THE ECONOMIC AND SOCIAL ASPECTS OF MIGRATION

Conference Jointly organised
by
The European Commission and the OECD

Brussels, 21-22 January 2003

Social Integration of Migrants and Ethnic Minorities

Policies to Combat Discrimination

by

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I.   INTRODUCTION

The European Union is built on the diversity of distinct cultural, religious and social traditions embodied in the cultures of its Member States. It is home to people of many different racial, ethnic, religious and national backgrounds, and its economy and cultures have been enriched by the contributions of migrants from around the globe. In an increasingly globalised world, migratory movements will continue to shape Europe's society, and weave a web of links with sending communities in distant places. Europe's demographics, languages and cultural practices will evolve with these developments, and Europeans will continually need to adjust to these changes. The greatest efforts of adaptation have already been made by migrants themselves, who built their homes, developed roots, set up enterprises and contributed to economic growth in EU Member States which have not always given them a warm welcome.

European Union institutions have recognised the benefits of realistic and proactive migration policies. They also know that these will only be successful if coupled with the socio-economic, civic and political inclusion of migrants. Many migrants, some after decades of settlement, suffer economic and social disadvantages, are excluded from civic and political participation and face discrimination, racism and xenophobia. Their marginalisation makes them easy targets for scape-goating by far right parties, which have gained increasing support throughout Europe by exploiting fears and inciting resentment. Public attitudes tend to turn against migrants especially in times when social welfare provisions are rolled back and exclusion emerges as a real threat for many. The ensuing polarisation of population groups signals a process of social fragmentation. In the context of economic, social and even physical insecurities, the tasks of appreciating diversity and learning to manage differences appear particularly challenging.

Policymakers throughout Europe feel increasing pressure to adopt more effective approaches to secure inclusion but are uncertain how to bring people together to achieve this.[3] It is in this context that the European Commission has called for political leadership to overcome social divisions and to generate acceptance for diversity. It has emphasised that social cohesion requires the implementation of integration policies that promote equality and diversity, based on a recognition of the pluralist nature of European society.[4]

This paper aims to assemble the building blocks for an EU integration policy, based on lessons learnt from Member States' experiences. It focuses not on those migrants who have recently arrived but on those who have settled, and on the second generation. It begins with an analysis of different approaches to integration, discusses the target groups for integration policies, provides indicators of the current situation of migrants and the second generation, and proceeds to an analysis of integration tools: legislation, social policies and participatory processes. We consider good practice, integration successes and failures and the role of existing EU policies. Based on these examples, we draw out lessons for policymakers, particularly

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[3] Cf. Council of the European Union, 15223/01, Joint Report on Social Inclusion, Part I – The European Union and Executive Summary (Brussels, 12 December 2001), 24.

[4] COM(2000) 757 final, Communication from the Commission to the Council and the European Parliament, *On a Community Immigration Polic*y, (Brussels, 22.11.2000).

at EU level, and conclude with recommendations to the European Commission for developing a coherent integration policy framework.

II. INTEGRATION: CONCEPTS AND APPROACHES

The concept of integration, in its usage pertaining to migration, is open to a range of definitions, which undergo particularly significant variations between different national contexts. In the broadest sense, integration means the process by which people who are relatively new to a country (i.e. whose roots do not reach deeper than two or three generations) become part of society. It is helpful to keep in mind that in the usage 'European integration', the concept refers to shaping a **new structure out of individual entities, the nation states. This emphasis on the new, collectively determined unity could be useful for conceiving a two-way process of integrating migrants and established nationals.**

Assimilation

In many European countries, the integration of migrants means their assimilation to a pre-existing, unified social order, with a homogeneous culture and set of values. Integration is perceived as a one-way process, placing the onus for change solely on migrants. They are expected to undergo a unilateral process of change, particularly in the public sphere, so that they can fit into a given order. For example, women of Turkish origin in Germany are often expected to work without headscarves when serving customers, as it is thought that customers could be alienated by such changes to staff uniforms. As differences cannot be tolerated, they are required to disappear.

There are very apparent but often overlooked limits to this strategy. A migrant's racial origin, may make complete assimilation impossible, if a residual difference will always be visible. Religious beliefs entail specific practices and symbols which cannot be entirely contained in the private sphere. But even if such remaining differences could be accommodated, it remains unclear how migrants could identify what exactly they should assimilate *to*. They could choose between assimilating to working class culture, metropolitan lifestyles or, in some areas, to pre-existing ethnic minority communities.

There is in fact no monolithic culture or social order to assimilate to, as democratic societies contain many different lifestyles, values and institutional processes, which are constantly changing. The conformity implied by assimilation is spurious, as it is not shared by the wider society. This means that there can be no fixed end point of integration and no set trajectory for integration processes. In many societies, however, social and political pressures to assimilate persist. In practice, this can have the opposite of the intended effect, i.e. a reinforcement of social divisions. Leading on from the previous example, a Turkish woman bowing to her employer's authority and removing her headscarf to satisfy customer preferences may harbour resentment against her intolerant customers. The forced concealment of differences can lead in practice to their accentuation.

Inclusion and participation

In view of a tendency to conceive integration as one-way assimilation, the concept of integration is being replaced with other terms, notably inclusion and participation. Community organisations, in particular, emphasise the concept of participation, which denotes democratic notions of access, agency and change, though it does not directly refer to relationships between social groups. Inclusion is probably the term closest to integration, with the advantage of providing a better link to mainstream policy concerns, since policymakers use it to refer to all social groups, not just migrants and minorities. Social inclusion is a stated policy goal for governments throughout the EU,[5] directed at eliminating the exclusion of all disadvantaged groups to enable everyone "*to have access to, use, participate in, benefit from and feel a sense of belonging to a given area of society.*"[6]

The debates around the usage of the term integration indicate that it is a highly normative concept. Integration as a policy objective implies an assumption about a desirable social order, with a high degree of internal cohesion. It is part of the process of nation-building. This makes it attractive to policymakers, who aim for stability and order, but it can impede the recognition and acceptance of difference. The normative dimension of integration often remains concealed, when access to the services and institutions of a society is conceived as a procedural matter, with the public sphere acting as a neutral arbiter of universal needs. This perspective relegates the substantial differences embodied by minorities to the private realm, while failing to identify the public realm as marked by specific interests, perspectives and practices, which are likely to be more appropriate for one set of people than another.

If integration is measured in relation to an existing social order with its hegemonic practices and values, then its focus will always be on adaptation by migrants rather than steps that may be necessary to facilitate the inclusion and participation of newcomers. In practice, this could mean, for example, that a female migrant could be excluded from receiving preventive health screening because the health service provides information only in the main national language and because she cannot request a female doctor to carry out the screening. Some integration policies might be prepared to conceive technical aides, such as promotional leaflets in different languages, to foster inclusion, but may not be ready for a change in personnel, as this would affect the structural make-up of the health service. In that case, it could be said that the drive to preserve the existing structure is greater than the impetus to integrate migrants.

This means that integration failure can be the result of a resistance to change on part of the immigration receiving society. While it is crucial that migrants take an active role in the integration process, this is only possible when existing structures are not so rigid as to render agency futile. Successful integration requires meaningful interaction between migrants and the receiving society, which means integration must be conceived as a two-way process.[7] Such a process will change not only the migrant's perspective and way of life, but also effect structural change in the receiving society. In pluralist democracies, such change will not be perceived as a threat to stability but as part of the flexibility and openness of a society which is constantly developing, striving for greater equality and more opportunities for all people. Democracy is based on the diversity of often conflicting views, needs, values, aspirations and identities, to which migrants and ethnic minorities add another facet.

Integration is not only a reciprocal process. It also consists of complex and multi-layered practices: economic, social and cultural. Successful integration cannot be promoted by designating a

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[5] See also Council of the European Union, 15223/01, Joint Report on Social Inclusion, Part II – The Member States (Brussels, 12 December 2001).

[6] Stephen Castles et al., Integration: Mapping the Field (2001), 14.

[7] This is also the view advanced by the European Commission, cf. COM(2000) 757, 19.

specific path and outcome. There is no integration paradigm that generations of migrants and receiving societies could follow. Integration can take place differentially in different sectors of society. For example, migrants can be integrated in the labour market but excluded from participation in civil society and political processes. Others can be included as citizens, participate in social and cultural interaction, but lack access to education and employment opportunities. Both cases could be deemed as integration failures, but would require different policy responses. Integration can also involve completely different modes of interaction with the receiving society. For example, some migrants might establish social networks through work relationships and find a partner among the majority population. Many others, however, rely on family and kinship networks, or neighbours of the same racial or ethnic background, to create stability and develop roots in the receiving society. Both modes can be considered integration successes, and policies that stifle interaction in any form are likely to be counterproductive.

Cohesion

The role of social interaction is crucial in the process of integration. It is through social contacts and the climate created by the possibility of such contacts that people develop a sense of belonging in a particular social space. This is one of the reasons why racism and xenophobia are major obstacles to any integration effort, as they produce a context of insecurity, isolation and hostility. These effects can also appear when overt racism is replaced by indirect discrimination, which pushes migrants and ethnic minorities to the margins of society. In such situations social disintegration occurs, with interaction non-existent or adversarial. The opposite of this negative state is one in which interaction among people, and between people and institutions, is constructive and based on respect for differences. This can foster integration and lead to a cohesive society.

The concept of integration suggests an emphasis on unity and stability that appears to entail a normative vision of social cohesion. However, social cohesion does not require communities to merge into a homogeneous entity populated by individualists, devoid of differences and governed by a set of hegemonic norms. On the contrary, cohesion can be achieved in a pluralist society through the interaction of different communities that build a bond through the recognition of both difference and inter-dependence.[8] Multi-dimensional notions of identity, multiple senses of belonging and attachment often add self-confidence and thus stability to social networks. Far from hampering the process of integration, they can add a layer of respect and recognition to social interaction, thus deepening the cohesion of communities.[9]

Equality

If cohesion thrives on the interaction of different communities, this interaction must be guided by the principle of equality. While the building of social networks based on a recognition of difference is essential for the process of integration, this will fail if migrants and ethnic minorities are not treated as equals. It is the task of integration policies to ensure that migrants and ethnic minorities obtain equal rights so that they become full partners and participants in the development of a cohesive society. Such rights need to create security for them as individuals, but also as members of minority groups.

Any conflicts that arise from a clash of values, which underpin cultural practices of different groups, can be resolved in democratic mechanisms of negotiation and reconciliation, open to all groups.

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[8] For an influential British definition of cohesion, see Local Government Association et al., Draft Guidance on Community Cohesion, May 2002, 6.

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Democratic societies are intersected by boundaries which limit some rights to allow the exercise of others, but these boundaries must be open to some flexibility and re-negotiation - subject to compatibility with pluralist principles and, crucially, human rights standards. Integration success depends on engaging all migrants and ethnic minorities in these processes of negotiation, regardless of their racial, ethnic, religious or cultural background. It can be measured by all people having equal access to, and participation in, a society's resources, institutions and conflict resolution mechanisms, with equal responsibility to shape and contribute to society.

Multi-culturalism

This approach to integration, guided by the principles of reciprocity, equality, diversity and cohesion, is compatible with a multicultural understanding of the functioning of modern democracies. While over the course of the 1990s some EU Member States had explicitly adopted the concept of multiculturalism to understand relations between different population groups within their country, over the past couple of years, and especially since 11 September 2001, an emphasis on loyalty to a particular national identity has returned.[10] This retreat from the fragile multi-cultural terrain is closely linked to concerns about economic and military security, which the idea of a single collective identity is seen to assuage

Throughout Europe the ongoing harmonisation and reform of migration policies has been influenced by this new scepticism about multicultural approaches. However, a mono-cultural perspective could seriously restrict the tools available to policy-makers for devising and implementing effective integration policies. Multiculturalism entails the recognition of an ever-present cultural plurality in modern societies and the regulation of this plurality through the principle of equality. This is most commonly thought to mean that different cultural groups should be able to exercise their cultural and religious rights while being protected from discrimination. It is crucial to understand, though, that these 'groups' are not totalities of fixed, clearly delineated identity, which compete with each other and produce social divisions along cultural lines. These are the fears of policymakers who see multiculturalism as an enemy of social cohesion, and feel vindicated by conflicts between communities such as those witnessed in Northern England in the summer of 2001. Rather, a multicultural approach recognises that plurality and diversity exist not only between but within such groups and communities.

Multicultural integration policies support neither the crossing of boundaries from one culture to another, as do assimilation policies, nor the preservation of those boundaries, as does segregation, but aim to foster their permeability. By facilitating participation of all groups in all social, economic and political spheres, such policies encourage the continual development and cross-fertilisation of cultures and identities, and can therefore help overcome divisions and segregation.

Integration approaches at Member States level

The conceptual framework of integration debates and policies differs across Europe, rendering a comparison of policy approaches and an exchange of good practice difficult. Comparability is impeded by

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[10] The influence of 11 September has received a particularly acute expression in the European Parliament's amendment to the draft Directive on the status of third country nationals, with four separate amendments referring to security concerns regarding third country nationals, as well as an emphasis on an assimilation-type model of integration. Cf. Sarah Ludford (Rapporteur), Report on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents, Final A5-0436/2001 (Brussels, 30 November 2001), e.g. Amendments 9, 11, 23 and 50.

Member States' promotion of a national ideological consensus on integration,[11] by the use of different monitoring systems and categories, and by different historical backgrounds as well as economic, social and political structures.[12] This confirms the extent to which the issue of integration of migrants is linked to the wider issue of national cohesion, social order and stability. The comparability of integration policies is limited for the same reason as their practical success: integration remains tied to nation-building,[13] perceived as a one-way process.

In very general terms, three dominant national approaches to integration in Europe can be identified, reflecting the differing ideologies of integration that we have discussed. Firstly, there is the model of political assimilation of individuals into a national unity based on substantive values and rights which are binding for all. Through citizenship, the individual enters into a relation with the state, which cannot be mediated by groups, thus ruling out any ethnic, religious or cultural belonging which exceeds the immediate private sphere. This model best describes the republican approach pursued by France. France does not officially recognise ethnic minorities as groups with distinct needs and rights which state action would have to take into account. There are no policy relevant differences between individuals once they have become French citizens.[14] The identity of individuals is determined by the national political order, not by their racial, ethnic or religious backgrounds. This national order consists of substantive values, a kind of civic faith,[15] making it incompatible with pluralism. The emergence of minority groups or group interests would constitute a failure of integration.[16] In practice, this means that France has been reluctant to operate targeted integration policies as these would amount to recognising specific group needs and experiences. This has been particularly problematic with regard to Muslim migrants, who now form the largest migrant group in France. The issue of religion as a marker of identity has revealed the limits of the assimilation model.[17] Together with continuing evidence of discrimination, this has led to many policy adjustments in practice.

