

## Opinion of the European Economic and Social Committee on 'The Integration of immigrant workers' (exploratory opinion)

(2010/C 354/03)

Rapporteur: **Mr PARIZA CASTAÑOS**

In a letter dated 23 July 2009, and in accordance with Article 262 of the Treaty establishing the European Community, Mr Diego López Garrido, State Secretary for the European Union of the Ministry for Foreign Affairs and Cooperation, asked the European Economic and Social Committee, on behalf of the future Spanish Presidency, to draw up an exploratory opinion on the

### *Integration of immigrant workers.*

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 23 February 2010.

At its 461st plenary session, held on 17 and 18 March 2010 (meeting of 17 March), the European Economic and Social Committee adopted the following opinion by 138 votes to five with eight abstentions.

### 1. Conclusions and proposals

1.1 The EESC emphasises the European added value of employment policies and immigration and integration policies. Purely national policies do not work; it will be necessary to strengthen the European grounding of these policies.

1.2 Immigrant men and women are making a positive contribution to economic development and well-being in Europe. As a result of its demographic circumstances, the EU will need to take in more new immigrants.

1.3 Integration processes need to be improved in the interests of both economic efficiency and social cohesion. Employment is a key aspect of integration.

1.4 Integration is a two-way social process of mutual accommodation that must be facilitated by means of good governance and sound legislation. The EESC calls on the Council to adopt a Directive guaranteeing a common framework of rights for immigrant workers, and to enhance existing anti-discrimination legislation.

1.5 Workplace integration accompanied by equal opportunities and equal treatment represents a challenge for the social partners too, which they must uphold in collective bargaining and the social dialogue, including at European level. Immigrant workers must also be receptive to integration.

1.6 Businesses are operating in an increasingly diverse environment. They must adopt a positive approach to cultural diversity, in order to enhance integration and also to maximise their opportunities.

1.7 The EESC proposes that the Commission request an exploratory opinion on the creation of a European platform for dialogue on managing labour migration, as set out in the Stockholm Programme.

### 2. Scope of the opinion

2.1 The Spanish Presidency has asked the EESC to draw up an exploratory opinion on how the EU can better integrate immigrant workers. Consequently, in the present opinion the Committee will concentrate on the integration of immigrant workers in employment and on other aspects relating directly or indirectly to the labour market.

2.2 The broader aspects of immigration and integration policy will only be touched upon insofar as they impinge directly on the opinion. The Committee has adopted a number of opinions on integration<sup>(1)</sup> with a more general focus, and has drawn up an own-initiative opinion aimed at ensuring that integration figures more prominently on the EU's new social policy agenda, in areas such as education and training, gender equality, healthcare, housing, family and youth policy, poverty, social exclusion and so on.

2.3 Europe must sharpen its focus on integration within the common immigration policy. The Committee has set up a permanent study group on immigration and integration to work with the European Integration Forum.

<sup>(1)</sup> OJ C 27, 3.2.2009 OJ C 128, 18.5.2010, p. 29.

OJ C 80, 30.3.2004

OJ C 318, 23.12.2006

OJ C 125, 27.5.2002

OJ C 208, 3.9.2003 C 208, 3.9.2003 – SOC/141: *European citizenship*.

2.4 The Treaty of Lisbon has a more solid legal foundation<sup>(2)</sup> for the EU to provide 'support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories'.

### 3. Immigrants contribute to Europe's economic development and well-being

3.1 In recent years, Europe has received many people coming from third countries as emigrants in search of new opportunities. However, the restrictive policies implemented by many European governments constrain the legal recruitment of immigrant workers by companies.

3.2 In its *Employment in Europe 2008 Report*<sup>(3)</sup>, the European Commission stated that 'immigrants have made a significant contribution to overall economic and employment growth in the EU since 2000, addressing labour and skill shortages and increasing labour market flexibility'.

3.2.1 In its *Joint Employment Report (2009/2010)*<sup>(4)</sup>, the Commission points out that although the EU is undergoing a crisis in which jobs are being destroyed, certain Member States and employment categories continue to experience a shortage of labour. The Commission further proposes to step up the integration of those immigrants who have already arrived and who are especially hard hit by the crisis, and also to encourage companies to diversify their workforces and introduce 'diversity charters'.

