

# Time for Europe to get migrant integration right



Issue paper



COMMISSIONER  
FOR HUMAN RIGHTS

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# Time for Europe to get migrant integration right

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# Contents

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<b>COMMISSIONER'S RECOMMENDATIONS</b>	<b>5</b>
Family reunion	5
Long-term residence	5
Language and integration courses	6
No excuses: calling all services and employers to work with migrants	6
Everyone has the right to quality education	7
Integration policies will fail without more effective anti-discrimination laws and equality bodies	8
All European countries must become inclusive democracies	8
<b>INTRODUCTION</b>	<b>9</b>
CHAPTER 1	
<b>FAMILY REUNION IS A HUMAN RIGHT, AND LEADS TO BETTER INTEGRATION</b>	<b>13</b>
CHAPTER 2	
<b>SECURING PERMANENT RESIDENCE ENCOURAGES MIGRANTS AND COMMUNITIES TO INVEST IN INTEGRATION</b>	<b>17</b>
CHAPTER 3	
<b>LANGUAGE AND INTEGRATION COURSES: MOST COUNTRIES ARE DEMANDING – BUT NOT SUPPORTING – INTEGRATION</b>	<b>19</b>
CHAPTER 4	
<b>NO EXCUSES: CALLING ALL SERVICES AND EMPLOYERS TO WORK WITH MIGRANTS</b>	<b>23</b>
CHAPTER 5	
<b>EVERYONE HAS THE RIGHT TO QUALITY EDUCATION</b>	<b>27</b>
CHAPTER 6	
<b>INTEGRATION POLICIES WILL FAIL WITHOUT MORE EFFECTIVE ANTI-DISCRIMINATION LAWS, EQUALITY BODIES AND EQUALITY POLICIES</b>	<b>29</b>
CHAPTER 7	
<b>ALL EUROPEAN COUNTRIES MUST BECOME INCLUSIVE DEMOCRACIES</b>	<b>31</b>
<b>CONCLUSIONS: INTEGRATION AT A CROSSROADS</b>	<b>33</b>



# COMMISSIONER'S RECOMMENDATIONS

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**B**ased on the findings and conclusions of this issue paper, the Commissioner makes the following recommendations aimed at turning European standards into concrete outcomes for migrant integration.

## FAMILY REUNION

Spouses and children of migrants should be able to apply rapidly and be reunited with their sponsor. In order for family reunion to be an effective tool for integration, states should:

- ▶ remove practical obstacles, such as high fees, complicated documentation and difficult-to-access visas and travel documents, especially for beneficiaries of international protection;
- ▶ make the waiting periods and procedures as short as possible;
- ▶ evaluate the proportionality and accessibility of integration measures for family reunion;
- ▶ make equality and proportionality guiding principles of any material or housing conditions;
- ▶ provide beneficiaries of subsidiary protection with the same favourable rules as refugees;
- ▶ clarify that the minimum age limit for spouses should be the age of majority;
- ▶ clarify the definition of the family members and of the dependent relatives entitled to family reunion based on the principles of proportionality and non-discrimination;
- ▶ guarantee access to independent residence permits without additional conditions other than residence.

## LONG-TERM RESIDENCE

Nearly all foreign citizens with five years or more of legal residence should have secured an EU or national long-term/permanent residence permit. States should:

- ▶ allow migrants with any legal permit to apply and count all years of legal stay, including the entire asylum application period for beneficiaries of international protection;
- ▶ set out clear legal exemptions to enable a variety of vulnerable groups to meet the requirements;
- ▶ guarantee enough free courses and support for all applicants to pass any language or integration condition;

- ▶ remove practical obstacles, such as high fees and complicated documentation;
- ▶ provide permits of permanent duration and individual guarantees against protection from expulsion in line with the case law of the European Court of Human Rights (the Court);
- ▶ guarantee equal treatment of long-term residents and national citizens in all areas of education, social rights and employment, including public sector jobs.