The second model is that of functional assimilation into an ethnically defined national state. This approach has also been characterised as differential exclusion,[18] as migrants are included in one area, usually the labour market, but excluded from civic and political participation and lack a secure legal status. This model is prevalent in countries that do not see themselves as countries of immigration and that tend to regard the presence of migrants as a temporary phenomenon. This includes Germany, Austria, Denmark, Italy and Greece; (though Germany has attempted, over the last few years, to move away from a strong ethnic underpinning of its national identity), whereas the newer receiving countries in Southern Europe have moved towards an emphasis on common ancestry. Such approaches limit integration by leaving migrants in legal uncertainty and failing to accord them a stake in society. The ensuing lack of

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[11] See also Adrian Favell, Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain (Basingstoke/New York 1998/2001), vii-viii, xix.

[12] For example, the significance of national contexts has been argued for and explored by Friedrich Heckmann et al, Effectiveness of National Integration Strategies Towards Second Generation Migrant Youth in a Comparative European Perspective (EFFNATIS), Final Report, 2001.

[13] Favell, Philosophies of Integration, xix.

[14] See Favell, Philosophies of Integration, 71; Also J Doomernik, A Study of the Effectiveness of Integration (ILO Migration Programme series, 1998), 26.

[15] Favell, Philosophies of Integration, 85.

[16] Cf. Hans Vermeulen, ed, Immigrant Policy for a Multicultural Society. A comparative study of integration, language and religious policy in five Western European countries, Brussels, 1997, 34.

[17] Doomernik, Effectiveness of Integration, 26.

[18] Cf. Castles, Integration, 17.

identification on the part of migrants with the social order can in turn increase racism and xenophobia on the part of the majority population.[19] In Germany, the emphasis on German ethnic roots has recently been replaced with an emphasis on cultural and political values, retaining the idea of a substantive unity to which migrants need to assimilate or acculturate to. In practical terms, policies guided by the ethnic or cultural model have focused on labour market integration, and granted migrants access to the core components of the social welfare system (especially in Germany and Denmark).

Thirdly, there are multicultural and communitarian models which are based on a pluralist conception of democracy in which the presence of different ethnic and racial groups is accepted and regulated through a management strategy. Contrary to the Canadian model, the multicultural approaches pursued in the UK, Netherlands and Sweden do not rest on a recognition of minority group rights but on a pragmatic management of relations between different ethnic or racial communities. This is done through anti-discrimination legislation and equal opportunities policies, with easy access to full civil and political rights, and local arrangements to facilitate communication and understanding between ethnic groups. The emphasis is on promoting equality in all spheres, while enabling the exercise of different cultural practices. The strength of this approach is, as research in Britain has shown,[20] that it creates a citizenry which sees little tension between national and group identities: the majority of British born black and minority ethnic people feel comfortable affirming that they are both British and a member of a minority ethnic group. Conflicts can arise when differences within communities are disregarded, particular groups are not recognised or competition over scarce resources is not addressed. In Britain, a failure to recognise religious communities and those of new immigrants and refugees has contributed to a degree of competition between different communities. However, these tensions rest less on religious or cultural differences than on perceived or actual differential access to scarce resources, such as jobs, education and housing.

While these models accentuate national differences in approaches, a closer analysis of actual policies shows many parallels in practice. Especially at local level, practical policy problems and solutions are often very similar across Europe, particularly in metropolitan areas. This transnational convergence at local level points to potential benefits of a more active role of the EU in promoting integration, which could help transcend barriers erected by national approaches.

Integration in a European context

The European Commission considers it essential to facilitate the "*successful integration of third country nationals to maintain economic and social cohesion.*"[21] With increasing European integration and the emergence of EU competence over immigration issues, the notion that the nation state is solely responsible for cohesion has lost some of its force. Diminished national powers and restricted capacities to intervene in the labour market or expand public service and welfare systems now impose some constraints on Member State's options for influencing the integration of migrants while opportunities for developing new approaches to integration have begun to emerge at European level, which could help remove barriers erected by a focus on national identity.[22]

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[19] See also Doomernik, Effectiveness of Integration, 44.

[20] Tariq Modood/Richard Berthoud, Ethnic Minorities in Britain: Diversity and Disadvantage (London 1997), 328ff; see also Heckmann, Effectiveness of National Integration Strategies, 67.

[21] COM (2000) 757, 11.

[22] See also Adrian Favell/Andrew Geddes, European Integration, Immigration and the Nation State: Institutionalising Transnational Political Action? (San Domenico, 1999).

The Tampere European Council call for a "vigorous integration policy",[23] leading on from the Community's new competence on migration established in the Amsterdam Treaty, has opened up possibilities for adopting a European integration strategy . The fair treatment of third country nationals is one of the Community's migration policy objectives. The Commission has argued that it is essential to "*ensure that migrants benefit from comparable living and working conditions to those of nationals.*" To achieve integration, socio-economic equality must then be complemented by political rights, in the words of the Commission:

> "*The provision of equality with respect to conditions of work and access to services, together with the granting of civic and political rights to longer-term migrant residents brings with it [...] responsibilities and promotes integration.*"[24]

First steps towards developing an EU policy framework to promote the integration of migrants and ethnic minorities have already been taken. The anti-discrimination Directives adopted under Article 13 of the EC Treaty set minimum standards for legal protection of racial and ethnic minorities from discrimination across the EU. The challenge for the Commission is now to ensure effective implementation at Member State level. The Commission has also proposed Directives aimed at securing and advancing the rights of third country nationals. This legal framework, if agreed and successfully implemented, needs to be complemented by specific integration policies at national, regional and local level. The Commission has called upon Member States to develop comprehensive integration polices in partnership with civil society and other stakeholders, and it has proposed general guidelines to encourage this.[25] However, it has seen its role as limited to that of developing common standards for integration measures, such as the already existing employment and social inclusion guidelines, and facilitating dialogue and information exchange.

While pointing to Member State responsibility for integration, the Commission is aware of the limitations of many past and current national efforts to promote integration. By insisting on a rights-based framework for integration policies, it attempts to establish a common approach that is not limited by differing notions of national membership. However, to implement rights-based policies, an understanding of their necessity and benefits must be generated at national level. The Commission calls for political leadership to achieve this: "*Political leaders need to create the environment necessary for the acceptance of diversity within which integration policies must be anchored.*"[26]

The Commission also has the option of broadening the social inclusion objectives, agreed at the Nice Council, to fully address the situation of migrants and ethnic minorities, and to incorporate specific policies and targets for integration into the National Action Plans that form part of the European strategy on social inclusion launched at the Lisbon Council.[27] The first round of Action Plans paid insufficient attention to the situation of migrants, lacked a focus on rights and on racial or ethnic equality, failed to clearly identify target groups, indicators and targets, and did not suggest that Nice objectives had been mainstreamed into national polices.[28] These shortcomings are also due to a lack of European funds supporting such actions and the confinement of inclusion objectives to the area of social policy within

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[23] European Council Conclusions, Tampere, 19-20 October 1999, point 18.

[24] COM (2000) 757, 19.

[25] COM(2001)387 final, Communication from the Commission to the Council and the European Parliament on an Open Method of Coordination for the Community Immigration Policy, (Brussels, 11.7.2001), 11.

[26] COM (2000) 757, 20.

[27] See also Council of the European Union, 15223/01, Joint Report on Social Inclusion, Part I – The European Union and Executive Summary, Part II – The Member States (Brussels, 12 December 2001).

[28] For a critical appraisal see also EAPN Network News, No 96, Brussels, October 2002, 2ff.

Community policymaking. There is much scope for both Member States and the Commission to build on, extend and improve the joint social inclusion approach, and this could entail a greater focus on the integration of migrants and ethnic minorities.

The example of the European social inclusion strategy shows that the Commission does not have to rely on Member States to produce comprehensive integration policies. Nation states employ a variety of often contrasting approaches to integration and their different conceptual frameworks make it difficult for them to learn from each other's experience. The Commission, however, can benefit from an analysis of good and bad practices, and pursue its integration objectives at a level beyond that of the nation state. Local practices and transnational connections at local level already tend to bypass national frameworks in a range of policy areas.[29] Issues pertaining to non-nationals may well be better dealt with locally, especially with regard to practical inclusion initiatives, or trans-nationally, building on the EU's existing framework of rights. An EU integration policy framework could thus help to overcome barriers to integration that exist at national level.

III. TARGET GROUPS OF INTEGRATION

Integration is a long-term, open-ended process that requires a range of policy actions taken at different stages and directed at a combination of target groups. Many policies address the consequences and impact of migration; and as such they are targeted at migrants and refugees at various stages of the settlement process. Other policies are designed to address racial, ethnic or religious differences, and thus focus on the management of diversity, regardless of its relation to migratory movements.

In the context of migration management, a number of states provide, or plan to provide, special programmes for newcomers holding residence permits or for recognised refugees (e.g. Netherlands, Germany, France, Austria), reflecting the European Commission' suggestion to offer 'settlement packages'.[30] At naturalisation stage, candidates are sometimes required to take citizenship classes and pass language tests (eg UK, Germany, Netherlands, Austria), which are thought to serve as integration aides for prospective citizens. While all of these measures can potentially be valuable they can also erect barriers to participation (e.g. if training expenses are involved) and tend to be reserved for certain groups of migrants. For asylum seekers, spouses of primary migrants, 'guest-workers' and irregular migrants, the restrictions of rights and socio-economic opportunities experienced at the beginning of their stay can have an adverse impact on their integration trajectory.[31] Therefore, it is important that targeted measures are not only developed for all types of migrants, but are accompanied by policies that minimise any disadvantages that may be caused by a restricted legal status upon arrival.

Comprehensive policies that lead on from initial arrival measures and address the long-term settlement of migrants require a focus on the promotion of equal opportunities in relation to the native population. Such measures overlap with general policies aimed at managing diversity with a view to

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[29] See also Favell, Philosophies of Integration, xix.

[30] COM(2000) 757 final, Communication from the Commission to the Council and the European Parliament, *On a Community Immigration Policy*, (Brussels, 22.11.2000), 20.

[31] Cf. Castles, Integration, 25.

ensuring social cohesion.[32] Where policy management of migration intersects with that of diversity, target groups are identified according to their migration experience on the one hand, and their racial, ethnic or religious background on the other. While migrants are very often perceived as racial or ethnic minorities, there is no necessary correlation between these two target groups which can include large numbers of white migrants from Western industrialised countries who face no particular problems of integration. On the other hand, some racial and ethnic minorities in the EU have no recent migratory background, and yet encounter obstacles to full inclusion. Finally, some white migrants, e.g. from Eastern Europe, suffer from exclusion which may be related to their specific migratory background, or to distinct ethnic, cultural or religious identifications. Integration policies must nevertheless take into account the prevalence of racism as a main factor impacting on the integration of migrants. For example, in public discourse asylum seekers are often racially designated and stereotyped, even though many are in fact white.

This complex overlapping of migratory experience and racial, ethnic or religious background implies that most policies must address a complex combination of these, as all can impact on the integration process. Some policies, however, must target specific factors that can lead to distinct disadvantages. For example, while discrimination on grounds of nationality can intersect with racial discrimination, this will not affect black and minority ethnic citizens. At the same time, while racial discrimination may be a major cause of exclusion for black citizens, Muslims in Europe are subject to religious as well as racial discrimination. Specific policies to counter the particular disadvantages faced by each of these groups will also have a different relevance in each Member State. While British policymaking on diversity and cohesion is characterised by a discourse on race relations, this resonates differently in Germanic countries, where there are few black citizens and migration mainly originated in Southern **Europe. In Scandinavia, many migrants have come from Muslim countries, so that public attitudes and integration measures have centred on religious and cultural differences.**

A problem that many Member States share, however, is a reluctance to monitor how different target groups are affected by processes of exclusion. Many Member States monitor social indicators only in relation to nationality (plus gender and age), not race, ethnicity or religion. Race and ethnicity are often not acknowledged as legitimate categories and religion tends to be seen as a private matter. This means that there is insufficient information about the social situation of many migrants and ethnic minorities, including their progress towards inclusion. Hardly any statistics are available on how distinct factors, such as ethnicity and religion, impact on the integration of different groups. In most statistics, migrants merge with the majority population as soon as they become naturalised. This means that many second generation migrants cannot be identified for the purpose of policymaking. While some Member States now aim to capture second generation migrants in their statistics by adding the category of nationality at birth (e.g. Germany, France), it is to be hoped that this is only a temporary stopgap before introducing detailed ethnic monitoring categories. It is important for policymakers to recognise that ethnic monitoring as well as the adoption of policies targeted at specific ethnic groups does not constitute a division of human beings into fixed groups but is a vital tool for identifying needs and the delivering successful outcomes.

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[32] For a three stage model of different policy actions see also Mary Coussey, Framework of Integration Policies, Council of Europe (Strasbourg 2000) 5.

IV. INDICATORS OF INTEGRATION[33]

Policymakers require indicators to measure integration processes and progress. Such indicators vary according to the concept of successful integration: different approaches will emphasise a different set of indicators. The most widely used indicators measure the socio-economic status of target groups, and are particularly useful for an approach that focuses on equal treatment and social inclusion. Indicators that refer to cultural and religious practices tend to be more popular with approaches emphasising assimilation, but can also serve to examine the diversity of target groups and the range of factors influencing integration outcomes.

Processes of social change that indicate the structural impact of two-way integration processes are the most difficult to measure. Indicators can include the level of participation of migrants and ethnic minorities in public discourse and civil society, as well as attitudes and perceptions of both the general public and minority groups regarding equality and diversity. When opting for specific indicators, policymakers should be aware that integration outcomes are affected by the interplay of a range of factors, and that an exclusive focus on a limited range of indicators will limit policy action.

A straightforward method to gain an impression of the readiness of a society to engage in integration processes is to measure public attitudes and perceptions. However, policymakers must be aware that attitudes are the most volatile and context-dependent indicators available, which are to a large extent conditioned by the method of measurement. A summary of recent surveys reveals that almost two in three Europeans consider it good for a society to be made up of people from different races, religions and cultures.[34] However, many Europeans are experiencing significant socio-economic changes, and despite a general appreciation of diversity, there appears to be an increasing tendency to blame migrants and minorities for economic insecurity and restricted access to public services. The proportion of Europeans that perceive the presence of people from minority groups as a cause of insecurity increased from 37% in 1997 to 42% in 2000.[35]

Such fears and resentment can have a direct impact on migrants and ethnic minorities in Europe. In Germany, for example, one in five migrants of Turkish origin suffered from insults or verbal abuse in 2001.[36] Over 30% said that they had been subject to an incident of direct discrimination.[37] In Britain, a larger proportion of ethnic minority people, compared with white people, felt that public services treated them worse than other groups.[38] Many Europeans are aware that migrants and ethnic minorities suffer from discrimination and inequalities, and they support, to varying degrees, the fact that governments take policy

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[33] A longer version of this section is available from the authors.

[34] 64% in 2000, 66% in 1997. European Monitoring Centre and Racism and Xenophobia, Attitudes Towards Minority Groups in the European Union. A Special Analysis of the Eurobarometer 2000 Survey (Vienna 2001), 54.

[35] Attitudes Towards Minority Groups, 53.

