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The impact of the global economic crisis on migration in Europe

Report
Committee on Migration, Refugees and Population
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Summary

Europe is among the regions hardest hit by the global economic crisis. Unemployment is on the rise and in many countries unemployment among migrants is more than double that of the local population (in Spain 28% compared to 15.2%, France 18.5% compared to 9%, Portugal 17.2% compared to 8.5%).

Many Council of Europe member states have tightened controls on inflows of migrants and some are even encouraging unemployed immigrants to return home. Numbers of well-integrated migrants losing their jobs also lose their legal status. Many do not however return out of fear of being unable to come back once the employment conditions improve. Fortress Europe therefore not only locks migrants out but it locks them in as well.

Migrants are feeling the brunt of the economic crisis also in terms of their level of integration and acceptance in society. They are more prone to exploitation, and xenophobia is on the rise with fears that immigrants take away scarce jobs.

The Parliamentary Assembly calls on member states to keep channels of regular migration open to avoid further irregular migration and to ensure that Europe is ready to respond when the economic crisis passes. It invites the Committee of Ministers to, *inter alia,* invite the European Committee on Migration to carry out a study on the consequence of the global economic crisis on migration.

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A. Draft resolution

1. The current financial and economic downturn and the rapid rise in unemployment have particularly severe consequences for international migrants and remittance receivers.

2. The depth, the extent and the consequences of the crisis vary across the regions of the world, with some regions better insulated from the global downturn than others. The developed countries, including most of the Council of Europe member states, are among those hardest hit by the crisis, accounting for more than two-thirds of the increase in the global number of unemployed in 2009, despite accounting for only 30 per cent of the global labour force.

3. With unemployment soaring in Europe, migrant workers are among the first to lose their jobs because of their concentration in worst affected sectors such as construction, manufacturing, wholesale and hospitality and because many have contingent work contracts, limited educational credentials and low local language skills. In many Council of Europe member states, unemployment among migrants is more than double that of the local population. The situation of and protection of migrants should therefore be at the heart of discussions on strategies for alleviating the consequences of the current crisis.

4. The overall impact of the economic crisis in terms of migration flows between source and destination countries is still uncertain and very difficult to measure because of lack of sound data and because of a time lag as the crisis shapes migratory flows. What is observed today is that labour migration inflows as well as inflows of irregular migrants to Europe have generally diminished, that the rate of growth of remittances has contracted and that international migrants do not return en masse to their countries of origin unless they have the security of being able to return once the economic situation improves.

5. The Parliamentary Assembly is particularly concerned about joblessness forcing an ever-increasing number of regular migrants into an irregular situation, which in turn risks leading to a “normalisation of irregularity” everywhere in Europe. Migrants, especially irregular migrants and regular migrants who lose their legal status, are forced to accept the lowest of wages and most difficult working conditions out of fear of unemployment and destitution. This makes them easy prey for smuggling and trafficking networks.

6. The Assembly is equally concerned about the increasing tendency among member states to tighten immigration regulations by introducing admission restrictions or tougher visa and admissions requirements, including minimum salary requirements for entry or own-visas for spouses and dependents. There is also a risk that states turn towards protectionism of native workers. It recalls that migrants may be a positive force in alleviating various aspects of the economic crisis; trying to combat the crisis by simply cutting immigration may reduce the ability to fill jobs in needed sectors and lead to a further proliferation of irregular migration and prolongation of the crisis.

7. Moreover, the revision of immigration policies may result in fewer rights and less social protection of migrants. The Assembly recalls that human rights based regulations and policies which promote access by migrants to decent work, health care, education and adequate housing are important not only for the protection of human rights, but also for the social inclusion and integration of migrants.

8. The growing vulnerability of migrants to stigmatisation and to increased xenophobic sentiments and discriminatory practices against migrant workers are further human rights concerns generated by growing unemployment, but they are also obstacles to the inclusion, acceptance and integration of migrants in host countries.

9. The Assembly recalls that migrant workers participate in promoting economic growth and prosperity and the creation of wealth in countries of destination, while contributing to poverty reduction in their countries of origin. It is therefore important to adopt appropriate policy measures to maximise their contributions to both countries of origin and destination.

10. The Assembly recognises that not all short-term needs for international recruitment will vanish with the economic slowdown and that long-term challenges of ageing population and growth in service employment remain important beyond any temporary shocks. Policy responses with respect to labour migration will therefore have to strike a balance between adapting labour inflows to changing labour demand, keeping longer-term objectives in mind during the crisis in order to be ready to benefit from migrants’ skills when the economy recovers, and avoiding a backlash against migration in public opinion.

