment throughout the Union, independent of the EU country of residence.

Under EU rules, all non-EU nationals residing legally in the territory of an EU country for at least five consecutive years are granted "long-term resident" status. The EU has also adopted the Family Reunification Directive that establishes the rules and conditions under which non-EU nationals who are residing lawfully on EU territory – including refugees – may exercise the right to family reunification. On the basis of this law, legally residing non-EU nationals can bring their non-EU national spouse, under-age children and the children of their spouse to the EU Member State in which they are residing. Following the 2008 report on the application of this Directive, the Commission published a communication with further guidelines in 2014 on the application of the Directive.²⁸

To summarize, the integration policy of TCNs²⁹ has been carried out in the EU by various legal instruments but some of the most important for integration include:

- *Family Reunification Directive (Council Directive 2003/86/EC);*

²⁵ Alessandra Bonomolo, Patrick Kingsley, Stephanie Kirchgaessner, "700 migrants feared dead in Mediterranean shipwreck", *The Guardian*, April 19, 2010, accessed April 23, 2015, <http://www.theguardian.com/world/2015/apr/19/700-migrants-feared-dead-mediterranean-shipwreck-worst-yet>

²⁶ CEPS, "What priorities for the new European Agenda on migration?" (CEPS: Brussels, 2015), 2.

²⁷ "Status of non-EU nationals who are long-term residents," EUR-Lex, Last accessed July 16, 2015, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l23034>

²⁸ European Commission, "Towards a Comprehensive European Migration Policy: 20 years of EU Action" ,, (European Union: Brussels, 2015). Fact sheet retrieved from: [http://europa.eu/rapid/press-release MEMO-15-4544_it.htm](http://europa.eu/rapid/press-release_MEMO-15-4544_it.htm)

²⁹ For a full list of legislative, policy and financial instruments covering integration as a whole and labour market inclusion specifically, please refer to the table available in the appendices to this report.

- *Long term residence Directive (Directive 2003/109/EC)*
- *Single permit directive (Directive 2011/98/EU)*
- *Racial Equality Directive (Directive 2000/43/EC);*
- *Equal Treatment Directive (EU Directive 2000/78/EC)*

There are several financial instruments promoting integration. The Rights, Equality and Citizenship Programme which replaced the previous Fundamental Rights and Citizenship Programme, attempts to address issues of human rights, including counter-acting discrimination and racism. Part of the Directorate General for Justice funds several actions and actors by providing support for NGO activities in the field, funding analytical and research activities, raising awareness and conducting training activities.³⁰ The European Social Fund, which addresses inequalities in living standards and wealth, also addresses issues of discrimination by funding projects that are relevant to the EU's commitment to integration. Being the primary tool to which the EU addresses issues of employment and social inclusion, it encompasses several operational programmes, such as PROGRESS. Moreover, the Asylum, Migration and Integration Fund (AMIF) that was set up for the period 2014-20, with a total of 3,137 billion Euro for these seven years. AMIF will promote the efficient management of migration flows, as well as the implementation, strengthening and development of a common Union approach to asylum and immigration.³¹

2.1 EU Frameworks for Employment and Labour Market Inclusion

EU socio-economic objectives are often bundled into 10-year goals, with the current plan of *Europe 2020* replacing the *Lisbon Strategy* (2000-2010). While the *Lisbon Strategy* attempted to address growth for the knowledge economy and to enhance employment opportunities, *Europe 2020* aims at creating a “greener” form of growth that emphasises sustainability and social cohesion and works towards taking Europe out of the economic crisis. Within the *Europe 2020* strategy, priority is given to attracting skilled TCNs, next to addressing demographic problems, boosting productivity and gaining competitiveness. This attempt to attract TNCs is applied at the *Single Permit Directive*³², as well as at the recent *Intra-Corporate transfer*

³⁰ “Directorate-General for Justice and Consumers,” European Commission – Justice, Last accessed July 16, 2015, http://ec.europa.eu/justice/mission/index_en.htm

³¹ For more information about this programme look at the website: http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm ; In the same area we can find also the EIF programme that support Europe's micro, small and medium sized businesses (SMEs) by improving their access to finance through a wide range of selected financial intermediaries across Europe (see the website: <http://www.eif.org/>);

³² See the full text on the website: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0098>

Directive³³ which sets to ease the process of transferring TCNs within the same company in different Member States. Despite *Europe 2020*'s key priority being the empowerment of people in inclusive societies, the policies do not seem to fully take into account the full potential of the migrants. Furthermore, while it seems clear that it is the EU's commitment to integrate legal and skilled migrants, it remains to be shown if there is an interest in investing in TCNs who arrive in the EU irregularly, as employment rates amongst certain subsets of migrants remain low.

In terms of immediate labour market inclusion, multiple legislative instruments are in place for TCNs. These include the *Single Permit Directive 2011/98/EU* which allows for a 'one-stop shop' application for both residency and work permits, as well as the *2003/109/EC Directive* which is a broad-based legislation for the status of TCNs entitled to long-term residency, covering everything from recognition of qualifications to employment. Another important measure for labour market inclusion is the European Blue Card³⁴, though early reports indicate that this might not have attracted as many TCNs as intended. Admittedly, however, this may be due to Member State initiatives being more attractive than the Blue Card.

Despite the many instruments in place to regulate and include TCNs into the labour market, there are a few deficiencies. For example, the *Single Permit Directive* is not inclusive of all TCN groups, even of those that are included in other directives, such as intra-corporate transferees and seasonal workers.³⁵ This makes the process complicated for TCNs -or changes nothing for those in groups not included in the Directive - not only because there is legislative fragmentation at EU level, but also because the same Member States are entitled to certain amount of discretion in the way EU law is implemented on national level. Therefore, reluctance in thoroughly adopting EU legislation regarding TCNs may hinder the prospects of adequate harmonization.

2.1.1 A note on lower-skilled migrants

As mentioned previously, the EU policy agenda is geared towards meeting specific labour market needs. This indicates that the selection process is often based on the perceived needs at the time of application. It is for this reason that the situation is made increasingly difficult

³³ See the full text on the website: http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=uriserv:OJ.L_.2014.157.01.0001.01.ENG;

³⁴ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment OJ L 155, 18.6.2009, p. 17–29;

³⁵ At least 12 categories of workers were left out. See Article 3 of the *Single Permits Directive*;

for low-skilled migrants, as both at EU level and at national level more emphasis is placed on attracting highly-skilled migrants.³⁶

Also of relevance is the seasonal workers' Directive³⁷ attempting to regulate seasonal work for TCNs, as well as the proposed Directive for temporary stays of TCNs such as student exchanges, au pairing, voluntary service and research.³⁸ The regulation of temporary work is important in this case in order to protect vulnerable groups within the lower-skilled migrant group from engaging into illicit work.

Labour market inclusion of low-skilled migrants is an important aspect of TCN integration as a whole for a range of reasons. If the policy goal is to address labour shortages, especially in reference to long-term demographic shifts and a declining global workforce, then the labour market inclusion of this group will help meet these goals. There is also evidence that the actual needs of the labour market will require the inclusion of all levels of skills to meet the challenges of the current global economic scenario. For example, low-skilled to semi-skilled positions were amongst some of the fastest growing areas of employment, with EURES citing mostly low-skilled jobs in their top five occupations.³⁹ Considering the above, while the attraction of highly skilled migrants is also essential in economy, the inclusion and integration of the migrants that Member States already have would be a worthy investment.