[36] Mathias Venema/Claus Grimm, Situation der ausländischen Arbeitnehmer und ihrer Familienangehörigen in der Bundesrepublik Deutschland, Repräsentativuntersuchung 2001 (Offenbach/München 2002), 73.

[37] Venema/Grimm, Situation der ausländischen Arbeitnehmer, 72.

[38] Home Office, Race Equality in Public Services, November 2002, 10ff.

measures to tackle these.[39] They also acknowledge that diversity is not detrimental to, but part of, processes of social inclusion.[40]

Cultural indicators usually measure the interaction between the minority and majority population, as well as the activities of institutions in the public sphere which encourage such interaction. The rate of inter-marriage, for example, can give a picture of the readiness of members of both the minority and majority population to interact with each other. In general, statistics show that inter-marriage rates tend to rise with increasing length of residence of a minority group and in subsequent generations.[41] This is seen to have a positive correlation with integration.

One assumption is that the higher the rate of inter-marriage is, the more diverse a society becomes by breaking down barriers between communities, and the greater the benefits for cohesion. However, another interpretation is possible: by marrying someone from the majority population, migrants and ethnic minorities demonstrate their adaptation to the majority culture. Both assumptions imply that this cultural indicator denotes integration success, with one perceiving integration as assimilation, the other as based on diversity. However, while the marriage indicator can serve two different concepts of integration, and thus different sets of policies, it is not clear that it can indicate any wider integration success beyond the cultural sphere. For example, the inter-marriage rate for men in Britain is highest for Black Caribbeans (38% in 1995) and lowest for Indians (7%),[42] while the economic position of these two groups, as well as their experience of equal treatment, is precisely the opposite.

A different set of cultural indicators measures the accommodation of religious needs of members of minority religions in public life, as well as public acceptance of the expression of certain religious identities. Integration could be indicated by widespread accommodation and high acceptance of minority religious needs, or, on the contrary, by a voluntary renunciation of such needs by minority groups, again depending on the concept of integration used.

The significance of religious issues and identities depends to a large extent on their context, as developments since 11 September 2001 have shown. These have led to significant changes in the fabric of political, social and cultural life in Europe, manifested most visibly in the rise of Islamophobia. While Muslim communities in Europe suffered from prejudice, discrimination and marginalisation long before the attacks in the U.S., the European Monitoring Centre on Racism and Xenophobia found increased hostility as well as verbal and physical abuse of Muslims after 11 September.[43] Public acceptance of Muslims' religious needs has also dropped after 11 September, as a survey of attitudes towards

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[39] 37% are in favour of promoting equality of opportunity in all areas of social life; Attitudes Towards Minority Groups, 28. Even more (55%) believe that governments should do more to reduce the risk of poverty and social exclusion among new immigrants; Eurobarometer, 56.1, Autumn 2001, 207.

[40] Two in three Europeans believe that migrants and minority ethnic groups should not have to give up their own culture to become fully accepted members of society; Attitudes Towards Minority Groups, 48. In a UK poll, the great majority of respondents agreed that it is important to respect the rights of minorities; MORI Social Research Institute, The Voice of Britain: Britain Beyond Rhetoric (May/April 2002), 7.

[41] Michael Banton, National Integration in France and Britain, in: Journal of Ethnic and Migration Studies, 27, 1 (2001), 151-168, 162f.

[42] Banton, National Integration in France and Britain, 162.

[43] European Monitoring Centre on Racism and Xenophobia, Summary Report on Islamophobia in the EU after 11 September 2001 (Vienna 2002).

accommodating Islamic practices in state-funded schools in the UK, France and Germany showed.[44] However, despite this decrease the majority of respondents in Britain and Germany was still broadly supportive of such accommodation.

The trend after 11 September has been to elevate religion to a prime site of cultural and social conflict. While European Muslims used to be perceived as racial, ethnic or national minorities, their identity is now marked by their faith. This coincides with the self-perception of Muslim communities, particularly young Muslims, who often stress religious above racial identity.[45] Increasing salience of religious identity for both Muslims and the majority population is negatively reflected in experiences of abuse and discrimination, which are now specifically identified as related to religion. One in three young British Muslims said they had experienced personal abuse because of their faith.[46]

At the same time, religion is only one aspect among a range of factors which make migrants and ethnic minorities appear different. It can add a layer to processes of exclusion or become a dominant element in these, but it does not displace disadvantages encountered on other grounds. Increased hostility against Muslims has been provoked by a heightened fear of difference, coupled with resentment and disaffection, which far exceeds the focus on a particular religious identity. It has produced a dynamic of exclusion that encompasses a range of vulnerable groups, including other religious minorities, Middle Eastern and Arab people more generally and asylum seekers. This points to the need for an overarching perspective on equal treatment, beyond specific indicators of culture and faith.

The social and economic status of migrants and ethnic minorities is a major indicator of their overall integration into society, and of the degree of equality and cohesion in a given society. Socio-economic integration can be measured by migrants' equal and proportional participation and representation in employment, education, health and housing. Indicators which measure socio-economic positions according to their vertical distribution, i.e. income, qualification, job seniority, access to health care, quality of housing etc, place a stronger emphasis on equality, whereas indicators of horizontal distribution, e.g. labour market segmentation, proportion of migrants in particular schools or residential areas, highlight the factor of diversity.[47] The usefulness of indicators for social and economic policymaking increases if they manage to capture the situation of different groups of migrants by differentiating data according to gender, race/ethnicity, nationality and religion.

The overall target population for socio-economic integration policies consists of approximately 13 million people (or 3.4% of the EU population) who are third country nationals,[48] plus naturalised migrants and ethnic minorities on which no Europe-wide figures are available. Austria (7.9%) and Germany (6.7%) have the highest proportion of third country nationals, and Southern European states have a below average share.[49] Official data are also not available about the size of religious minorities, but it is

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[44] Joel Fetzer/J Christopher Soper, Public Attitudes toward European Muslims before and after September 11 (paper presented at APSA, Boston, September 2002; forthcoming in *Muslims and the State in Britain, France, and Germany*, Cambridge/New York).

[45] A British survey in June 2002 revealed that 41% of Muslims under the age of 34 define themselves first and foremost as Muslims, compared with 30% over 35s; The Guardian, 17 June 2002.

[46] The Guardian, 17 June 2002.

[47] For the terminology of vertical/horizontal distribution, see Rainer Bauböck, The Integration of Immigrants, 1994.

[48] Data refers to 1998 and marks a 50% increase from 1985 (8.4 m or 2.3 %). Eurostat/European Commission, The Social Situation in the European Union 2002, 26.

[49] Social Situation, 115f.

estimated that Europe is home to 12-18 million Muslims, the second largest religion in Europe. Most Muslims live in France (3.5-4m), followed by Germany (2.5-3m) and Britain (1.5m).

Socio-economic data for employment, education, health and housing demonstrate that equal and proportional inclusion of migrants and ethnic minorities in vital spheres of life has not yet been achieved. With regard to employment, migrants and ethnic minorities suffer from low employment rates, concentration in specific segments of the labour market, low wages, poor working conditions and under-representation in senior positions in the workplace. Their educational attainment is on average lower than that of other groups, they are underrepresented in university track schools and in higher education and tend to be concentrated in poorly resourced, ethnically and socially homogenous schools. Migrants and ethnic minorities are generally in worse health, have higher death rates and are more likely to be exposed to risk than the general population in the EU. They often live in poorer housing stock, more overcrowded conditions and are less likely to own property than the general population. Migrants and minorities also tend to reside in poorer urban districts with fewer public facilities and a high proportion of migrant residents.[50] At the same time integration successes are also plentiful. **The indicators show, for example, that in Britain, Indians are in a better position in education and the labour market than white people; in the Netherlands, Surinamese are better off than Turks or Moroccans; and in Germany, Italians and Greeks do better than Turkish people.**

Various assumptions can be made about the reasons for the low socio-economic status of many migrant and ethnic minority groups.. Lack of citizenship and racial or religious discrimination are important factors, with people who are third country nationals, visible racial minorities or Muslims facing particular problems. This means that some groups encounter additional barriers to equal participation, erected by society, which condition their economic and educational performance. Thus, instead of construing "hierarchies of 'integratable' communities and individuals"[51] policymakers need to aim to identify and dismantle a range of barriers which block the various pathways to integration and affect distinct groups of people in different ways.

V. INTEGRATION TOOLS AND POLICY APPROACHES

Social and political exclusion, economic deprivation and disadvantages have a wide variety of causes. This means that policymakers intent on promoting integration require a range of different tools to address them: legislation, social inclusion policies, and policies to enhance participation in civil society and democratic decision making.

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[50] Data on the socio-economic situation of migrants and minorities, on which this summary is based, is widely available, though not in a consolidated and comparable form. For some useful sources see The Social Situation in the European Union 2002; Bericht der Beauftragten der Bundesregierung für Ausländerfragen über die Lage der Ausländer in der Bundesrepublik Deutschland (Berlin/Bonn 2002), 317f (hereafter Ausländerbeauftragte); Performance and Innovation Unit/Cabinet Office, Ethnic Minorities in the Labour Market: Interim Analytical Report (London 2002); Modood/Berthoud, Ethnic Minorities in Britain; Roy Carr-Hill, Intercultural Health in Europe in: Jagdish Gundara/Sidney Jacobs (eds.), Intercultural Europe: Diversity and Social Policy (Aldershot 2000), 289-313.

[51] Castles, Integration, 28.

Which types of legislative and policy tools are currently used depends on national political and cultural context and history, public attitudes, as well as practical constraints at the local level which may conflict with official national approaches. In the following examination of legal, social and participatory policies, a comparative approach will explore possibilities for cross-national learning, with a view to transcending national approaches and enabling a European understanding of integration failures and implementation of good practice to achieve the economic, social and cultural outcomes we have identified.

Legislation

Many forms of legislation may contribute to integration while not having integration as their primary objective. Among the legislative areas most relevant for the integration of second generation migrants are family reunification, citizenship/naturalisation and anti-discrimination, on which we focus here. Other key areas include policies relating to labour migration, residence status and irregular migration.

Family reunification

To have a family life and to be united with one's family members are not only human rights but preconditions for the successful integration of migrants.[52] Individual labour migrants, especially cohorts of young men, who have traditionally formed the majority of migrants, have few incentives to participate in the receiving society's public and social life, and tend to focus on sending remittances to their country of origin. However, once their spouses and children join them, they begin to set down roots. Public policies and civic networks become increasingly relevant to them as concerns about children's schooling, the family home and neighbourhood safety arise. With the arrival of their families, migrants obtain a greater stake in their new societies than in their countries of origin, which raises the incentive to integrate. This positive effect of family reunion is recognised in current EU law, which allows EU nationals who work in other Member States to reunite with their families.[53]

In most Member States, family reunification has been one of the main forms of immigration since the early seventies but Member States have increasingly limited migrants' right to family reunification, with current laws across Europe possibly being the strictest to date. Even though the European Commission presented in 1999 a proposal for a Family Reunification Directive as its first initiative under the new immigration title in the EC Treaty, Member States long remained unable to reach agreement in the Council, until an amended, and significantly more restrictive proposal was agreed in February 2003. This proposal has now been agreed.

Among the most problematic aspects of family reunification conditions is the waiting period before the spouse becomes eligible for a work permit and an independent residence permit, currently ranging from one to five years. This results in a complete legal and economic dependence on the primary migrant and a belated process of integration. After several years without employment, it is likely that the spouse will be severely disadvantaged in the labour market.[54]

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[52] Preamble 8 of the amended draft Council Directive on family reunification accepts this link between family life and integration: "Family reunification [...] helps to create socio-cultural stability facilitating the integration of third-country nationals in the Member State, which also serves to promote economic and social cohesion."

[53] Regulation 1612/68 on freedom of movement for workers within the Community (OJ L 257, 19.10.1968).

[54] In addition, recent cross-national research on family reunification found that the two year work prohibition in Germany prevented both integration and added economic costs for the state, as in many cases the spouse became dependent on social benefits. Raffaele Bracalenti, Family Reunification Evaluation Project, 2001,

Since migration for family reunification is mostly female, exacerbated gender inequality is another negative effect. Work restrictions are not only a result of labour market protection measures, but also an expression of the perceived supplementary status of women's work, and female migrants suffer particularly from economic and legal dependency, as discussed in Eleonore Kofman's paper in this volume.[55]

The issue of arranged marriages as a basis for family formation, has dominated political and popular discourse, not least in Denmark and the UK, to the extent that a climate of suspicion about migrants' marriages has been created. Most unfortunate has been the confusion of arranged marriages with forced marriages. Research has shown that arranged marriages, in which both prospective partners have the option to reject the marriage offer, are deeply embedded cultural traditions which can sometimes be a woman's tool for social emancipation. For example, it was found that among Turkish women in France it was not unusual to agree to bring in husbands from Turkey to enable the woman to be free from in-laws and to start marriage in a dominant position.[56] Such behaviour can threaten the conventional gender hierarchy as much as the better-known cases of, for example, British-born Sikh women who may refuse to enter into marriage with men from overseas whom they consider backward and rustic.[57] Both are individual coping strategies for women that say little about their level of integration. In addressing legitimate concerns about forced marriages, care must be taken not to use migration controls to interfere with the legitimate right of women and men to select a spouse through the means of their choice.

Transcontinental ties have many reasons, with marriage and family reunion only the most obvious. Others are economic, with migrants, often excluded from the employment sector, making use of their "cultural capital"[58] to establish themselves as transnational entrepreneurs. The same kinship networks that often form the basis of marriages can also help migrants become successful competitors in the marketplace of their new societies. The economic performance of many British South Asian communities, for example, which place great emphasis on maintaining kinship networks, shows that cultural and family links, far from becoming obsolete or an obstacle for integration, can be significant positive factors in supporting stable and secure lifestyles. The role of such social and cultural factors must be taken into account when devising integration policies that regulate embedded cultural processes pertaining to family life.

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quoted in: Stephen Castles et al., Assessment of research reports carried out under the European Commission Targeted Socio-Economic Research (TSER) Programme, December 2001, 23.

[55] See also Eleonore Kofman et al., Gender and International Migration in Europe (London/New York 2000), 65-71. Eleonore Kofman, Contemporary European Migrations, Civic Stratification and Citizenship (International Migrations conference, Nottingham Trent University 2000), 9; see also Reyneri, Informal economy, 50ff.

[56] Gender and International Migration in Europe, 69. It was also found that women are more likely to migrate for social emancipation, e.g. Algerian women might agree to marry an emigrant residing in France to live a different life away from the in-laws.

[57] See also Roger Ballard, Migration and Kinship: The Differential Effect of Marriage Rules on the Processes of Punjabi Migration to Britain, in: Clarke, C/ Peach, C/ Vertovek, S (eds.), *South Asians Overseas: Contexts and Communities* (Cambridge 1990), 219-249.

[58] Roger Ballard, The Impact of Kinship on the Economic Dynamics of Transnational Networks: Reflections on some South Asian Developments (Workshop on Transnational Migration, Princeton University, June/July 2001), 47.