11. In the light of the above, the Assembly calls upon its member states, the European Union and the world community at large to address the multi-dimensional and interconnected elements of the crisis and to take greater consideration of the impact of the crisis on migration and development in Europe and abroad. In particular, they are called upon to:

11.1. keep open the channels of regular migration with a view to meeting any continuing demand for migrant workers, thus helping to prevent irregular migration and trafficking in human beings. In particular, maintain intakes of foreign workers in sectors where labour skills remain necessary and will be required for recovery;

11.2. enable migrant workers who have lost their jobs to retain their immigration status and residence permit for at least a certain period of time after their employment contract ends in order to be able to seek new employment. They should receive the same help in finding a new job as the local population;

11.3. work out functional, comprehensive and long-term migration management policies with a view to maximising the benefits of migration; it is essential that integration policies and programmes continue to be developed and are not negatively impacted by a decrease of funds;

11.4. provide guarantees that the rights of migrants are adequately and effectively protected in terms of their human rights, working and living conditions and in the event of loss of employment;

11.5. strengthen co-operation in the fight against irregular migration, human trafficking and the illegal employment of foreigners, while strictly observing the human rights provided for in instruments of international human rights law. Avoid criminalising irregular migrants and ensure that they are guaranteed at least minimum rights to protect their human dignity and prevent them from falling prey to networks of organised crime. On the other hand, avoid mass regularisation as a solution to fight irregular migration;

11.6. promote measures to facilitate remittance flows through initiatives of tax deductibility of both remittances and money placed in special savings accounts to support development projects in a migrant's home country;

11.7. offer adequate protection to migrants through appropriate legal and administrative means to combat racist violence and xenophobia, considering in particular their vulnerability to stigmatisation, and prosecute perpetrators of violent acts to the full extent of the law;

11.8. raise awareness, in particular through public media, about the important economic and social contributions made by migrants and encourage media to portray migrants in objective terms, recognising their positive contributions to society;

11.9. work with civil society groups, and notably with diaspora associations, with a view to challenging the stigmatisation of migrant workers and improving the effectiveness of integration policies;

11.10. in cases where migrant return programmes are initiated by governments, ensure that migrants are treated with dignity and given proper reintegration assistance upon return. Ensure that re-entry restrictions are kept to a minimum as these act as a disincentive to persons who might otherwise wish to return to their home country. Work with the countries of origin towards transforming the potential of these returned migrants into "brain gain";

11.11. encourage national human rights commissions and ombudsmen to monitor the situation of migrants during the economic crisis and react as necessary.

12. The Assembly calls upon its partner organisations the International Organization for Migration (IOM), the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD) and others to continue to co-operate in disaggregated data collection and monitoring the various implications and consequences of the economic downturn on migrants and their children.

B. Draft recommendation

1. The Parliamentary Assembly refers to its Resolution … (2010) on the impact of the global economic crisis on migration in Europe.

2. The Assembly considers that the Council of Europe is well positioned to contribute by its own standards and expertise to the global debate on how to best relieve the impact of the current economic and employment crisis on migrants. In this context, it draws attention to the Organisation's previous work in strengthening the rights of migrants, refugees and asylum seekers and encouraging their effective integration.

3. Consequently, the Assembly recommends that the Committee of Ministers:

3.1. brings the recommendations contained in the aforementioned Resolution to the attention of the governments of member states;

3.2. encourages all member states to adhere to and implement the relevant Council of Europe conventions ensuring the protection of migrant workers;

3.3. instructs the European Committee of Migration (CDMG) to issue a policy paper on the consequences of the global crisis on migration in the 47 member states of the Council of Europe, bringing together, *inter alia*, relevant quantitative and empirical data on the effects of the current crisis on migration flows, unemployment rates among migrants, remittance flows as well as policy responses from all member states of the Council of Europe;

3.4. further develops measures to promote and protect the human rights of especially vulnerable migrants and those in need of protection;

3.5. steps up the Organisation's work in the field of integration of migrants in European societies;

3.6. further develops anti-discrimination and awareness-raising programmes fostering tolerance and respect towards cultural diversity and the positive contribution of migrants to society.

C. Explanatory memorandum by Mr Agramunt, Rapporteur

1. Introduction

1. The economic downturn affecting the global economy since mid-2008 is having a deeper and more global effect on the movement of people around the world than any other economic crunches in the post-World War II era of migration.

2. In addition, with the number of jobless worldwide having soared to nearly 212 million in 2009 following an unprecedented increase of 34 million compared to 2007,[1] the financial and economic crisis is today developing into a serious employment crisis. The Council of Europe member states are among those worst hit by the crisis. In many of them, and especially in the European Union countries, unemployment is projected to increase even further in 2010.

3. While it is still too early to draw conclusions on the full impact that the current global crisis has had on migrants and migration, migrants represent those worst hit and most vulnerable during times of crisis. Migrant labour is often used as a cyclical buffer, aimed at maximising growth and minimising unemployment. For migrants, this means they are often the last to be hired and the first to be fired and their employment relationships are frequently non-standard and in poorly regulated sectors of activities.

4. Apart from the various studies concluded on the examples of previous crises, and despite many of the competent international organisations such as the Organisation for Economic Co-operation and Development (OECD), the International Organization for Migration (IOM), the International Labour Organization (ILO) and others actively dealing with the issue, there is still much too little sound evidence concerning the real effects of the crisis on migration. The key concerns raised at international fora include issues such as return of migrants, a possible decrease in remittances, the prospect of rising unemployment among migrants (particularly among irregular migrants), the effects on migrant women and the further stigmatisation of migrant communities.

5. The present report will address these concerns and how various Council of Europe member states have reacted to the migration-related implications of this global crisis. It will particularly analyse the challenges that the Council of Europe member states face in ensuring that the rights of migrants are protected during the economic downturn, and gauge the implications of national and international responses to the crisis.

6. The rapporteur finds that the Council of Europe is well positioned to contribute by its own means to the global debate on how to best relieve the impacts of the current crisis on migrants. He will argue that a key response lies in the more effective application of its own human rights standards and protection mechanisms.

