

Alexander Wolffhardt

Supporting the social inclusion of the
undocumented: Options for the 2021 to 2027 MFF



ReSOMA identifies the most pressing topics and needs relating to the migration, asylum and integration debate. Building on the identification of pivotal policy topics, the **ReSOMA Policy Briefs** provide an overview of available evidence and new analysis of the policy alternatives. They take stock of existing literature on policy solutions for asylum, migration and integration. The analysis of existing research has been conducted under the supervision of Sergio Carrera (CEPS/EUI) and Thomas Huddleston (MPG).

Download this document and learn more about the Research Social Platform on Migration and Asylum at: www.resoma.eu

LINGUISTIC VERSION

Original: EN

Manuscript completed in June 2019

Unless otherwise indicated, the opinions expressed in this document are attributable only to the author and not to any institution with which he is associated, nor do they necessarily represent the official position of the European Commission.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the publisher is given prior notice and sent a copy.

Contact: resoma@resoma.eu



This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement 770730

Supporting the social inclusion of the undocumented: Options for the 2021 to 2027 MFF*

1. INTRODUCTION

This ReSOMA Policy Options Brief takes a closer look at proposals which aim to render EU funding support more accessible for measures supporting the social inclusion of the undocumented. Such proposals aim for the availability of EU funds supporting the most deprived and facilitating access to social services; eligibility rules allowing to also support the undocumented, with a view to EU fundamental rights and equality obligations; reporting requirements that would allow full participation of target groups that often include persons with diverse, often fluid, residence status; and EU support for measures that help to achieve regular residence status.

Thus, this ReSOMA brief addresses a crucial policy option driving current efforts at improving the EU's response to migration and integration challenges in the next 2021 to 2027 multiannual financial framework (MFF). Civil society organisations in particular have put forward ideas and concrete proposals for changes in the legal base of the AMF and ESF+ funds as presented by the European Commission in 2018. This brief introduces the policy option, highlights the corresponding proposals advanced by EU-level stakeholder organisations and traces the patterns of debate and support that the proposals garner, with a special focus on the European Parliament

and the state of negotiations as of June 2019. With its perspective on support for the undocumented, the brief complements the previous ReSOMA Policy Option Briefs on 'High levels of EU support for migrant integration, implemented by civil society and local authorities' and 'Comprehensive and mainstreamed, longer-term support for the integration of migrants', discussing options for the 2021 to 2027 MFF.

1.1 Policy option better inclusion of the undocumented – to facilitate with EU funds pragmatic solutions for social inclusion pursued by local and societal actors

This policy option builds on the conviction that integration measures which are strictly based on residence status do not reflect the reality of the migrant inclusion challenge in the EU, risk undermining successful integration and fail to reach target groups with urgent needs. It asks for active support measures also for those without a regular status in order to avoid pockets of exclusion, loss of social cohesion, and ending up with overall weaker and divided societies. Allowing undocumented to access language, counselling, education, training, social

*By Alexander Wolffhardt, [Migration Policy Group](#)

security, training and other support services acknowledges the fact that migration statuses frequently change over time and different members of the same family may have different statuses, leading to variegated access to social services (ECRE & PICUM 2019). Pursuing this policy option denies the claim that such inclusion measures would create incentives for irregular migration to Europe as being besides the facts. The majority of persons with an irregular status does not arrive by illegally crossing the EU external border but become undocumented by losing their residence permit through visa expiration, loss of work permit or rejection of asylum application (Chauvin & Garcés-Mascareñas 2014). Exclusion from integration pathways of people who de facto live in EU countries over extended periods of time thus is counter-productive, creating barriers to early and decisive support and delaying or even obstructing socio-economic inclusion.

EU programmes, their objectives and funding opportunities, play an increasingly important role in supporting migrant integration in EU Member States. In the upcoming programme period 2021 to 2027, the current AMIF is proposed to increase from euro 3.1bn to 10.4 bn, with additional possibilities for integration support. Crucially, the European Social Fund, as ESF+, is to become a major funding source for migrant integration as well. The more this instrument (which will also include a programme strand supporting the most deprived) will be drawn on to facilitate migrant integration across EU Member States, the more relevant EU funding opportunities will become for measures supporting the social inclusion of the undocumented.

Proposals put forward by stakeholder organisations in this context start from the fact that up to now EU funding instruments only in a very limited way can support the inclusion of undocumented migrants. Solely FEAD – the Fund for European Aid to the Most Deprived – in principle has allowed co-funding for measures supporting the undocumented. Comparatively small in scale, FEAD was designed to help people take first steps out of poverty and social exclusion by addressing their most basic needs. However, Member States have wide discretion in their national programmes, in terms of priorities, the definition of target groups and actual funding decisions. In the 2014 to 2020 period, migrants in an irregular situation were not explicitly mentioned in any of the Member State Operational Programmes and related performance indicators. No clear overview exists of the actual uptake of FEAD with regard to undocumented migrants.