Citizenship and rights based on residency

Citizenship is the precondition for complete integration into public life through the acquisition of full civil and political rights – particularly the right to vote in national elections. In most countries citizenship rights can only be obtained through naturalisation. Exceptions are former colonial powers such as the UK, which grants almost full political rights to resident Commonwealth nationals, and some Member States in which third country nationals have the right to vote in local elections. The attachment of citizenship rights to nationality is particularly strong in those countries which consider their national identity as constituted through the consent of free citizens according to human rights principles, such as France, and those countries which see the basis of their nation in the common ethnic descent of its citizens, such as Germany and many Southern European countries. This reflects the extent to which citizen's rights have been linked to the development of the nation state, whose existence depends on moulding its citizenry into a cohesive, integrated whole (regardless of its basis in universalistic or ethnic principles). It raises the question to what extent the integration of migrants and their acquisition of civil and political rights are tied to the ongoing process of nation-building.

At Member State level a modest trend towards easier access to naturalisation combined with steps to gradually equalise civil and political rights for third country nationals suggests that integration processes do not have to follow the models of traditional nation-building. There appears to be some convergence of naturalisation laws on the basis of *ius soli*.[59] **In practice this means that countries such as Germany are moving away from an ethnic towards a republican model which regards naturalisation as a condition for integration, not an outcome.[60] This facilitates the civic and political inclusion of migrants. However,** the newer immigration countries of Italy and Greece have opted for more exclusionary models. Their migration policies are increasingly geared towards accommodating ethnic Italians or Greeks, while the second generation of migrants of non-EU origin becomes alienated from a state which compels them to live as immigrants in their country of birth. Barriers to naturalisation clearly obstruct the creation of a sense of belonging and identification. It appears that these states are at risk of repeating mistakes that other countries are attempting to rectify. Those Member States with longer immigration histories have now recognised that mixed messages about integration on the one hand and legal insecurity on the other lead to an estrangement among those who are asked to demonstrate belonging.

Easier access to naturalisation is running parallel to a tendency to separate rights from nationality. In some Member States third country nationals have now acquired local voting rights, for which migrants' organisations have campaigned over many years. Nevertheless, debates in most Member States are far from resolved on this issue. Those who perceive independent citizen's rights as a stopgap in place of better access to naturalisation, point to reforms of naturalisation laws instead.[61] In practice, however, those states with more flexible naturalisation laws also tend to allow non-nationals to be politically active at local level.[62] Undoubtedly, the introduction in 1994 of local voting rights for EU

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[59] This has been emphasised by Friedrich Heckmann, Integration Policies in Europe: National Differences and/or Convergence (Bamberg 1999), 24.

[60] At the same time, many Member States have, in the wake of 11 September 2001, adopted additional requirements for naturalisation, such as the completion of citizenship, language or integration classes. The European Parliament has also opted for an approach that requires evidence of integration as a condition for gaining long-term resident status. However, this contradicts the emphasis the Parliament places on local voting rights as a means of integration. Cf. Ludford, Report on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents, Amendment 5, Article 5.

[61] For example the German Commissioner for Foreigners; Ausländerbeauftragte, 186.

[62] Doomernik, Effectiveness of Integration, 15.

nationals residing in another Member State – adopted also to improve integration – has functioned as a driver of this process, as it has highlighted the unequal treatment of third country nationals.

EU institutions have gradually come to see the unequal legal status of third country nationals as morally and practically untenable, and as irreconcilable with both the right-based principles underpinning the European Union and the development of the single market. Apart from political rights, third country nationals also do not enjoy any of those civil rights afforded by the EU, such as freedom of movement and residence as well as access to employment or business opportunities across the single market. Therefore, the Tampere Council concluded that the

> *"European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens."[63]*

Building on the momentum of this decision and the new competence for migration-related matters under Title IV of the Amsterdam Treaty, the Commission has embarked on a process of developing the legal components for the fair treatment of third country nationals, with a view to fostering integration. Directives on the residency status of third country nationals, as well as their access to employment and education, have been proposed and are under negotiation in the Council.[64] These Directives, if adopted, would constitute a significant step towards including third country nationals as denizens in Europe's civic life. This movement towards a "civic citizenship" for third country nationals, entailing rights and obligations below the level of full citizenship, is part of the Commission's policy agenda and inspired by the Charter of Fundamental Rights.[65] It is tied to residency in a particular Member State, not to European citizenship. As the rights accorded fall short of full civic and political rights, it must be seen in conjunction with the Tampere call for better opportunities for naturalisation in the country of residence. However, as long as the standards of naturalisation laws remain different between Member States, this two-step strategy offers a rather volatile basis for ensuring fair treatment policies.

At the same time, the draft Directive on the status of third country nationals is based on the principle that residency generates rights, entitlements and obligations not just in the country of residence but throughout Europe. This means that citizen's rights are being separated from national belonging. This is also the principle on which local voting rights are granted to EU citizens[66], which points towards a form of civic and political inclusion independent of naturalisation. While the draft Directive on the status of third country nationals excludes the right to vote, the Parliament's debate over its amendment to give Member States the option of including voting rights[67] revealed the tension between the Tampere

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[63] European Council Conclusions, Tampere, October 19/20 1999, point 18.

[64] COM(2001) 127 final, Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents.

[65] COM(2000) 757 final, 19.

[66] Article 19, ex Article 8b: "Every citizen of the Union residing in a Member States of which he is not a national shall have the right to vote ...". See also Riva Kastoryano, Transnational Participation and Citizenship (Paris 1998), 12.

[67] The amendment to Article 12.2 reads: "Member States may extend the benefit of equal treatment to matters not referred to in paragraph 1, *such as active participation in political life, including voting rights at local and European level."* Ludford, Report on the proposal for a Council Directive concerning the status of third-country nationals.

conclusions advocating 'comparable' rights to EU citizens, (which can be seen as opening up residency based citizen's rights across Europe), and the naturalisation model.[68]

The idea of EU wide rights based on residency points to the option of European citizenship for third country nationals, of full and equal membership in the European polity independent of allegiance to a particular nation state. This concept of European Union citizenship could one day provide a model for superseding traditional nationality rights and for conferring EU citizen's rights to EU nationals and third country nationals alike. However, the present EU citizenship as defined in the Maastricht Treaty does not easily lend itself to such a move.[69] As a complement to national citizenship, it is in fact an extra privilege extended to nationals of Member States and has thus further elevated the status of national citizenship.[70]

In practice, however, this concept appears more dynamic, as the example of voting rights has shown. EU citizenship means that some rights are granted and exercised precisely because of the multiplicity of allegiances (residency in one Member State, nationality in another), not because of national membership. This means that EU citizenship could, in the long term, potentially liberate its holders from the binding relationship to state nationality and thus, ultimately, include non-nationals in European political processes. This would be a revised EU citizenship, possibly starting with reform proposals voiced under the convention process about dual EU and national citizenship.[71] The filter of national citizenship would become optional, the criterion of consent to democratic principles taking its place, irrespective of national identity.Commission President Prodi has stressed the importance of EU citizenship for the integration of migrants.[72] An enhanced concept of EU citizenship, including all regular EU residents, could ensure equal treatment in a pluralistic civic and political community that transcends the limits of national identity. It would not be a super-national citizenship, merely replicating the nation state model at EU level, but a post-national one. It would, for example, be one that allows its citizens to be black, Italian and European at the same time, without deriving or submitting one identity to another; chiming with second generation black youths in Italy who challenge the meaning of 'Italianess' and are more comfortable asserting the European aspects of their identity.[73]

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[68] See also Jo Shaw, Sovereignty at the Boundaries of the Polity (ECPR joint sessions, Turin 2002). The parliament denied a strong concept of comparable rights, urging for naturalisation, but nevertheless opted for independent voting rights – both with the argument of encouraging integration.

[69] Maastricht Treaty, Article 17 (ex Article 8): "Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship."

[70] See also Theodora Kostakopoulou, Long-term Resident Third Country Nationals in the European Union: Normative Expectations and Institutional Openings, in: Journal of Ethnic and Migration Studies, 28, 3 (2002), 443-462, 447.

[71] "[...] every citizen of a Member State is a citizen of the Union; enjoys dual citizenship, national citizenship and European citizenship; and is free to use either, as he or she chooses; with the rights and duties attaching to each." The European Convention, Preliminary Draft Constitutional Treaty, CONV 369/02 (Brussels 28 October 2002), Article 5.

[72] "EU citizenship can be a powerful factor in the social integration of legal immigrants into the European Union. We must identify a set of core rights and obligations to be recognised by all legal residents throughout the EU. This could lessen the increasing tension between laws on nationality and citizenship and immigration." Romani Prodi, A Constitution for the Future of Europe, Speech 02/343 (Milan 15 July 02).

[73] Cf. Andall, Second generation attitude, 390, 403; also Kostakopoulou, Long-term Resident Third Country Nationals, 447.

Anti-discrimination

Equal treatment of migrants and ethnic minorities is the precondition for their access to and equal participation in all areas of social, economic, civil and political life. While citizenship legislation regulates formal access to political life, anti-discrimination legislation establishes and safeguards equal rights for people regardless of their racial or ethnic origin; (and, in comprehensive provisions, regardless of their nationality or religion).

While most Member States have included some anti-discrimination provisions in their laws, in addition to a general constitutional principle of equality, only a few have enacted special racial or ethnic equality legislation (Ireland, the Netherlands, Sweden, the UK and Belgium). Those countries are also the only ones with independent public equality bodies, which can act to enforce legal provisions, whose mandate is defined in law. In most other countries, racial anti-discrimination provisions have had little practical application and have not yet been fully tested in court. There is little case law and few examples of sanctions.

In this context, the adoption in 2000 of the European anti-discrimination Directives under Article 13 of the EC Treaty constitutes a significant step forward to secure equal treatment for racial, ethnic and religious minorities across Europe. For the first time, people in Europe will enjoy common standards of protection from discrimination on the grounds of racial and ethnic origin, and, to a more limited extent, religion or belief. This provides a legislative framework for enabling the social and economic integration of migrants and ethnic minorities in practice. Racial and ethnic discrimination in employment, education, housing, heath and social protection will have to be banned in all Member States, which are required to implement these provisions by June 2003. Religious discrimination in employment and training must be outlawed by December 2003.[74]

The implementation of the Directives requires substantial legal and attitudinal change in many Member States, even though they set only minimum standards of protection. Preventing discrimination in practice, promoting equal treatment and enforcing protection from discrimination requires consistent, coherent and clear legal provisions combined with institutional prevention, promotion and enforcement mechanisms. The Race Equality Directive designates such a mechanism in the form of specialised bodies to promote equal treatment, which must carry out their functions independently. Such bodies are to assist victims of discrimination in pursuing their complaints, conduct surveys and make recommendations concerning discrimination. As most Member States have yet to set up or designate such a body, attention must be paid to their legal basis, range of powers and funding. Experience in Britain, which has had such a body in place since 1976, has shown that the power to carry out investigations independent of individual claims has been an effective means of ensuring compliance with anti-discrimination legislation, but also that much can be achieved through the positive promotion of good practice in the public and private sectors.

Some Member States plan to devise a single equality law and a single equality body to cover all grounds of discrimination addressed by the Directives. Such a unified anti-discrimination approach, which already has a legal basis and corresponding public bodies in, for example, Ireland and the Netherlands, has the advantage of providing all grounds of discrimination with the same degree of protection (if the legislation within Member States across the different strands is harmonised). This could be particularly relevant for religious minorities, who under the EU legislation will only have to be protected from discrimination in employment. A single equality law and public body could lead to equalising protection in other areas (including service provision). While many countries already have some provisions against

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[74] Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Directive 2000/43/EC, Brussels, 19 June 2000; Council Directive establishing a general framework for equal treatment in employment and occupation, Directive 2000/78/EC, Brussels, 27 November 2000.

religious discrimination in place, these are not part of a coherent approach that translates well into legal practice.

Apart from religion, another ground of discrimination often neglected by anti-discrimination laws, and explicitly excluded from the Directives, is nationality. This is likely to have a negative impact in those countries where a high proportion of migrants and ethnic minorities are third country nationals, and where no national legislation exists that protects from nationality discrimination (e.g. Germany, Austria). However, Member States are free to go beyond the minimum requirements when transposing the Directives, and they can refer to the European Convention on Human Rights (Article 14) and to the EC Treaty, which prohibits discrimination on grounds of EU nationality, when doing so. The EU social agenda also appeals for equal treatment for third-country-nationals, as this would support their integration.[75] Excluding third country nationals from some economic and social benefits, which is still the case in most Member States, constitutes an obstacle to integration and is justified only in very limited areas pertaining to national security. Any legal preferences for nationals must be weighted against the negative social impact of maintaining distinctions between population groups.[76]

One of the most enduring challenges to the effectiveness of anti-discrimination laws is the persistence of inequality in institutional policies and practices. This can be addressed by legislation that moves beyond the principle of prohibiting discrimination to impose a positive duty to promote equality. The EU Directives encourage such a move by basing their provisions on the principle of equal treatment. However, they do not go as far as the innovative new British legislation (Race Relations Amendment Act 2000), which places a duty on all public bodies to promote race equality as well as good relations between people from different racial groups. This requires public bodies – education and health providers, for instance, and criminal justice agencies – to take the initiative and promote equality in the exercise of all their functions, as well as to work actively towards good race relations. A comprehensive set of implementation and enforcement tools, such as impact assessments, ethnic monitoring, target setting and performance indicators are used to help ensure the effective implementation of the new law. Other Member States might consider adopting similar provisions and tools when looking to strengthen the impact the EU Directives will have on attitudes and practices.

Social Inclusion Policies

Employment

Integration into the labour market is a key element of the overall process of inclusion. Access to employment, adequate income and opportunities for upward mobility affect the location and type of housing, which then impacts on the quality of education by determining access to particular schools. Active employment policies can be a major tool for governments to promote inclusion and labour market interventions are common in all EU Member States, though the degree of intervention varies with the extent of reliance on market processes.

In the European framework, employment guidelines for Member States are adopted annually to support the implementation of the co-ordinated European Employment Strategy, made possible after the

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[75] "Equality of treatment should also apply to third country nationals who reside legally within the European Union, in particular long-term residents, in view of strengthening their integration into the host country." COM(2000)379 final, Social Policy Agenda (Brussels 28.6.2000), 22.

