THE EUROPEAN UNION'S HALTING APPROACH TO IMMIGRANT INTEGRATION

ABSTRACT

Despite pressures for a common strategy, collaboration on immigrant integration in the European Union (EU) has been limited, even though the estimated number of the Union's diverse non-European residents – comprising former colonial subjects, foreign workers, asylum seekers, refugees, and the undocumented – hover around 20 million out of a total population of 460 million. The project for a unified European market in the mid-1980s made common migration policies necessary: if third-country nationals did not face the same totally free labour market as European workers, job openings and job seekers would not match up as anticipated. This article traces the history of the Commission's initiatives over the last several years in building a common integration strategy, as proposes an overview of the search for common integration indicators that would enable member states to compare, benchmark, and evaluate their performance, hastening convergence toward common EU targets.

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Despite pressures for a common strategy, collaboration on immigrant integration in the European Union (EU) has been limited. Citizens of EU member states have won nearly complete freedom of movement and extensive EU-wide social and political rights. Member-state governments have been less willing to relinquish control over the entry and settlement of third-country nationals (TCNs). After years of *ad hoc* intergovernmental cooperation, however, the past decade has seen a steady flow of EU instruments covering the admission, free movement, and even integration of resident TCNs. Many components of a common integration framework are now present, notwithstanding the absence of a legal basis in the founding Treaties of Rome. Basic principles along liberal multicultural lines have been agreed, and a new conception of "civic citizenship" has been mooted.

Unfortunately, the EU has focused on abstract rights and quantitative indicators, ignoring the importance of the integration process in generating or defusing conflict. That shortcoming, along with member-state governments' continued dominance over the policy area, has precluded a cohesive EU-level approach. It remains a work in progress, characterized by incoherence, contradiction, and wishful thinking.

The evolution of an EU integration policy

Estimates of the total number of the Union's diverse non-European residents – comprising former colonial subjects, foreign workers, asylum seekers, refugees, and the undocumented – hover around 20 million out of a total population of 460 million. Differing policies, laws, and historical ties have contributed to the creation of immigrant-origin populations that vary in size, regional concentration, and ethnic composition in and within EU member states (Ireland 1994).

In the EU "integration" usually refers to the evolution of the Union in general, yet the term has come to apply also to immigrants. Technically, integration policy is intended for legally resident non-nationals and not minority nationals. EU policy making in any field is incredibly complex and cumbersome. All major EU institutions have been implicated in developing responses to immigration. Regarding the integration of TCNs, however, member-state prerogatives have prevailed.

Before this policy area came into its own, TCNs had already won key protections. By means of a 1961 directive – which establishes an outcome that member states must achieve through their own means – the intergovernmental Council of Ministers recognized the right to family reunification and the equal access of foreign workers' family members to education and employment. A 1964 directive stipulated that non-nationals holding an unlimited residence permit could be expelled only on "serious" grounds relating to public policy, public security, or public health. Bilateral treaties between the Common Market and their homelands promised Turkish and North African workers the same treatment as nationals. With the blessings of the European Commission, responsible for upholding the interests of the Union as a whole, the European Court of Justice enforced and gradually broadened those treaties' application (Ireland 1997).

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and job seekers would not match up as anticipated. The Treaty on European Union was drafted by the heads of State and government at their European Council summit in Maastricht in late 1991. Effective two years later, it committed the member states to harmonizing their answers to the challenges of immigration and asylum. The Treaty of Amsterdam, in force by 1999, shifted those issues from debates on the internal market to those on judicial cooperation and security. All migration-related matters became subject to actions adopted by the Council of Ministers based on proposals from the Commission and, provisionally, the member states.[1] At Tampere in 1999, the European Council set out specific objectives – "Milestones" – to be met on the path toward developing a common policy.

The Commission worked thereafter toward a collective legal structure by means of draft directives on undocumented migration, crime prevention, border controls, the reception of asylum seekers and refugees, and the admission of students and volunteers. These instruments stuck with vague, nonbinding references that granted member states considerable leeway. Final adoption had to await the opinion of the directly elected European Parliament, often frustrated with the Council of Ministers for refusing to accept its proposed amendments. Getting member states to transpose directives represented another struggle. Despite these teething pains, by 2004, a basic EU legislative framework was in place with respect to admissions.

Harmonization on immigrant integration was slower, although an agenda of inclusion did start to take shape. The Treaty of Amsterdam contained provisions for police and justice cooperation to deal with racism and xenophobia. Among the Tampere Milestones was a vow to ensure the fair treatment and integration of legally resident TCNs, granting them "rights and obligations comparable to those of EU citizens" (European Council 1999).

