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## Regularisation programmes for irregular migrants

**Reply to Recommendation<sup>1</sup>:** Recommendation 1807 (2007)  
Committee of Ministers

1. The Committee of Ministers has examined with interest Parliamentary Assembly [Recommendation 1807 \(2007\)](#) and [Resolution 1568 \(2007\)](#) on regularisation programmes for irregular migrants. It transmitted the recommendation to member states and to the European Committee on Migration (CDMG). The comments received from the CDMG are appended to this reply.
2. The Committee of Ministers shares the concerns of the Assembly with regard to the rising numbers of irregular migrants, as well as the related causes and implications. It reaffirms the position outlined in the Action Plan adopted by the 3rd Summit of Heads of State and Government of the Council of Europe (Warsaw, May 2005) in this sector. The Council of Europe continues its efforts in developing and implementing policies on migration and the integration of migrants that are founded on the principles of human rights, democracy and the rule of law, with a view to ensuring orderly migration, social cohesion and the respect of the individual.
3. The Committee of Ministers is aware that irregular migrants are often vulnerable, exploited and deprived of access to fundamental rights, including social rights and can be subject to social exclusion. It refers to its reply to Parliamentary Assembly [Recommendation 1755 \(2006\)](#) on human rights of irregular migrants in which it draws attention to the minimum safeguards of civil and political rights provided for in the European Convention on Human Rights that can be applied to irregular migrants. In this respect, it also recalls its Recommendation No. R (2000) 3 to member states on the right to satisfaction of basic material needs of persons in situations of extreme hardship, which provides a minimum threshold of rights that should be recognised whatever their status.
4. As has been pointed out by the Parliamentary Assembly, regularisation programmes that have been carried out in the past have not been uniform and have been established in the light of the specific situation of each country concerned. The Committee of Ministers regards the question of regularisation programmes as something to be examined primarily in the framework of national migration policies, which take account of the particular economic, social and political situation, and history, of the state in question. However, in the light of the obvious transnational nature of migration and the collective responsibility which falls upon states on the European continent to find effective and coherent migration policies, the Committee of Ministers considers bilateral and multilateral co-operation on a regional basis highly desirable, including through the work of the Council of Europe.
5. In this context, and with regard to the specific recommendations of the Assembly, the Committee of Ministers recognises that more research in the fields of irregular migrants and regularisation programmes or return programmes could be beneficial to the relevant authorities of member states. It has therefore taken note with interest of the Assembly's recommendations and of the readiness of the European Committee on Migration to make proposals on a possible future activity on irregular migrants and regularisation programmes in its project proposals for 2009-12. The Committee of Ministers will examine these proposals in due course. It draws the Parliamentary Assembly's attention to the fact that some research on national policies relating to irregular migration is already being carried out by the CDMG (see appendix, paragraph *b*).

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1. Adopted by the Committee of Ministers on 12 March 2008, at the 1021st meeting of the Ministers' Deputies.



6. Similarly, the Committee of Ministers also draws the Assembly's attention to the report of the High-Level Task Force on Social Cohesion in the 21st Century, entitled "Towards an active, fair and socially cohesive Europe". The task force considers that the distinction between legal and illegal migration is among the issues that remain as being in need of sustained policy attention, particularly with regard to the rights and treatment of undocumented migrants. The Committee of Ministers is currently examining the report with a view to deciding on the appropriate follow-up to be given.

7. Finally, the Committee of Ministers, with a view to promoting the use of the tools already available on the international level to further protect the growing numbers of migrant populations, and curb the influx of irregular migrants, invites those member states who have not yet done so to consider ratifying the Council of Europe Convention on Action against Trafficking in Human Beings and the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime as well as the European Convention on the Legal Status of Migrant Workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Appendix – Comments of the Bureau of the European Committee on Migration (CDMG) on Parliamentary Assembly Recommendation 1807 (2007) on regularisation programmes for irregular migrants**

- a. The European Committee on Migration welcomes the attention of the Parliamentary Assembly to the vulnerable situation of a large number of irregular migrants in the member states of the Council of Europe.
- b. The CDMG wishes to remind the Committee of Ministers that it has devoted, and continues to devote, in its work, attention to the situation of irregular migrants and their human rights and dignity. It prepared and published, for example, a report on access of irregular migrants to minimum social rights in 2005. This report touched upon some of the issues that relate to the regularisation of irregular migrants and regularisation processes. In 2007, it completed a series of studies on national policies concerning irregular migrants in Armenia, Germany, Greece, Italy and the Russian Federation. A second series of national reports will be commenced in 2008 (provided there is agreement on the part of the member states concerned). One or more reports in this second series may include an evaluation of national regularisation programmes.
- c. The CDMG informs the Committee of Ministers that [Recommendation 1807 \(2007\)](#) was presented to it at its last meeting (October 2007) by the Vice-Chairperson of the SubCommittee on Migration of the Parliamentary Assembly Committee on Migration, Refugees and Population. On this occasion, it was agreed to include proposals for a possible future activity on irregular migrants and regularisation programmes in the current preparation by the committee of project proposals for 2009-12. These project proposals will be completed by the CDMG at its meeting in April 2008 and submitted to the Committee of Ministers.