2.2 Youth Employment Policy

The EU has shown consistent commitment to youth employment, with multiple policy packages and strategies aimed at raising the latter. Using the “open method of coordination”

³⁶ However, the following directives are relevant to the labour market inclusion of lower-skilled migrants: the Family Reunification Directive (Council Directive 2003/86/EC), Directive concerning the Status of Third-country Nationals or Stateless Persons that need international protection who are long-term residents (Council Directive 2003/109/EC), The non-discrimination directives, such as the Racial Equality Directive (Directive 2000/43/EC), the Employment Equality Directive (Directive 2000/78/EC) and the European legal framework on anti-discrimination and gender equality, the Directive providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals (Directive 2009/52/EC)

³⁷ DIRECTIVE 2014/36/EU of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers *OJ L 94, 28.3.2014, p. 375–390*;

³⁸ COM(2013) 151 DIRECTIVE on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing. This directive is intended to update and expand the current directive : Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service *OJ L 375, 23.12.2004, p. 12–18*;

³⁹ Less skilled migrants report

(OMC)⁴⁰, the EU has implemented a European employment strategy OMC, as well as an OMC for social protection and social inclusion.

This method, created as part of employment policy and the Luxembourg process, has been defined as an instrument of the Lisbon strategy (2000). The OMC provides a new framework for cooperation between Member States, whose national policies can thus be directed towards certain common objectives. Under this intergovernmental method, Member States are evaluated by one another, with the Commission's role limited to oversight. The European Parliament and the Court of Justice play virtually no part in the OMC process. The open method of coordination takes place in areas which fall within the competence of Member States, such as employment, social protection, social inclusion, education, youth, and training.

It is essentially based on:

- jointly identifying and defining objectives to be achieved (adopted by the Council);
- jointly establishing measuring instruments (statistics, indicators, guidelines);
- benchmarking, i.e. comparison of the Member States' performance and exchange of best practices (monitored by the Commission).

Depending on the areas concerned, the OMC involves the “soft law” measures which are binding on Member States in varying degrees but not legislative measures. Thus, in the context of the Lisbon strategy, the OMC requires Member States to draw up national reform plans and to forward them to the Commission. However, youth policy does not entail the setting of targets, and it is up to Member States to decide on objectives without the need for any European-level coordination of national action plans⁴¹.

The fifth indent of Article 165(2) of the TFEU states that Union action is aimed at “encouraging the development of youth exchanges and of exchanges of socio-educational instructors, and encouraging the participation of young people in democratic life in Europe”. Responsibility for youth affairs rests with Member States, and action by the Union is essentially initiated by the Council, primarily through recommendations and programmes designed to develop cooperation and mobility at Union level. Such action is guided by the open method of coordination. The 2001 White Paper focusing on a new impetus for European youth marked a new stage in Union action. It essentially proposed that cooperation between Member States

⁴⁰ The ‘Open Method of Coordination’, created as an instrument of the Lisbon Strategy, is a form of intergovernmental governance whereby Member States enact policy which is within their area of competence (employment, social protection, social inclusion etc.) with the oversight of the European Union

⁴¹ Eurostat, “Glossary: Open Method of Coordination”,
[http://ec.europa.eu/eurostat/statisticsexplained/index.php/Glossary:Open_method_of_coordination_\(OMC\)](http://ec.europa.eu/eurostat/statisticsexplained/index.php/Glossary:Open_method_of_coordination_(OMC)),

should be enhanced and that more attention should be given at youth dimension in sectoral policies.

Following the White Paper, the European Youth Pact adopted in March 2005 identifies the fields in which consolidation is required, also with the aim of achieving the Lisbon strategy objectives and strengthening education and training. The Pact emphasizes the improvement of education, training, mobility, vocational integration and social inclusion of young Europeans, while helping to reconcile work and family life. More specifically, the “Youth in Action” programme for the period of 2007-13 was designed to empower young people, especially the most disadvantaged and the disabled, to participate in public life, and also to promote their sense of initiative, entrepreneurial spirit and creativity. In this way, it boosts the mobility of disadvantaged young people in an informal education setting, and also, through programmes such as the European Voluntary Service (EVS).

Further, the *European Employment Strategy and Europe 2020* were created to enhance employment and inclusion for all in the course of the next decade. The “European semester” is a policy tool created in 2010, which provides an analysis of Member States’ economic policies at EU level before their budgets are submitted to parliamentary debate. This allows the EU to make recommendations, often including issues such as employment, social protection and inclusion. These recommendations are called Country Specific Recommendations (CSR) and are important in shaping the way in which Member States define socio-economic policy. CSRs are an important way of aligning objectives to the *Europe 2020* strategy. As tackling unemployment and inclusion are essential to the strategy and have been reflected in recent CSRs, this is an important policy mechanism to watch out for at Member State level. CSRs can thereby affect the labour market inclusion policies of TCNs.

The Commission has also launched a number of flagship initiatives in 2010 to help meet the goals it set. While there is a total of seven flagship initiatives in order to meet the *Europe 2020* goals, the ones relevant to social and economic inclusion of young people are:

- **An Agenda for New Skills and Jobs:** setting out goals such as job creation, raising the skill level of the workforce and providing better and more secure jobs;
- **Youth on the Move:** attempts to improve education levels and employability of youths, giving grants for study or training in another Member States as well as allowing job mobility through EURES;
- **The European Platform against Poverty** includes a number of wide-ranging initiatives, including addressing widespread policy problems from healthcare and housing to bank

accounts. Besides providing social policy cohesion, it also works with civil society to improve public access to funds, as well as EU access to information on the ground.

The *European Employment Strategy* follows a series of steps. Employment guidelines are released by the European Commission, which are agreed on national level and then adopted by the Council. Among the reports published by the European Commission, the Joint Employment Report looks at the employment situation at a European wide-level, as well as at country reports analyzing Member States' economic policies.⁴² National governments also release National Reform Programmes (NRPs) which are analyzed by the Commission to assure compliance with the *Europe 2020* strategy. The Commission then releases a series of Country Specific Recommendations based on the NRPs.

An important part of the strategy of *Europe 2020* is the Employment Package in response to Europe's high unemployment rates. Such package tackles several areas, namely job creation, the labour market reform, skills fostering, skill mismatch addressing, and single European labour market promotion.