7. The report is largely based on the information shared at the forum “Remain, migrate or return: what to do in a global recession?” organised by the Sub-Committee on Migration of the Parliamentary Assembly Committee on Migration, Refugees and Population on 12 and 13 November in Antalya, Turkey. The rapporteur would like to thank the various organisations that participated in the event as well as the Platform for International Co-operation on Undocumented Migrants (PICUM) for the answers that the rapporteur received from several national organisations in reply to a questionnaire on the effects of the crisis on irregular migration.

2. Crisis impact on migration and migrants

2.1. Impact on migration flows and migrant employment

8. There is no single “global” trend in the impact of the current crisis on migration flows and migrant employment. The effects are likely to vary by labour market sector, duration and intensity of crisis in particular regions. Education and skill level, length of stay, legal status, gender and country of origin of migrants are also likely to have an impact, along with policy, legislative and practical measures put in place in response to the crisis.

9. The impact on the migrant labour market is more visible in countries such as Ireland, Spain, the United Kingdom and the United States where the crisis began earlier and where immigrant labour has played a key role in the recent expansion period. Nevertheless, even if statistical evidence is still largely missing for other

1. *ILO News*, Geneva, 27 January 2010.

countries of the Council of Europe, there are ample signs of a fall in labour migration inflows in virtually all member states due to a significant decline in international recruitment and restrictions imposed by the states on access of foreign labour to the labour market.

10. In Spain, for example, new entries under the employer-nominated system (*Régimen general*) fell from more than 200 000 in 2007 to 137 000 in 2008.[2] In the United Kingdom, the number of approved applicants to the Worker Registration Scheme was down from 46 600 in the first quarter of 2008 to 21 300 in the corresponding quarter in 2009 (that is, 54%). Similarly in Ireland, fewer than 9 000 people from the 12 new European Union member states were granted Personal Public Service numbers in the first quarter of 2009, a 57% fall from the same period the year before.[3]

11. Just as countries are accepting fewer migrants as markets wither, migrants are also less attracted to move, both through legal and illegal channels. For example, the United Kingdom saw a 60% decrease in quarterly inflows from eastern Europe from 2006 to the second quarter of 2009. Similarly, Spain experienced a 25% decrease in new arrivals in 2008, especially from Romania and Bulgaria.

12. As regards irregular migration, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) reported a 16% decrease in illegal border crossings in the first quarter of 2009 compared to the year before. According to the UNHCR, there was also a 20% reduction of apprehensions for illegal arrivals by sea in Greece in 2009.[4]

13. All this relates to shrinking employment opportunities. According to the latest data published by the ILO in January 2010, Europe is particularly touched by the jobs crisis. Between 2008 and 2009, the largest increases in unemployment rates occurred in the developed economies and the European Union, which saw an increase of 2.4%, in Central and South-Eastern Europe (non-European Union) and the Commonwealth of Independent States (CIS) (2%), and in Latin America and the Caribbean (1.2%). These regions account for more than two thirds of the increase in the global number of unemployed in 2009, despite only accounting for 30% of the global labour force.

14. Unemployment touches all workers; however, migrants are proportionally more affected as they tend to be concentrated in boom-bust sectors such as construction, manufacturing, wholesale and hospitality. They tend to be younger, have less formal education, less work experience, have on average less secure contractual arrangements in their jobs, and they may be subject to selective layoffs. They also often lack local language skills, especially the recent arrivals who also lack social capital or job networks.

15. In Spain, for instance, every fourth legal migrant (28%) was officially unemployed in the second quarter of 2009 compared to 15.2% for natives. Other European Union countries where migrants have been particularly touched by unemployment compared to the local population are: France – 18.5% compared to 9% for natives, Portugal – 17.2% to 8.5% respectively, Sweden 15.4% to 7%, and Germany 15.4% to 7.2%.[5] Whereas the economic crisis may have reached its lowest point in terms of the stock exchange and economic growth, both the ILO and OECD predict that joblessness will continue to rise for at least a year in Europe.

16. Unemployment rates among migrants vary considerably from one sector to another. In the construction sector, which employs many short-term labour migrants, job losses have been particularly high. For example, in Spain, the unemployment rate of African immigrants, who work mostly in construction, reached almost 33% in the fourth quarter of 2008, 50% more than the recorded average for immigrants.

17. The current economic crisis occurs in the midst of increasing competition and ongoing restructuring in manufacturing industries, which is affecting the demand for labour, notably for low-skilled workers. In any European countries, settled labour migrants are over-represented in these industries and are at greater risk of long-term exclusion from the labour market, particularly if they lack the basic qualifications and skills required to take advantage of new job opportunities in other industries, notably in the service sectors.

18. In contrast, health care and education sectors, notably in Ireland and the UK, have witnessed employment growth.

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2. "International Migration: Charting a Course through the Crisis", OECD Policy Brief, June 2009, p.2.
3. Idem.
4. Sumption, M., *Migration and the Economic Downturn in the European Union*, Migration Policy Institute, 12 October 2009.
5. Idem.

19. Considering the sectoral distribution of male and female migrant workers, it would seem that the crisis has had a greater impact on the men than the women migrants. The redundancy rates for men, who are concentrated in construction and manufacturing sectors, is twice as high as for women who are mostly engaged in health, education and domestic services.[6] On the other hand, the fact that women migrants tend to be more in an irregular situation and be employed in the informal economy, increases their vulnerability to delays in wages, hazardous conditions and denial of benefits.