## LANGUAGE AND INTEGRATION COURSES

Countries cannot demand linguistic and civic integration without supporting enough free courses and materials for all migrants to learn and succeed. States should:

- ▶ move from ad hoc programmes and obligations to a clear entitlement to language courses for all residents with limited language proficiency;
- ▶ guarantee enough free and flexible language learning options for learners to obtain the level and types of language proficiency necessary for their individual professional and educational background;
- ▶ move language and integration programmes out of the classroom and focus on “learning by doing”;
- ▶ create special tracks for the illiterate and for slow learners, such as monolingual speakers of very linguistically different languages;
- ▶ ensure that flexible language programmes can take account of migrants’ work and family responsibilities through work-specific or work-based programmes, part-time courses during the evening and school day and community- or school-based learning for stay-at-home parents;
- ▶ ensure that integration programmes focus on opening doors so that learners meet local organisations, services and mentors open to diversity and interested to support their integration;
- ▶ ensure that professional teachers and staff of language and integration programmes work with a large number of volunteers and promote intercultural activities, such as conversation tandems where migrants and interested non-migrants can learn each other’s languages.

## NO EXCUSES: CALLING ALL SERVICES AND EMPLOYERS TO WORK WITH MIGRANTS

Migrants and non-migrants with the same socio-economic background should be just as likely to be in employment, education and training in a society that delivers on its promises of equal opportunities. States should:

- ▶ fully ratify the European Social Charter and give effect to its standards and related recommendations to improve integration policies;
- ▶ give asylum seekers full access to the labour market as soon as possible and for other newcomers after no more than one year;



- ▶ guarantee equal treatment of migrants and national citizens in terms of access to social security and rights, education, training, study grants, private and public housing and health care;
- ▶ review any residential dispersal schemes in terms of their effectiveness for integration;
- ▶ guarantee specifically trained frontline staff and multilingual information for newcomers;
- ▶ assess the professional skills of all newcomers and effectively orient them to available services and jobs;
- ▶ guarantee that all newcomers quickly obtain either formal recognition of their foreign qualifications and skills, a new or bridging domestic degree and/or work experience in the host state commensurate with their level of education;
- ▶ implement alternative means for migrants lacking documents to validate their foreign qualifications and skills;
- ▶ expand access for migrants to the most effective active labour market programmes;
- ▶ mainstream integration by requiring all government ministries to develop and monitor specific integration strategies and to designate a responsible unit, agency and centre of expertise.

## EVERYONE HAS THE RIGHT TO QUALITY EDUCATION

Migrant children should be in mainstream schools and classes and their enrolment rates and educational attainment should be similar to that of non-migrant children. States should:

- ▶ implement a comprehensive, inclusive education policy and require schools to effectively respond to the needs of migrant and non-migrant pupils;
- ▶ ensure that schools are mixed and able to work with parents and other local actors to offer the targeted educational support and diverse language courses that match the learning needs of their diverse student body;
- ▶ remove any legal or practical obstacles for all migrants arriving as children, with or without a legal status, to start or complete their education, including vocational and higher education;
- ▶ develop targeted training and internal/external support mechanisms on newcomers and diversity, and then require and monitor their use by teachers and school leaders;
- ▶ develop in-school or out-of-school programmes for migrants and interested non-migrants to learn the major local migrant languages;
- ▶ develop, require and monitor the use of educational materials on diversity, intercultural dialogue, democratic citizenship and human rights across the curriculum and school day, including in school governance.

## **INTEGRATION POLICIES WILL FAIL WITHOUT MORE EFFECTIVE ANTI-DISCRIMINATION LAWS AND EQUALITY BODIES**

All people who experience discrimination should know and use their rights to challenge discrimination. Public authorities have a duty to promote equality and non-discrimination throughout their work. States should:

- ▶ explicitly protect all people from discrimination on the ground of nationality and from multiple discrimination;
- ▶ effectively punish xenophobia, ethnic profiling, hate speech and violence;
- ▶ collect and publish data on discrimination experiences, complaints and cases;
- ▶ expand the powers, staff and resources of national equality bodies and develop more accessible complaints mechanisms at local level and in various areas of life;
- ▶ pilot and expand positive action and equality duties;
- ▶ target information campaigns at vulnerable and hard-to-reach populations.