In 2000, the Commission, Council of Ministers, and European Parliament proclaimed jointly the Charter of Fundamental Rights of the EU. It set out a number of principles whose universality rendered them applicable to TCNs. That same year, a package of antiracism measures was adopted by the Council of Ministers. It consisted of one directive to implement the principle of equal treatment in employment and another to combat discrimination more generally on the grounds of ethnicity, race, religion, belief, disability, age, or sexual orientation – though not on account of nationality.

Likewise in 2000, the Commission presented a communication to the Council of Ministers and Parliament that recommended a common approach to immigration management. This note introduced the concept of "civic citizenship," which provided for the gradual acquisition of core rights and obligations. Akin to the "denizenship" status championed in progressive European academic circles, it would guarantee equal treatment to TCNs after five years residence even in the absence of formal citizenship or naturalization.

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Toward liberal multiculturalism?

The terrorist attacks against the US on September 11, 2001, concentrated minds even more. The Seville European Council in 2002 argued for comprehensive policies on integration while leaving primary responsibility with the member states. Their governments were encouraged to develop informational programs and language training for newcomers and to set up a network of "national contact points" to facilitate cooperation between relevant authorities and help define common principles. This group of national administrators met for the first time in March 2003. The Thessaloniki European Council that June formalized their mandate. Concurrently, it asked the Commission to edit an annual report on immigration and integration, as well as a handbook of "best practices" in the field. Remarkably, almost a quarter of the conclusions in Greece related to the integration of TCNs.

The blueprint for an integration strategy announced there had been set out in a Commission communication on immigration, integration, and employment. It presented the EU's definition of integration as "a two-way process based on mutual rights and corresponding obligations of legally resident third-county nationals and the host society which provides for full participation of the immigrant." Member states were "to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural, and civil life." Immigrants had to "respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity" (Commission 2003, 17-18).

After Thessaloniki, the Council of Ministers issued directives foreseeing long-term residency status for TCNs legally resident for five years in a member state and their conditional right to move from one member state to another to exercise an economic activity or to pursue training. The Commission oversaw local pilot projects to bolster networks and information exchange.

Amid the welter of EU policies and pronouncements, the outlines were visible of a budding liberal multicultural consensus: policy-makers ensured equality for minority ethnic cultures in the public realm, which systematically privileges the dominant culture, yet worked toward an even playing field and the phasing out of targeted

policies (Penninx and Slijper 1999). The EU maintained that ethnic identities and associations eased immigrants' social and cultural integration. Even so, they could only fill a temporary, instrumental function in ensuring the ultimate aim of equality of opportunity. They would eventually find their proper place in the purely private realm (Ireland 2004).

In November 2004, the European Council in The Hague implicitly endorsed that approach in a list of non-binding Common Basic Principles (CBPs) that were to constitute the EU's "integration framework." Integration was (1) a dynamic, two-way process of mutual accommodation that nonetheless entailed (2) respect for the EU's "basic values." The areas requiring action were (3) employment; (4) knowledge of the host member state's language, history, and institutions; (5) education; (6) access to institutions and to public and private goods and services; (7) interaction between immigrants and native-stock residents; (8) the free practice of different cultures and religions; and (9) the participation of immigrants in the democratic process, especially at the local level. Integration was (10) to be "mainstreamed" into general policy formulation and implementation; and (11) clear goals, indicators, and evaluation mechanisms had to be developed (Gross 2005).

Member-state governments had assembled the Hague Program with little input from local policy-makers or immigrants. In the years since its unveiling, some CBPs have been more equal than others. Improving immigrants' familiarity with their host society's language and institutions (CBP 4) has become a priority. The interior ministers of six major member states agreed in March 2006 to consider an EU integration contract for newcomers. It would complement the citizenship tests and "introduction" programs that many member states have already introduced.

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The search for indicators

Another focus has been the search for common integration indicators (CBP, 11). They would enable member states to compare, benchmark, and evaluate their performance, hastening convergence toward common EU targets (Entzinger and Beizeveld 2003). The job of finding those indicators has been contracted out to national "experts," think tanks, and academic research institutes. A torrent of commissioned studies, seminar proceedings, and workshop conclusions has poured forth.

Reports on the rights granted immigrants have been numerous. These analyses contain indices and scales derived from the coding of laws and policies. Such subjectively derived indicators lump many factors together and usually pass over variations across time. Reality, moreover, can deviate greatly from formal rights. Authorities at all levels of governance have enjoyed room for maneuver, influencing how they are put into practice on the ground.