Part of the Employment package targets youth employment, creating a specific Youth Employment package with multiple frameworks and initiatives addressing specific youth employment problems.⁴³ These initiatives include:

- Youth Guarantee
- Youth Employment Initiative
- Youth on the Move
- European Alliance of Apprenticeships
- EU Skills Panorama and others.⁴⁴

Of special importance are the Youth Guarantee and the Youth Employment Initiative (besides the previously mentioned Youth on the Move), which both directly address the issues of youth unemployment. The Youth Guarantee, adopted by the Council in April 2013, attempts to tackle youth unemployment directly by ensuring that all young people under 25 get a quality job offer within four months of completing education or becoming unemployed. 21 Member States so

⁴² The Country Reports were released by the European Commission in February 2015

⁴³ European Commission, *Europe 2020 Targets*, Last accessed July 16, 2015 http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/targets/index_en.htm

⁴⁴ "Employment, Social Affairs, & Inclusion", European Commission, Last accessed July 16, 2015 <http://ec.europa.eu/social/main.jsp?catId=1036&langId=en>,

far have implemented Youth Guarantee plans. The Youth Employment Initiative (YEI)⁴⁵ is the EU's primary tool in addressing the issue of youth unemployment by funding a number of individual actions, ranging from apprenticeships and traineeships to hiring subsidies. Despite considerable setbacks with both the Youth Guarantee⁴⁶ and the YEI⁴⁷, the Commission under Juncker has proposed to make one billion Euro available to the YEI. Under the *Europe 2020* framework, there is a specific provision for migrants' social inclusion, but there is no reference in regard to which extent youth employment initiatives within the European Employment Strategy actually involve youth from migrant backgrounds. The Youth Forum, for example, has consistently identified the challenge inherent in the Youth Guarantee in not addressing vulnerable youth, such as those from migrant backgrounds.⁴⁸

There are also several financial instruments promoting integration, namely PROGRESS which is part of the larger EU Programme for Employment and Social Innovation (EaSI) which addresses issues of employment such as social inclusion, protection and the fight against poverty as well as the upholding of good working conditions.

The *Lifelong Learning Programme* (2007-2013), now replaced by the *Erasmus+ programme*, is a core-funding instrument for inclusion and integration practices in the field of education. Erasmus+ funds a large array of activities, though it is broadly directed towards improving employment, sport and educational opportunities for youths. Participants do not just include the 28 Member States of the EU but also EEA/EFTA countries as well as EU candidate countries such as Turkey and Macedonia, thereby providing opportunities for current TCNs from these countries. Examples such as the L-Pack project⁴⁹ or the Mistra project⁵⁰ can give an idea of how the programme focuses on migrant labour market inclusion.

Within the context of lifelong learning, the European Council resolved to lay down policies⁵¹ to provide lifelong guidance systems that emphasize the universality of this provision, thereby

⁴⁵ For further information on YEI look at the EU Commission website, Last accessed July 16, 2015, <http://ec.europa.eu/social/main.jsp?catId=1176&langId=en>

⁴⁶ "Auditors unaware if "Youth Guarantee" has provided a single job yet." EurActiv, Last accessed July 16, 2015, <http://www.euractiv.com/sections/social-europe-jobs/auditors-unaware-if-youth-guarantee-has-provided-single-job-yet-313201>

⁴⁷ "Merkel admits EU's youth unemployment initiative has been a failure." EurActiv, Last accessed, July 16, 2015, <http://www.euractiv.com/sections/social-europe-jobs/merkel-admits-eus-youth-unemployment-initiative-has-been-failure-303158>,

⁴⁸ European Youth Forum (2014), *Policy Paper on Youth Unemployment*, http://www.youthforum.org/assets/2014/06/0166-13_PP_Employment_Final1.pdf

⁴⁹ For further information on the L-Pack project, see: http://www.l-pack.eu/?page_id=16

⁵⁰ For further information on the Mistra project, see: <http://www.mistraproject.eu/>

⁵¹ Council of the European Union, *Council Resolution on better integrating lifelong guidance into lifelong learning strategies*, Brussels, November 21, 2008

being of direct relevance to the labour market inclusion of migrants and TCNs. Guidance refers to the number of activities that “enable citizens of any age and at any point in their lives to identify their capacities, competences and interests, to make educational, training and occupational decisions”.⁵² Direct reference of this kind of service is made to groups vulnerable to social exclusion (though not directly referring to migrants) and how important it is to develop career management skills. The Bruges Communiqué (2011-2020) defines the strategic objectives of cooperation in vocational education and training (VET) and guides the activities associated with European education and training. In discussing VET, it fleshes out activities that are necessary for migrant integration, such as work-based learning and the development of key skills.

2.3 Obstacles to Current Inclusion Efforts

Young migrants attempting to enter the labour market face obstacles at multiple levels. Firstly, obstacles are being faced by most young people attempting to enter the EU labour market, not just by migrants. The problem of youth unemployment is a growing concern across the European Union, especially because it is perceived not only as a cause of economic hardship for the individual and the economy but also of adverse political and social consequences. A report released by the Youth Forum has listed some of the obstacles that youth faces when entering the labour market after the global recession. It identified the difficult passage from education to employment, despite the current generation being one of the most highly educated, with internships becoming the norm for European youth’s transition to work.⁵³

Despite internships being recognised as essential for recent graduates and school-leavers to gain experience in their desired field or to address skill mismatch, many internships remain unregulated and no measures for quality assurance are set into place. Furthermore, there is increasing evidence that interns are being used to replace or act as extensions of permanent staff. This state of affairs preserves little incentive for employers to eventually hire interns as permanent staff when a fresh supply of graduates is always available. Stricter monitoring policies must be put into place if youth is to gain high-quality experiences from internships while assuring adequate compensation and social security benefits granted to permanent workers.

⁵² Council of the European Union, *Draft resolution of the Council and of the representatives of the Governments of the Member States meeting within the Council on Strengthening Policies, Systems and Practices in the field of Guidance throughout life in Europe*, Brussels, May 18, 2004

⁵³ European Youth Forum, *Interns Revealed: A survey on internship quality in Europe*, Brussels, 2011

The EU has consistently emphasised the importance of mobility across its Member States to address youth unemployment.⁵⁴ Even so, lengthy bureaucratic procedures and high fees often impose restrictions on this option for various young persons. Despite the growing importance of EU institutions in their role to address the labour market inclusion of TCNs, the main competence still lies within the Member States. This situation is understandable given the different labour market situations across the EU. However, Member States often specify that a TCN must remain within the country for a certain period of time, often limiting mobility, especially if the duration of employment is short and un(der)paid, such as internships. These obstacles might explain the reason for which in a European survey conducted by the European Youth Forum on the population of interns, only a small percentage of these -specifically 5%- were non-Europeans.

A further obstacle that is specific to TCNs is that of a distorted perception of the effect that migrants have on their host society, which often leads to discrimination. The phenomenon of discrimination is obviously a complex and historically framed process that is dependent on context and therefore impossible to generalize at an EU level or across migrant populations. However, one long-standing problem of perception in relation to migrants that consistently prevails outside of historical or geographic context is the idea that migrants take away jobs from locals or drive down salaries and employment conditions. Especially in times of economic crisis, this idea tends to be highly pervasive. Nonetheless, economic research has consistently shown that migrants do not have an adverse effect on the local population, even populations of the same skill-level.⁵⁵ While this perception may be more difficult to eradicate in the general population, labour market inclusion policies should start reflecting such an economic reality. Combatting discrimination (including structural discrimination) remains a critical requirement in supporting the inclusion of young migrants into the labour market, both at point of entry and in terms of the conditions within employment.

⁵⁴ For more information check *the Youth on the Move* initiative, see: <http://ec.europa.eu/youthonthemove/> and/or *Your First EURES* job initiative, see: <http://www.yourfirsteuresjob.eu/en/home>.