20. Low-skilled migrant workers tend to be more affected than the highly skilled, since the latter group often has skills in demand. The persistence of labour shortages in engineering and health care also positively affects highly skilled migrants' work opportunities.

21. Trends in other types of migration flows have been less clear. Because family reunification is subject to income limits, entries under this regime may have been delayed as potential sponsors have become unemployed. Alongside the closing down or restrictions in labour migration opportunities, many countries have simultaneously tightened family unification opportunities. For example, in Portugal, where presently people with a two-year legal stay can bring in their families including their parents, a reform of the Law on Foreigners is envisaging raising the requirement to a five-year legal stay for the parents to join.[7]

22. The impact of the economic crisis on humanitarian migration is even more difficult to assess since it depends primarily on changes in the economic, social and political situation in less advanced countries and the most fragile states. Europe may be affected more by an increasing risk of abuse of the asylum channel within mixed migratory flows. According to the report of the Frontex, the first half of 2009 saw a sharp overall decline in all relevant indicators of irregular migration but asylum applications in the industrialised world have not decreased accordingly. However, the UNHCR underlines that in the context of mixed migratory flows, it may be difficult to separate political and economic motivations for flight when the political system is so bankrupt that it makes it impossible for the population to survive – let alone thrive. In these cases, economic and political motives for flight become intertwined.

23. The "psychology of migration" has also been affected by the crisis in various parts of Europe. For instance, in rural areas of Greece and Italy, migrants tend to stay in the areas where they have better social networks that help them find employment, while normally they would have circulated in different areas to look for better job prospects.

24. Both countries of origin and destination have taken measures in response to the crisis, in particular with regard to admissions and return. The policy trends adopted vary to a large extent. Sweden, for example, decided to liberalise its migration policies in December 2008 and to follow a demand-driven labour migration model while the majority of member states are implementing or considering more restrictive policies towards migrant workers in order to reduce the inflow of new migrants, including by:

– cutting the numbers of work permits for foreigners, mainly in low-skilled sectors (Greece, Spain, Italy, Russia, United Kingdom);

– offering incentives for migrants to return including one-way tickets and lump-sum payments (Spain and the Czech Republic);

– reducing shortage occupation lists and reinforcing labour market tests (France, Spain, United Kingdom);

– introducing changes in visa levels and entry requirements (that is, minimum salary) (Italy);

– limiting possibilities to change status and/or renew work permits (Russia);

– tightened controls on family and humanitarian inflows (Portugal, Spain).

25. In addition, an increasing number of countries are on the way to criminalise illegal immigration, which curbs access to minimum social services for unlawfully present migrants. Several European Union countries are pushing for tightening border patrolling, particularly along the Mediterranean Sea.

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6. Kuptsch, Ch. (ILO), *Impact on the migrant: special repercussions on migrants and their families arising from the economic crisis*, presentation at the Assembly forum "Remain, migrate or return: what to do in a global recession?" Antalya, 12 to 13 October 2009.

7. *Irregular Migration in Europe and the Current Economic Crisis*, conclusions and suggestions for policy makers from the CLANDESTINO Workshop held in Athens, 27 April 2009.

26. The rapporteur recalls that past experience has proved that the tightening of entry requirements will serve to increase the numbers of irregular and therefore unprotected migrants and place increasing numbers of migrants into the hands of human traffickers. It has also proved that keeping markets open to migrants and migration is important for stimulating a quicker economic recovery. In contrast, reducing the ability to fill jobs in needed sectors risks prolonging the crisis.

2.2. Impact on remittance flows and investment in the countries of origin

27. After showing significant growth over the past few years, remittance flows are now on the wane. In November 2009, the World Bank estimated[8] that the remittance flows to developing countries would fall from US$328 billion in 2008 to US$317 billion in 2009. This 6.1% decline is smaller than an earlier prediction of a 7.3% fall. Recovery in migration and remittance flows is expected to occur in 2010 and 2011, but the recovery is likely to remain shallow.

28. In Europe, like elsewhere in the world, the extraordinary growth of remittances observed in recent years has slowed or even reversed in some countries. In Turkey, for instance, official remittances have fallen by 43% from 2008.[9] The impact of Moldova's 37% fall is especially severe, because remittances are equivalent to a third of the country's national income. Flows to Armenia have also declined by more than 30%. Poland and Romania have also experienced a sharp slowdown in flows.

29. Some suggest that informal transfers may partly compensate for the drop of official remittances, which is, *inter alia,* related to the loss of confidence in the banking sector following the crisis. Yet even a small drop in migrant remittances is likely to have far-reaching consequences, particularly in environments where such transfers constitute a main bulwark against poverty. For countries of origin reliant on remittances, a decrease in their flow may lead to a reduction in consumer spending and savings, a contraction of disposable income as well as increased poverty and inequality levels, increases in unemployment and informal sector work and further instability in already fragile states.[10]

30. The decrease in remittances also tends to have a disproportionate impact on women who are very often the receivers of remittances and girls who may see a reduction in opportunities, for example, for schooling when household income decreases.

31. However, it is equally important to recognise the adaptability and resourcefulness of migrants during a crisis. Many are willing to work in a new job sector or to relocate completely in order to continue remitting to their families back home.