Other EU funding programmes exclude irregular migrants in their eligibility rules. The ESF primarily targets persons with legal labour market access, thus excluding persons without the right to work (EC 2015, 2018e). The AMIF supports integration only for third country nationals with a regular residence status. In practice, national reporting and auditing requirements on listing final recipients often decide on whether EU co-funded actions may benefit persons without regular residence status. In this context, identity and status checks can discourage migrants from accessing services, whether they have a regular status or not, thereby compromising the impact and efficacy of EU-supported measures (ECRE & PICUM 2019).

Another starting point for stakeholder proposals is the fact that social inclusion of the undocumented is mostly pursued on local level and through civil society organisations. Faced on a daily basis with the immediate needs of resident populations lacking a regular status, local authorities' concern for social cohesion, humanitarian standards and their responsibility for service delivery often leads to a pragmatic approach, independent from the migration control considerations of central governments. Civil society organisations frequently play a key role in this local level efforts, for providing access to both social services and justice for violations waged against them (Levoy & Geddie 2009, Spencer 2017; cf. ReSOMA Discussion Brief on 'The social inclusion of undocumented

migrants', chapter 2.4). The stronger inclination of local authorities and NGOs to support the social inclusion of the undocumented raises the question of accessibility of the EU funds for these actors. As a range of stakeholder research has pointed out, the current system of channelling AMIF and ESF through national authorities and Member States programmes in many cases leaves them bereft of adequate and direct access to EU funds (ECRE & UNHCR 2017, 2019, EUROCITIES 2017 a,b, 2018a, Social Platform 2018a, Urban Agenda 2918; cf. ReSOMA Discussion Brief on 'Cities as providers of services to migrant populations', chapter 4.1).

2. PROPOSALS, THEIR DEBATE AND EVIDENCE BASE

The policy option aiming for better inclusion of the undocumented responds to the Commission proposals for the 2021 to 2027 Multiannual Financial Framework (EC 2018a, b, c) with regard to:

- The merging of the ESF, FEAD, YEI (Youth Employment Initiative), EaSI and Health Programme into one fund, the ESF+, with the goal of a more comprehensive, less fragmented overall instrument in the social policy area aligned with the European Pillar of Social Rights,
- At least 25% of national ESF+ will have to be earmarked for social inclusion and fighting poverty; with at least 2% dedicated to measures targeting the most deprived.
- the European Social Fund (as ESF+) to become a foremost EU funding source for migrant integration with a longer-term impact, in particular for measures related to labour market integration and social inclusion;
- ESF+ specific objectives relating to the funds' various intervention areas (including labour market participation, education and training, equal access to services and fighting poverty and deprivation);
- Simultaneously, the restructuring of AMIF to an Asylum and Migration Fund (AMF), to primarily fund early integration measures for newly arrived third-country nationals; with a reinforced partnership principle and a financial scope of national programmes with euro 6.25 bn more than doubled compared to the 2014-2020 period.

- provisions to concentrate ESF+ resources on challenges identified in national reform programmes, in the European Semester and Country-Specific Recommendations (CSR);
- the Common Provisions Regulation (CPR) in future also applying to the Asylum and Migration Fund (AMF), next to the Structural Funds which include ESF+; and including simplification of implementation and financial management rules;
- horizontal and thematic 'enabling conditions' in the CPR, setting out prerequisite conditions for implementation of the funds, incl. on effective application of the EU Charter of Fundamental Rights.

More information on the Commission proposals for the upcoming EU programme period can be found in the ReSOMA Discussion Briefs on '[Sustaining mainstreaming of immigrant integration](#)' and '[Cities as providers of services to migrant populations](#)', chapters 3.2 on the EU post-2021 policy agenda.

2.1 Specific proposals put forward

Specific **stakeholder proposals** put forward as reaction to the Commission proposals and relevant for the policy option aiming for better inclusion of the undocumented (details cf. part 3) include:

- adequate investment for social inclusion and poverty reduction in line with the European Pillar of Social Rights; and consideration of social objectives in the European Semester process;
- more regular monitoring through the European Semester of how Member

States implement enabling conditions, including the application of the EU Charter of Fundamental Rights;

- European Social Charter and Sustainable Development Goals as additional references for ESF+, to ensure its scope includes asylum seekers and persons with an irregular status;
- use of ESF+ funds to avoid discrimination on the basis of residence status in social services and focus on those who are excluded from mainstream social security in healthcare and long-term care services;
- at least 30% of national ESF+ programmes under shared management to be spent on social inclusion and reducing poverty, including for integration of third-country nationals;
- at least 4% of national ESF+ programmes to be spend on the two specific objectives addressing social inclusion of the most deprived and material deprivation;
- facilitated reporting requirements without questions about or proof of migration status;
- improved access to ESF+ funds for civil society and local authorities, and support for capacity building for civil society organisations in delivering social inclusion;
- support for measures that fight exploitation of irregular migrants, allowing to safely report abuses without risking being reported, detained or deported;
- support for regularisation campaigns and procedures to apply for residence status from within the country;
- ongoing, effective support for early and long-term integration and foregoing of possible funding gaps due to the way Member States implement AMF and ESF+.