3.3 Since 2000, in the EU 21 % of GDP growth and 25 % of new jobs have been created due to the contribution of immigrants, to such an extent that growth in certain economic sectors would have stagnated or slowed down if they had not been largely made up of immigrant workers, both men and women.

3.4 It should be borne in mind that restrictions on citizens from the new Member States working in the EU have been removed in several countries (United Kingdom, Ireland, Sweden, etc.).

3.5 The Committee wishes to highlight the significant entrepreneurship displayed by many immigrants, who set up businesses in Europe and therefore help to create jobs and generate wealth, even though immigration laws place almost insurmountable barriers in their path.

3.6 Although the intensity of migration flows has varied between EU Member States, it can be seen that economic and employment growth has been greatest in those countries taking in most immigrants. In some Member States, including Spain, the United Kingdom, Ireland and Italy, the percentage is higher still<sup>(5)</sup>.

<sup>(2)</sup> Article 79.

<sup>(3)</sup> COM (2008) 758 final.

<sup>(4)</sup> COM (2009) 674 final.

<sup>(5)</sup> *The Economic and Fiscal Impact of Immigrants*, National Institute of Economic and Social Research, October 2007, and *Coyuntura española – Los efectos de la inmigración sobre el empleo y los salarios*, Informe Mensual de la Caixa, no. 295 ('The current economic situation in Spain – the effects of immigration on employment and pay levels', La Caixa savings bank monthly report), October 2006.

3.7 The growth of immigration in European societies also raises new problems and poses a major challenge for social cohesion. European societies are faced with myriad social problems arising from immigration, which require a comprehensive approach as the EESC has proposed in a number of opinions.

3.8 The Committee considers that these social problems (racism, low-level crime, gender violence, marginalisation, failure at school, etc.) largely illustrate the need to achieve better integration. Government, especially at the local level, is often overwhelmed by the problems.

3.9 The media sometimes take a sensationalist approach to immigration issues, whipping up popular concern. Certain political leaders act opportunistically, irresponsibly turning problems to their advantage.

3.10 The Committee notes with concern that racism and xenophobia are spreading through numerous sectors of society. Extremist parties and movements exploit the problems generated by immigration to spread fear among the population and to promote intolerant, violent policies that run counter to human rights.

3.11 Racism is classified as a criminal offence, but political authorities and leaders of society themselves often display unacceptable levels of tolerance towards it. The police and judicial authorities, opinion-formers, the media and political figures need to adopt a new attitude and combat racism more determinedly and play a leading part in educating society.

## 4. Immigration into Europe is set to increase in the future

4.1 The demographic picture in the EU suggests that, as a result of an ageing population and a low birth rate, the labour markets are going to need the input of large numbers of immigrant workers. According to Eurostat's most recent demographic forecasts, the working-age population will begin to decline after 2012, even if immigration during the decade is maintained at 1.5 million a year. Unless migration flows increase over the next decade, the population of working age will fall by 14 million.

4.2 In parallel with this, it is clear that international worker mobility is set to increase around the world, as many people in third countries are compelled to emigrate because of the lack of decent work in their countries of origin, and some of them want to come to Europe to seek new employment and personal opportunities.

4.3 The EESC sees the desire of new immigrants to focus their migration projects on Europe as a major opportunity.

4.4 The Committee considers that policies that improve social integration are needed if immigrant workers are to find the opportunities they seek and European societies are to achieve better cohesion: successful migration projects – from the point of view of both immigrant workers and the host societies – depend on how integration processes unfold.

4.5 The economic crisis and rising employment are affecting all sectors of society, local workers and immigrants. Labour market data across Europe indicates that low-skilled immigrant workers in the lowest-quality jobs are the first victims of the crisis, and that immigrant women are more affected by unemployment.

4.6 In spite of the current recession and rising unemployment in Europe, demographic forecasts show that once the crisis is over and economic and employment growth levels have recovered, new immigrants will be needed to meet the European labour market requirements, according to the specific circumstances of each Member State.

## 5. European entry legislation: the forthcoming challenge

5.1 Ever since the EU set out ten years ago on the path which is to lead to a common immigration policy, the greatest difficulty has lain in drafting legislation governing the entry of new immigrants, with each Member State's own legislation having a very different approach.

5.2 Immigration policies and laws, and access to employment, are tied to labour market developments. As a result, the social partners must play an active part, but policies and laws must also be based on compliance with immigrants' human rights.

