PROMOTING IMMIGRANT INTEGRATION THROUGH CITIZENSHIP POLICIES

The MIPEX Findings for Europe

ABSTRACT

This article, which is based on results from the 2007 Migrant Integration Policy Index, provides an overview of citizenship policies in the European Union (EU) that promote immigrant integration. It also identifies key policy changes that have been introduced since 2005 and correlations between citizenship and other integration policy areas.

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The Migrant Integration Policy Index (MIPEX), co-managed by the Migration Policy Group and the British Council and co-financed by the European Commission, aims to promote a better informed European-wide debate on integration policies. To this end MIPEX generates a much-needed comparative, quantitative, and updated database on the legal provisions passed throughout Europe and designed to promote the integration of non-EU migrants (see <www.integrationindex.eu>). These results are presented in a format that is clear, concise, and accessible to all actors involved in policy debates, including policy-makers, stakeholders, and researchers. A country's policies can be compared on 142 policy indicators, over time, to the normative framework, other national policy areas, policies in other countries, and European averages.

This article analyzes the results of one of the six MIPEX policy strands: access to nationality. The outline of the MIPEX normative framework on citizenship policies and integration is followed by an overview of citizenship policies in 28 surveyed countries: 25 EU member states (excepting Bulgaria and Romania), Norway, Switzerland, and Canada. Recent policy changes in the 15 EU member states surveyed in the first and second editions are then examined. The article concludes with correlations pertaining to the promotion of integration through citizenship policies.

From integration principles to citizenship policies

The MIPEX normative framework operates under the highest European standards and promotes the overall policy goal of immigrant integration. Equal opportunity, active participation, and comparable rights and responsibilities are principles that are set in European Commission (EC) directives, Council of Europe conventions, EC Presidency Conclusions, proposed Commission directives and recommendations that derive from EU-wide policy-oriented research projects. Through various indicators, these European principles are broken down into specific legal and policy measures, which are among the primary tools employed by governments to set the conditions for integration processes (Niessen, Peiro and Schibel 2005). They underlie national policies, public philosophies, and government priorities in varying degrees, especially given the piecemeal creation of integration policies in many countries. The fact that MIPEX has brought a European normative framework to integration facilitates debate on the variety of principles that underpin the national policies, on justifications made for changes in legislation, and on the degree of policy coherence.

Policy reforms pertaining to nationality are initiated for a host of reasons, including reducing migration flows, bolstering national security, reassuring public opinion, and increasingly, playing party politics. The MIPEX normative framework considers to what extent governments facilitate viable pathways to nationality for non-nationals who possess genuine and effective links to their country of residence (Council of Europe 1997, Bauböck et al. 2006). Despite the fact that long-term residents in Europe enjoy many near-equal rights and responsibilities as nationals, national citizenship is often required to access employment in the public sector, to ensure absolute protection from expulsion, to secure full electoral rights and equal social rights, to facilitate mobility within the EU, and to eliminate administrative difficulties. Citizenship policies therefore remain a relevant realm for assessing policy performance in meeting principles of integration promotion.

The MIPEX strand on access to nationality breaks down this normative framework into four dimensions of citizenship policies:

- The first focuses on groups who are *eligible* for facilitated access to nationality by mapping the residence period of first generation migrants and spouses or partners of nationals and the use of *jus soli* for the second and third generation;
- The second considers whether eligible migrants are obliged to fulfil *conditions for acquisition* over and above the residence period and to undergo a criminal background check for serious convictions;
- *Security of status* examines the procedures and safeguards in cases of refusals of applications or withdrawals of nationality;
- The final dimension addresses the tolerance of multiple or *dual nationality* in naturalizing migrants and those of their children born in the country.

A MIPEX overview of citizenship policies in the EU

Taken together, the 25 EU member states sampled as of March 1, 2007 obtained their lowest average score with respect to the six policy strands on access to nationality and on political participation. Regarding access to nationality, *eligibility* provisions were found to be slightly unfavourable in promoting integration, while the other three dimensions reach the halfway mark on the MIPEX rubric:

- Of all 24 MIPEX dimensions, the eligibility provisions obtained the lowest average and lowest high score. Few countries facilitate ordinary naturalization procedures for all first generation migrants or apply *jus soli* for the second and third generations. More favourable is facilitation for spouses of nationals through residence periods that generally do not exceed five years;
- Most formal *conditions for acquisition* in the EU member states come in the form of stringent criminal record requirements and language assessments, as well as long and costly procedures. Income requirements are on the whole limited to a minimum level situated near the acknowledged poverty thresholds;
- Only partially *secure in their status*, applicants who fulfill the aforementioned conditions may have their application refused or nationality withdrawn in most countries on a number of grounds and without predetermined time limits. These procedures nevertheless tend to include various legal guarantees and avenues for redress;
- A slight majority tolerates *dual nationality*, while most others allow it, with certain exceptions.