## **ALL EUROPEAN COUNTRIES MUST BECOME INCLUSIVE DEMOCRACIES**

Non-citizens should participate in political and civic life in some way and be enfranchised to vote at local and regional level after a maximum of five years of legal residence. Nearly all first-generation migrants should be naturalised as full citizens after a maximum of 10 years in the country, while their children should be entitled to become citizens by virtue of being educated or born in the country. States should:

- ▶ ratify and implement the 1992 Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) and the 1997 European Convention on Nationality (ETS No. 166);
- ▶ grant the right to vote and stand in local and regional elections after a maximum of five years of legal residence;
- ▶ get residents of migrant background onto local consultative bodies of all types;
- ▶ create grants and micro-grants to support migrant-run associations and support the setting up of mainstream civic and political organisations which mentor migrants;
- ▶ create welcoming procedures that inform, encourage and support migrants to meet all the requirements for naturalisation and to celebrate their accomplishments;
- ▶ open up to dual nationality and create clear entitlements to citizenship for the first generation after a maximum of 10 years of legal residence;
- ▶ facilitate, for stateless persons and beneficiaries of international protection, naturalisation and integration requirements by reducing or eliminating fees, documentation and waiting periods;
- ▶ create clear entitlements to citizenship at or after birth for children educated in the country or born there;
- ▶ address and eradicate any form of discrimination in terms of citizenship acquisition on the basis of gender, age, or racial/ethnic origin.

# INTRODUCTION

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**T**he current approach of focusing on migration control as a top priority of European states risks stalling or even undermining integration efforts at the time when we need them the most to maintain Europe's high levels of social cohesion, protection and security. Reducing the number of arrivals is not necessary for successful integration outcomes. As long as our societies respond and grow to meet these new needs, newcomers will start out on their integration process and over time develop new skills, new careers, new cultural and social experiences, and a new home. European governments have not even started to work on a co-ordinated European response to meet these new integration needs.

Instead, 2016 has seen many states take unilateral, national action not only in their border and asylum policies, but also in their reception and integration policies. By cutting back on reception standards, residence rights and family reunion, several countries are explicitly hoping to discourage asylum flows or divert them to other countries. Restricting these presumed "pull factors" is unlikely to counteract the massive push factors driving these migration flows. A short-term reduction in "numbers" may actually produce rather than reduce irregular movement, and delay or discourage migrants and local communities from investing in integration. Reducing our integration policies to signals that make our countries "less attractive" to potential migrants abroad will only make our societies more difficult to live in for all of us. Relying on symbolic measures fails to resolve the underlying needs and may only increase extremism within the receiving society and within underserved migrant communities. Legal restrictions "in the name of integration" may seem justified at first glance. But under the stricter scrutiny of researchers and courts at national and European level, these restrictions often prove to have no clear positive effects on integration outcomes and actually have disproportionately negative impacts on vulnerable and discriminated groups instead.

State integration policies in Europe<sup>1</sup> are, on average, ambivalent about migrants and slow to improve over time. Such are the conclusions of the Migrant Integration Policy Index (MIPEX) that has been tracking these policies over the past decade with the support of the European Commission. MIPEX demonstrates that integration policies matter. While many individual and contextual factors influence the integration

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1. This paper will mostly refer to the situation of non-EU immigrants in the EU countries within the Council of Europe. Except for Russia, the EU countries are the major destination countries in the Council of Europe area. The Council of Europe standards are also reinforced by EU legal standards that are applicable in most EU member states and often in candidate countries for EU accession. Also, data on integration policies and outcomes are mostly available for EU and western European states, although MIPEX has been extended, largely thanks to the support from the Organization for Security and Co-operation in Europe, to most western Balkan states, Armenia, Moldova and Turkey.

process, inclusive policies in different areas of life have a boosting effect on integration outcomes. These policies are helping migrants and their children to be reunited, get basic training, become permanent residents, voters and citizens and know and use their rights as victims of discrimination.