32. That being said, it appears that remittance flows remain less volatile than export revenues or capital flows, which have plummeted more rapidly. Nor will the remittances be the main channel through which developing countries will be affected by the economic crisis. Many of those countries will be primarily affected through the decrease in global flows of trade, foreign direct investment, and perhaps overseas development aid (ODA) as well.[11]

33. The remittance situation should nevertheless be monitored closely as remittances contribute to poverty reduction and play an important role in supporting household spending on education and health in developing countries. Remittance facilitation should therefore receive priority attention to ensure that maximum amounts arrive at points of destination and that more money flows into productive activities.

2.3. Impact on return migration

34. One of the lessons learnt so far from this crisis is that, contrary to popular belief and expectations, there has been little evidence of return migration, with the exception of some return flows from Ireland, Spain and the United Kingdom to some new European Union countries such as Poland, Bulgaria and Romania, or from Russia back to some Commonwealth of Independent States countries.[12]

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8. As of 3 November 2009.
9. Fix, M., Papademetriou, G. et al. (MPI), *Migration and the Global Recession: a Report Commissioned by the BBC World Service*, Migration Policy Institute, September 2009.
10. Lazsko, F. (IOM), *Impact of the Economic Crisis on Migration*, presentation at the Assembly forum "Remain, migrate or return: what to do in a global recession?" Antalya, 12 to 13 October 2009.
11. Interview with Mr Aart Jan de Geus, Deputy Secretary-General of OECD for *Migratie Info*, published by the International Organization for Migration in The Hague, April 2009.
12. The estimated outflow of migrant workers from Russia in late 2008 was over 1 million. Some data suggest that many of the initial returnees, especially from central Asia, are returning back to Russia because of the even worse economic situation in their countries of origin.

35. Where exceptions have occurred, for instance, in the case of returns from the United Kingdom and Ireland to new European Union member states in central and eastern Europe, this has been linked to the relatively low deterioration in the economic conditions in those countries as well as to the fact that as nationals of European Union countries, they can legally go back to their host country at a later date.

36. However, the situation is more complex and more fluid than that: first because the crisis affects in different ways different categories of migrants and their families, and second because job prospects and wages are probably worsening in source countries too, keeping thus the comparative profit from migration similar to the pre-crisis period. It may seem logical to assume that long-term settled migrants and their families would be affected by the crisis in ways similar to those of natives. They are less likely to lose their papers if they lose their job and they are unlikely to move because of the crisis. Migrants who are undocumented though and mid-term migrants, notably those whose legal status is insecure or who have left their families behind are more likely to consider going back.

37. Nonetheless, despite growing unemployment in both host and home countries – or perhaps because of it –, vast majorities of migrants are most likely to stay in the destination countries and to accept worse working conditions, lower wages or even periods of unemployment. Even those losing their papers because of lack of employment are likely to stay and go underground, working in the informal market rather than returning to their countries where employment opportunities are bleak and prospects of later returning to the destination country limited.

38. In response to the growing rates of unemployment and migrants losing their legal status, some countries, such as Spain and the Czech Republic, have offered bonus packages to encourage voluntary return of unemployed migrants. For example, the Spanish Ministry of Labour adopted a new regulation at the end of 2008 to support voluntary return of unemployed non-EU nationals. Eligible persons could receive their unemployment benefits in two lump sums on the condition that they return home and do not come back to Spain for at least three years. According to the OECD data, only 10 000 unemployed immigrants and 3 600 family members had signed up for this programme by the end of January 2010 compared to the 137 000 unemployed immigrants eligible for the programme in June 2009.[13]

39. Three factors may explain the reserved reaction by migrant workers. First, regular migrants, covered by social security systems, might lose their benefit entitlements if they left. Second, the much poorer labour market opportunities in countries of origin compared to destination countries may act as a deterrent against return. The cost of migration and the difficulty of re-entering the country of destination when economic performance improves may also explain the decision of workers not to return to their countries of origin.[14]

40. Similarly, the “Voluntary Returns Programme” introduced by the Czech Republic, aimed at returning the predicted wave of 12 000 unemployed foreigners (a large proportion of whom were Vietnamese, Ukrainian and Mongolian migrants), offering the potential returnees an incentive allowance of €500 in the first wave (first half of 2009) and €300 in the second wave (second half of 2009) to cover the necessary living costs on arrival home. Some 1 871 foreign workers with legal status returned within the first phase of the project (mostly Mongolians), but as of 23 October, only 154 persons had left and another 167 had applied to the second phase, indicating a net decrease of interest in such programme.[15]

41. Apart from the measures for legally residing labour migrants, the Czech Ministry of Interior extended the programme to returns for migrants with irregular status, promising a moderate sanction in comparison to the ordinary procedure. According to the ministry, this measure was supposed to offer a solution to the most vulnerable group of migrants. However, between 15 September and 15 December 2009, only 53 persons applied for return, indicating that migrants obviously prefer to believe that the economic and their personal situation would improve. In the case of irregular migrants, especially those who have paid monstrous fees to various intermediaries in order to gain entry to the country and who now face extensive debts in their home countries, indications are that they are reluctant to return home unless they absolutely have to.

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13. OECD, Interview with Georges Lemaitre, OECD international migration expert, on recent migration trends in the European Union, OECD website, March 2010.

14. Awad, I. (ILO), *The global economic crisis and migrant workers: impact and response*, International Labour Office, Geneva, 2009.