Countries scoring above the 50% mark in integration promotion through citizenship policies include Sweden, former colonial powers like Belgium, France, the Netherlands and Portugal, and parts of the Anglophone world, like Canada, Ireland, and the UK. These countries tend to limit the first generation residence requirement to five years or less, grant automatic *jus soli* to at least the third generation, avoid economic resource requirements, provide protections against statelessness, and tolerate dual nationality. It should be noted that no policies from any of the examined countries pertaining to access to nationality or for that matter long-term residence obtained scores high enough to be considered "favourable" in promoting integration. At the other end of the MIPEX scale, the eleven countries whose policies receive a "slightly unfavourable" score include the Eastern Mediterranean countries, the Baltic States, as well as Austria, Denmark, Germany, Hungary, and Italy. To the less favourable aspects mentioned with respect to the EU average are added the following: employment-related criteria, integration conditions, and the existence of few legal safeguards requiring that refusal or withdrawal decisions take a migrant's personal circumstances into account.

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National policy trends in the EU: 15 since 2005

Published biannually, the MIPEX includes an additional longitudinal component that tracks major policy trends. This section provides examples of policy improvements and reversals registered through indicators related to the access to nationality strand.[1]

***Facilitated naturalization for the first generation and the introduction of* jus soli**: New countries of immigration in Southern Europe have considered more inclusive criteria in the context of globalizing migration flows. Portugal's 2006 *Law of Nationality* opened the shorter six-year residence period – previously reserved for nationals of Lusophone countries – to all first generation migrants and introduced automatic *jus soli* for the third generation. An Italian naturalization bill (August 4, 2006) would reform the first generation's residence period and introduce conditional *jus soli* for the second generation.

Voluntary citizenship ceremonies: Public oaths and ceremonies, still rare in the EU, have been revived, as in Norway after a 30-year absence, or adapted from North

American practices. Great Britain inaugurated its citizenship ceremony in 2004, followed by France and the Netherlands in 2006. MIPEX observed that most of these ceremonies do not involve requirements that could exclude migrants from participating or receiving their citizenship, like making the delivery of citizenship documents incumbent upon attendance or excluding those wearing the Islamic head scarf.

Flexibility in procedures: Greater consideration of an individual applicant's abilities has been introduced in order to ensure that procedures do not effectively discourage naturalization. The Portuguese law allows for any official education institution to issue the documentation proving basic language knowledge, free and publically available language test models, and free procedures for those with proven income equal to or below the national minimum wage. The Swedish Migration Board addressed backlogs and waiting times through new guidelines that cap procedures at eight months.

More restrictive eligibility criteria and the migration control agenda: Citizenship debates in a few countries have been preoccupied by finding ways of curbing illegal immigration and with family reunion migration, which have resulted in conditional *jus soli* and restrictions on naturalization through family ties. In Belgium and Ireland, automatic citizenship for the second generation was made contingent upon the parents' status, with the purpose of denying access to nationality to children of undocumented migrants or pregnant women with temporary visas, regarded as "citizenship tourists." As concerns spouses of nationals, Ireland ended the "post-nuptial citizenship" scheme, leaving the application of the shorter three-year residence period to authorities' discretion. The 2006 *Loi Sarkozy* in France extended the residence period from three to four years as part of the government's package on "selective immigration" and family reunion restrictions.

Introduction of "subjective" conditions into legislation: Individual assessments of language ability, civic knowledge, or "integration" are increasingly becoming conditions not only of access to nationality, but also of long-term residence and family reunion, sometimes administrated abroad as an entry prerequisite. The rationale is often that compulsory assessments or tests could be incentives to learn the language and other facts on the country, whereas other countries have in the past removed or simplified such assessments, viewing them as legal deterrents that enhance administrative discretion and serve policy goals other than integration. Recently adopted measures in the EU take the form of interviews with authorities or written tests, as introduced in the 16 German *Länder*, or the obligation to complete a course or provide documentation as in the 2006 *Norwegian Nationality Act.*

Security of status overshadowed by the national security agenda: The array of changes in law motivated by incidents of international terrorism or by mediatized social conflict involving migrants includes the introduction of new grounds for refusals or withdrawals. Applications for nationality can now be rejected in Germany as threatening to public security and order, while the threshold is arguably lower in the United Kingdom's *Immigration, Asylum, and Nationality Act 2006*, allowing withdrawals if these are deemed conducive to the public good by the Secretary of State.

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Policy dynamics lie behind access to nationality in Europe

Analysis of the MIPEX results has revealed significant trends within integration policy areas. This section highlights the most statistically significant positive and negative relationships for access to nationality[2] between strand dimensions, between strands, and between like-dimensions across strands (Börang and Huddleston 2009).