⁵⁵ See Institute for the Study of Labor, *Immigrants' Effect on Native Workers: New Analysis on Longitudinal Data*, Discussion Paper Series, IZA DP No. 8961, March 2015.

2.4 EU Legislative and Policy Instruments

This annex provides an overview of the key legislation, instruments and measures adopted at European Level to address the issues of labour market inclusion for young third country nationals.

EU LEGISLATIVE INSTRUMENTS - THIRD COUNTRY NATIONALS		
Instrument	Target	Inclusion Area
<u>EU DIRECTIVE 2000/43/EC on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin</u>	To promote equal treatment between persons irrespective of racial or ethnic origin.	Discrimination based on Nationality
<u>EU DIRECTIVE 2000/78/EC on establishing a general framework for equal treatment in employment and occupation</u>	<p>To ensure the development of democratic and tolerant societies which allow the participation of all persons irrespective of racial or ethnic origin.</p> <p>To protect all natural persons against discrimination on grounds of racial or ethnic origin.</p>	Gender equality
<u>EU DIRECTIVE 2003/86/EC on the right to family reunification</u>	<p>To protect the family and establish or preserve family life.</p> <p>To determine the conditions for the exercise of the right to family reunification by TCNs</p>	Family reunification

	residing in the territory of the Member State.	
<u>EU DIRECTIVE 2003/109/EC concerning the status of Third Country Nationals who are entitled to long term residence</u>	<p>To set criteria for acquiring the status of the long term residence permit.</p> <p>To constitute a genuine instrument for the integration of third country residents into society.</p> <p>To provide social assistance to TCNs.</p>	<p>Employment</p> <p>Education</p> <p>Long term residence</p> <p>Recognition of qualifications</p>
<u>EU DIRECTIVE 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States</u>	To regulate the conditions under which Union citizens and their family members, irrespective of their nationality, exercise their right to move and reside freely within the EU countries; the right of permanent residence; restrictions on the aforementioned rights on grounds of public policy, public security or public health	<p>Freedom of movement</p> <p>Long term and permanent residence</p>
<u>EU DIRECTIVE 2004/114/EC on the conditions of third country nationals for the purpose of studies, pupil exchange,</u>	To determine the conditions of admission and the procedures for admitting TCNs to the territory of the Member States for a period exceeding three months	<p>Employment</p> <p>Education</p> <p>Residence permit</p>

<u>unremunerated training or voluntary service</u>	for the purposes of studies, pupil exchange, unremunerated training or voluntary service.	
<u>EU DIRECTIVE 2005/71/EC on a specific procedure for admitting TCN for the purposes of scientific research</u>	To lay down the conditions for the admission of third-country researchers to the Member States for more than three months for the purposes of carrying out a research project under hosting agreements with research organisations.	Employment Residence Permit
<u>EU DIRECTIVE 2009/50/EC on the conditions of entry and residence of TCNs for the purposes of highly qualified employment</u>	To define the conditions of entry and residence of TCNs, and their family members, for the purposes of highly qualified employment.	Employment Residence permit Family Reunification
<u>EU DIRECTIVE 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals</u>	Sanctions employers of illegal migrants and shifts the punishment to employers as opposed to migrants. Aims to stop employers from taking advantage of low-skilled migrants.	Employment Worker Rights
<u>EU DIRECTIVE 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work</u>	To establish a single residence and work permit and sets out the related application procedure. It also defines the rights of Non-EU	Employment Residence Permit Work Permit

<u>in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State</u>	Member Country workers holding this permit, whether they have just arrived or are already resident in a Member State.	
<u>Proposed EU DIRECTIVE on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing</u>	To update current directives to address the different policy context that ensures sustainable and inclusive growth while using countries outside of the EU as a resource for skilled workers	Employment
<u>EU DIRECTIVE 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal worker</u>	To set out rights for TCNs wishing to work within Member States as seasonal workers, often in agriculture and tourism	Employment
<u>EU DIRECTIVE 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer</u>	To set out the conditions of transfer within multi-national corporations between Member States	Employment Residence Permit
Youth 18-30		
Instrument	Target	Integration Area

<u>EU DIRECTIVE 2004/114/EC on the conditions of third country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service</u>	To determine the conditions of admission and the procedures for admitting TCNs to the territory of the Member States for a period exceeding three months for the purposes of studies, pupil exchange, unremunerated training or voluntary service.	Employment Education Residence permit
NON LEGISLATIVE EU INSTRUMENTS		
Instrument	Target	Integration Area
<u>European Ministerial Conference on Integration. Groningen 2004</u>	<p>To assist Member States in formulating integration policies by offering them a sample of basic principles.</p> <p>To serve as basis for Member States to explore how EU, national, regional, and local authorities can interact in the development and implementation of integration policies.</p>	Employment Recognition of qualifications Residence Permit
<u>Common Basic Principles for Immigrant Integration policy in the EU (2004)</u>	To establish common basic principles and existing developments on integration within the European Union.	Employment Education Civic participation
<u>A Common Agenda for Integration. Framework for the Integration of Third-Country Nationals in the EU (2005)</u>	To provide guidance for EU and Member States 'integration policies.	Employment Anti-discrimination Education

<u>European Ministerial Conference on Integration. Vichy 2008</u>	<p>To improve the convergence of the concepts and practices of Member States of the European Union in the continuation of the work already started at European level, in particular at the first two ministerial conferences and within the framework of the network of National Contact Points on Integration.</p>	Employment Education
<u>Immigrant women and their integration in ageing societies (2008)</u>	A study of the integration issue from the dual gender perspective of women nationals from the host countries and the women migrants who have come to join them.	Migrant women integration
<u>European Ministerial Conference on Integration, Zaragoza 2010.</u>	To focus and explore the key aspects of integration as a driver for development and social cohesion by incorporating integration issues in a comprehensive way in all relevant policy fields.	Integration
<u>Handbook on Integration (2010)</u>	To feed in into larger policy process in the field of integration in the EU, notably the development of the European framework on integration.	Employment Education Active citizenship

<u>Indicators of immigrant integration. A pilot study (2011)</u>	To show for each Member State of the calculations of the proposed common indicators of migrant integration	Education Social Inclusion Employment Active citizenship
<u>European Modules on Integration (2011)</u>	To provide Member States with negotiated recommendations on how to improve their integration policies and practices. To provide a common “language” and a reference framework regarding integration.	Education Anti-discrimination Civic participation
<u>A new European Agenda for the integration of TCNs (2011)</u>	To lead to new conditions for social cohesion and government response to public concerns.	Integration
<u>Study on practices of integration of TCNs at local and regional level in the EU (2013)</u>	To analyse information on projects and policies implemented by Local and Regional Authorities (LRAs) in the EU to promote the integration of third-country migrants.	Local and Regional integration
<u>Using EU indicators of immigrant integration</u>	Final Report for Directorate-General for Home Affairs on the further development and use of EU immigrant integration indicators in policy databases.	Integration
<u>Handbook on Guardianship for children deprived of parental care (2014)</u>	To reinforce guardianship systems to cater for the specific needs of child victims of trafficking.	Guardianship