15. “Impact of the economic crisis on irregular migrants: contribution to a report by the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe”, document created by the Association for Integration and Migration in co-operation with the Organisation for Aid to Refugees and the Multicultural Center Prague under the project “Regularization as One of the Tools in the Fight against Irregular Migration”, October 2009.

42. Hence, in both countries' case, as motivating as these return projects may have seemed, their effect has so far been minimal. The rapporteur recalls also the experience of past crises, which have also shown that monetary incentives are usually insufficient to drive large return migration flows.[16]

2.4. Impact on irregular migration

43. As mentioned above, declines in irregular migration are visible in some Council of Europe member states, especially as regards African population arriving on boats to countries like Spain or Greece. For instance, the number of people arriving in Spain intercepted by the police fell from 18 057 in 2007 to 13 424 in 2008 (that is, 25.6%) and is estimated to have fallen even further in 2009. This decrease can be explained by the increase in migration control methods, but another reason is undeniably the fact that the crisis and the lack of employment prospects have made the country less attractive to potential migrants.

44. At the same time, the overall share of irregular migrants among the total immigrants' population appears to be on the increase. This is for two major reasons.

45. The first reason is that closing the doors to regular migration naturally opens the doors for irregular migration, even if pull factors may decrease. As already mentioned above, it is more and more difficult to immigrate regularly to most Council of Europe member states. Some countries, among them Spain, Switzerland, Ireland, have reduced the quotas of regular migrants to almost zero in 2009. Various obstacles to and restrictions on family reunification, barriers to regulations, and so forth must be added to this. While states are fully entitled to exercise their sovereign prerogative to reduce the admission of foreign nationals to their territory, an increase in irregular migration is likely to occur if there continues to be a structural demand for labour in the destination country that is not being met by nationals and no regular channels are kept open for migrants to enter and undertake the work in question.

46. The second trend is that this current crisis is forcing an increasing number of regular migrants into an irregular situation. Losing employment and subsequently their legal status puts an increasing number of well-integrated migrants into an irregular situation and makes them particularly vulnerable *vis-à-vis* trafficking. Most of these people, many of whom are well-settled, with children at school, mortgages to pay, and so forth, do not return but would rather accept any conditions of work.

47. The above observations have been confirmed by the CLANDESTINO research project[17]on the situation of irregular migrants in southern European countries. It observed that the crisis has not only affected newcomers but also many migrants who have been settled legally for a number of years. Irregular migrants have in general less to lose if obliged to return but they will find re-entry very difficult, hence they may consider staying and enduring irregular status for the years to come.

48. One of the dangers of the current crisis is that it appears to be leading to the "normalisation of irregularity": informal work is likely to become commonplace among immigrant workers – both regular and irregular ones – in the months to come. Migrants, especially those without legal status, may be willing to accept the lowest of wages and the heaviest of working conditions for fear of remaining completely unemployed and with no means at all for subsistence.

49. On top of all this, xenophobic and racist incidents have increased in countries where there were hardly any before, while random identity checks at public places by police forces have become more frequent in countries where there were none. These developments contribute to a sense of insecurity among immigrants while legitimising a view of irregular migration as a crime.

50. These tendencies have also been noted by Pueblos Unidos in Spain.[18] Spain has been particularly touched by the current crisis, with unemployment having risen to almost 2 million people between the first quarter of 2008 and the third quarter of 2009. Competition for jobs between the local population, legal immigrants and irregular immigrants has intensified enormously in the agriculture, building and service sectors, which are unable to absorb the demand. This has resulted in a situation where most male irregular migrants in urban areas are unemployed, which makes them socially marginalised. The apprehension of

16. "International Migration: Charting a Course through the Crisis", OECD Policy Brief, June 2009, p. 3.
17. "CLANDESTINO research project: Workshop on Irregular Migration and Informal Economy", report of the CLANDESTINO workshop held in Athens on 27 April 2009, http://clandestino.eliamep.gr
18. Manzanedo, C. and Gonzales Fabre, R., *Impact of the economic crisis on illegal immigrants in Spain*, Contribution from Pueblos Unidos to PICUM as part of the input to a report by the Committee on Migration, Refugees and Population of the Assembly, Madrid, October 2009.

some of those marginalised irregular migrants becoming delinquents has further reinforced xenophobia among the local population, which was already growing as a result of competition for basic services and for jobs on the lowest rungs of the employment ladder.

51. Although domestic service continues to be an alternative for female migrants in an irregular situation in urban areas in Spain, the economic difficulties facing Spanish families are having a considerable impact on the demand for such services. The result has been a significant drop in the wages, excessive working hours and, in general, with opportunities to move into the formal sector of the economy fading away, an increasing dependence on the families employing them.

52. Many of the long-term migrants in Spain who have long settled in the country are also facing exclusion as a result of the legal consequences of unemployment. The renewal of their residence and work permits is subject to certain conditions, such as contributing to the national health system and holding a work contract. To a certain extent, labour migrants who previously arrived from countries such as Equador, Peru, Colombia and the Dominican Republic took advantage of the massive regularisation that took place in 2004. However, families who have not yet secured a permanent five-year residence permit may find themselves in an irregular situation as a result of the crisis.

53. In view of the above, it appears highly necessary that regular migrants should retain their residence permits a certain period of time after their work contract ends in order to be able to seek new employment. They should have access to the same employment seeking aid as the local population.

