



**COUNCIL OF
THE EUROPEAN UNION**



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New measures against employers of illegal foreign workers in the EU

The Council today¹ adopted a directive aimed at fighting illegal immigration by prohibiting the employment of illegally staying third-country nationals, laying down minimum common standards on sanctions and measures to be applied in the EU member states against employers who infringe that prohibition ([3612/09](#) and [8917/1/09 ADD1](#)).

The new rules seek to put an end to abuses by unscrupulous employers who make contracts with illegally-staying providing them in the labour market with low salaries and poor labour conditions.

¹ The decision was taken, without discussion, at the Agriculture and Fisheries Council meeting. It follows an agreement at first reading under the Parliament-Council co-decision procedure.

P R E S S

Under the directive, employers in the EU will have the obligation to:

- (a) require that a third-country national before taking up the employment holds a valid residence permit or other authorisation for his or her stay;
- (b) keep for at least the duration of the employment a copy or record of the residence permit or authorisation for stay available for inspection by the competent authorities of the member states;
- (c) notify the competent authorities designated by member states of the start of employment of third-country nationals within a period laid down by each member state.

Penalties for infringements of the prohibition will include financial sanctions, which will increase in amount according to the number of illegally employed foreigners; and payments of the costs of return in those cases where return procedures are carried out. Other sanctions may also be applicable to employers of illegal workers, such as exclusion from entitlement to public funding or from participation in public tenders.

The directive represents a step forward towards the fulfilment of the European Council commitment of having a set of clear, transparent and fair rules with the objective of strengthening cooperation between the EU member states against illegal employment and with respect to the human rights and fundamental freedoms of the affected persons.

The new legislation, which is in line with the principles of the European convention for the protection of human rights and fundamental freedoms and the EU charter of fundamental rights, will strengthen the legal security of all interested actors.

The directive also constitutes a response to the concerns for guaranteeing that immigrants can live with dignity in the EU and dispose of the same rights as those of the nationals of the recipient countries.

By favouring dialogue and cooperation with countries of origin, the EU acknowledges that migration generates wealth both for third countries and for Europe, and contributes in a positive way to strengthening cultural diversity. For this reason, the EU promotes collaboration with countries of origin and countries of destination in order to match the migratory flux to the reception capacity of the countries of destination.