5.3 The Committee considers that immigration legislation should facilitate integration and view immigrant workers as new citizens, as human beings with rights that must be safeguarded and not purely as a pool of labour from which to meet the needs of the labour markets.

5.4 The social partners must participate at all the different levels. The Committee notes with interest the Commission's proposal to set up a European platform for dialogue on managing labour migration, in which the social partners can be involved.

5.5 The EESC has proposed a common immigration policy and harmonised legislation, so that immigrants arrive by legal means, are treated fairly, their fundamental rights are protected and integration is improved.

5.6 Europe has not however greeted immigrants with appropriate legislation and policies: rather, due to the

restrictive nature of most policies and national laws, many immigrants have entered via irregular channels and are compelled to work in the informal economy. The Committee believes that the EU must take fresh initiatives to turn informal work into legal employment.

5.7 The Committee considers that facilitating procedures for legal immigration will reduce irregular immigration and the risk of some irregular workers falling victim to criminal networks involved in smuggling and people trafficking. The Stockholm Programme contains new EU undertakings to combat these criminal networks.

5.8 The EESC considers that restrictive policies have a very harmful effect on integration processes, since they single out immigrants as people who are unwelcome and unaccepted.

5.9 Such policies have sometimes been accompanied by political and social attitudes casting immigration in criminal terms, generating exclusion and promoting xenophobia and discrimination.

5.10 The European Pact on Immigration and Asylum is now to be implemented over the coming years through the Stockholm Programme. With the Lisbon Treaty, it is likely to be easier for agreements to be adopted at Council, and European Parliament co-decision will facilitate harmonisation of legislation.

5.11 The EESC would have preferred horizontal legislation, but the Council and Commission have opted for sectoral directives. The Blue Card Directive<sup>(6)</sup> was recently adopted to facilitate the entry of highly-qualified workers. The Commission plans to draw up fresh proposals for directives over the coming months.

5.12 The Committee considers it crucial for the EU to have proper entry legislation, since integration is closely associated with equal treatment and non-discrimination. For this reason, the EESC supported<sup>(7)</sup> (albeit with some proposals for improvements) the framework Directive on the rights of third-country workers proposed by the Commission<sup>(8)</sup>, which is still under discussion by the Council. The approach taken in the version that the Council is now working on is inadequate and unacceptable to civil society and to the Committee.

5.13 The Council must adopt the framework Directive in order to ensure a proper level of rights for all immigrant workers and prevent discrimination. The Committee proposes that the Spanish Presidency recast the debate in the Council on the framework Directive, leading to its prompt adoption provided that it comprises a proper set of common rights throughout the EU, based on equal treatment in particular with regard to labour and social rights for immigrant workers.

<sup>(6)</sup> Directive EC/2009/50.

<sup>(7)</sup> OJ C 27, 3.2.2009, p. 114.

<sup>(8)</sup> COM (2007) 638 final.

5.14 The EESC recently adopted an own-initiative opinion urging that fundamental rights be respected in immigration legislation<sup>(9)</sup>. It proposed an advanced framework of rights and obligations. The Directive on family reunification also needs to be reformed.

## 6. Employment is a key element in the integration process

6.1 Integration is a two-way social process of mutual accommodation involving both immigrants and the host society. This is the first of the common basic principles for integration that were adopted by the Council in 2004.

6.2 Integration requires strong leadership on the part of the authorities, social partners and organisations. Public policies can facilitate these social processes, and the active involvement of civil society is also crucial. In an earlier opinion<sup>(10)</sup>, the EESC highlighted the important role of local and regional authorities.

6.3 Immigrant workers must also be receptive to integration, and make an effort to learn the language, laws and customs of the host society.

6.4 The EESC, together with the Commission, is engaged in the activities of the European Integration Forum, and wishes once again to emphasise the importance of civil society organisations being involved and consulted at the various levels of governance.

6.5 Integrating people of immigrant origin goes beyond the realm of employment covered by the present opinion, as integration is especially important in the family setting, in schools and universities, towns and neighbourhoods, religious institutions, sports and cultural bodies, etc.

6.6 Work represents a fundamental part of the process of social integration, since decent work is vital to immigrants' self-sufficiency, and it facilitates social relations and mutual understanding between the host society and immigrants.

6.7 Social Europe is founded on work, and integration is crucial to developing a social Europe. European businesses are vital social players and are both concerned by, and engaged in, integration.