54. Ireland, for example, is pioneering such an improvement. In October 2009, the Irish Government introduced a scheme that would allow participants who formerly held employment permits to apply for a short-term residence permit before the end of the year 2009. If successful, the applicant would be granted a permit for four months during which time they may try to find employment and apply for an employment permit. The rapporteur would be interested to learn about the results of the above programme.

55. On the whole, the rapporteur deems that rather than reducing legal flows and seeking to encourage return migration, which have produced few results so far, policies are needed to help labour markets react to the crisis in ways that do not further penalise the most vulnerable and exploitable workers, notably irregular migrants. There is a need to protect their human dignity, extreme poverty and from falling prey to networks of organised crime.

2.5. Impact on migrants' rights and protection

56. The possible erosion of the protection of the rights of migrants and refugees and equality of treatment remain a particular concern during the economic downturn, even if there are almost no data or statistics available on this or on the impact of the economic downturn on smuggling and trafficking.

57. Even without the crisis, underpayment or non-payment of wages, physical abuse, sexual harassment and violence against migrant workers, in particular against migrant women, denial and repression of trade union rights are widespread situations for migrant workers. Their vulnerability makes them attractive because they can be underpaid, provided with little or no workplace safety and health protection, hired and dismissed on a moment's notice, with little prospect of unionisation. The crisis does not change this; in fact it makes migrant labour even more attractive for some employers who may seek to obtain advantage in paying vulnerable foreigners less than prevailing wages and ignoring basic health and safety protections.

58. It is therefore essential for member states to safeguard the rights of migrants in terms of working and living conditions and in the event of loss of employment, and ensure that migrants are offered adequate protection from any form of discrimination and xenophobia. This should be dealt through:

– strengthening of the rule of law by the adoption of relevant international standards;

– elaborating administrative measures to ensure full implementation of legislation, and accountability of all government officials;

– making racist and xenophobic discrimination, behaviour and action unacceptable and illegal;

– promoting respect for diversity and multicultural interaction, including through incorporating multicultural and diversity training in educational curricula;

– mobilising civil society co-operation.

59. The necessary normative standards exist, including international conventions that address migrants (the 1990 International Convention on the Protection of Rights of All Migrant Workers and Members of their Families, the Council of Europe Convention on the Legal Status of Migrant Workers (ETS No. 93), the 1949 ILO Migration for Employment Convention (revised) (No. 97) and the 1975 ILO Migrant Workers (Supplementary Provisions) Convention (No. 143)), and which provide the explicit normative framework for non-discrimination and equality of treatment (the International Convention on the Elimination of Racial Discrimination (CERD), Protocol 12 to the European Convention on Human Rights (ETS No. 177), the 1958 ILO Convention on Discrimination in Employment and Occupation (No. 111)). They provide comprehensive "values-based" definitions and legal bases for national policy and practice, which should be observed, particularly in the time of crisis.

60. Governments can take a leading influential role in shaping behaviour and interaction in society. However, it is within the society: at workplaces, on the street, in schools, at market places and elsewhere, that people, native and foreign, interact. It is essential that stakeholders and all elements of civil society take up action and practice towards non-discrimination and equality of treatment.

2.6. Impact on society

61. Higher unemployment and worker layoffs are generating resentment among some native workers who blame migrant workers for taking jobs, for insecurity, crime, even rising disease and ill health. With growing economic insecurity, migrants are particularly vulnerable to stigmatisation.

62. It is important that migrant workers do not become scapegoats of the current crisis. News stories from around the world show that xenophobic sentiments and discrimination against migrant workers are on the rise. It is expressed in dramatically increased murders and lynching of migrants in some countries, in generalised expressions of anti-foreigner sentiment, in hostile political discourse, and in calls for exclusion of migrants from access to labour markets and emergency social protection benefits. In many parts of Europe, such attitudes have provided grounds for discrimination, and unlawful termination of employment without payment of wages. The Moscow Bureau for Human Rights, a Russian NGO, reported that 113 migrants were murdered between January and October 2008,[19] double the rate of the previous year. A number of xenophobic protests have also taken place in many countries including the United Kingdom, Italy and Greece.

63. Media play a great role in determining public attitudes. Special attention should therefore be paid to a balanced public discourse on immigration. It is important to refrain from a rhetoric that can accommodate if not reinforce discriminatory attitudes against migrants. The media should portray migrants in objective terms, particularly during the economic crisis, recognising their positive contributions to society.

3. Looking beyond the crisis: longer-term dynamics and future prospects

64. There is no "one-fit-all" or definitive answer today on how to cope with the consequences of the current economic crisis. A lot of factual evidence is still missing as regards the effects of the crisis on issues like employment, remittances, development aid, and so forth. Further efforts in evidence-based data collection and research are therefore to be encouraged.

65. Also, some of the trends predicted from the outset seem not to have materialised: migrant sending countries are not seeing a massive return of migrant workers as was predicted. Irregular migrants have not been the hardest hit but have – in some cases – even benefited from the crisis, as employers prefer them as cheap labour force. Furthermore, contrary to the initial predictions that women would be harder hit as they are less protected in the labour market than their male colleagues, it has turned out that the crisis has affected contracted employees more than it has undocumented labourers (of whom women make up the majority).[20] It is therefore very important that policy makers at national, regional or global level take account of these trends as opposed to assumptions when devising policies and coping strategies.