<u>Valuing diversity (2014)</u>	Guidance for labour market integration of migrants	Employment
<u>The EU website on integration (2014)</u>	To learn and to share experiences on integration	Integration
<u>Europe 2020</u>	A ten year strategy aimed at the advancement of the economy of the European Union while maintaining sustainability. Sets the agenda for employment and inclusion of vulnerable groups including migrant groups and youth.	Employment Economic Improvement Inclusion
<u>EU Youth Portal</u>	Provides information to youth about volunteering, work and training opportunities. Many projects encourage youth to participate in social inclusion initiatives.	Social Inclusion Employment
EU Youth Strategy	To provide more opportunities for young people in education and the job market and to encourage civic participation	
Renewed Framework for EU cooperation	Part of the EU Youth Strategy	
EU Programmes and Financial Instruments		
Youth in Action	Part of the EU Youth Strategy; it is the primary	

	way that the EU Youth Strategy is enacted	
Education, Audiovisual, Cultural and Executive Agency	New Agency that manages several programmes related to youth employment such as Erasmus+ and EU Aid Volunteers	
European Social Fund	Primary tool for the promotion of employment and social inclusion in Europe. Encompasses several operational programs, including the one listed below.	Employment Social Inclusion
EU programme for Employment and Social Innovation (EaSI)	Programme addressing the goals set out in <i>Europe 2020</i> ; it aims to provide sustainable and high quality employment along with combating social exclusion. Comprises of three axes: -EURES -PROGRESS -Microfinance and Social Entrepreneurship	Employment and Working Conditions Social Inclusion
The Rights, Equality and Citizenship Programme	Part of the EU Justice programme, it aims to protect human rights enshrined in the several international human rights conventions along with that of the Treaty and the Charter. Promotes a wide range of rights from non-discrimination, to privacy	Non-discrimination Disability Rights Gender Rights Child Rights

	rights and consumer protection.	
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3. The National Contexts

This section provides 4 national briefs regarding the situation in the 4 countries participating in the FETE Programme. They have each been prepared by the relevant national project partner. Whilst an attempt has been made to cover similar materials, some differences arise based on the specific national context and realities. A synthesis of the partner's experience is provided emphasizing the differences in the implementation phase for each country.

ITALY (Prepared by CESIE)

This section provides an overview of immigration legislation in Italy, its criticism, some statistics; it discusses initiatives that foster inclusion of migrants in the labour market. It dwells upon perception of immigrants by media, political parties and general public. The ambivalent treatment of immigrants in Italy is emphasized.

Legal Framework

1. Law 39/1990 Legge Martelli: treats the immigration issue by narrowing the flow of immigration, setting quotas and linking them to the job market. The aim of this law was the regularisation of immigrant workers who were exploited as irregular workers.
2. Law 40/1998 Legge Turco-Napolitano: established Identification and Expulsion centres (CIE). These centres, initially known as Temporary Detention Centres, serve to detain "illegal" immigrants (i.e., those without papers) and also asylum seekers while the police identify them.
3. Law 189/2002 Legge Bossi-Fini: according to this law immigrants found in international waters, formerly outside of the patrolling power of Italy, can be sent back to their country or to neighbouring countries. No boat carrying people without visas can dock on Italian coasts. To obtain a work permit a work-contract and a rental agreement are needed. All illegal/irregular immigrants found by police on Italian ground without the necessary documentation must be identified and deported to their countries of origin. Migrants can be detained for up to 60 days. They can only come back to Italy after 10 years have passed. The system of protection for asylum-seekers and refugees - SPRAR is introduced.
4. Security Set 94/2009: defines Illegal immigration as a crime. The presence of an illegal immigrant must be reported. Illegal immigrants are liable to pay a fine and can now be detained by the authorities for more than six months. Each petition made to the public

administration, such as requests for money transfers, must be accompanied by one's permanent residency permit, with the exception of applications for health care, school and birth certificates. Helping an illegal immigrant come to Italy, or housing undocumented migrants is now prosecutable as a crime. The name CPT was changed to CIE. Centres for First Assistance (CDA) and Centres for Asylum Seekers (CARA) were introduced.

5. Legislative Decree n. 18/2014: was adopted to implement the Directive 2011/95/EU. The law introduced more protective provisions for unaccompanied children. The residence permits issued to both refugees and beneficiaries of subsidiary protection have now the same duration. In addition, beneficiaries of subsidiary protection benefit of the same rights recognized to refugees with regard, in particular, to family reunification.

Criticisms of Italian legislation on immigration

Bossi-Fini law is criticized mainly for contravention Article 13 of the Universal Declaration of Human Rights of 1948 and the Geneva Convention of 1951 due to violent push-backs and ineffective forced returns.

The system of the Identification and Expulsion centres (CIE) is criticized as follows:

- Italian law recognises as Italian only those individuals born to two Italian citizens. If one of the parents is a non-EU citizen, she/he must achieve citizenship while risking detention in a CIE.
- As immigrants must already have regular labour contracts before coming to Italy, they often accept any kind of job and pay and become totally subject to their employers. This system naturally creates a distortion of the job market, as well as exploitation and a rivalry between Italian and foreign workers.
- A lack of information both within and outside of CIEs urges many immigrants to destroy their documents, in the hopes of making their deportation more difficult for the local authorities. In turn, the need to identify illegal immigrants without identification documents makes CIEs very crowded.
- Due to the rough living conditions in CIEs, there are violent riots and incidents of self-harm in order to get out of the CIEs.
- Involvement of private actors administration of CIEs might worsen the conditions of detention.

Labour Market Inclusion Strategies

Labour market and immigration

The figures of the number foreign citizens employed in Italy vary: in 2009 the National Statistics Institute (Istat) counted 1,930,000, while the National Institute for Insurance against Workplace Accidents (Inail) counted 3,087,023 of migrants. According to Istat data, in 2009, 62.2% of regular immigrant employment was concentrated in the north, 27.5% in the centre, 10% in the south. Nowadays, immigrants represent 7.5% of total employment. The majority of immigrants in Italy are employed in agriculture, domestic work, and low-skilled services, and according to Istat, 40% of immigrants work in industry (including construction). Families are important employers of irregular immigrants in the domestic sector and in the care of the elderly. The lack of reliable official data in this sector is a true black hole in Italian statistics, and shows a tendency to ignore this phenomenon.

Immigration in Italy is not just a metropolitan phenomenon, but is also widespread in several areas of the provinces, especially in local economies based on small and medium-sized enterprises (SMEs) and specialised industrial districts in the centre-north. The polycentric structure of the Italian economy is also reflected in the settlement of the immigrant population. Provinces having the highest immigrant employment rate are also, generally, those with the lowest unemployment rates. These provinces form the most favourable environment for the economic reception of foreign immigration.

There are four territorial patterns of migrant worker employment. The first is that of the industrial provinces of the centre-north (especially north-eastern ones), where for years the typical image of the immigrant worker has been that of a factory worker, employed in an SME throughout the chain of sub-contracting, or in services related to industrial production. The second model is that of metropolises, led by Rome and Milan, where immigrants' fates are more varied but are included in a range that goes from building and restaurants to cleaning and transportation. The third model is the temporary employment model of the south with mostly temporary or irregular jobs. There is, finally, a fourth model, represented by the centre-north provinces that attract significant flows of seasonal workers, employed in summer by the tourism industry and in autumn by fruit harvesting.