The need for more ambitious integration policies is common across Europe. Although the number of newcomers is on the rise, we should not forget that most migrants are long-settled in our countries and in need of equal opportunities in practice. The economic crisis and austerity programmes have put migrants at disproportionately greater risk of unemployment, poverty and social exclusion. On average, one third of working-age non-EU citizens are not in education, employment or training. When they find a job, they are more likely to end up in precarious, lower-quality jobs, either below the poverty line or below their level of education. A large minority of non-EU migrants have not finished upper-secondary education and few access adult education or lifelong learning. Their children are disproportionately concentrated in poor-quality schools, even when compared with non-migrant children from low-educated families. Nearly one third of self-identified ethnic minorities said that they had experienced discrimination or harassment in the past year, according to a 2015 Eurobarometer survey. Furthermore, the disenfranchisement of millions of migrants from voting and citizenship is arguably the largest democratic deficit in our democracies today, given our ageing electorate and that our leaders are poorly representative of the population they are supposed to serve. Political leaders must also confront the fact that public opinion on immigration is highly politicised, divergent across the EU and generally uninformed and unrelated to people's individual experiences.

One key element that most governments overlook or avoid in their integration strategies is engaging the public. Although two thirds of EU residents think that their country should help refugees, most have negative associations with "non-EU immigration" and these views have become very negative in emerging destinations like central Europe. The adoption and success of integration policies is highly dependent on mainstream public support and continued political will. Immigration has unseated the economy as the top priority for citizens for both the EU and national governments, at a time of historically close elections, many minority governments and the greatest electoral success of far-right populists in recent European history. Correcting public ignorance and over-estimation of numbers of immigrants can improve public attitudes to migrants. Unfortunately, few people think that immigration policies are fact-based or affect them personally.

The public needs help to understand the migrants and changes around them and to build trust and relationships with newcomers and different cultural communities. Analysis of MIPEX suggests that inclusive and effective integration policies can benefit everyone in society. Countries with inclusive policies tend to be more developed, innovative and happier places for migrants and everyone to live in. Comparisons with opinion surveys further suggest that inclusive policies help the public to trust migrants and see the benefits of immigration to society. In contrast, integration policies are generally underdeveloped in emerging destination countries with small numbers of migrants and high levels of anti-migrant sentiment. These restrictive policies may only reinforce public distrust and xenophobia.

These findings are relevant for the Council of Europe as signatory states – notably of the European Social Charter (ESC) – are obliged to enhance social cohesion and to prevent misleading propaganda about immigration. As part of this obligation, tackling racism and xenophobia is necessary to counter stereotypes that migrants are associated with crime, violence, drug abuse or disease. Improving and maintaining inclusive integration policies requires the general public and institutions to support these changes, contribute to the process and see the benefits in their own lives. Consequently, any policy change should be accompanied by a clear message to the public about its purpose, its costs and benefits and its specific beneficiaries presented in human terms, preferably in their own words. Ideally, each policy should offer structured opportunities for the public to get involved or support the process.

Over the past few years, the Council of Europe Commissioner for Human Rights has seen first hand the outpouring of generosity from European citizens all across Europe, from major destinations like Belgium and Germany to frontline states in southern Europe and even in minor destination countries such as central European countries. Many of his missions and visits with local, national and international actors have come back to issues of the integration and family reunion of refugees and migrants. The needs are often poorly understood, the trends are fast-moving and the policy responses are varied across Europe and sometimes worrying for the respect of fundamental rights.

“Getting integration right” means much more ambitious integration policies that are well *justified* to migrants and the public, *proportionate* to help all types of people, including vulnerable and discriminated groups, and proven to be *effective* for improving everyone’s well-being and shared sense of belonging. The most effective measures, according to robust evaluations and common sense, are early intervention, an individualised approach and ongoing flexible support. Tried and tested methods from major destinations can be transferred to new destination countries and cities, while innovative solutions are methodically piloted and evaluated. Authorities can get support from best practices, research and experts through the European Commission, the Council of Europe and the OSCE, as well as international organisations such as the OECD, the IOM and the UNHCR. This paper aims to spark the debate by reviewing available, legally binding Council of Europe and EU standards and the needs in key areas of integration: family reunion, long-term residence, language and integration courses, access to employment and services and democratic inclusion through political rights and citizenship.