[76] See also Elspeth Guild, Identification of legal elements for a successful integration policy, Strategies for Implementing Integration Policies, Proceedings (Prague, 4-6 May 2000).

inclusion of a new Title on employment in the Amsterdam Treaty. The European Commission has actively used these guidelines to promote universal access to, and equality in, the European labour markets. The 2002 guidelines, as adopted by the Council, require all Member States to "*implement appropriate measures to meet the needs of [...] ethnic minorities and migrant workers as regards their integration into the labour market and set national targets where appropriate for this purpose.*"[77] An evaluation of actions taken by Member States in response to the 2001 guidelines showed that the influence of the guidelines on national policymaking was low, that most Member States did not set targets with regard to ethnic minority employment, focused on access to the labour market rather than discrimination in it, and did not pursue an integrated approach to promote social inclusion for ethnic minorities through measures beyond employment.[78]

Europe's evolving legal anti-discrimination framework could prove more significant for integrating ethnic minorities and migrants into the labour market. The Employment Directive (2000/78/EC) was specifically designed to promote equal treatment in employment, training and regarding associated benefits. Of relevance to many ethnic minorities and migrants is that this Directive outlaws discrimination on grounds of religion, in addition to the comprehensive provisions against racial and ethnic discrimination covered by the Race Directive (2000/43/EC). The effective implementation by Member States of this ban against discrimination in employment will be crucial for integrating ethnic minorities into the labour market, as many states currently lack sufficient legal protection and rely on voluntary agreements and actions by the social partners.[79] Interestingly, in Britain, where legal protection includes race and ethnicity but not religion, labour market statistics show a significant under-performance by Muslim communities compared to other minority ethnic groups.[80]

In addition to legislative and policy action, the EC has adopted support programmes and finances national and transnational initiatives through structural funds, among which the EQUAL programme, aimed at promoting innovative approaches to combating discrimination and inequality in the labour market, is currently the most important.[81] Given the Commission's horizontal approach to tackling discrimination, the proportion of funding designated to achieving equality for migrants and ethnic minorities is not specified. The Commission expects EQUAL to link anti-discrimination and inclusion activities across different sectors, acknowledging the complex relationships between employment, housing and education, though explicit funding for non-employment actions is foreseen only for asylum seekers. EQUAL is intended to form a central part in an integrated and coherent strategy for inclusion. It is also to

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[77] Brussels, 12.9.2001, COM(2001) 511 final, 2001/0208 (CNS) Proposal for a Council Decision on Guidelines for Member States' employment policies for the year 2002 (Guideline 7: "*Combating discrimination and promoting social inclusion by access to employment* [...] A coherent set of policies is called for to promote social inclusion by supporting the integration of disadvantaged groups and individuals into the world of work, and promoting the quality of their employment. Discrimination in access to, and on the labour market, should be combated.") Member States must implement these guidelines by means of annual National Action Plans for Employment.

[78] See EMCO/25/060602/EN_REV 1, Impact Evaluation of the EES, Background Paper Social Inclusion.

[79] Prior to the adoption of these Directives, some states' main point of reference was the European social partners' 'Joint declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace'; Social Dialogue Summit, Florence, 21 October 1995. Where legal protection is already available, such as in the Netherlands and Britain, the social partners have taken explicit action to deliver on their stated objectives, e.g. by a widespread adoption of equal opportunity policies.

[80] Cf. Ethnic Minorities in the Labour Market.

[81] C (2000) 853, Communication from the Commission to the Member States establishing the guidelines for the Community Initiative EQUAL concerning transnational co-operation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market (Brussels, 14.04.2000).

expected to improve the participatory approach of Commission funded equality initiatives. Therefore, the Commission has established "the principle of empowerment" as an assessment criterion for EQUAL actions. This means that "those involved in the implementation of activities should also take part in the decision-making." As the implementation is supposed to foreground "the active participation of those targeted for assistance", EQUAL could become a programme in which the target groups of integration programmes would also be involved in designing and delivering those programmes.

The Commission's objective to achieve a coherent framework for inclusion policies remains, at this stage, unfulfilled. One important example is the Commission's tentative approach to pursuing social considerations in public procurement, which could present a powerful tool for encouraging the promotion of racial and ethnic diversity in the private sector.[82] Moreover, there are gaps even within the immediate sphere of employment policies. This is evident in the Communication promoting open and accessible labour markets,[83] which is "*aimed at ensuring that all citizens, and not just a select few, benefit from mobility opportunities",* but makes no mention of employment barriers across Europe that specifically affect ethnic minorities and migrants. The prevalence of racial discrimination, and hence the importance of a swift and effective implementation of Directive 2000/43/EC, is not mentioned as a precondition for free movement and settlement. While the exclusion from the single market of third country nationals residing in the EU does receive attention, no specific action is proposed to overcome the blockage in the Council of the two proposed Directives on the status of third country nationals. Consequently, the Commission's plans for open and accessible labour markets do not include the two population groups, ethnic minorities and migrants, which already face exclusion from these markets.

Likewise, in the Commission's Action Plan for Skills and Mobility, the objective of facilitating geographical mobility is not joined up with measures to promote equal treatment for different racial and ethnic groups across Europe. However, issues perceived as relating to immigration policies are addressed, with the Commission appealing to Member States to "*ensure that migrants have access to the appropriate services to assist with their social integration within the host community*"[84], and calling upon the Council to agree to an extension of Community provisions on social protection (under regulation CEE 1408/71) to third country nationals, as an essential precondition for enabling access and mobility. Importantly, the Commission signals an overall commitment to examining *"the interaction between immigration and employment and social policies in the EU"*[85], though it remains to be seen whether anti-discrimination policies will be included in this approach.

German, French and British employment strategies.

German employment strategies explicitly acknowledge the need for a better integration of migrants into the German labour market. Persistent labour market exclusion and segmentation are primarily attributed to a perceived under-qualification of migrants, i.e. are treated as a human capital issue.

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[82] As a contract awarding criterion, social considerations can only be used if they relate to the subject matter of the contract, though at contract execution stage, social conditions can be introduced. COM(2001) 566 final, Interpretative Communication of the Commission on the Community law applicable to public procurement and the possibilities for integrating social considerations into public procurement (Brussels, 15.10.2001), 13f, 17.

[83] COM(2001)116 final, Communication from the Commission to the Council, New European Labour Markets, Open to All, with Access for All (Brussels, 28.2.2001).

[84] COM(2002)72, Commission's Action Plan for Skills and Mobility (Brussels, 13.2.2002), 18.

[85] Ibid.

This means that policies are focused on vocational and occupational training schemes.[86] The German Employment Action Plan 2002 opts for general policies to increase the employability of disadvantaged groups, which are expected to benefit migrants, particularly because general training schemes are supplemented by funds earmarked for language acquisition measures. For example, the Job-AQTIV Act, in force since January 2002, is expected to lead to a better inclusion of migrants within general labour market measures.

The human capital approach focuses not only on negative but also on positive characteristics. Lack of occupational and language skills are offset by inter-cultural skills. The goal is to enable migrants to acquire specific occupational skills while encouraging them to use their bi-lingualism and bi-culturalism as unique selling points. Integration policies in the employment field are thus, however, aimed at migrants and their individual potential, rather than at employers and workplace practices.

Where targeted policies for employers do exist, these are aimed at changing individual behaviour, for example by encouraging employers and unions to work towards the elimination of racial prejudice and harassment. This is based on the assumption that racism and discrimination result from a lack of knowledge about different cultures. Consequently, the most common measures adopted by employers and unions are intercultural awareness training and other educational initiatives.[87] This approach is complemented by the unions' focus on formal agreements with employers about colour-blind policies and procedures within companies.[88] These targeted measures show that while increased efforts are made to tackle prejudice and *direct* discrimination, there remains a lack of understanding of the indirect and institutional forms discrimination can assume. Anti-discrimination measures are interpreted as social or educational initiatives, coupled with a ban on direct discrimination. There is little evidence of wider company policies to address barriers to equality of opportunity in recruitment, promotion and retention.

The French approach to integration requires that initiatives for the labour market inclusion of migrants are part of general employment policies. Public authorities are reluctant to divide the population into specific target groups for the purpose of policymaking. However, the past few years have seen a remarkable shift in practice from including migrants in general employment policies aimed at reducing overall unemployment to a focus on initiatives to combat racial discrimination in the workplace.[89] This trend is significant in a country where discrimination is often assumed to be non-existent as immigrants are encouraged to become French citizens and thus equal members of the Republic. At the same time, there has long been a gap between the universalistic approach in principle and practical policies and initiatives designed to benefit migrants on the other.

The existence of the Social Action Fund for Immigrant Workers and their Families (FAS), which provides financial support for integration initiatives, indicates an acknowledgement of the need to adopt special measures to ensure that migrants benefit from general policies and gain access to institutions. In line with the increasing attention paid by the last Socialist government to the problem of discrimination, the French National Action Plan for Employment 2002 announced the refocusing of the FAS on the fight

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[86] Cf. German Employment Action Plan 2002; German National Action Plan to Combat Poverty and Social Exclusion, 2001-2003.

[87] See also John Wrench et al., Migrants, Ethnic Minorities and the Labour Market (Basingstoke/London 1999), esp. 238.

[88] See also the reformed Works Council Constitution Act, in force since July 2001; cf. German Employment Action Plan 2002.

[89] See for example the emphasis on anti-discrimination in the French National Action Plan for Employment 2002.

against racial discrimination.[90] However, active employment policies have remained centred on employability, with a strong concentration on supporting language acquisition and vocational training, similar to the German approach. Integration schemes aim to capacitate individuals to obtain employment, and to engage employers in information and awareness raising initiatives. As in Germany, little effort is made to investigate barriers build into the internal practices of private and public organisations. For example, a successful mentoring programme for disadvantaged young people, which has a comparatively high participation rate of migrant youth, focuses on personal development to gain access to restricted sectors of the labour market.[91]

Another general policy initiative with a focus on training, which could also potentially benefit migrants, relates to the civil service. Most EU Member States reserve employment in the civil service, or parts thereof, for their citizens or for EU nationals. Employment in EU institutions is only open to EU nationals. The UK and the Netherlands restrict access to the core functions, such as the military, the police and security services, whereas Germany applies restrictions to wider parts of public administration.[92] Restrictions in France go further than in most other countries, with almost 6 million jobs, or a third of French employment opportunities, closed to non-EU nationals.[93] However, since 2000 the government offers preparatory courses for civil service competitions, open to those living in 'priority' neighbourhoods as defined by urban policy. These could benefit many citizens from minority groups which encounter barriers other than nationality restrictions. Through naturalised migrants are over-represented in 'priority' neighbourhoods, no figures or targets for their participation in these courses are supplied, as monitoring mechanisms cannot measure distinctions beyond nationality.

An explicit commitment to social justice, equal opportunities and inclusion is signalled by the UK government's employment strategy, as set out in documents such as the 2002 employment white paper[94] and the UK Employment Action Plan 2002. This commitment is pursued by means of both general policies against labour market exclusion and approaches targeting disadvantaged groups.

An example of a general employment policy with a mainstreamed focus on minority ethnic groups is the New Deal for Young People (NDYP), introduced in 1998 to reduce long term youth unemployment. The participation rate of minority ethnic youth compares favourably with German measures to reduce youth unemployment.[95] Equal opportunities are an integral part of the guidelines of the NDYP, an ethnic minority toolkit has been introduced and targets for a parity of outcome been set, accompanied by a monitoring programme. However, minority ethnic young people have only been between 75% and 80% as likely to get jobs as white participants. This could be explained by general shift

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[90] Manifest in the change of name to the Action and Support Fund for Integration and the Fight against Discrimination (FASILD), cf. French National Action Plan for Employment 2002.

[91] French National Action Plan for Employment 2002.

[92] See also J Doomernik, Effectiveness of Integration, ILO 1998, 15ff.

[93] A review of these restrictions is pending. Cf. Aubert, Policies; Kofman, Contemporary European Migrations, 5. Despite the significance of these restrictions, it is important to remember that in countries where integration is pursued primarily through facilitating access to citizenship and naturalisation, such as France, civil service restrictions are bound to affect a smaller group of migrants than in countries where naturalisation is seen as the outcome of the integration process, such as Germany. The cumulative effect of different policies can, even in the absence of a stated strategy, converge to produce severe exclusionary effects.

[94] Full and Fulfilling Employment: Creating the Labour Market of the Future, 2002.

[95] Office of National Statistics, New Deal for Young People and long-term unemployed people aged 25+: Statistics to June 2001, August 2001. Cf. Ausländerbeauftragte, 218. 6.1% migrant youth participants, compared to their 11.8% unemployment rate.

of emphasis, exemplified by the NDYP programme, from intervention in labour market and employment structures towards enhancing the employability of individuals. It is possible that this affects minority ethnic people more negatively than white people, as employability does not necessarily lead to employment, especially in areas with a racially segregated labour market. Structural problems such as labour market segmentation, indirect discrimination in access to and mobility within employment, and earning differentials, require measures that move beyond an attention to equal opportunities in the design of general employability programmes.

Targeted employment policies might be able to address some of these structural problems. The UK's prime example of a targeted approach is the positive duty upon public authorities to promote equality and cohesion (under the Race Relations Amendment Act 2000, above). While this duty is not limited to employment, it does impose specific monitoring, training and targeting requirements on public employers that are designed to help them recruit, promote, and retain an adequate proportion of minority ethnic staff. As these requirements also extend to subcontractors that carry out public services, many public procurement procedures now entail an equal opportunities element. Taken together, these measures formalise the equal opportunities approach which has started to gain a foothold in the UK labour market. There are many instances of good practice in the voluntary adoption of such equal opportunities policies among private, public and voluntary sector employers. The central government, for example, has set targets (not quotas) to double the percentage of minority ethnic employees in the senior civil service by 2005, and some progress has already been recorded.[96]

The main feature of this strategy for integrating minority ethnic people consists in taking as a starting point the reform of procedures and practices that may have been, or may still be, indirectly discriminatory or exclusionary. It is distinguished from employability programmes by placing the onus to adapt on the employing organisation and its business practices, and it differs from anti-racist information initiatives by adopting a broader understanding of the potential barriers involved in accessing and navigating the labour market.

Education

Education is a powerful tool in the integration process, and policymakers tend to resort to education initiatives when progress in other spheres, particularly employment, seems beyond their control. Language education is usually the first introduction migrants have to their new society and, together with practical skills training, it is also expected to help settled communities to further their integration. But the appeal of education programmes goes far beyond the acquisition of technical skills. In times of social tensions, when attitudes against migrants run high and when migrant and minority communities are perceived as resisting integration, education is expected to bridge cultural gaps. While the call for language acquisition often remains part of such crisis management, intercultural education is designed for both the minority and majority population. Intercultural approaches see integration as a two-way process in which both sides learn how to live in diverse societies.

The move towards intercultural education marks a significant departure from the traditional role of education in promoting homogeneity within a nation state through the teaching of a national language, culture and history. It is partly the emergence of the European Union that can be credited with advancing a more pluralistic perception of social cohesion, based on merging diverse countries into a political union. EU policy considers intercultural approaches in education, training and other policy fields essential tools for uniting Member States through understanding and acceptance of national differences. This is effecting

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[96] Cf. SCS Diversity Statistics - Progress against targets, www.civil-service.gov.uk/statistics; and staff by ethnic group, gross salary band and gender, April 2000 and 2001, www.civil-service.gov.uk/statistics/race.htm

change within the education systems of many countries.[97] Numerous EU programmes support education projects to this end and encourage transnational mobility among students and teachers.