Immigrants' careers in hierarchical organisations remain difficult, although some local studies have noted some signs of progress, especially at the level of factory workers' careers. It is still rare to find immigrants in the role of managers or even employees in Italy. Self-employment, on the other hand, has quickly become the most important alternative to subordinate immigration. Approximately 213,000 immigrants are self-employed. This phenomenon experiences rapid growth. There is also the phenomenon of "fake companies," i.e., individuals who are driven to open a position of self-employment by their employers, who can thereby save on payroll taxes this way. This trend is subjected to the influence of state regulation and of the political weight of

some Italian professional associations: in the most protected sectors, such as taxis or tobacco sales, there are almost no immigrants who own the business; where regulation is looser, as in small-scale transport or in the restaurant industry, they get in quickly.

Researchers have often spoken of a Mediterranean migration model, or of a Southern European model, as opposed to the Northern European migration model: legal and regulated immigration, well placed in the formal economy and endowed with social rights, on the one hand, versus largely spontaneous and irregular immigration, positioned in the informal economy, without social protection or union rights, on the other. The Report suggests that immigration in southern Europe is not homogeneous, and that even within one of the countries concerned, Italy, one can find several types of migration and, if one will, several models of integration, linked to the industrial districts, to the metropolitan areas and to the agricultural and tourist industry areas which in turn are differentiated by varying levels of institutional regulation.

ITALY 2020 Integration Plan: Security, Identity and Engagement

On 10th June 2010, the Council of Ministers adopted the National Plan for Integration in a framework of security that resumes the Government strategy in matter of migrants' integration. The five axes of integration are: education and learning, employment, housing and territory management, access to basic services, minors and second generations.

Non-Governmental initiatives that foster inclusion of migrants in the labour market

There is growing evidence that young people on high-quality apprenticeships and internships are more likely to acquire useful skills and attitudes to find suitable work and it seems from the data that upper secondary vocational graduates have better job prospects than general education graduates. In light of this there have been a number of initiatives at local level particularly in the Sicilian region dedicated to provide lifelong learning opportunities to increase skills and key competences of immigrants and offer vocational education and training to support the integration of immigrants into the labour market.

Public discourse on immigration

Over the past thirty years, Italy changed from a country of emigration to a country of immigration. Italy was not prepared to deal with accompanying the flow changes. Immigration is viewed as a problem and handled as an emergency. Nevertheless, migrants are claiming new spaces in Italian society and gaining access to cultural practices.

Media call migrants as “extracomunitario”, which refers to a person who is not part of the European community. “Extracomunitario” is never employed to point out a Japanese tourist or an American one; but, often a visible minority and most of the time what is perceived to be a minority. The immigrants are not linked with news regarding the labour market but are

associated with criminality under the common assumption that being a migrant is equal to being a criminal. Negative rhetoric towards immigrants has become a very convenient argument in the hands of many right-wing political parties in search of votes.

Challenging racist public discourse

Migrants are seeking a way to challenge these narratives and replace them with their own. They write either journalistic articles or fiction, creating a dialogue and exchanging with the Italian public. Social media like Facebook or Twitter are also used for challenging discourse and misconceptions about immigration.

FRANCE (Prepared by CNAM)

This report gives a brief overview of situation with immigration in France within political and legal framework, including some statistics. From political perspective the diffusion of anti-immigration rhetoric in France is emphasized. The report provides with some figures on immigration highlighting the difference between definition of an immigrant and a foreigner made by the National Institute for Statistics and Economic Studies. Two regimes of stay and entry for citizens of the EU and for migrants outside the EU are described. In conclusion, the report names the main stakeholders on migration in France.

The French political situation regarding immigration

According to French Constitution France is a secular, democratic and social republic. Current president belongs to *Socialist Party*, the main party of the Republican Left. *Union for a Popular Movement*, the main party of the Republican Right, constitutes opposition. Immigration debates are part of the political rhetoric. Besides anti-immigration speech of the extreme right party, a more diffuse speech has developed questioning the French migration policy that is deemed too lax. Meanwhile, some political leaders from the right-wing take over the idea of a re-migration of Muslim immigrant populations, considered as the most exogenous to the French culture.

The migration situation in France

Statistics on immigrant populations are developed periodically by the National Institute for Statistics and Economic Studies (INSEE). These statistics distinguish two categories of population: immigrants and foreigners. Immigrants are born abroad by a non-French family and come to settle in France. If an immigrant acquires French citizenship, he will be listed as “French by acquisition”. Foreigners can be born in France or abroad and declare nationality other than the

French nationality. According to this definition, an immigrant was necessarily originally a foreigner, but a foreigner is not necessarily an immigrant.

According to the latest figures available in February 2015 and that deal with the year 2011:

There are 5.6 million immigrants in France, *i.e.* 8.6 % of the French population; on this total 2.3 million are “French by acquisition” and 3.3 million have foreign nationalities; the number of foreigners born in France is in 2011 of 600,000 people; in total, in 2011, 3.9 million foreigners residing in France represented approximately 6% of the population. In 2013, more than 97,300 foreigners obtained the French nationality, of which more than half by naturalization. Family immigration is the primary reason for admission to stay, with approximately 47% of permits issued in 2013; the second reason for admission deals with studies (29% of permits). Professionals flows represent just over 8% of migration from third countries to the EU.

The Paris basin alone absorbs more than 40% of foreigners present on the national territory. Then regions of southern and eastern France host rates of foreigners hovering around 10%. Some other regions such as Aquitaine or the Nord-Pas-de-Calais, which welcomed, a time ago, a sizeable proportion of migrants now have a rate of immigrant population below the national average.

Legal condition of immigration in France

In 2005 the Code of Entry and Residence of Foreigners and Right of Asylum (in French CESEDA) was adopted. The competent authorities for the entry of foreigners in France are the consular authorities and the competent authorities for the right to stay are the prefectures. In general, in recent years a strategy to reduce legal immigration has consisted in making more complex the process to immigrate and in degrading reception conditions at the counters.

There are two regimes of entry and stay in France: for citizens in the EU and for foreigners outside the EU. EU citizens enjoy freedom of movement for a period of 3 months. Beyond 3 months, they must normally meet one of the four following conditions to extend their stay: be a student, employee, to support themselves or be a family member falling within one of these 3 categories. There is no need for residence permits for EU nationals, but if they require one and meet one of the 4 above-mentioned conditions, the prefectures are obliged to issue them.

For foreigners outside the Schengen area, a visa must be obtained from the consular authority; for a short stay it will be a Schengen tourist visa, for a stay of over three months it will be a so-called “Moving” visa intended for students, employees, spouses of French people. Citizens of certain countries are exempt from visa. To obtain a residence permit, one must demonstrate membership in one of the legal categories of people having a right to stay. Two types of residence

cards are issued, the Temporary Residence Permit (CST in French) for a period of one year and the Residence Card (CR in French) for a period of 10 years.