Another popular method has been to construct quantitative measures of integration in various domains. Establishing levels of *structural integration* has entailed assessments of employment, income, education/training, dependency on public assistance, language skills, housing conditions, residential concentration, crime, and so on. *Political and cultural integration* has been gauged according to inclusion within host-society institutions and organizations, patronage of recreational and cultural offerings, and levels of immigrant interest and involvement in political life.

There are problems attendant to such a tack. Available data are insufficient and ill-suited to comparative analysis. There are differences in delineations of population categories and scales and levels of analysis. Statistics are collected on the basis of indicators that vary depending on the particular definition of "integration" that is used, overall and in particular sectors. Even studies in a single country of the sector that seems to be most amenable to straightforward measurement – labour market participation – have run into "insurmountable difficulties" (Gregori 2006).

The interpretation of measures presents traps as well. In figures relating to immigrant small businesses, should we see a strategy of self-isolation or a way of compensating for a lack of alternative employment opportunities? "Ethnic" neighbourhoods might lock immigrants within an encapsulated society, or they could represent a temporary but indispensable incubation stage in a process of integration over time. Similar ambiguity attends other indicators sometimes cited as evidence of integration, such as numbers of mixed marriages, naturalization rates, personal contacts with non-immigrants, and the popularity of minority fashion and music.

In quantitative analyses a discrepancy between third-country and EU nationals, as revealed by an indicator, is perforce problematic. But what does a gap mean? How wide is too wide, and does any narrowing necessarily signify policy success? Officials have managed now and then to concoct effective strategies: from bilingual assistant teachers to accompany immigrant-origin cohorts through their classes, to apprenticeships in ethnic businesses, to teamwork with Muslim communities to devise sensitive solutions to issues like ritual slaughtering and distinctive burial practices. Some of these successful small-scale projects originated from collaborative EU programs with local

authorities. Such micro-level developments have not been the subject of attention-grabbing headlines or significant, reliable funding from Brussels. The Commission's calls for a European Fund for the Integration of TCNs have fallen largely on deaf ears.

The EU's efforts have been motivated by fear of conflict at least as much as by its express, pie-in-the-sky objective of eliminating inequalities between TCNs and the majority population. Sporadic outbursts of social unrest or violence and far-right electoral victories have stirred EU interest more consistently than has glaring evidence of immigrant marginalization. Worries over social cohesion and minority-majority relations have been a driving force behind integration policies.

Unwisely, then, EU policy-makers and their immigration experts have neglected the integration process, which explains best when and why conflict erupts. When service delivery has been based on ethnicity, occasionally dramatic improvements have followed; but the result has also been the reification of culturally-based definitions of needs magnifying immigrants' separateness. When ethnicity has been discounted, the outcome has often been neglect of their special needs. Stressing structural integration first has done little in itself to bring forth political-cultural integration, yet it has reduced the likelihood of ethnic conflict. Starting with policies in the political and cultural realms that highlight ethnoreligious boundaries, at least when structural integration has tarried, has brought more friction along those lines. Thus integration is a complicated, multi-dimensional balancing act. It is never "done" but requires constant steering and attention to local sensibilities and pressure points (Ireland 2004).

Besides neglecting process and sequence, European policy-makers have undercut their work to maintain social order. EU and member-state policies have split immigrants along the lines of nationality, ethnic origin, religion, legal status, and generation, preventing the emergence of much-needed representative interlocutors. Officials have embraced market-based solutions and social policy reform, ushering in wider socio-economic disparities and greater segregation and reducing the welfare state's powerful social control function (Ireland 2006).

Conclusions

The EU is unlikely to halt its drive for absolute quantitative indicators and decontextualized best practices or to confront its deeper concern over social order. It has built up a head of steam on integration (Urth 2005). The currently moribund Constitutional Treaty would facilitate European integration policy making and provide a legal basis for EU action to further member states' efforts. Yet it would not change the nature of those policies.

They suffer yet from the lack of a clear, coherent vision of overall ends and means. Speaking at a U.N. meeting on international migration in New York last March, Rita Süssmuth, former president of the German Bundestag, stated the obvious when she observed that "Europe's progress in forming coherent migration policies is based mainly on a dialectic made up of trial and error, one of weeding out contradiction." There is still a long row to hoe.

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Note

[1] The common EU immigration policy would not apply to Denmark, which opted out, and the UK and Ireland would determine their involvement on a case-by-case basis.