However, while the Commission's work programme on education and training systems emphasises European diversity, including linguistic and cultural diversity, it appears to restrict this to differences between 15 nation state cultures.[98] That much of Europe's diversity is sustained by cultures and languages originating in migrant and minority ethnic communities is not taken into account. The added dimension brought by migrants and ethnic minorities also plays little part in the Commission's Action Plan for Skills and Mobility.[99] The Commission wants Member States to "*intensify support for integrating into the education and training systems young people at a disadvantage*", defining those groups as either disabled or from ethnic minorities – not a very helpful parallel –, but neglects, when advocating cross-cultural skills, the prevalence of cultures not traditionally considered European. No suggestion is made to integrate a broader diversity approach into education and training curricula.

The Commission's recently agreed Youth White Paper does adopt a broader approach by elevating the struggle against racism to one of the main strands of the Youth Programme and stressing the importance of social integration and participation, including that of ethnic minorities. However, while the White Paper was based on consultation with thousands of young people throughout Europe, there is no monitoring evidence that ethnic minority youth were involved. This is particularly unfortunate as young people from migrant or minority backgrounds are among the most disenfranchised groups of all.[100]

For Member States, the education sector is the main field of targeted integration policies and measures. Even those states that are reluctant to devise special policies for migrants in other social policy areas have adopted education measures. While many initiatives are directed at new migrants, others benefit children of migrants within the school system. In France, for example, where the school system is regarded as the main instrument for creating a unified nation based on French language and culture, there exist some special classes for migrant pupils, dedicated funding for schools in areas with a significant number of migrant children, and even occasional instruction in the languages and cultures of the countries of origin by teachers from these countries.[101] While these initiatives can be seen as exceptions in a universalistic framework, the preference for choosing education as the policy area for developing targeted measures, ranging from language acquisition to vocational training, is shared by most countries.

Across Europe, the initial and still most prevalent education approach is a focus on migrants' perceived lack of skills that could enable a smooth integration. A wide range of skills and language training at all levels and for all ages is offered in most Member States. The aim is to assist migrants in acquiring relevant competencies and thus increase their ability to participate in mainstream society. While this approach is mainly technical, there is often an attempt to include an acculturation element in this type of education, i.e. to combine language with citizenship or culture classes.

The prevailing view among education experts is that any focus on culture must be reciprocal, i.e. targeted at the majority as well as minority population. Such an intercultural approach emphasises not a deficiency in the migrant population but regards diversity as an added value which can play a positive role

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[97] Cf. Anna Frangoudaki/Thalia Dragonas, Intercultural Education in the European Union from a 'Southern' Viewpoint, in: Jacobs, Intercultural Europe, 167-187, 169.

[98] COM(2001) 501 final, Draft Detailed Work Programme on the Follow-Up of the Objectives of Education and Training Systems in Europe (Brussels, 7 September 2001).

[99] COM(2002)72, 12, 17.

[100] See also Heckmann, Effectiveness of National Integration Strategies, esp. 87-88.

[101] Cf. Heckmann, Integration Policies in Europe, 12.

in a two-way integration process. With regard to school education, the objective is to revise the curriculum in such a way that ethnic, cultural and religious diversity becomes an integral part of teaching on all subject areas. This entails major changes to the dominant understanding of history, politics, art and so forth, beyond the confines of the nation state.[102]

In practice, intercultural education has encountered many obstacles. Conflicting policy objectives, especially the requirement for schools to shape citizens who are able to sustain the nation state and its hegemonic values, and resistance or lack of skills of textbook writers and teachers, contribute to the perpetuation of a mainly ethnocentric approach. A recent cross-national comparative study found that this was the case in all countries surveyed, particularly Greece, Italy, France, Belgium and the United Kingdom.[103] However, difficulties with intercultural education lie not just in its implementation. An exclusive focus on learning about other cultures risks approaching education from an ethnographic perspective, perceiving other cultures as exotic. Moreover, knowledge about cultural variety does not automatically contribute to raising awareness about discriminatory structures that persist within and outside the classroom.

This is a concern addressed by anti-racist educational approaches that add an emphasis on equality to the recognition of diversity. These aim to change the practices and structures of the education system, above and beyond the content of the curriculum. Such approaches have been prevalent in the UK, whereas intercultural perspectives are preferred by education experts from Germanic and Nordic countries. For anti-racist approaches, integration means equal participation in the education system for ethnic minority pupils and staff, as well as comparable educational attainment.

The relationship between education authorities, schools and teachers on the one hand, and minority ethnic pupils on the other, can be a site of institutional discrimination. For example, data from Germany show that a disproportionately high number of migrant pupils has been diagnosed with learning difficulties and transferred to special education schools. However, most of these pupils are simply in the process of acquiring language skills or are openly bilingual, which is seen as a sign of lacking a willingness to integrate.[104] Such discrimination calls for both a systematic change in attitudes towards bi-lingualism, and structural transformations in the education system, including changes in staff composition. Similar problems are known in the UK, where Black-Caribbean boys have been almost five times as likely to be excluded from schools than white boys. Among the measures introduced by the government was a targeting of special inspections on schools with disproportionate rates of exclusions among high-risk groups. This is thought to have contributed to reducing exclusion rates for black boys.[105]

The incorporation of religious diversity in education is another important factor relevant to the inclusion of minorities. Member States have adopted a range of different practices for accommodating minority religions, especially Islam, and policy makers should be aware of the impact these may have on educational participation and attainment. In education systems that encourage private faith schools, such as the British, which has thousands of state-funded Anglican schools and a handful of state-funded Islamic schools (as well as many schools with a majority of Muslim pupils because of residential segregation), segregation is another concern, as the religious and cultural homogeneity of such schools might endanger

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[102] See also Marc Verlot, Implementing Integration through Strategic Education Policy Development, in: Strategies for Implementing Integration Policies, Proceedings (Prague, 4-6 May 2000).

[103] Collicelli, Child Immigration Project, 88-89.

[104] Ausländerbeauftragte, 200.

[105] Cf. Social Exclusion Unit/Cabinet Office, Minority Ethnic Issues in Social Exclusion and Neighbourhood Renewal (London 2000), 39; Race Equality in Public Services, 36; DfES, National Statistics First Release, SFR10/2002.

social cohesion. Therefore, government appointed experts have proposed to limit the percentage of pupils from any one faith to 75% per school.[106] This is similar to ceilings on ethnic concentration introduced in France and Belgium via means of financial incentives to promote changes in admission policy in schools located in so-called priority action zones.[107]

To promote inclusion effectively, the three different education approaches, the technical, the intercultural and the anti-racist, need to converge to negotiate a balance between diversity and cohesion. To increase equal opportunities for all students and to foster the recognition of diversity, it is significant whether different religions, cultures and histories are taught, and also how they are taught in relation to other religions, cultures and histories. To promote equal treatment and participation, it is important which schools pupils have access to and who teaches them. Policymakers must take all of these aspects into account to devise education policies that promote integration.

Housing

Where, how and with whom people live influences not only their quality of life, their educational and employment opportunities, but also the relationships they have with each other and their interactions with other members of society. Therefore, the availability of quality housing in ethnically mixed neighbourhoods is generally deemed to be central to social integration. Yet this is an area where public policy is often blocked by economic developments as well as individual means, constraints and choice. As housing issues are linked to the availability of local facilities such as shopping, transport and schools, which in turn intersect with economic opportunities, housing policies tend to be part of wider interventions at the level of urban, regional or rural planning.

Over the past few years, a European urban policy has begun to emerge. Cohesion and inclusion objectives have played an important role in this process. Since 1994 the EC has supported innovative urban regeneration projects through the URBAN initiatives. Guidelines for URBAN II specify that project **implementation strategies shall contribute to fostering "better integration of local communities and ethnic minorities"**,[108] though ethnic minorities or migrants are not addressed under the overall programme objectives and principles. In the initial assessment of the URBAN initiative, ethnic minorities feature more prominently, both as a problem and as a target group, and it is found that they account for nearly 14% of the population of URBAN areas.[109] Clearly, EU programmes have an important contribution to make in the process of integrating diverse urban communities.

EU Member States have taken a long time to include integration initiatives for migrants and ethnic minorities in their urban policies.[110] While Europe's major cities are the site of a plethora of

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[106] Home Office, Community Cohesion: A Report of the Independent Review Team, (London 2001), 50.

[107] Cf. Collicelli, Child Immigration Project, 23.

[108] C(2000) 1100, Commission Communication, Guidelines for a Community Initiative concerning economic and social regeneration of cities and of neighbourhoods in crisis in order to promote sustainable urban development, URBAN II (Brussels, 28.4.00), 5.

[109] Cf. COM(2002) 308 final, Commission Communication, The programming of the Structural Funds 2000-2006: an initial assessment of the Urban Initiative Brussels (14.6.2002) 3, 14.

[110] In a 1994 survey initiated by the EC, hardly any of the Member States accepted that housing provision for migrants and ethnic minorities was a problem; Sidney Jacobs, Housing Policy and Segregation in Europe, in: Intercultural Europe, 253-275, 272f. In their current Social Inclusion NAPs, Germany and the UK make no mention of this issue, the Netherlands mentions ethnic segregation in passing, and only the Swedish NAP allocates substantial public funds to address segregation; Sweden's Action Plan against Poverty and Social Exclusion (May 2001), 23.

interventions, these are not always strategic or explicit in their attention to migrant communities, even though these cities are home to the majority of migrants and ethnic minorities living in Europe. Beyond the main cities, explicit initiatives to foster integration by means of planning and housing policies are particularly under- developed, and often adopted only after public tensions indicate that cohesion has already dissipated.

The main objective of urban policies with regard to migrants and ethnic minorities is generally to avoid or counteract processes of minority ethnic residential concentration or segregation. The development of so-called ghettos, while a consistent phenomenon throughout history, is seen to isolate communities and prevent their participation in the wider society. As education and employment opportunities are often confined within geographical boundaries, housing segregation is regarded as the main reason for people leading "parallel lives"[111], that is, with schools, leisure facilities and small businesses all frequented by homogeneous racial or religious user groups. This phenomenon includes white residential concentration, with 'white flight' often producing minority ethnic segregation, though policymakers appear to have focused their attention on the latter. A lack of social cohesion at local level is assumed to trigger excessive competition for social, economic and political resources, leading to social strife, divisions and a fragmentation of society. Moreover, spatial segregation of migrants and ethnic minorities often correlates with poor housing stock, overcrowding, few public services and undesirable location.

Urban and housing policies across Europe are distinguished by their reliance on the private property market, the prevalence of public and social housing, traditions of renting or ownership, and centralised or local decision-making. The decline in public expenditure on housing is a factor in most countries. Most housing policies share a focus on ethnicity as the underlying cause of social fragmentation and anti-social behaviour, as opposed to socio-economic conditions, physical environment or discrimination. Their goal is to revise what is perceived as an ethnicisation of urban space. From the 1970s up to the early 1990s, local authorities and housing organisations therefore adopted quota and dispersal policies for ethnic minorities. Council estates in Copenhagen, Cologne, Lyon, Brussels and London, for example, reserved all new lettings for members of the majority population, which, in British and French cases, contravened existing laws against racial discrimination.[112] Such dispersal policies, now mostly discontinued, are not thought to have reduced the concentration of ethnic minority communities in areas of poor housing, as these communities were usually simply dispersed from one undesirable location to another.

More recent strategies are directed at restructuring the housing stock to reallocate it to different social groups. In the Netherlands, for example, a policy to add more expensive homes to existing social housing stock (through demolition, upgrading or sales) was designed to reduce spatial concentration of low-income households, thereby affecting a large number of ethnic minority households.[113] In practice, as assessed in the city of Rotterdam, this policy has resulted in diminishing the social housing stock available and displacing poor renters to other impoverished neighbourhoods.

These initiatives can be contrasted with integrated urban policies designed to regenerate entire areas to improve social cohesion. Such policies are not specifically targeted at migrants and ethnic minorities, but are assumed to benefit these groups as they are over represented in the regeneration areas. In Germany, for example, the programme "Social City", launched in 1999, is thought to provide a new approach to reducing social tensions, including those between migrants and the majority population. This

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[111] Community Cohesion, 9.

[112] Jacobs, Housing Policy and Segregation, 261ff.

[113] Gideon Bolt and Ronald van Kempen, Escaping Poverty Neighbourhoods: Theory, Practice and the Role of Policy in the Netherlands, November 2001.

urban development programme is designed to join up a wide range of social policy initiatives that affect residents at neighbourhood level, with a view to increasing equal opportunities for socially disadvantaged people.[114]

Such a general strategy to promote equal opportunities at local level is supported by German research on the causes of ethnic segregation. A representative government survey found that housing preferences among migrants did not suggest that voluntary ethnic segregation was on the increase.[115] On the contrary, the majority of migrants said they preferred a diverse and heterogeneous neighbourhood to living exclusively with either migrants or German nationals. While many expressed the wish to live close to relatives and maintain family networks, only a minority wanted to live with people from their own religious group. Instead, discrimination in the housing market appeared to be a significant cause of segregation. At the same time, positive aspects of ethnic concentration were also emphasised. An inclusion into minority ethnic community networks could contribute to fostering integration by providing assistance during job searches and interactions with public authorities, while also leading to more emotional stability. This positive aspect of ethnic concentration has been confirmed in experiences throughout Europe.[116].

An example of an urban policy strategy that has developed over time into an integrated approach to increasing cohesion and reducing inequalities can be found in Britain. While in the 1990s Britain pursued an area-based regeneration strategy with a central distribution of funds that led to competition between local communities and a lack of minority ethnic participation, recent performance reviews and increased consultation with affected communities have prompted a revised approach, focused on the needs of the most disadvantaged communities. The new strategy includes a Race Action Plan,[117] and will be implemented by Local Strategic Partnerships, which are tasked with making specific efforts to involve minority ethnic representatives.[118] An integrated strategy has thus been developed which addresses the core problems of deprived areas, such as unemployment, crime, health, education, housing and the physical environment, while aiming to mainstream a focus on both racial equality and social cohesion. This is attempted through participatory approaches that bring stakeholders together and are designed to be accountable to local communities. Minority ethnic communities can thus act as a resource for, and partners in, regeneration actions.

Health

Broadly defined, health is "a state of complete physical, mental and social well-being".[119] The Amsterdam Treaty requires that a high level of health protection must be ensured in the implementation of all Community policies and activities. The process of mainstreaming health protection in EU policies is still under development. The EU public health action plan does not indicate whether the public health strategy will impact on any Community activities concerning migrants and ethnic minorities, though it explicitly calls for tackling health inequalities. The Commission's Communication on the action plan does

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[114] Cf. Ausländerbeauftragte, 364; German Social Inclusion NAP, 41. However, although a gender mainstreaming pilot project is planned to emphasise the equal opportunities focus, migrants are not specifically mentioned in this context.

[115] Ausländerbeauftragte 363.

[116] See also OECD Proceedings, Immigrants, Integration and Cities, 9.

[117] Neighbourhood Renewal Fund: Race Equality Action Plan, 2002. See also: Addressing the housing needs of Black and Minority Ethnic People. A DTLR (Housing Directorate) Action Plan, 2001

[118] Cf. Minority Ethnic Issues in Social Exclusion, 66.