2.2 Patterns of debate & support

The envisaged merger of FEAD into an upscaled ESF+ with a generally stronger focus on migrant integration has turned out to be the pivot of debate among stakeholders, the EU institutions and Member States. While this development has the potential to broaden the access of undocumented to social services (such as basic health assistance), the integration of FEAD as ESF+ sub-strand together with the adoption of ESF rules, on the other hand, threaten to increase the obstacles for social inclusion of the undocumented. While the hitherto definition of most deprived target groups within national programmes is kept in the Commission proposal, a key point of debate is whether the current 'low threshold' approach to FEAD will be upheld, or whether the potential use of EU co-funding for inclusion measures to the benefit of undocumented will become further reduced (Social Platform 2018a).

Four main considerations and concerns can be identified that have driven stakeholder proposals, and later on resonated in the European Parliament:

- **Availability of EU funds supporting the most deprived and facilitating access to wider social services:** leading to the proposals aimed at increasing the potential funding pool from which social inclusion measures for the undocumented could benefit, foremost enhancing the overall weight of the ESF+ strand supporting the most deprived (ex-FEAD), but also increasing the share of the ESF+ dedicated to social inclusion and generally the mainstreaming of support for third

country nationals/integration under the ESF+.

e.g. information, legal and language support.

- **Eligibility rules of EU instruments allowing to also support the undocumented:** leading to the proposals aimed at overcoming the restricted access to the existing EU instruments (legally residing TCNs for AMF, legal access to labour market for the ESF), by incurring the Fundamental Rights Charter of the EU, European Convention on Human Rights, and the Sustainable Development Goals next to the European Pillar of Social Rights, which all entail access to e.g. health care and education irrespective of residence status.
- **Reporting requirements that would allow full participation of target groups that often include persons with diverse, often fluid, residence status:** leading to the proposals aimed at reduced reporting requirements without questions about or proof of migration status; stakeholder organisations working on the ground see this demand as particularly relevant for health assistance, education, employment services as well as accommodation and food or material support for the most deprived.
- **EU support for measures that help to achieve regular residence status:** leading to the proposals aimed at EU support for regularisation campaigns and initiatives both at local and national level; as well as extending the scope of EU support to procedures to apply for residence status from within the country, with funding for

Among Member States, debate in the Council meanwhile revolves around the increased use of ESF+ for integration spending in general, but also the very existence of a dedicated instrument targeting the most deprived. As some net contributor Member States have argued, social relief as supported by FEAD or the prospective ESF+ strand should be a purely national competence as a matter of principle; while other Member States see it as manifestation of European solidarity and the social dimension of the EU.

Support in the European Parliament

In the European Parliament, as co-legislator of the future EU funds in the 2021 to 2027 MFF, a number of the concerns brought forward by stakeholder organisations have been taken up in the ongoing negotiations.

With regard to the **Common Provisions Regulation**, amendments adopted by the European Parliament on 13 February 2019 based on the report of the Committee on Regional Development (EP 2019c), reflect Parliament's eventual positions on the legislative proposals tabled by the Commission. With a view to the stakeholder proposals, these amendments refer to:

- progress in support of the European Pillar of Social Rights, territorial needs and demographic challenges to be taken into account in reporting of Structural Funds' implementation, mid-term reviews and adjustments following mid-term reviews (details cf. 3.1);

- arrangements for implementation of the European Pillar of Social Rights as horizontal enabling condition, applicable to all specific ESF+ objectives (details cf. 3.2);
- provision that enabling conditions are also seen as prerequisite for inclusive and non-discriminatory (and not only effective and efficient) use of EU support (details cf. 3.2);
- access to non-segregated education and training as part of the national strategic policy framework for the education and training system, which is required as thematic enabling condition (details cf. 3.4);
- provisions on the hardest to reach in the context of people excluded from health and long-term care as part of the national strategic policy framework for health, which is required as thematic enabling condition (details cf. 3.4).