6.8 The economic crisis and the rise in unemployment are weakening integration processes and exacerbating a number of conflicts within society and the labour market. The EESC considers that under these circumstances, efforts in favour of integration need to be redoubled by all those involved:

immigrants themselves, the public authorities, the social partners and civil society.

6.9 Europe's migrant workers must be treated fairly, because they are protected by international human rights conventions and the principles and laws enshrined in the ILO conventions. In another opinion<sup>(11)</sup>, the EESC listed the rights and obligations that European legislation must guarantee to immigrant workers.

6.10 The EESC considers that legislation and public policies must be backed up by cooperation with the social partners, because integration into the labour market is also an issue of society's attitudes, and of commitment on the part of unions and employers.

6.11 Public employment services must boost programmes to help immigrants find work and these programmes might include helping with the recognition of professional qualifications, improving discrimination-free language learning and occupational training, and providing adequate information on employment systems in the host country.

6.12 Trade unions, employers' organisations, immigrant associations and other civil society organisations play a key role in conveying information and in helping immigrants to find employment.

6.13 Most companies in Europe are small- or medium-sized. They provide employment for the bulk of the working population, including immigrants. In consequence, social integration processes unfold largely in SMEs.

## 7. Equal treatment and non-discrimination as the pillars of integration

7.1 The EESC sees the initial reception and treatment given by the authorities and by businesses to immigrant workers as fundamental; they frequently find themselves at a disadvantage compared to host country workers.

7.2 Although the situation varies between Member States, as do labour laws and social practices, many immigrant workers experience disadvantages and difficulty in finding employment and the non-recognition of vocational qualifications. In addition, they often do not speak the language and are unfamiliar with local laws, customs and social institutions.

7.3 Sound anti-discrimination legislation is the starting point, but legislation that discriminates between host country and immigrant workers still exists at national level, mostly consisting of directly or indirectly discriminatory practices towards workers on account of their national, ethnic or cultural origin.

<sup>(9)</sup> OJ C 128, 18.5.2010, p. 29.

<sup>(10)</sup> OJ C 318, 23.12.2006.

<sup>(11)</sup> OJ C 128, 18.5.2010, p. 29.

7.4 Equal treatment and anti-discrimination policies represent the pillars of integration policies. Reflecting its two-way focus on integration, the Committee believes that businesses, trade unions and the authorities must assure immigrant workers equal treatment and prevent all forms of discrimination.

7.5 Employers and immigrant workers must comply with labour standards and the collective agreements in force in each company or sector, in accordance with national laws and practices. The Committee would emphasise that racism and discrimination are forms of criminal behaviour that must also be penalised in companies under labour law.

7.6 In order to facilitate labour integration, immigrant workers must be informed of the labour laws and collective agreements that govern their workplace rights and obligations.

7.7 A political and social environment that is integration-friendly will make it easier for immigrant workers to follow paths towards integration and programmes that the authorities must provide for them, such as learning languages, laws and customs.

7.8 The EU Directives on equal treatment in employment<sup>(12)</sup> and equal treatment irrespective of racial or ethnic origin<sup>(13)</sup> are essential legal instruments in shaping legislation and practices in the Member States to combat discrimination and foster integration at work.

7.9 The European Parliament recently adopted a resolution on the new Directive against discrimination<sup>(14)</sup>, which complements the directives already in place. The EESC also delivered an opinion endorsing the Commission proposal and recommending that multiple discrimination be taken into account. This new directive, once adopted, will extend the principle of non-discrimination to areas such as education, health, social protection and housing.

7.10 The EESC considers that the anti-discrimination directives have not been adequately transposed into national legislation, and consequently some Member States lack sound anti-discrimination laws. The new Directive, once adopted, will be a very valuable legislative instrument.

7.11 The social partners, who are key players in the operation of the labour markets, and who are cornerstones of Europe's economic and social life, have an important role to play in integration. In the context of collective bargaining, they must accept their share of the responsibility for integrating

immigrants, eliminating any direct or indirect discrimination from collective agreements and from employment laws and practices.

7.12 With regard to collective bargaining, especially within companies, mechanisms must be put in place to ensure that access to employment and recruitment practices comply with the principle of equal opportunities. It is particularly important in this sphere to have instruments that can prevent not only direct, but also indirect discrimination.