[119] Cf. World Health Organisation, Health and Freedom from Discrimination (Geneva 2001).

not mention any challenges posed by Europe's increasing population of migrant or minority ethnic background, despite setting out trends and challenges facing public health in Europe. However, a recent Communication on health care recognises that measures are necessary to increase the access to health care for disadvantaged groups, including migrants.[120]

Throughout Europe, migrants and minority ethnic people bear a disproportionate share of health problems. Ethnicity seems to be a factor determining poor health outcomes. It is likely that the health of migrants and minority ethnic people is negatively affected by the ways institutions, policies and practices organise and deliver health services. Health inequalities arise from a complex interplay of determinants. Firstly, health varies in relation to socio-economic status, with housing, education, income and working conditions all affecting the standard of living, emotional well-being and behavioural patterns. Secondly, cultural factors require attention, as perceptions of health and health care, interpretations of physical and mental well-being as well as communication patterns and acceptance of treatments vary between cultures. Finally, maltreatment within the care process, such as inappropriate or discriminatory services, can adversely affect migrants' health.

EU Member States address health inequalities in a variety of ways, within the framework of their different health systems, which range from employment-related insurance systems (Germany, Netherlands) to approaches based on taxation and universal benefits (UK, Sweden). However, most countries have difficulties identifying the particular problems faced by migrants and ethnic minorities, as they lack sufficient monitoring procedures. With little or no mechanisms in place to measure migrants' needs and their use of health services, policymakers and service providers are often unable to establish whether general health services reach migrants and minorities. More specifically, in a majority of countries, no information is available on possible racial or ethnic discrimination in the health services.[121] Acknowledging that such lack of information reduces the health service's ability to meet the needs of migrants, Germany has recently announced that better monitoring procedures will be put in place. In the future, the national health survey is to include data on the health situation of migrants in Germany.[122]

To address differentials in health outcomes triggered by social and economic inequalities, most countries aim to ensure better access for migrants to general public health services. It is widely accepted that the socially excluded, which are in greater need of health care, are least likely to receive it.[123] If migrants are among those groups whose socio-economic marginalisation makes them prone to physical and mental health problems, a strategy to reduce health inequalities in general is likely to benefit them as well. The Netherlands and Germany, for example, pursue an explicit mainstreaming approach. The objective is to develop initiatives that help migrants access mainstream services, rather than to provide distinctive services for migrants. .[124]

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[120] Cf. Decision 1786/2002/EC of the European Parliament and of the Council, 23 September 2002, adopting a programme of Community action in the field of public health (2003-2008). COM(2000)285 final; Proposal for a Decision of the European Parliament and of the Council adopting a programme of Community action in the field of public health 2001-2006 (Brussels 16.5.2000).COM (2001) 723 final, Communication from the Commission, The future of health care and care for the elderly: guaranteeing accessibility, quality and financial viability (Brussels, 05.12.2001), 10.

[121] See also Charles Watters, Migration and Mental Health Care in Europe: Report of a Preliminary Mapping Exercise, in: Journal of Ethnic and Migration Studies, 28, 1 (2002), 153-172, 158.

[122] Ausländerbeauftragte, 359.

[123] Social Exclusion Unit/Cabinet Office, Preventing Social Exclusion (London 2001). 51.

[124] Ausländerbeauftragte, 236.

In the UK, socio-economic health disparities tend to manifest themselves geographically, with migrants and other excluded groups living in deprived neighbourhoods with fewer resources, poorer services and a more degraded and polluted physical environment.. A survey of perceived exposure to risks confirmed that white people tend to cite lifestyle factors (smoking, stress, weight) as their main health risks, whereas ethnic minorities attribute risk to social factors such as housing and crime.[125] This is exacerbated by the fact that health services in areas populated by migrants tend to be of lower quality, with less focus on disease prevention and health promotion. Therefore, the health service plans to allocate additional resources to these areas, for example monetary incentives for doctors who are prepared to practise there.[126] Additional public expenditure is likely to be offset by reducing the costs incurred when people fall ill, often chronically, due to insufficient preventive care or inadequate primary services.

However, this general strategy risks neglecting factors that are specific to some communities. For example, research in Britain and Denmark has indicated a positive relationship between minority ethnic residential concentration and health. This means that while life in segregated neighbourhoods may have material disadvantages which can affect health outcomes negatively, these can be partially offset by the presence of community networks, which help prevent health problems, particularly concerning mental health, by protecting from the stress caused by exposure to racism and discrimination, by providing social support and even economic opportunities.[127] To take such cultural determinants into account, public health services need to move beyond a perception of migrants' health exclusively in relation to socio-economic exclusion. Yet, research on the provision of mental health services, for instance, has shown that only three countries (UK, Sweden and Netherlands) offer services, as part of their general health care provision, that are tailored to meet the specific needs of migrants.[128]

Tailored services can address health inequalities resulting from communication difficulties and cultural barriers. German policymakers, for example, have identified language and cultural problems as the main reason why migrants and ethnic minorities make less use of health services than the general population.[129] Not only does the lack of interpretation make communication between patient and doctor difficult, the limited availability of translated information materials often restricts access in the first place. The UK has announced that a free translation and interpretation service will be available for all NHS premises by 2003.[130] While such additional resource allocation will lead to a greater use of often already over-stretched services, this is outweighed by the benefits to migrants' health, and the likely reduction in use of specialist or hospital services.

Health services need to account for the specific backgrounds and needs of migrants and ethnic minorities. Research in Britain and across Europe has shown that health services are not sufficiently culturally sensitive.[131] This appears particularly evident in relation to mental health, where essential services such as counselling and therapy are almost inaccessible to minority groups as they have been designed to meet the needs of the majority population. The needs of minority ethnic groups can be very different.[132] Another problem can be inappropriate behaviour by medical professionals, such as cultural

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[125] Carr-Hill, Intercultural Health, 303.

[126] Preventing Social Exclusion, 52

[127] Wren, Migration and Work-Related Health in Europe, 30f.

[128] Watters, Migration and Mental Health Care, 158.

[129] German National Action Plan to Combat Poverty and Social Exclusion, 2001-2003, 25.

[130] UK National Action Plan on Social Inclusion (2001-2003), 13.

[131] Wren, Migration and Work-Related Health in Europe, 30.

[132] Different needs also arise as some types of illnesses are more common in particular racial/ethnic groups, e.g. black people are more likely than other groups to suffer from sickle cell anaemia.

stereotyping or reifying and homogenising expressions of cultural difference. Finally, health care systems need to be able to address health inequalities produced by discrimination in the delivery of services. While little monitoring is carried out to detect this, studies in the UK have shown that racial harassment of minority ethnic patients is still prevalent.[133] Together with cultural barriers, this problem can to some extent be addressed by diversity and anti-racism training for health professionals, in conjunction with effective reporting, monitoring and disciplinary procedures; and by increasing the number of health professionals of migrant and minority ethnic backgrounds.

In the Netherlands, an improved uptake of health care services by ethnic minorities has been partly attributed to an increase in ethnic minority staff. Additionally, 'co-ordinators for minorities' have been appointed who provide information or give training to enable access to mainstream services.[134] The Dutch and German Social Inclusion Action Plans aim for an 'inter-culturalisation' of care and management,[135] with the German plan explicitly calling for the recruitment of more professionals of migrant origin, as well as for schemes allowing easier access for foreign doctors to obtain authorisation to practice.[136] The UK has long relied on migrants and ethnic minorities to work in the health sector, as is evident for instance in the over-proportional representation of Black-Caribbean women among NHS staff. However, widespread discrimination has been found in the NHS, with black staff concentrated in the lower grades and racial harassment still rife.[137]

An increase in the participation of migrants and ethnic minorities in the planning and delivery of health services can also be achieved through involving minority ethnic communities more directly. Research has shown that only a small minority of countries have consultation mechanisms in place. Yet cultural stereotyping appears to decrease when consultation with user groups is carried out.[138]

Increasingly Member States understand that health services, as other public services, thus function best when anchored in the communities they aim to serve. Socio-economic, linguistic and cultural barriers to accessing health services can be tackled effectively by making mainstream services more open, accountable and sensitive to the specific social settings they operate in.

Participatory Processes

Participation in public discourse and political processes, combined with representation in civic and political institutions, form the core of democratic societies. The universality of participatory rights distinguishes modern democracies from paternalistic regimes. In principle, everyone is responsible for shaping the structures that determine their lives. Having a stake in society, assuming responsibility and ownership generates the sense of belonging that holds society's disparate elements together. The integration of migrants into this web of rights and responsibilities is a precondition for sustaining functional, cohesive democracies.

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[133] Tackling Racial Harassment in the NHS: Evaluating Black and Minority Ethnic Staff's Attitudes and Experiences (2001).

[134] Watters, Migration and Mental Health, 162.

[135] Dutch National Action Plan against Poverty and Social Exclusion (2001), 31.

[136] German National Action Plan to Combat Poverty and Social Exclusion, 2001-2003, 25.

[137] Cf. Tackling Racial Harassment in the NHS.

[138] Watters, Migration and Mental Health, 168.

Participatory processes can be distinguished between those that engage people as individuals and those that involve them as groups.[139] While individual participation largely takes place though formal voting, group involvement can be facilitated via consultation mechanisms and civil society organisations.

Formal participation of migrants and ethnic minorities in the democratic system is based on their citizenship status. The different options of extending citizenship have already been discussed. In countries where nationality and citizenship converge, only naturalised migrants hold the right to vote. The proportion of migrants who are able to participate in the formal political process then correlates with the naturalisation rate. This is low in countries with strict naturalisation requirements, such as Germany (at least up to the reform in 2000) and Austria, and higher in countries that encourage naturalisation, such as France. The UK distinguishes between naturalisation and citizenship, giving resident Commonwealth citizens almost full political rights, so that the vast majority of ethnic minorities in the UK are eligible to vote. Finally, there are five states that grant the right to vote in local elections to third country nationals: Denmark, Finland, Ireland, Netherlands, Sweden.[140]

In the Netherlands and Britain, the two countries where ethnic minorities have had voting rights for decades, experience indicates that the formal right to vote needs to be supplemented by measures to make this right more meaningful. Data from the Dutch local elections in 1998 show that 37% of eligible ethnic minorities went to the polls, compared to 61% of white people. Of all local councillors elected, 1% were ethnic minorities, and of these only 18% were women.[141] The UK currently has twelve ethnic minority Members of Parliament, which is 1.8% of all MPs, and only two of these are women.[142] These figures show that political institutions are not reflective of Britain's nor the Netherlands's ethnic diversity, which could stifle the political participation of ethnic minorities. Voting behaviour surveys in Britain show that voting turnout varies considerably between different ethnic groups. Indians are more likely to vote than white people, who are more likely to vote than Pakistanis and Bangladeshis. The people least likely to vote are of black Caribbean and black African origin. This is partially attributed to the increasing educational and economic success of Indians, compared to continuing socio-economic exclusion of mainly Muslim Asians and black groups. Surveys found that ethnic minorities were as likely as white people to say that it was their civic duty to vote, and a large majority of all ethnic minority groups believed that voting was important.[143] In comparison, a German study of migrants' political attitudes found that the majority of migrants was not interested in German politics.[144] The German Commissioner for Foreigner's Affairs attributed this to the lack of opportunities for political participation. However, even in Britain it

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[139] See also Jan Niessen, Diversity and Cohesion: New challenges for the integration of immigrants and minorities (Strasbourg 2002), 92.

[140] Cf Maria M Sierra/Jyostna Patel (European Network Against Racism), For a Real European Citizenship (Brussels 2001), 15ff.

[141] Sierra, For a Real European Citizenship, 16f.

[142] A proportional representation in Britain would require at least 47 ethnic minority MPs. There are currently three government ministers who are black, including one with cabinet rank. See also Rushanara Ali/Colm O'Cinneide, Our House: Race and Representation in British Politics (London 2002); Kingsley Purdam/ Ed Fieldhouse, Voter Engagement among Black and Minority Ethnic Communities, The Electoral Commission, July 2002, 27.

[143] For Asians, turnout levels have improved significantly over the past 40 years, with only 13% of Asians voting in the mid-1960s. Purdam/Fieldhouse, Voter Engagement, 7; Purdam/Fieldhouse, Voter Engagement, 37ff.

[144] Only 15% of migrants expressed a strong or very strong interest in politics, compared to 36% of German nationals. Ausländerbeauftragte, 189.

appeared that ethnic minority voters felt that none of the political parties reflected their interests effectively,[145] which may be linked to the unrepresentative ethnic composition of parties and politicians.

To fully integrate migrants and ethnic minority people into the political process, voting rights are an essential but not sufficient precondition. Rights must be rendered meaningful by mechanisms to achieve a representative selection of candidates. At the same time it is important that ethnic minority candidates are not marginalised as representatives of a particular ethnic section of the electorate, but become part of mainstream politics where they are seen to represent the entire electorate. Equality of participation and representation is a core indicator of inclusive, mature democracies.

Beyond voting rights and candidature, consultation mechanisms seek to engage people in decision-making, gauge the relevance and suitability of policy proposals, and forge a closer link between targeted population groups and the formal political process. For migrants who lack citizenship rights, consultations are the only institutionalised means to participate in public policymaking as it relates to their lives. For those eligible to vote, consultation provides an opportunity to voice opinions and concerns as part of a community, not only as individuals in an electoral process skewed towards majority representation.

At European level, the Commission has proposed minimum standards for conducting consultations with individuals and groups affected by its policies. A reference to ethnic minorities is included with regard to achieving equitable treatment of different groups, and a balance between consulting wider constituencies and specific target groups.[146] On other occasions the Commission has professed its commitment to giving a voice to disadvantaged groups and engaging in a two-way information exchange with people at the grassroots. Civil society organisations are regarded as the mediating instance in such an exchange. The Commission expects that these communication processes will promote "a greater sense of European citizenship and participation",[147] thereby contributing to fostering social integration.

However, migrant communities are not explicitly included in such dialogue proposals, and many migrants do not hold European citizenship. If communication with EU institutions indicates the level of inclusion and participation achieved, signs at EU level are not encouraging. In the mid-nineties, the Commission did make a direct attempt at creating an EU level consultative body for migrants, the EU Migrants' Forum, thereby also recognising non-EU citizens as legitimate proponents of political interests in Europe. However, this body has now collapsed and observers maintain that EU policymaking in the field of migration and anti-racism continues to be confined to a small circle of insiders.[148]

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[145] Ethnic minority people were more likely (one third) than white people (one quarter) to believe that none of the parties stood for policies that they would like to see. Purdam/Fieldhouse, Voter Engagement, 39.

[146] COM(2002) 277 final, Communication from the Commission, Consultation document: Towards a reinforced culture of consultation and dialogue – Proposal for general principles and minimum standards for consultation of interested parties by the Commission (Brussels, 5.6.2002), 15.

[147] 1999 Guidelines for budget line B3-4101 (Co-operation with charitable associations); see also From Principle To Practice: European Contribution to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Contribution from the Commission Services to the Regional European Conference "All Different – All Equal", Brussels, 17 April 2000.