Amendments to the **ESF+ regulation**, adopted by Parliament in the plenary vote on 16 January 2019 (based on the Report of the Employment and Social Affairs Committee) refer to (EP 2018 c.d, 2019b):

- The inclusion of challenges identified in the Social Scoreboard under the European Semester in the provisions on thematic concentration of national ESF+ spending (details cf. 3.1);
- Charter of Fundamental Rights of the EU, European Pillar of Social Rights and Sustainable Development Goals as additional reference for ESF+, to ensure its scope includes asylum seekers and persons with an irregular status (details cf. 3.3).
- additional general objectives of the ESF+ stressing inclusive societies, the

quality of employment, education and training, integration and social cohesion, eradication of poverty, non-discrimination and access to basic services, among others (details cf. 3.4);

- additional specific objectives of the ESF+, among others related to the inclusiveness of education and training systems, services for access to housing, and access to equal social protection, including for disadvantaged groups and the most deprived people (details cf. 3.4);
- at least 27% of national ESF+ programmes under shared management to be spent on social inclusion and reducing poverty, including for integration of third-country nationals (details cf. 3.5);
- at least 3% of national ESF+ programmes to be spend on the two specific objectives addressing social inclusion of the most deprived and/or material deprivation (details cf. 3.6);
- as simple as possible reporting requirements for common and programme-specific result indicators; and provision that sensitive personal data can be surveyed anonymously for common indicators (details cf. 3.7);
- a far-reaching partnership principle, asking for meaningful participation of social partners, civil society organisations, equality bodies, national human rights institutions and other relevant or representative organisations (details cf. 3.8);
- at least 2% of ESF+ resources allocated to the capacity building of social partners and civil society organisations (details cf. 3.8);
- clarification of the scope of integration measures supported from ESF+ as focusing on legally residing third-

country nationals or on those in the process of acquiring legal residence (details cf. 3.11).

Amendments to the **AMF regulation** in the EP legislative resolution of 13 March 2019, based on the report of the Civil Liberties, Justice and Home Affairs (LIBE) Committee, further address some of the above-mentioned stakeholder concerns (EP 2018e,f, 2019a):

- promotion and implementation of protection measures for vulnerable persons in the context of integration measures as additional AMF implementation measures (details cf. 3.9);
- promotion and development of structural and supporting measures facilitating regular residence in the Union as additional AMF implementation measures (details cf. 3.10);
- scope of AMF as supporting integration measures for third-country nationals that are generally implemented in the early stages of integration, complemented by interventions to promote the social and economic inclusion of third-country nationals financed under the structural funds (details cf. 3.11).

3. STAKEHOLDER PROPOSALS AND THEIR SUPPORT IN DETAIL

3.1

What is proposed To ensure a proper balance among social and macroeconomic objectives in the European Semester process, so that **adequate investment for social inclusion and poverty reduction in line with the European Pillar of Social Rights**, including for the socio-economic integration of third-country nationals, is guaranteed. Investments from ESF+ must be able to take into account regional and local realities and support measures tailored to the needs and target groups identified at local level without having to focus on CSR priorities that do not correspond to the most urgent or prevalent needs in an area.

Who is proposing it *among stakeholder organisations:*
 EU Alliance for Investing in Children (incl. PICUM), EUROCITIES, Social Platform

Where does the proposal find support? *in the European Parliament:*
ESF+ regulation amendments adopted:

- to add to the provisions on thematic concentration of national ESF+ spending that Member States shall address the challenges identified in the Social Scoreboard under the European Semester (Amendment 92 on Art 7.1)

Common Provisions Regulation (CPR) amendments adopted:

- the Commission, when assessing the Partnership Agreement, to take into account not only relevant country-specific recommendations, but also the overall policy objectives of the structural funds, including a more social and inclusive Europe implementing the European Pillar of Social Rights (Amendment 98 on Art. 9.1 referring to Art. 4 CPR)
- Member States, when regularly presenting to the monitoring committee and the Commission the progress in implementing the programmes, to take into account not only progress in support of the country-specific recommendations, but also of the European Pillar of Social Rights

(Amendment 12 on Rec. 13)

- mid-term reviews of structural funds (incl ESF+) to take into account not only challenges identified in relevant country-specific recommendations adopted in 2024 and the socio-economic situation, but also the state of implementation of the European Pillar of Social Rights and territorial needs with a view to reducing disparities and economic and social inequalities (Amendment 119 on Art. 14.1.b);
- adjustments of programmes following mid-term reviews of structural funds to take into account not only new challenges and relevant country-specific recommendations, but also progress with the European Pillar of Social Rights as well as demographic challenges (Amendment 18 on Rec. 19)

3.2

What is proposed

Enabling conditions with their fulfilment criteria should have a **strong role** for a thorough implementation of the European Pillar of Social Rights and in ensuring that investments are in full compliance with the EU Charter on Fundamental Rights. The European Semester and its Country Reports should have an important role in **monitoring** on a more regular basis **how Member States implement enabling conditions**, including on the effective application and implementation of the EU Charter of Fundamental Rights.