The situation of migrations in Pays de la Loire and Nantes

Some figures published in 2014 and dealing with the year 2011 show that the region of Pays de la Loire had 114,458 immigrants over 3,601,113 inhabitants, *i.e.* 3.20%; the department of Loire Atlantique had 48,063 immigrants over 1,296,364 inhabitants, *i.e.* 3.70%; the city of Nantes had 23,129 immigrants over 287,845 inhabitants, *i.e.* 8.05%. The region has seen its immigrant population doubling over the last fifteen years. For its part, the city of Nantes joined the national average over the same period.

The figures show that the distribution of immigrants in Nantes in 2011 as follows: the majority of immigrants come from Algeria (3397), Morocco (2591), Tunisia (1385), other African countries (5492) and from Portugal (909), Spain (352), Italy (323) and other European countries (2174). In total there were 23 129 migrants from all over the world.

Nantes migration dynamics is important; 6,000 people arrive every year in the territory of Nantes metropolis, including students, and 1,200 people arrive in the frame of the reception and integration contract. Asylum applications in turn are growing: the Pays de la Loire is the fifth French region for these applications, according to figures from the Equality Diversity Mission of the city of Nantes.

The stakeholders' network

The report names several types of stakeholders working in the different accompanying fields for migrants. The Development Agency of Intercultural Relations to Citizenship (ADRIC in French) is a partner of local and national actors in the field of hospitality and coaching of foreign populations, the fight against discrimination and violence, action for equality.⁵⁶ In addition to this, the French Office for Immigration and Integration (OFII in French) offers certain, albeit limited services in support of integration.⁵⁷ More specifically, the city of Nantes provides a space for dialogue through the Nantes Council for Foreign Citizenship (Conseil Nantais pour la Citoyenneté des Etrangers –CNCE). The majority of good practices of integration are collected by professional support organizations, such as the Missions locales pour l'Emploi, Pôle emploi, associations.⁵⁸ High skilled TCNs are welcome by programmes such as the one by the international relationship department of the University of Nantes, which welcomes students and

⁵⁶ For more information, see: <http://www.adric.eu/index.php/qui-sommes-nous>

⁵⁷ For more information, see: <http://www.ofii.fr/>

⁵⁸ For more information, see: <http://www.nantes.fr/home/a-vous-nantes/dialogue-citoyen/conseils/conseil-nantais-pour-la-citoyenn.html>

researchers in the frame of the international relationships policy of the university.⁵⁹ Lastly, there the University of Nantes also offers an active foreign students association called “Autour du Monde” (“Around the World”) ⁶⁰ and there is an active network of associations in Nantes providing express support to migrants, including the support needed regarding the access of the labour market.

DENMARK (Prepared by Crossing Borders)

Legal Framework: Aliens Consolidation Act and Integration Act

The Aliens Act addresses foreigners’ legal status in Denmark concerning for example entry and residence permits (temporary and permanent).⁶¹

According to the Integration Act (1999) the participation of immigrants in an integration program is necessary in order to be eligible for social security benefits and for obtaining permanent residence permit. Until August 2010, the Integration Act addressed only refugees and family reunification of refugees and immigrants, but a recent law reform has expanded the target group to include e.g. labour immigrants and their families.

The stated objective of the Integration Act (§ 1) is to ensure that newly arrived foreigners are given the possibility of using their abilities and resources to become involved as contributing citizens on equal footing with other citizens. Municipalities are responsible for implementing the integration program.⁶² They are also responsible to ensure that young people between 18 and 25, who receive social security benefits and who lack sufficient qualifications apply for attending appropriate but at the same time achievable education.⁶³

International and regional legislation with significance for the Danish immigration system include, amongst others, the 1951 Convention relating to the Status of Refugees, the European Convention on Human Rights, the Dublin Regulations.

Different Integration Requirements and Critique

⁵⁹ For more information, see: https://www.univ-nantes.fr/90040/0/fiche_defaultstructureksup/www.univ-nantes.fr/international

⁶⁰ For more information, see: https://www.univ-nantes.fr/1045043301898/0/fiche_associationetudiant/&RH=INTER

⁶¹ For more information, see: https://www.nyidanmark.dk/NR/rdonlyres/2A42ECC8-1CF5-4A8A-89AC-8D3D75EF3E17/0/aliens_consolidation_act_863_250613.pdf

⁶² Integration Act: §16

⁶³ Integration Act: §16a

Even though immigrants in Denmark are eligible for the same policy tools, refugees and reunified family members have to be distinguished from migrant workers, accompanying family members, students, au pairs and EU citizens and have to follow the “integration program” to a different extent. On July 2013 an amendment to the Integration Act was adopted according to which an integration plan has to be offered to all refugees and family- reunified in order to coordinate the different integration efforts. In addition, refugees are required to sign a “Contract of Integration” encompassing steps for a successful integration and a “Declaration on Integration and Active Citizenship” to confirm the willingness to respect Danish law and democracy, to learn Danish language as well as further aspects. The municipalities are bound to make sure that the contracts are met and in principle sanctions are imposed when they are not.⁶⁴

Certain elements of the Integration Act have been criticized for discriminating and marginalizing foreigners.

The permanent residence permit after the 2010-change

Before 2010, a foreigner could obtain legal permanent residence in Denmark after seven years of residence. In 2010, a new set of rules regarding the permanent residence permit introduced the new point-system, requiring that immigrants obtain at least 100 points in order to obtain legal permanent residence.

The points are divided in three categories: basic requirements (70 points); active citizenship (15 points) and supplementary requirements (15 points). The basic requirements are mandatory, and all have to be met:

- Four years of legal residence in the country;
- No record of serious criminal offences;
- No record of any unpaid debt owing to the state;
- No record of receiving economic support or social security benefits in the three years prior to the application for permanent residence;
- Holding full-time employment in the country for at least two years and six months within the last three years prior to submission of application for a permanent residence permit, and being associated to the labour market at the time of the issue of the permit;

⁶⁴ Integration Act: §§ 19 -20.

- Signing of a declaration of integration and active citizenship in Danish society;⁶⁵
- Passing the Test in Danish 2 or a Danish language test at a corresponding or higher level.

In conclusion, in order to be able to obtain legal permanent residence one has to demonstrate good conduct, economic self-sufficiency, active employment, and active citizenship, knowledge of Danish as main points/ requirements.

Integration Policies and Responsibilities of Danish Municipalities

After closing down the Ministry of Integration in 2011 a number of ministries have been dealing with the inclusion of immigrants. The Ministry of Employment has e.g. been dealing with the integration of immigrants into the labour market and the education system. However, local municipalities are responsible for the actual implementation of most policies and generally adopt a pragmatic approach.

Danish municipalities are key actors when it comes to the implementation of the integration act and deal with various fields such as social work, employment, health and education. Apart from the legal requirements of the Integration Act, integration tools may differ from municipality to municipality.

⁶⁵ For more information: https://www.nyidanmark.dk/en-us/coming_to_dk/permanent-residence-permit/integration-and-active-citizenship.htm

MALTA (Prepared by The People for Change Foundation)

In the past two decades, Malta has transformed from an emigration to an immigration country. This has further increased after Malta joined the European Union in 2004. In fact, Malta received the third highest number of migrants in the European Union in relation to its nationals, the rate is 17 migrants per 100 nationals⁶⁶.