[148] Favell/Geddes, European Integration, Immigration and the Nation State, 23f; Kastoryano, Transnational Participation, 8ff. The Commission now funds the European Network Against Racism (ENAR), which has NGO members in each Member State and works to influence EU policies. However, ENAR is not a migrant-led network.

Across EU Member States, special consultation mechanisms for minority ethnic communities range from engaging the minority ethnic voluntary sector to electing or appointing individuals as community representatives to advisory or decision-making fora. Many consultation processes have a purely advisory character, which can frustrate participants. There must be real scope for effecting policy change, especially for excluded groups, otherwise consultation risks being seen as a mechanism for legitimising decisions already taken. This means that consultation must address the needs of minorities and not merely those of decision-makers. There should also be a meaningful link between migrants' organisations participating in decision-making processes and the people they aim to represent.

To integrate migrants into the political process, the political will to develop and implement meaningful consultations is required.[149] Recent research in the UK, Italy, Spain, Germany and Luxembourg found that the level of dialogue and consultation with ethnic minorities carried out through their community organisations was low and a source of frustration.[150] To rectify this situation, the development of a code of practice for consultations might be an appropriate starting point. This could either be specific to engaging ethnic minorities, or a general code with explicit guidance for consulting minorities.[151]

Civil society organisations, which shape interaction in the public sphere, play a crucial role in building and maintaining social cohesion. The socialisation of migrants into a political and social community often takes place through their involvement in voluntary organisations, which facilitate an engagement with other communities and public institutions that is regulated by the rules of public discourse. By setting up organisations which mould and articulate interests in relation to shared experiences, migrants are able to build community support networks that intervene in public life, lend a voice to marginalised groups and address needs not met elsewhere. Such organisations contribute to shaping public discourse, fostering understanding and interaction between people and providing essential social services. Public authorities should therefore have a strong interest in supporting migrants' organisations and building their capacities.

To develop effective integration initiatives, the European Commission intends to support civil society organisations in implementing micro-level actions.[152] Organisations led by migrants, though not specifically targeted, are mentioned among a range of prospective partners. The Action Programme to combat discrimination and the Action Plan against racism included capacity building initiatives for anti-racism organisations, with an emphasis on those working at EU level, but no explicit role for migrants' or ethnic minority organisations. In the context of developing a better overall framework of co-operating with NGOs,[153] a greater focus on the specific role and needs of minority organisations, especially in social inclusion programmes, would be vital.

EU Member States have a patchy record of supporting minority organisations' integration into civil society. There often remains a suspicion that minority organisations could encourage the articulation

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[149] The EU Directives might help propel political will: "Member States shall encourage dialogue with appropriate non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of racial and ethnic origin with a view to promoting the principle of equal treatment." (2000/43/EC, Article 21).

[150] Anja Rudiger (ed), Voices of Change: Minority Organisations in Civil Dialogue (Berlin 2001), 53f.

[151] The UK has both a general code for consultation with the voluntary sector and a specific code of practice for working with the BME voluntary sector, which includes guidelines on consultation. Cf. Black and Minority Ethnic Voluntary Organisations: A Guide of Good Practice (London 2001).

[152] Cf. COM(2000) 757 final, 20.

[153] European Commission, The Commission and the non-governmental organisations: strengthening the partnership (Brussels 18 January 2000).

and pursuit of uncomfortable political interests and advance the formation of self-segregated group identities. Such concerns are to some extent reflected in reality. In Germany and Spain, for example, minority ethnic organisations are almost exclusively linked to specific national or ethnic groups which they aim to represent. Founded to help fellow migrants of the same origin navigate administrative structures and to cater for cultural and religious needs, they continue to maintain a focus on the country of origin.[154] Progression beyond this self-help approach to a wider engagement with German or Spanish civil society has been slow. However, upon closer inspection it appears that this narrow focus has been maintained, even promoted, by public authorities themselves, in conjunction with mainstream welfare organisations.[155]

Most minority ethnic organisations have played, and will continue to play, a vital role in reversing the effects of social, economic and political exclusion. They fill gaps in public sector service provision, develop links between communities and enable excluded groups to participate in social and political life. A German survey of minority organisations found that two thirds of organisations surveyed aim to foster the integration of minorities into mainstream society.[156] By supporting minority organisations without patronising them, governments can contribute to galvanising their inclusive force and strengthening the capacity of entire communities.

VI CONCLUSION: LESSONS FOR EU POLICYMAKERS

The European Union needs to develop a strategy for the integration of migrants and ethnic minorities as a matter of urgency. Its demography, projected migration trends, the continuing exclusion experienced by some migrant communities into the second and third generations, and the exploitation of public concerns about ethnic and religious differences by the far right, have ensured that this issue is indeed high on the political agenda. EU institutions have themselves not yet played a significant role in devising and directing cross-national integration policies, with the important exception of the anti-discrimination Directives. We have therefore, necessarily, focused our analysis on the legislative and policy instruments Member States employ to promote integration. Our assessment has pointed to effective approaches, as well as to those that have had little impact or even impeded integration. Overall, it appears that Member States often tend to perpetuate conceptual and policy approaches specific to their national contexts, which are not always the most effective way to address the full range of barriers to integration.

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[154] This is confirmed in a survey which found that only 8.5% of organisations surveyed had an ethnically diverse membership, and less than 4% of individuals active in the community sector were members of ethnically diverse organisations. Cf. Ibrahim Cindark/ Hüseyin Ertunc, Germany, in: Voices of Change, 33 (analysis of two surveys commissioned by the regional government of North Rhine Westphalia in 1997/98). At the same time, mainstream welfare organisations do not seem to be very relevant to migrants' lives. A 2001 German survey showed that within one year only 5% of Turkish and Greek migrants, 7% Italian and 9% Yugoslavian migrants turned to welfare organisations for advice. Venema/Grimm, Situation der ausländischen Arbeitnehmer, 58.

[155] It is also worth noting that in Germany, for example, charities founded by migrants who are not German citizens are classified as "foreigners' charities" and as such are subject to special legal restrictions. Cf. Ausländerbeauftragte, 188. Government action can have an important impact on integration or segregation. See also Sonia Veredas Muñoz, Spain, in: Voices of Change, 19.

[156] Cf. Cindark/Ertunc, in: Voices of Change, 32.

These limitations could in part be overcome by new initiatives at EU level. The Tampere Council called for a more direct and active role for the Community in promoting integration, and the Commission is now considering the steps it needs to take to develop and implement an EU integration strategy.

Lessons can be learnt from Member States' experience. Integration is a two way process that requires adaptation by migrants but also by the receiving society. Integration policies need to be targeted at the whole of society, not just at migrants and minorities. In practice, this means policies must address the institutional barriers to integration, including discriminatory practices, and not only, for instance, migrants' need to adapt and develop their skills. Exclusion and inequality have multiple causes and require a range of economic, social, cultural and political levers to address them: policies should not focus only on integration into the labour market, or on cultural attitudes, but take a holistic approach. To do so effectively, the specific needs and experiences of different racial, ethnic and religious groups need first to be identified – recognising the differences between *and* within communities. Second, it is necessary to assess the differing economic and social barriers they encounter, including discrimination. In that context, steps should be taken to equalise the legal status of long term residents and nationals. In some cases, policies targeted at certain disadvantaged groups are appropriate, but most can be achieved by incorporating specific inclusion and equality objectives within mainstream employment, education, housing, regeneration and health programmes. The social and economic progress of migrants and ethnic minorities needs to be monitored to provide an evidence base for future policy making, and the impact of these policies on different communities needs to be assessed. The integration of Muslim minorities must be a particular priority, but has been neglected in the past. Finally, participation in civic and political decision making – integration into the rights and responsibilities of residency and citizenship – is a vital if often neglected integration goal. It will give migrants a stake in the future of their society and expresses the acceptance on the part of the majority that migrants' and minorities' participation in shaping that future is possible and desirable.

Summary of recommendations

The European Commission should develop a coherent integration policy framework at EU level, which builds on the experiences of Member States but overcomes national constraints, based on a twin track approach of promoting equality and managing diversity. From the political level down to the operational, the framework could consist of the following components:

Political level: The Commission should exercise political leadership on integration issues. It should intervene in public discourse to promote the recognition and appreciation of diversity, and an inclusive understanding of European identity. The principle of equality must be recognised at the highest level as one of the Commission's prime objectives. The Commission should continue to send strong signals against racism and xenophobia, and to promote proactive, rights-based immigration policies as a tool for the integration of migrants. It is incumbent upon political leaders to help demystify cultural differences, promote social cohesion based on the recognition of differences within as well as between cultures, and devise policies that enable society as a whole to meet human rights and equality standards. Political leadership can have a positive impact, if it provides the public with reasoned information on the presence of migrants, their needs, rights and obligations, and on the historical roots of racial, ethnic and cultural diversity. Such sensitive issues require a sustained intervention by political leaders to create and maintain public consensus.

In the context of the European Convention, the Commission should support a move towards European citizenship rights based on residency, recognising the significance of political rights to an individual's sense of belonging, and to their active participation in civic society. It should encourage the extension of local voting rights, along with mechanisms to achieve better representation of ethnic

minorities in the political process. Meaningful and wide-ranging consultation processes with migrants and ethnic minorities could be encouraged by a code of practice.

Policy level: Integration objectives should be mainstreamed into all relevant policies, procedures and practices, building on the Commission's experience of gender mainstreaming. A closer collaboration between different Directorates, particularly DG Justice and Home Affairs and DG Employment and Social Affairs, will be essential to achieve this. **Integration** objectives and indicators **should be central to Commission policies on employment, social inclusion, education, housing and health. Policy initiatives should proceed in a participatory way, in consultation with migrants and ethnic minorities, so that proposed reforms reflect their actual experience. Policies** must take account of the impact of future migration, as well as the needs of settled minority ethnic communities.

In relation to employment, the Commission's Employment Strategy could require Member States to set specific targets and to monitor migrants' and minorities' performance in the labour market. It should promote policies to increase employability *together with* measures to address structural barriers to the employment and promotion of migrants. In its social inclusion strategy, the Commission could request Member States to incorporate specific targets for migrants and minorities into their National Action Plans. In education, intercultural approaches, including a review of educational content, and steps to promote equality within the education system should be mainstreamed, in addition to measures to increase skills and qualifications. In housing, policies to prevent or reduce residential segregation and poor housing conditions should go together with support for migrant and ethnic minority neighbourhood networks and integrated urban regeneration activities, in which migrants and ethnic minorities should be active participants. In health, policies to improve access to mainstream health services for migrants and ethnic minorities should be complemented by addressing specific health needs, by providing culturally appropriate services, and by combating discrimination in the delivery of health services.

An overall mainstreaming approach does not preclude separate targeted action. Legislative initiatives benefiting integration objectives must be vigorously pursued, particularly the proposed Directives improving the status of third country nationals and the proposed extension of social protection to third country nationals. The Commission must also carefully monitor and enforce the implementation of the anti-discrimination Directives, and ensure the establishment of the required equal treatment bodies to promote and enforce the race equality provisions (the mandate of which should in practice be extended to religion). The innovative approach being adopted in Britain (under the Race Relations Amendment Act 2000) to require public bodies to promote race equality and good race relations through all relevant functions, using general and targeted initiatives, should be evaluated for its relevance to other Member States and to the European Commission itself. Initiatives to combat religious discrimination in the provision of goods, facilities and services are needed to compensate for the fact that the Employment Framework Directive only covers religious discrimination in relation to employment.

The Commission has an extremely important lever which it could use to address barriers to integration – its rules on public procurement. Increasingly, procurement rules are set at EU level for substantial contracts. By including within these rules a requirement to demonstrate non-discriminatory employment practices and service delivery, the Commission could influence practices in each Member State. In some countries, such procedures are already in place at local level. At EU level, these policy tools are still under-used, but could find a basis in a new, coherent EU integration policy framework.

Programme level: The Commission should similarly mainstream integration objectives into the allocation of funds and grants particularly to aid the implementation of employment and social inclusion strategies. In addition, it should consider reinstating a dedicated integration budget line. Education and youth budget lines must contribute to promoting a recognition of the multi-ethnic, multi-cultural and multi-faith character of European society and expand their understanding of diversity. The participation of minority

ethnic youth in all education and youth programmes should be strongly encouraged. Processes for funding civil society activities should be made more transparent and accessible, in order to allow smaller organisations, especially those led by migrants and minorities, to apply successfully. The Commission should consider earmarking a certain percentage of each budget line that funds civil society activities for allocation to migrants' and minority organisations.

Partnership level: The Commission should develop its collaboration with organisations working to address racism and promote integration, including the specialised bodies for equal treatment at national level and the European Monitoring Centre on Racism and Xenophobia, to facilitate a joined-up approach to monitoring anti-racism, integration and migration policies. The Commission needs to lead the effort to set up effective, comparable and acceptable ethnic monitoring systems in each Member State. It should improve and extend its procedures to consult with civil society, and actively include migrants' and minority organisations in its consultations. It could provide support for consultation with minority/migrants groups at Member State level, particularly with regard to the implementation of the anti-discrimination Directives. The Commission should stimulate and facilitate actions promoting integration at all levels, especially by increasing its support for minority ethnic organisations through fair and consistent public co-operation and funding arrangements.

Project level: The Commission should continue to support projects that promote integration, including in particular the dissemination of good practice. It should ensure that all projects are compatible with integration objectives based on equality and diversity, and include migrants and ethnic minorities as project partners and participants.

Operational level: The Commission must set an example in its own procedures and practices to support the integration of migrants and ethnic minorities. It must apply the provisions of the anti-discrimination Directives to its own operations, including devising and implementing exemplary equal opportunities policies and procedures. The British public duty to promote racial equality in all organisational functions could be used as a guideline. This implies that the Commission must further revise its proposal to amend its staff regulations to include promotional measures not just on the grounds of gender but also on racial and ethnic grounds, and to proactively encourage job applications from under- represented groups. It needs to consider setting up procedures that will enable it to respond to the suggestion of the European Ombudsman to monitor its staff by racial and ethnic origin. The Commission should also consider ways to open up recruitment to long term residents from third countries, in line with Member State practices, and draw up codes of practice for promoting equality and managing diversity in employment and service delivery by EU institutions. The Commission should explore the potential for incorporating equality considerations in its own procurement procedures for all contracts, beyond its current interpretation of the procurement Directives. The existing possibility of imposing social requirements at contract execution stage should be used more actively to promote equality.

Evaluation: Finally, the Commission should establish procedures to evaluate the effectiveness and impact of the integration measures proposed, and carry out assessments of all its policies, programmes, projects and own employment practices to establish their impact on migrants and ethnic minorities. This could be done in conjunction with Eurostat, which should be encouraged to disaggregate data by ethnicity and nationality, wherever possible.

A concerted attempt to develop and implement a comprehensive integration strategy in this way, in which integration objectives are mainstreamed into the Commission's policies and programmes, coupled with effective political leadership to address public concerns, could make a significant contribution to the future stability and cohesion of the European Union, and to equality of opportunity within its borders.

March 2003