## Chapter 1

# FAMILY REUNION IS A HUMAN RIGHT, AND LEADS TO BETTER INTEGRATION

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**F**amily reunion policies are a major – if not the only – factor determining whether or not the small number of transnational non-EU families reunite in Europe, according to the latest MIPEX. Unfortunately, it is becoming more and more difficult for transnational families to reunite in several major destination countries. Administrative processing of applicants has always been slow and unnecessarily bureaucratic. The past decade has seen some improvements due to court cases and European law, but also many restrictions aiming to reduce immigration “in the name of integration”. Family reunions are being delayed for no good reason and migrant families are expected to live up to standards that many national families could not meet: higher ages to marry, breadwinner incomes and housing standards beyond the legal minimum, no need for social benefits and tests about their language skills and social knowledge, all with disproportionately high fees to pay and little state support to apply. In response to court challenges, restrictionist governments have argued that the authorities can use discretion and exemptions for families in need. Yet they seldom do in practice, according to the rarely available statistics on practices, and making exceptions are not the same as adopting clear rules. Over the past year, restrictions for refugees and beneficiaries of subsidiary protection have increased dramatically for refugee destination countries, such as Austria, Belgium, Finland, Germany, the Netherlands, Norway and Sweden. Their inclusive family reunion policies are being misinterpreted as major “pull factors” and new restrictions and delays are seen as necessary to build state capacity for integration.

The result of restricting or delaying family reunion is unnecessary human suffering and poorer integration outcomes. For couples and families willing but unable to reunite, separation causes severe stress, social isolation and economic difficulties that prevent a normal life for both those who have left and those who are left behind. For beneficiaries of international protection, delaying the enjoyment of their right to family reunion also denies effective protection to family members in camps and conflict zones. Evaluations of recent family reunion restrictions have found that these requirements do not actually seem to promote integration in practice, according

to the evaluations of the few countries deploying such restrictions.<sup>2</sup> The only major effect is to reduce family reunion. These policies affect the most vulnerable groups disproportionately: the elderly, young adults, the less educated, women and people from conflict zones and certain countries. With few families able to resettle somewhere else, some delay their application, while others give up altogether as they cannot meet the new requirements, no matter their amount of motivation and preparation. These restrictions that delay family reunion also delay and undermine integration, especially for families from less-developed countries. Unambiguous data from the OECD's PISA study show that every additional year children from developing countries spend in their country of origin as potential candidates for family reunion has a negative impact on how well they will learn the language and perform at school in their new host country. The OECD concludes that family reunion needs to occur as early as possible in order to expose migrant children to society and the education system.<sup>3</sup> Real integration needs would be better served by boosting the school support for reuniting pupils and activating the many skills of reuniting spouses and other so-called "dependants".

Many family reunion restrictions are in violation of international and European law. The right to family reunion has progressively developed in international and European law to require that states promote not only family unity, but also family reunion as far as possible. The family is recognised as the fundamental group unit in society and family unity as an essential right of all people. The UN Convention on the Rights of the Child stipulates that children should not be separated from their parents against their will (Article 9) and that governments should deal with cases of family reunion across borders "in a positive, humane and expeditious manner" (Article 10). The right to respect for family life is further guaranteed by European standards, in particular by the European Convention on Human Rights (the Convention), the revised European Social Charter, the European Convention on the Legal Status of Migrant Workers and, most notably, EU Council Directive 2003/86/EC on the right to family reunification.<sup>4</sup> The primary objectives of the directive are to facilitate and enable family life and, as clarified by the Court of Justice of the European Union (CJEU), to promote family reunion and the effectiveness thereof (Chakroun C-578/08). Based on the international and European standards, every family reunion rule must not only be justified, but also proportionate and effective in practice for promoting family life and the right to family reunion for all types of families. This stricter level of scrutiny is emerging from the EU family reunification directive and the related case law of the Court and the CJEU. Under the case law of the Court, deporting family members requires a case-by-case consideration of the effects on their family life, especially contact with children (e.g. *Sen v. Netherlands* 2001 and *Osman v. Denmark* 2011). Procedures must be structured in such a way as to guarantee flexible, prompt and effective decisions that take into