Following data from the Eurostat (2015), the amount of Third Countries Nationals (TCNs) represents the 2.28% of the population in Malta as of 2013. The largest migrant populations are UK nationals, up to 7,000, followed by Somalis, Italians, Bulgarians, German, Russian, Eritreans, Serbs, and Sweds⁶⁷.

Contrary to the popular thought, the amount of migrants that come by regular ways, is higher than those who come by boat. In accordance with the Malta Human Rights report⁶⁸ the influence of migrants is expected to rise on the 2015 due to the end of the Mare Nostrum's mission.

Malta's employment rate of 2014 was estimated to 62.8% by Eurostat. Concerning employment of the TCNs, there are 6,027 TCNs employed in Malta⁶⁹. Since data on TCNs based on age is not available at the moment, the general employment data regarding age range between 15-29 years old, from which there are 373 employed, needs to be considered instead. It is important to note that most of the TCN in this age range are not allowed to work legally.⁷⁰

Legal Framework

Migration in Malta is legally regulated by the *Immigration Act*⁷¹; it defines and regulates a number of provisions concerning migration's management. *The Refugee Act*⁷²; incorporates the responsibilities assumed by Malta under the 1951 *Convention relating to the Status of the Refugees*. *The Maltese Citizenship Act*⁷³; which is the subsidiary legislation that regulates Maltese citizenship acquisition, and the *European Union Act*⁷⁴.

⁶⁶ EUROSTAT "Migrant and Migration statistics 2014" http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics#Further_Eurostat_information

⁶⁷ National Statistics Office "Census on Population and Housing 2011: Final Report" Lascaris. Valleta, Malta 2014

⁶⁸ The People for Change Foundation. "The Malta Human Rights Report 2015, January to December 2014" 2nd Edition 2015

⁶⁹ Parliamentary Question 15795, Legislature XII, 05 May 2015.

⁷⁰ EUROSTAT "Migrant and Migration statistics 2014" http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics#Further_Eurostat_information

⁷¹ Chapter 217. Laws of Malta

⁷² Chapter 420. Laws of Malta

⁷³ Chapter 118. Laws of Malta

⁷⁴ Chapter 460. Laws of Malta

In terms of integration, regrettably Malta does not provide a policy containing measures that enhance the integration of TCNs integrate living in the country. There is a political commitment to agree on such a policy in due course. Currently, integration is tackled by different ministries that which ultimately results in a compartmentalised effort towards integration, and at the same time raise the TNC's concerns about certain areas as on education, political participation and access to nationalisation, which brings irremediable situations of inequality.⁷⁵

The only reference in the Maltese legislation about integration acknowledges that allowing the beneficiaries of protection access to the labour market is necessary in order to ensure integration. The policy states that it is *the Government's duty to respect the dignity of migrants by integrating them to society*.⁷⁶

The *Immigrant Act* regulates that any TCN that wants to legally work in Malta must obtain an employment licence.⁷⁷ These licences might be discriminatory on the grounds that a TCN will only be considered for a position if this position cannot be filled by Maltese or European Nationals first, and then the license is given to a TCN if there is a determined vacancy. Furthermore, the licence may vary depending on the TCN's legal status in the country; Subsidiary Protection, Temporary Humanitarian Protection, or Refugee Status.

The rights granted in relation to access to employment vary according to the nationality of the worker, but once the license is issued, everyone shares the same rights in the work sphere.

Realities and Concerns

A persisting challenge of the TCNs, especially the young and high-skilled migrants, is the recognition of their qualification obtained prior arrival. Remarkably for countries from outside of the European Union, and medical studies. All the process of certifying these studies can be very difficult and long.

Other concerns include illegal employment resulting out of the difficulty to acquire the employment license as well as physical, mental and pecuniary exploitation of TCNs, especially low-skilled migrants, working in construction and other forms of demanding physical labour.

⁷⁵ Migration Integration Policy Index 2015

. <http://www.mipex.eu/malta>

⁷⁶ Ministry of Education and Employment, The National Employment Policy. May 2014.

⁷⁷ Chapter 217. Laws of Malta

FETE Implemented: main remarks

For all the partners involved, the FETE project represented a valuable opportunity to share good practices on how effectively include young migrants into local communities and the labour market. The increased flow of arrivals and refugees in Europe and the consequent rise of public interest in this matter had an ambivalent effect on the project. Hence, in addition to the activities specifically targeted to migrants, FETE also dealt with initiatives dedicated to the public. Indeed, being integration a two-way process, the inclusion of young migrants into the job market could not disregard the importance of a supportive social environment.

The following table contains a summary of the experiences of FETE partners. In addition to workshops in Malta and Denmark, not mentioned because shared by all the partners, the table shows the different implementation of FETE depending on the national context.

	CNAM (France)	CESIE (Italy)	The People for Change Foundation (Malta)
Main Remarks	CNAM selected its participants mainly through an Institute of account and training. For this reason, the participants proved to be motivated mainly by self-empowerment and the desire to fully confront themselves with all the aspects of immigration.	CESIE identified FETE participants through SPRAR centers (Protection System for Refugees and Asylum Seekers) and community homes for young migrants.	PfC used different sources to target possible candidates for the project: social media, migrant open centres, university and students organizations, networking with people and organizations that work with migrant communities.
	Being for the majority French native speakers, the participants reported a relatively high level of self-confidence and perception of integration in the French society.	The proposed workshops focused in particular on the need to emphasize self-assessment and soft skills, as well as to encourage self-confidence.	The participants have been characterized by highly diversified backgrounds. This implied for PfC different styles and methods of communication and training.
	The feedback received from employers shows overall satisfaction for the hosted interns together with their positive integration at the workplace. Even when some difficulties arose, it has been easily possible to overcome them through dialogue and confrontation.	The feedback received from enterprises showed a good relationship between trainees and the staff. Since all the enterprises had previously worked with foreigners, the project was not hindered by prejudices and stereotypes.	The use of PfC's networks proved to be beneficial for the research of suitable companies to put in contact with trainees.

Internship participants	16 participants aged between 20 and 32 from Saharan Africa (Ivory Coast, Burkina Faso, Benin, Gabon and Congo), India, Peru, Irak. They carried out an internship between the end of 2015 and mid 2016, considering FETE as a valuable project supporting their search for a professional experience. One of the participants obtained a job where the internship has been previously carried out.	8 young migrants from 18 to 25 years coming from Senegal, Gambia, Mali, Zambia. They carried out part-time internships for 3 months (February- April 2015) in 4 local enterprises. Two of them got a job in the same place of the internship after FETE experience.	15 young migrants aged between 18 and 30 from Russia, Brazil, Libya, Eritrea, Somalia, Kazakhstan, Armenia, Serbia. They carried out their internships in a variety of enterprises, including IT companies, banking sector, constructions, management, design, human rights, sales, plumbing. One intern was offered a part-time position after the internship experience.
Other	CNAM organized two round tables in high schools to discuss how immigration is perceived in France together with some of the participants.	CESIE organized a round table with young students aiming to inform them about immigration in Italy and Europe, raise awareness on the need to fully include migrants in the society; the possibility for the students to confront themselves directly with FETE interns have received a positive welcomed.	

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