7.13 At present, however, equal treatment in pay and working conditions is not guaranteed in practice for many immigrant workers. The social partners and labour authorities must introduce arrangements to prevent discrimination, and they must be proactive in promoting equality.

7.14 Dual-standard labour models are springing up in Europe, with high-quality employment for the majority of European citizens and highly-qualified immigrants, and low-grade jobs for the majority of immigrants. Low-grade employment is therefore also a factor for discrimination when immigrants are used as a pool of 'more vulnerable' labour.

7.15 The EESC has urged in a number of opinions that the Member States should improve arrangements for recognising vocational qualifications<sup>(15)</sup>, and that the EU should have a system for recognising qualifications that can be used by immigrant workers<sup>(16)</sup>. Many immigrants are working in European companies at levels below their qualifications.

7.16 Many immigrants also suffer from disadvantages and discrimination when it comes to career development and promotion. Labour laws, collective agreements and business practice must uphold the principle of equal promotion opportunities for workers. It is up to the social partners to launch new initiatives in this respect.

7.17 Vocational training is an instrument of great importance for improving the employability of immigrant workers, although under some national laws and practices third-country nationals are excluded or limits are imposed on them. The EESC considers that the public authorities and the social partners must facilitate immigrant workers' access to training under equal conditions.

7.18 Some Member States cooperate with businesses to provide training programmes in the countries of origin before a residence permit is granted, to assist the labour integration of third-country nationals once they arrive in Europe.

<sup>(12)</sup> Directive EC/2000/78.

<sup>(13)</sup> Directive EC/2000/43.

<sup>(14)</sup> P6\_TA (2009) 0211.

<sup>(15)</sup> See in particular OJ C 162, 25.6.2008, p. 90.

<sup>(16)</sup> See, among others OJ C 218, 11.9.2009.

7.19 The European Union has still not satisfactorily resolved the question of the portability of pension rights for European workers. Immigrant workers also experience numerous problems arising from national laws that do not properly safeguard pension rights acquired when working in Europe. The reasons for this are very varied, depending on national laws and agreements with third countries.

7.20 The Committee proposes that the European Commission should take legislative steps to make it easier to guarantee the pension rights of immigrant workers in the EU when they change their place of residence within the EU, return to their country of origin or go to live in another country.

7.21 Trade unions must welcome immigrant workers into their ranks and help them to attain representative and management positions. Most trade unions in Europe have implemented best practices to guarantee equal treatment and tackle discrimination.

7.22 The EESC believes that active policies and new commitments on the part of the social partners are needed, in order to foster social attitudes that encourage integration, equal treatment and efforts to combat discrimination in the workplace. European social dialogue can provide an appropriate framework enabling the social partners to take on new commitments.

7.23 The European Union Agency for Fundamental Rights has investigated <sup>(17)</sup> labour discrimination on ethnic grounds on the European labour markets, and has conformed that there is a high level of discrimination in spite of legislation.

## 8. Managing diversity

8.1 European societies are increasingly diverse, and this diversity is going to increase in the future. Immigrants cannot be properly integrated at work unless a positive view is taken of cultural diversity, which increasingly touches upon businesses and workers.

8.2 Large companies have their own in-house business culture which they have built up over time among their workers, the social environment and their links with clients.

8.3 European companies carry out their business in cities that are ever more diverse. The Committee of the Regions and the Dublin Foundation have, by means of the CLIP N network <sup>(18)</sup>, pooled their experiences with a view to enhancing diversity in municipal employment.

8.4 The cultural diversity arising from immigration poses a new challenge that must be faced if business culture is to be broadened in order to integrate new workers at all levels: senior and middle management and the rest of the workforce.

8.5 Globalisation is also making it easier for companies to operate in new social and cultural environments, and in new markets with clients from different cultures.

8.6 Many companies recognise the value of managing diversity. The shift over recent decades to a service economy has given greater weight to contact between companies and their clients; moreover, globalisation has prompted businesses to seek out new markets around the world. The clients and users approached by companies are increasingly diverse.

8.7 Efficient management of in-company diversity allows the skills of all workers of diverse origins and cultures to be better harnessed, and makes for more effective external company relations in a market which is similarly diverse.

8.8 Companies that handle diversity well are better placed to draw on 'talent' from anywhere in the world, as well as to attract clients on the new markets. Moreover, they can enhance the creativity and capacity for innovation of their employees insofar as all their workers (including immigrant ones) operate in a climate that is conducive to this.