The only significant finding between the four dimensions within the access to nationality strand is that *eligibility* provisions and *dual nationality* are linked (r=.673)[3]: for instance, a country that facilitates naturalization and recognizes *jus soli* is also likely to tolerate dual nationality. Between access to nationality and the other five strands, the strongest strand correlation is with anti-discrimination policies (r=.639). A country with robust anti-discrimination legislation and equality policies tends to facilitate access to nationality for migrants and their descendants. The absence of highly significant correlations between access to nationality and other policy strands is a telling finding in itself. For example, there is no trade-off between granting access to nationality and political participation. A country may open up opportunities for political participation, including the right to vote, while still facilitating access to nationality. Another significant lack of correlation concerns the EU-8,[4] where access to nationality is not significantly correlated to any other MIPEX strands. Naturalization procedures in the EU-10 countries are therefore a policy area entirely separate from those linked to promoting immigrant integration.

Furthermore, there is almost no correlation between the long-term residence strand and the access to nationality strand. A country may have policies that are favourable to migrants becoming long-term residents, but

this has little connection with whether or not it facilitates their becoming full national citizens. This finding can be interpreted as a mark of European cooperation, which has introduced minimum standards for long-term residence like the five-year residence period, whereas access to nationality remains a purely national competence.

However, the lack of relationship between countries' overall approaches to access to nationality and to long-term residence belies the significant ties between the strands' like-dimensions. The major difference between the two strands regards eligibility. In comparing all 24 MIPEX dimensions, the only negative correlation that arises is to be found between eligibility for long-term residence and eligibility for nationality; this particular correlation is relatively significant (r=-.397). The countries that facilitate eligibility for long-term residents are slightly less likely to do so for reasons that have to do with access to nationality. Since eligibility for access to nationality was already mentioned as the lowest scoring EU average in MIPEX, the previous statement could be applied to the majority of EU member states. This finding perhaps bolsters the claim made around the time of the EC directive negotiations that the status will be used by policy-makers and perceived by migrants as a stand-in for facilitating naturalization (Groenendijk 2006).

Significant positive relationships are also to be found between the conditions for access to nationality and those for long-term residence (r=.492) and for family reunion (r=.546). For instance, the fewer conditions a country places on family reunion, the fewer they tend to place on long-term residence or access to nationality. Indeed, in several countries, the conditions required for one status are also required for the others. There is also a strong correlation between the procedures and safeguards for security of nationality as for long-term residence (r=.558). One possible conclusion is that although national governments tend to use inverse logic when facilitating long-term residence versus naturalization, they apply similar conditions, procedures, and safeguards and respond to similar policy impulses – promoting integration or otherwise.

Conclusions

Future editions will reinforce MIPEX as a longitudinal instrument to measure how these policy dynamics strengthen or weaken over time in the European Union. As debates and policy proposals emerge in Belgium, Sweden, and the United Kingdom, to name a few, MIPEX will also track how various citizenship policies become more or less favourable for promoting immigrant integration.

Beyond the MIPEX exercise, further implementation indicators can measure to what extent governments are equipped to properly deliver on their citizenship policies, however they score on promoting integration principles. Authorities in some countries do sometimes take advantage of administrative discretion to regularly ask applicants to fulfill additional conditions beyond those formally laid down in law and recorded in MIPEX. Appropriate outcome indicators can also be developed based on comparative and regularly available statistics. The European-wide statistics collected by the OECD and Eurostat indicate that acquisition of nationality in most EU member states remains a relatively low percentage within the foreign population. But measuring the ultimate impact of citizenship policies on promoting integration also requires data on the foreigner population that is *eligible* for naturalization, their experience of procedures, migrant and public attitudes, and the labour market and political participation rates of naturalized migrants and their descendents. Research can then estimate the effect of citizenship policies as legal mechanisms for ensuring the promotion of integration among the various factors at play in integration processes (Huddleston 2008).

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Notes

[1] Given the expansion of MIPEX from the first (71 indicators) to the second (142) edition, comparisons can be made in terms of individual indicators, but not with respect to the dimension or strand scores.

[2] A positive relationship between two areas means that the more favourable a score in one area, the more likely it is to be more favourable in another. For the sake of coherence, the findings are presented with the "more favourable" example, although the word could easily be replaced with "unfavourable" or the other MIPEX terms. Likewise, it is difficult to interpret the causal links from these findings, which would mean stating that a more favourable score in the first area directly leads to a more favourable score in the second. For that reason the examples may use the construction "and vice-versa."

[3] Correlations calculated using Pearson correlation coefficients.

[4] The eight Central and Eastern European countries that acceded in May 2004 are the following: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia. These countries, along with Cyprus and Malta, were first included in MIPEX in this second edition.