Who is proposing it *among stakeholder organisations:*
EU Alliance for Investing in Children (incl. PICUM), Social Platform

Where does the proposal find support? *in the European Parliament:*
Common Provisions Regulation (CPR) amendments adopted:

- to add as *horizontal* enabling condition (i.e. prerequisite conditions for implementation of funds applicable to all specific objectives) arrangements at national level to ensure the proper implementation of the principles of the European Pillar of Social Rights that contribute to

upward social convergence and cohesion in the EU (Amendment 379 on Annex III Table row 6a new)

- to stress that enabling conditions linked to specific objectives are a prerequisite not only for effective and efficient use of EU support granted by the funds, but also for their inclusive and non-discriminatory use (Amendment 16 on Rec. 17)

3.3

What is proposed

Application of the ESF+ should be also **guided by the European Social Charter and the Sustainable Development Goals** (and not only the European Pillar of Social Rights), to ensure in the ESF+ target groups inclusion of asylum seekers, persons whose claims have been rejected or who have an irregular status.

Who is proposing it *among* *stakeholder* *organisations:*
 ECRE, PICUM

Where does the proposal find support? *in* *the* *European* *Parliament:*
ESF+ legislative resolution/amendments adopted:

- to stress that all actions under the ESF+ should respect the Charter of Fundamental Rights of the EU, the European Convention for the Protection of Human Rights and Fundamental Freedoms and have regard to the UN Convention on the Rights of Persons with Disabilities (Amendment 2 on Rec. 1)
- to stress that the ESF+ should contribute to implementing the Sustainable Development Goals by, inter alia, eradicating extreme forms of poverty and promoting quality and inclusive education, gender equality, inclusive economic growth, decent work for all, and reducing inequality (Amendment 5 on Rec. 4).
- as general objective of the fund, ESF+ to be in line with, among others, the Treaties of the EU and the

Charter of Fundamental Rights of the EU, delivering on the principles set out in the European Pillar of Social Rights, and the commitment of the Union and its Member States to achieve the Sustainable Development Goals (Amendment 88 on Art 3)

3.4

What is proposed

To **avoid discrimination on the basis of residence status in social services and employment, training, housing and education actions funded from ESF+**, and to invest funds in specific measures to protect migrant workers from abuses, enabling all workers regardless of their status to enjoy fair, safe and secure working conditions, file a complaint and access remedies in cases of abuses. For healthcare and longterm care services, the ESF+ should also focus on those who are excluded from mainstream social security. The promotion of equal opportunities for all, without discrimination based on *nationality* and *residence status*, should be added to the equality clause of the fund (Art. 6.1).

Who is proposing it *among stakeholder organisations:*
ECRE, PICUM, Social Platform

Where does the proposal find support? *in the European Parliament:*
ESF+ regulation amendments adopted:

- to add to the general objectives of the ESF+ inclusive societies, high levels of quality employment, job creation, quality and inclusive education and training, equal opportunities, eradicating poverty, including child poverty, social inclusion and integration and social cohesion;
to add to the Member State policies supported by the fund equal access to the labour market, lifelong learning, high quality working conditions, social protection, integration and inclusion, eradicating poverty, including child poverty, investment in children and young people, non-discrimination, gender equality and access to

basic services (Amendment 88 on Art. 3)

- to add to the specific objectives of the ESF+ the inclusiveness of education and training systems, services for access to housing and person-centred healthcare, and access to equal social protection, with a particular focus on children and disadvantaged groups and the most deprived people, and fighting discrimination against marginalised communities (Amendment 89 on Art. 4)
- to highlight integration challenges related to the management of migration flows as the context in which the ESF+ will be implemented (Amendment 8 on Rec. 5)
- to stress as goals of ESF+ social integration of people experiencing or at risk of poverty or social exclusion, labour market integration of disadvantaged groups and economically inactive; acquisition of language skills; the reduction of horizontal and vertical segregation; the non-discriminatory nature, accessibility and inclusiveness of education and training systems; educational schemes for low-skilled adults to acquire a minimum level of literacy; and access to healthcare and adequate housing services (Amendments 16 on Rec. 13, 18 on Rec. 14, 25 on Rec. 15d new, 30 on Rec. 18)

Common Provisions Regulation (CPR) amendments adopted:

- to add as fulfilment criteria of the *thematic enabling condition* (i.e. a prerequisite condition for implementation of ESF+) related to a national strategic policy framework for the *education and training system* that it includes measures ensuring access to *non-segregated* education and training (Amendment 396 on Annex IV Policy Objective 4 row 2/column 4)
- to add as fulfilment criteria of the *thematic enabling condition* related to a national strategic policy framework for *social inclusion and poverty reduction* that it also includes the promotion of social integration of *people at risk of poverty or social exclusion, including the most deprived and children* (Amendment 400 on Annex IV Policy

Objective 4 row 4/column 2, point 4.3.1a new)

- to add as fulfilment criteria of the *thematic* enabling condition related to a national strategic policy framework for *health* that it also refers to *those hardest to reach* in the context of measures focusing on individuals excluded from health and long-term care systems (Amendment 404 on Annex IV Policy Objective 4 row 6/column 4, point 2)