8.9 Small businesses in Europe often do not have dedicated human resources management departments: consequently, they need to be supported by specialist structures provided by the authorities and by employers' organisations.

8.10 Management of diversity is based on the strict application of measures for equal treatment and non-discrimination. In addition, however, it entails introducing reception programmes for immigrant workers; measures to cater for cultural differences; communication systems that reflect linguistic diversity; mediation procedures for conflict resolution, etc.

8.11 Training is needed in order to manage diversity. In-company training can apply to various groups: senior managers, middle managers and the workforce as a whole, as well as trade unions and employers' organisations.

8.12 Companies, trade unions and employers' organisations should all have specialist diversity management services to promote initiatives, evaluate results and foster change.

<sup>(17)</sup> EU-MIDIS European Union Minorities and Discrimination Survey: Main Results Report, European Union Agency for Fundamental Rights, 9.12.2009.

<sup>(18)</sup> Cities for Local Integration Policy – a network of more than 30 cities, operated by Eurofound.

8.13 The public authorities will be required to contribute to managing diversity in companies, not least by means of economic and tax incentives in support of businesses that draw up their own diversity plans, and to facilitate sharing of best practice, implementation of training programmes and promotion campaigns.

## 9. Integration difficulties in the informal economy and irregular immigration

9.1 Irregular immigrant workers 'without papers' are obliged to work in the informal economy and irregular jobs, which increases their relative weight in those Member States that have the largest numbers of irregular immigrants.

9.2 Irregular immigrants are frequently subjected to extreme forms of labour exploitation by certain employers. The EESC has adopted an opinion<sup>(19)</sup> on the draft directive proposing sanctions against employers who exploit irregular immigrants.

9.3 Undocumented women workers in domestic employment are in a highly vulnerable position, which in some cases amounts to semi-slavery. Some national laws do not fully guarantee labour and social rights for this type of work. These problems are further aggravated for people whose situation is irregular and who work in the hidden economy. The Committee proposes that the European Commission launch new initiatives to assure proper protection for the labour and occupational rights of these women workers.

9.4 In recent years some national laws have criminalised humanitarian associations that help people in an irregular situation to prevent them becoming socially excluded and promote their integration. The Committee warns that such laws run counter to human rights and the moral principle of solidarity. The European Commission and the Vienna Agency must assess these situations and respond with the necessary initiatives.

9.5 Since social integration is more difficult when immigrants are in an irregular situation, the Committee has suggested introducing individualised regularisation procedures

for irregular workers that take account of the degree to which they have settled in social and employment terms. This should be based on the undertaking by the European Council under the European Pact on Immigration and Asylum<sup>(20)</sup>, in which it was agreed to use case-by-case regularisations under national law for humanitarian or economic reasons, especially in employment sectors with high concentrations of persons in irregular circumstances.

## 10. Stockholm Programme initiatives

10.1 The Commission has proposed to set up a European platform for dialogue on managing labour migration, bringing together employers, trade unions, employment agencies and other stakeholders.

10.2 The EESC proposes that the Commission follow the same procedure as for the establishment of the European Integration Forum, and request an exploratory opinion in the course of 2010. The Committee, with input from all the stakeholders, could then propose how to set up the European platform, with which it would wish to cooperate.

10.3 The Commission has also proposed that the EU adopt an immigration code to assure legal immigrants a uniform level of rights that is comparable with that of European citizens. This codified version of existing legislative texts will include any amendments that may be needed to simplify or flesh out existing provisions and improve their implementation.

10.4 The EESC considers that European immigration legislation must go hand in hand with a horizontal common framework of rights (European status) which ensures respect and protection for immigrants' rights and freedoms in Europe, irrespective of the kind of job they do or their legal status. If the framework directive being discussed at the Council were to be adopted and provide a high level of protection, it would represent a powerful legal tool for protecting immigrants' rights.

10.5 The Committee welcomes the Commission's initiative to present a European Immigration Code, provided that it takes the form of a legislative proposal guaranteeing immigrants' fundamental rights and a uniform level of rights comparable with that of Community citizens.

Brussels, 17 March 2010.

*The President*  
*of the European Economic and Social Committee*  
Mario SEPI

<sup>(19)</sup> OJ C 204, 9.8.2008.

<sup>(20)</sup> Council of the European Union, 13440/08, 24 September 2008.