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2. See Strik T. et al. (2013), *Family Reunification: A barrier or facilitator of integration? A comparative study*, Wolf Legal Publishers, Oisterwijk; see also Huddleston T. and Pedersen A. (2011), "Impact of new family reunion tests and requirements on the integration process", Migration Policy Group, Brussels, Belgium.
  3. OECD (2013), "Do immigrant students' reading skills depend on how long they have been in their new country?", PISA in Focus No. 29, OECD Publishing, Paris.
  4. For refugees, see also UNHCR ExCom Conclusion No. 24 (XXXII), 1981 on family reunion.



account the family's individual circumstances, such as refugee status, best interests of the child and the right to respect for family life.<sup>5</sup> The CJEU confirmed in *Parliament v Council* (C-540/03) that all aspects of family reunion policies must comply with the Convention and involve an individual assessment based on the right to family life. In the Chakroun case (C-578/08), the CJEU confirmed that member states' requirements cannot undermine the directive's objective and effectiveness for promoting family reunification. For example, the Chakroun case clarified that a strict income requirement cannot be the only reason to refuse an application if the person can meet the requirement through other legal means. In addition, EU member states can only require "integration measures" for family members if these measures are capable of facilitating their integration; any "integration measure" that discourages people from exercising their right to family reunion is against EU law (*Zaken v. K and A* C-153/14). For these reasons, the costs of the measure and study materials/courses must be free or not so high as to make family reunion impossible or excessively difficult for families around the world (*Commission v. Netherlands* C-508/10, *Zaken v. K and A* C-153/14). Along the same lines, EU member states must exempt from these measures all people who cannot take or pass the integration measure due to individual circumstances, such as their age, level of education, economic situation or health (*Zaken v. K and A* C-153/14). This protection is even more explicit for Turkish citizens, due to the "standstill clause" of Article 41(1) of the Additional Protocol of the EEC–Turkey Association Agreement (*Dogan v. Germany* C-138/13).

The ESC is another tool with great potential to make policies more proportionate and effective for rapid family reunion. Thirty-three Council of Europe member states have ratified the revised ESC and 15 have so far accepted its collective complaints procedure. Article 19.6 of the ESC requires that member states "facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory". Conclusions of the European Committee of Social Rights (ECSR), as listed below, have clarified these standards.

- ▶ A residence period of more than one year is excessive. For example, a residence or waiting period of three years is not in conformity (ECSR Conclusions I, Germany).
- ▶ "Dependent" family members include all those without independent means outside the family group due to a variety of reasons owing to their economic situation, health situation, pursuit of unpaid studies, etc. (ECSR Conclusions VIII). States must expand their definitions of dependency to include all possible situations.
- ▶ Requiring family members to take language or integration tests to enter or stay in the country is likely to prevent family reunion and consequently contravenes the ESC (ECSR Conclusions 2015, Austria).
- ▶ Requirements, such as suitable housing, cannot be so restrictive as to prevent any family reunion (ECSR Conclusions 2011 Belgium, Conclusions IV, Norway).

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5. For example, see judgments of the Court in *Mugenzi v. France*, *Tanda-Muzinga v. France* and *Senigo Longue and Others v. France* (2014).

- ▶ Sponsors with sufficient income should not automatically be rejected because of the origin of that income insofar as they are legally entitled to the benefits (ECSR Conclusions 2015, Netherlands).
- ▶ Refusals on health grounds are only allowed for specific illnesses so serious as to endanger public health (ECSR Conclusions XVIII-1 Turkey, 1998). These are diseases requiring quarantine according to WHO, or serious contagious or infectious diseases, such as tuberculosis or syphilis. Drug addiction or mental illness can only constitute a threat to public order or security on a case-by-case basis (ECSR Conclusions I, Germany).
- ▶ Family members have an independent right to stay in the country and cannot be expelled as a consequence of the expulsion of their sponsor (ECSR Conclusions XVI-1, Netherlands).

The 2015 Conclusions of the ECSR found that most countries investigated did not conform with one or more provisions of Article 19 of the ESC. For example, any fees or permit requirements for language and/or integration may impede rather than facilitate family reunion and thus are contrary to the ESC.