3.5

What is proposed	To increase from 25% to 30% the minimum share of ESF+ funds spent on social inclusion and reducing poverty in Member States programmes under shared management (and to exclude support addressing material deprivation from this share, to be covered by another minimum spending requirement, Social Platform). As the socio-economic integration of third-country nationals falls under this sub-heading of proposed ESF+ objectives, increasing the share would create more possibilities for targeted support of integration measures that go beyond labour-market integration.
------------------	--

Who is proposing it	<i>among stakeholder organisations:</i> Social Platform, EU Alliance for Investing in Children
---------------------	---

Where does the proposal find support?	<i>in the European Parliament:</i> <u>ESF+ legislative resolution/amendments adopted:</u>
---------------------------------------	--

- Member States to allocate at least 27% of their ESF+ resources under shared management of their ESF+ resources under shared management to the specific objectives for the social inclusion policy (Amendment 92 on Art 7.3)

3.6

What is proposed	To require Member States to spend a minimum share of 4% of their ESF+ funds under shared management on the two specific objectives addressing social inclusion of the most deprived and material deprivation (instead of the proposed minimum
------------------	---

spending requirement of 2% for the objective addressing material deprivation only). This would ensure that, post-FEAD, spending for social inclusion of the most deprived remains on an appropriate level, in line with the national strategic framework of poverty reduction and social inclusion as proposed as an ESF+ enabling condition.

Who is proposing it *among stakeholder organisations:*
 Social Platform

Where does the proposal find support? *in the European Parliament:*
ESF+ legislative resolution/amendments adopted:

- Member States to allocate at least 3% of their ESF+ resources under shared management to the specific objective of addressing social inclusion of the most deprived and/or material deprivation; in addition to the minimum allocation of at least 27% of the ESF+ resources to the specific objectives vii to x of Article 4.1 (Amendment 92 on Art 7.4)

3.7

What is proposed To ensure that social services are accessible to all resulting from **reduced reporting requirements**. Particularly for actions delivering health and psychological assistance, education and employment services, and accommodation and food or material support for the most deprived the reporting requirements should be kept as light as possible and never include questions about or proof of migration status.

Who is proposing it *among stakeholder organisations:*
 ECRE, PICUM

Where does the proposal find support? *in the European Parliament:*
ESF+ regulation amendments adopted:

- with a view to the ESF+ strand supporting the

most deprived, to stress that due to the nature of the operations and the type of end recipients, it is necessary that *the simplest possible* rules apply to support which addresses material deprivation of the most deprived (Amendment 31 on Rec. 19)

- with regard to common and programme-specific result indicators, to add that reporting requirements shall be kept as simple as possible (Amendment 107 on Art. 21.2)
- to add to provisions on common indicators for ESF+ support under shared management that sensitive personal data can be surveyed anonymously (Amendment 153 on Annex I)

3.8

What is proposed

To **improve accession and management of ESF+ funds for civil society and local authorities**, by supporting local and regional experiences of successful inclusion under the direct-management strand of the EaSI programme; and by allocating an adequate percentage of the resources under shared management to capacity building supporting the participation of civil society organisations in delivering social inclusion.

Who is proposing it *among stakeholder organisations:*
ECRE, PICUM

Where does the *in the European Parliament:*
proposal find support? ESF+ regulation amendments adopted:

- to stress that in order to eradicate poverty and ensure greater social inclusion, the ESF+ should promote the active participation of specialised NGOs and organisations representing people living in poverty both in the preparation and in the implementation of the programmes dedicated to this. (Amendment 33 on Rec. 19.b new)

- each Member State to ensure in partnership with local and regional authorities, meaningful participation of social partners, civil society organisations, equality bodies, national human rights institutions and other relevant or representative organisations in the programming and delivery of employment, education, non-discrimination and social inclusion policies and initiatives supported by the ESF+ strand under shared management; in accordance with Art. 6 CPR and the European Code of Conduct on Partnership (Amendment 94 on Art 8.1)
- Member States to allocate at least 2% of ESF+ resources for the capacity building of social partners and civil society organisations at Union and national level in the form of training, networking measures, and strengthening of the social dialogue (Amendment 94 on Art 8.2)

3.9

What is proposed

To invest under AMF in measures that facilitate regular migration and fight exploitation of irregular migrants, including **services allowing undocumented workers to safely report abuses by their employers** without risking being reported to the migration authorities, being detained or deported, as remedy against labour exploitation and irregular employment.

Who is proposing it *among stakeholder organisations:*
 ECRE, PICUM

Where does the *in the European Parliament:*
 proposal find support? AMF regulation amendments adopted:

- to add to the AMF implementation measures the promotion and implementation of protection measures for vulnerable persons in the context of integration measures (Amendment 179 on Annex II, point 2.a (b))

new)

3.10

What is proposed To support with EU funding **regularisation campaigns and initiatives** (both at local and national level) of individuals already present in a Member State and active in employment, as a means to reduce irregular migration and effectively tackle unreported employment and socio-economic exclusion. Specifically, EU support should be available for accessible **procedures to apply for residence status from within the country**, including through information, legal and language support, adequate resourcing and minimal fees.