66. It is clear that the current crisis will not change much the fundamental push and pull factors driving international migration. On the destination countries' side, migration is needed to respond to the labour needs of the economy. In Council of Europe countries, most of those labour needs are long term as they are related to the ageing of the population and growth in service employment. All avenues of legal migration must therefore be kept open, despite the temporary shocks of the markets today.

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19. "The people crunch", *The Economist*, 15 January 2009.
20. Tolstokorova, A., *The Financial Crisis and Migration Myths*, UN-INSTRAW Virtual Discussions, 2009.

67. It is key today to develop short-term responses that would help reinforce the long-term efforts to ensure institutionalised regulation of labour migration and adequate protection and integration of migrants.

68. Immediate measures and policy responses are required to lessen the impact of the crisis on migrant workers. In today's context of unfolding employment crisis and slow recovery,[21] avoiding a jobless recovery should be the political priority of today, both for Europe and the world in general. The same policy decisiveness that saved banks in 2008 should today be applied to save and create jobs and livelihoods of people.

69. Migration may in fact be an important part of the solution for economic recovery. Migrants are often more easily adaptable and flexible; their contribution can help countries to recover and adapt to new circumstances. The current crisis offers also a window of opportunity to rethink national and pan-European migration policies, notably how to best manage labour migration to support economic growth in host countries and promote development in source countries, as well as how to curb discrimination and xenophobia and enable effective integration of migrants.

70. Last but not least, looking at the impact of the current recession from the point of view of the Council of Europe, the Organisation needs to continue to develop measures to promote and protect the human rights of especially vulnerable migrants and those in need of protection. It needs to seek guarantees from member states that the rights of migrants are adequately and effectively protected in terms of human rights, working and living conditions and in the event of loss of employment; and that migrants and refugees are offered protection from any form of discrimination and xenophobia, in particular in the times of an economic crisis.

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Reporting committee: Committee on Migration, Refugees and Population

Reference to Committee: Doc. 11979, Reference 3602, 2 October 2009

Draft resolution and draft recommendation unanimously adopted by the Committee on 30 March 2010

Members of the Committee: Mr John **Greenway** (Chairperson), Mr Giacomo **Santini** (1st Vice-Chairperson), Mr Tadeusz **Iwiński** (2nd Vice-Chairperson), Mrs Tina **Acketoft** (3rd Vice-Chairperson), Mr Francis Agius, Mr Pedro **Agramunt**, Mr Francisco Assis, Mr Alexander van der Bellen, Mr Ryszard Bender, Mr Márton Braun, Mr André **Bugnon**, Mr Sergej Chelemendik, Mr Vannino Chiti, Mr Christopher Chope (alternate: Mr Michael **Hancock**), Mr Desislav Chukolov, Mr Boriss Cilevičs, Mr Titus Corlăţean, Mrs Claire Curtis-Thomas (alternate: Mr Bill **Etherington**), Mr David Darchiashvili, Mr Nikolaos Dendias,Mr Arcadio **Díaz Tejera,** Mr Tuur Elzinga, Mr Valeriy **Fedorov**, Mr Oleksandr **Feldman**, Mr Relu Fenechiu, Mrs Doris **Fiala**, Mr Bernard Fournier, Mr Aristophanes Georgiou, Mr Paul Giacobbi, Mrs Angelika Graf, Mrs Anette Groth, Mr Michael Hagberg (alternate: Mr Göran **Lindblad**), Mrs Gultakin **Hajibayli**, Mr Doug **Henderson**, Mrs Anette Hübinger, Mr Jean Huss, Mr Denis **Jacquat**, Mr Zmago Jelinčič Plemeniti, Mr Mustafa Jemiliev, Mr Tomáš Jirsa, Mrs Corien W.A. **Jonker**, Mr Reijo Kallio, Mr Ruslan Kondratov, Mr Franz Eduard Kühnel, Mr Geert **Lambert**, Mr Pavel Lebeda, Mr Arminas Lydeka, Mr Jean-Pierre Masseret, Mr Slavko Matić, Mrs Nursuna **Memecan,** Mr Ronan Mullen, Mr Gebhard Negele, Mrs Korneliya Ninova, Ms Steinunn Valdís Óskarsdóttir, Mr Alexey Ostrovsky, Mr Evangelos Papachristos, Mr Jørgen Poulsen, Mr Cezar Florin Preda (alternate: Mr Iosif Veniamin **Blaga**), Mr Gabino Puche (alternate: Mr Gonzalo **Robles Orozco**), Mr Milorad Pupovac, Mr Volodymyr Pylypenko, Mrs Mailis Reps, Mr Branko Ružić,Mr Džavid Šabović,Mr Samad Seyidov, Mr Joachim Spatz, Mr Florenzo **Stolfi**, Mr Giacomo **Stucchi**, Mr László Szakács, Mrs Elke **Tindemans**, Mr Dragan Todorović, Ms Anette **Trettebergstuen**, Mr Tuğrul **Türkeş**, Mrs Özlem **Türköne**, Mr Michał **Wojtczak**, Mr Marco Zacchera, Mr Yury Zelenskiy, Mr Andrej **Zernovski**, Mrs Naira **Zohrabyan**

NB: The names of the members who took part in the meeting are printed **in bold**

Secretariat of the committee: Mr Neville, Mrs Odrats, Mr Ekström

21. According to the ILO, a review of economic crises over the last seventy years shows that it usually takes four to five years or more for employment levels to reach the pre-crisis level.