Any rules with the object or effect of restricting family reunion should be challenged as incompatible with EU and Council of Europe standards. In practice, transnational families should enjoy procedures for family reunion that are accessible, affordable, proportionate, timely and attentive to their family's specific needs and circumstances. Some NGOs working across Europe<sup>6</sup> find that several EU member states currently violate EU law and European standards, for example through excessive fees, required "integration" tests in countries of origin, disproportionate economic resource and housing requirements, and the automatic rejection of applications without an individual examination of the family's circumstances or consideration of alternative documentation. The European Commission's 2014 guidance (COM/2014/0210 final) should be better known and used to interpret and apply the directive in accordance with the case law of the CJEU and the Court and fundamental rights. Now the European Commission must deliver on its promise to ramp up training on and enforcement of the directive not only in law, but also in practice and procedure.

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6. See work of the European NGO Platform on Asylum and Migration [www.ngo-platform-asylum-migration.eu/portfolio-items/ngos-call-the-eu-member-states-and-the-european-commission-to-safeguard-family-life-of-migrants-and-refugees/?portfolioID=29](http://www.ngo-platform-asylum-migration.eu/portfolio-items/ngos-call-the-eu-member-states-and-the-european-commission-to-safeguard-family-life-of-migrants-and-refugees/?portfolioID=29), as well as the 2014 ECRE/Red Cross report [www.redcross.eu/en/upload/documents/pdf/2014/Asylum\\_Migration/RCEU%20ECRE%20-%20Family\\_Reunification%20Report%20Final\\_HR.pdf](http://www.redcross.eu/en/upload/documents/pdf/2014/Asylum_Migration/RCEU%20ECRE%20-%20Family_Reunification%20Report%20Final_HR.pdf).

## Chapter 2

# SECURING PERMANENT RESIDENCE ENCOURAGES MIGRANTS AND COMMUNITIES TO INVEST IN INTEGRATION

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**L**ong-term or permanent residence is a status that guarantees non-EU citizens equal socio-economic rights with EU citizens and enables them to start making a long-term investment in their integration. The European Union is right to consider long-term residence as an indicator of integration (the so-called “Zaragoza indicators”). The few international evaluations on the topic find that countries facilitating long-term residence help non-EU migrants to stay for the long term in the country and secure less precarious work. The current focus on refugee arrivals should not distract integration policy makers from the fact that most migrants are settled for the long term in Europe, from north to south and east to west. MIPEX estimates that over three out of four non-EU migrants in most EU countries have lived there long enough (five years or more) to become permanent or long-term residents. However, fewer than an estimated one in two seem to have become permanent or long-term residents. The difference in the share of long-term residents is very marked between countries, from around 65% or more in France, Italy, Spain, Sweden and the UK to a very select few (1-6%) in Bulgaria, Cyprus, Denmark, Ireland and Malta.

A country’s residence and citizenship policies significantly determine whether or not most *de facto* long-term residents can obtain *de jure* long-term residence in practice. Long-term residence policies appear to have disproportionate effects on vulnerable groups. MIPEX finds that under inclusive policies migrants seem much more likely to become long-term residents and, over time, citizens. New countries of immigration with restrictive residence policies allow for very few long-term residents and leave the rest in a temporary status and in precarious work. Long-standing destinations that restrict residence and naturalisation eventually end up with high numbers of “permanently temporary” foreigners, including their children born in the country. Many southern- and central-European countries facilitate long-term residence but restrict naturalisation and thus end up with very high numbers of “second-class citizens”. Although countries rarely reform their path to become countries of long-term residence, a few major refugee destinations, such as Austria, Belgium and Sweden, have abruptly restricted or delayed permanent residence based on the misinterpretation that this status is a significant “pull factor”.