Who is proposing it *among stakeholder organisations:*
ECRE, PICUM

Where does the proposal find support? *in the European Parliament:*
AMF regulation amendments adopted:

- to add to the AMF implementation measures the promotion and development of structural and supporting measures *facilitating regular entry to and residence in the Union* (Amendment 176 on Annex II, point a aa new)

3.11

What is proposed To ensure ongoing, effective **support for early and long-term integration** in the broader framework of building inclusive societies, and to **avoid that the planned division of responsibilities between AMF and ESF+** is used as a justification by Member States to **exclude specific target groups such as asylum seekers and people with precarious status** from broader integration programmes.

Who is proposing it *among stakeholder organisations:*
ECRE, PICUM, Social Platform

Where does the in the European Parliament:
proposal find support? AMF regulation amendments adopted:

- to specify that measures financed under AMF should support integration measures tailor-made to the needs of third-country nationals that are generally implemented in the early stages of integration, and horizontal actions supporting Member States' capacities in the field of integration, complemented by interventions to promote the social and economic inclusion of third-country nationals financed under the structural funds; thus replacing the Commission proposal that AMF is to support measures that are *generally implemented in the early stage* of integration, whereas interventions with a longer-term impact should be financed under the ERDF and ESF+ (Amendment 20 on Rec. 13; reflected in Amendments 179 on Annex II.2.a and 211/216 on Annex III.3.g/3.a new)

ESF+ regulation amendments adopted:

- to specify that a distinct specific objective is dedicated to the promotion of *long-term* socio-economic integration of third country nationals, including migrants (Amendment 89 on Art. 4.1.viii)
- to specify that the scope of integration measures supported from ESF+ should focus on third-country nationals legally residing in a Member State or where appropriate in the process of acquiring legal residence in a Member State, including beneficiaries of international protection (Amendment 35 Rec. 20a new)

References

ARSI, CARITAS Europe, COFACE et al. (2018). Ways to make the next EU Multiannual Financial Framework a vehicle for protection and integration of children in migration. Joint NGO Statement supported by 36 civil society stakeholders, Brussels

Chauvin, S. and B. Garces-Mascareñas (2014). Becoming less illegal: Deservingness Frames and Undocumented Migrant Incorporation, in: *Sociology Compass* 8 (4): 422-432

EAPN European Anti-Poverty Network (2016). Barometer Report. Monitoring the implementation of the (at least) 20% of the ESF that should be devoted to the fight against Poverty during the period 2014-2020, Brussels

EC European Commission, DG for Employment, Social Affairs and Inclusion (2015). Support to asylum seekers under the European Social Fund and the Fund for European Aid to the Most Deprived

EC European Commission (2018a). Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument, 29.5.2018, COM(2018) 375 final – 2018/0196 (COD) & COM(2018) 375 final ANNEXES 1 to 22, 2.5.2018

EC European Commission (2018b). Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), COM(2018) 382 final – 2018/0206 (COD) & COM(2018) 382 final ANNEXES 1 to 3, 30.5.2018

EC European Commission (2018c). Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, COM(2018) 471 final – 2018/0248 (COD) & COM(2018) 471 final ANNEXES 1 to 8, 12.6.2018

EC European Commission (2018d). Interim evaluation of the Asylum, Migration and Integration fund. Final Report. Ramboll for the European Commission, Brussels

EC European Commission, DG Regional and Urban Policy (2018e). Toolkit on the use of EU funds for the integration of people with a migrant background

ECRE (2018a). Comments on The European Commission Proposal on the Asylum and Migration Fund (AMF), Brussels

ECRE (2018b). Amendments to the Draft EP Report on Asylum and Migration Fund Regulation, Brussels

ECRE & PICUM (2018). ECRE and PICUM position on the proposal for a Regulation of the European Social Fund + 2021-2027, Brussels

ECRE & PICUM (2019). ECRE and PICUM Policy Paper: Promoting Socio-economic Inclusion of Migrants and Refugees in the next EU Budget (2021 – 2027)

ECRE & UNHCR (2017). Follow the Money – Assessing the use of EU Asylum, Migration and Integration Fund (AMIF) funding at the national level, Brussels

ECRE & UNHCR (2018a). The Way Forward. A Comprehensive Study on the new Proposals for EU funds on Asylum, Migration and Integration, Brussels

ECRE & UNHCR (2018b). The Way Forward. A reflection paper on the new proposals for EU funds on Asylum, Migration and Integration 2021-2027, Brussels

ECRE & UNHCR (2019). Follow the Money II – Assessing the use of EU Asylum, Migration and Integration Fund (AMIF) funding at the national level 2014-2018, Brussels

ECRE, PICUM, Save the Children et al. (2018). 8 Ways to make the next EU Multiannual Financial Framework a vehicle for protection and integration of children in migration, Joint NGO Statement endorsed by 36 organisations, Brussels

ECRE (2018). The price of rights: Asylum and EU internal funding. ECRE's preliminary analysis of the European Commission's proposal for the EU multi-annual financial framework 2021-2027, Brussels

EP European Parliament (2015). EU funds for Migration policies: Analysis of Efficiency and best practice for the future Policy Department for Budgetary Affairs, DG for Internal Policies of the Union

EP European Parliament (2018a). The next MFF: Preparing the Parliament's position on the MFF post-2020. European Parliament resolution of 14 March 2018 (2017/2052(INI))

EP European Parliament (2018b). 2021-2027 Multiannual Financial Framework and own resources. European Parliament resolution of 30 May 2018 (2018/2714(RSP))

EP European Parliament (2018c). Report on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), Committee on Employment and Social Affairs (A8-0461/2018)

EP European Parliament (2018d). Compromise amendments on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+), Committee on Employment and Social Affairs (2018/0206(COD))

EP European Parliament (2018e). Draft Report on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, Committee on Civil Liberties, Justice and Home Affairs (2018/0248(COD))

EP European Parliament (2018f). Amendments on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, Committee on Civil Liberties, Justice and Home Affairs (2018/0248(COD))

EP European Parliament (2018g). EU funds for migration, asylum and integration policies. Policy Department for Budgetary Affairs, DG for Internal Policies of the Union

EP European Parliament (2019a). European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (P8_TA-PROV(2019)0175)

EP European Parliament (2019b). Amendments adopted by the European Parliament on 16 January 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+) (P8_TA-PROV(2019)0020)

EP European Parliament (2019c). Amendments adopted by the European Parliament on 13 February 2019 on the proposal for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (P8_TA-PROV(2019)0096)

ESF Transnational Platform (2018a). Social inclusion indicators for ESF investments – Areas for development in addressing the 20% social inclusion target in the ESF. Report for the ESF Thematic Network Inclusion, Brussels: AEIDL

EU Alliance for Investing in Children (2018). How can the EU's post-2020 budget fight child poverty and social exclusion? Recommendations for the ESF+ and the Common Provision Regulations, Brussels

EUROCITIES (2017a). A strong cohesion policy for Europe and citizens. Policy paper on cohesion policy post-2020, Brussels

EUROCITIES (2017b). The future of cohesion policy Delivering results for citizens, contributing to a stronger Europe, Brussels

EUROCITIES (2018a). Boosting employment and social inclusion in EU cities. Lessons learned from cities experiences with the European Social Fund in 2014-2017. Technical report – Preliminary findings, Brussels

EUROCITIES (2018b). Policy brief on the MFF proposal 2021-2027, Brussels

EUROCITIES (2018c). Boosting integration - start local. EUROCITIES policy statement on AMF proposal, Brussels,

EUROCITIES (2018d). A smart investment in people. EUROCITIES position on ESF+

LeVoy, M. and Geddie, E. (2009). Irregular Migration: Challenges, Limits and Remedies, in: *Refugee Survey Quarterly* 28(4): 87–113

PICUM (2015). Undocumented Migrants and The Europe 2020 Strategy: Making Social Inclusion a Reality for All Migrants in Europe, Position Paper, Brussels

PICUM (2017). Undocumented migrant workers: Guidelines for developing an effective complaints mechanism in cases of labour exploitation or abuse, Brussels

Smith, A. C. and M. LeVoy (2015). Guide to the EU victims' directive: Advancing access to protection, services and justice for undocumented migrants, Brussels: PICUM.

Social Platform (2016). Civil Society Participation & Partnership. Four principles for the meaningful involvement of civil society in the EU decision-making process, Brussels

Social Platform (2018a). European Social Fund Post-2020. A financial tool to deliver the European Pillar of Social Rights, Brussels

Social Platform (2018b). European Social Fund Plus (ESF+) – Proposal for Amendments, Brussels

Social Platform (2018c). Investing in social Europe. Social Platform's position on the next Multiannual Financial Framework (MFF 2021-2027), Brussels

Spencer, S. (2017). Multi-level governance of an intractable policy problem: migrants with irregular status in Europe, in: *Journal of Ethnic and Migration Studies*, 44(12): 2034-2052

Urban Agenda for the EU, Partnership on the Inclusion of Migrants and Refugees (2018). Recommendations for improving cities' use of and access to EU funds for integration of migrants and refugees in the new programming period. Partnership Action Plan, Brussels



ReSOMA - Research Social Platform on Migration and Asylum

is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

- 🌐 www.resoma.eu
- 🐦 @ReSOMA_EU
- ✉ resoma@resoma.eu