The entitlement to long-term residence for non-EU migrants was only secured with the EU Long-Term Residents Directive (2003/109/EC amended by Directive 2011/51/EU). Under the UN Refugee Convention, refugees are entitled to a facilitated path to naturalisation. The EU Qualification Directive (2011/95/EU) guarantees both refugees and beneficiaries of subsidiary protection a renewable permit of at least three years' duration. The EU Long-Term Residents Directive guarantees a secure residence and equal rights for nearly all non-EU migrants. The directive states that the "main criterion" should be five years' legal and continuous residence in the territory. Long-settled residents are generally guaranteed extra protection against expulsion by the Court. Under Article 19.8 of the European Social Charter, migrant workers and their families cannot be expelled unless they act against national security, the public interest or morality. Such an act requires a penalty for a criminal act imposed by a court or judicial authority as well as an assessment of their individual circumstances, such as their behaviour and duration of residence. A risk to public health is only a threat to public order if the person refuses to undergo suitable treatment (ECSR Conclusions V, Germany). The fact that a migrant is dependent on social assistance does not constitute a threat to public order or a ground for expulsion (ECSR Conclusions V, Italy).

States should facilitate long-term residence as a key starting point for full integration and remove any disproportionate obstacle to obtaining this status and its associated equal rights. Following the CJEU judgment in *Justitie v. Singh* C-502/10, national courts and authorities in the EU member states must now avoid the situation whereby temporary residents on "formally limited" permits are excluded from EU long-term residence, since any resident with at least five years' legal residence is a *de facto* permanent resident deserving equal rights and opportunities under the law. A country's requirements, such as the eligible permits, economic resources and language or integration conditions, must have neither the object nor the effect of creating an obstacle to obtaining long-term residence. For example, a language or integration condition for long-term residence must be proportionate and supportive enough for all applicants to be able to succeed (*P and S v. Commissie Sociale Zekerheid Breda* C-579/13). The level of knowledge required and the costs and accessibility of study materials/courses cannot constitute an obstacle. For example, denying free courses to migrants and imposing fines for non-attendance is liable to contravene EU law (*P and S v. Commissie Sociale Zekerheid Breda* C-579/13). The cost of the procedure should not be disproportionately higher than the normal costs for a national ID card (*Commission v. Netherlands* C-508/10). The costs should have neither the object nor the effect of discouraging migrants from applying. Authorities must make exemptions for applicants who cannot take or pass the requirements due to specific individual circumstances, such as their age, illiteracy or level of education. Explicitly, Turkish citizens must be exempt from any language or integration condition at least based on their individual circumstances, due to the "standstill clause" of Article 41(1) of the Additional Protocol of the EEC-Turkey Association Agreement (*Dogan v. Germany* C-138/13). These standards and the case law should be reflected in national laws and practices.

## Chapter 3

# LANGUAGE AND INTEGRATION COURSES: MOST COUNTRIES ARE DEMANDING – BUT NOT SUPPORTING – INTEGRATION

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**T**he Council of Europe and the EU have secured strong standards and recommendations on language learning for migrants.<sup>7</sup> The European Social Charter obliges states to promote and facilitate teaching of the official language(s) to migrant adults and children in order to promote their access to mainstream education and services. These provisions have been interpreted to guarantee access to sufficient hours of free language training for migrant adults and children to attain the level required for their employment and enjoyment of all their basic rights, from access to education and training, health care, housing, justice, protection against expulsion and family reunion. Across most EU member states, EU standards require that sufficient integration support be provided to account for the specific integration needs of beneficiaries of international protection (Article 34 of the EU Qualification Directive 2011/95/EU) and for non-EU citizens to access family reunion and EU long-term residence (see Chapter 2).

Although more and more countries require language and civic knowledge for residence and citizenship, European countries differ significantly in the levels required and the amount of support provided. These requirements and programmes have been surveyed in 36 Council of Europe member states through MIPEX and the 3rd Council of Europe Survey of Linguistic Integration of Adult Migrants. The Council of Europe survey reveals that some of these requirements aim at restricting migration rather than promoting integration. According to MIPEX, over half of the countries use language and civic integration as an obstacle to integration because all migrants are not entitled to sufficient free courses and materials to attain the levels required for long-term residence or citizenship. Only 12 countries both “promote and demand”

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7. See summary of relevant Council of Europe standards and recommendations: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000011680306f0b>.

integration (the concept of *fördern und fordern* initiated in Germany in the mid-2000s). These countries generally provide sufficient free courses and materials for all migrants to meet any requirements. Most “demand and support” linguistic and civic integration, while three of them focus on linguistic integration.

Approaches to linguistic and civic integration in 36 surveyed Council of Europe states		
Linguistic and civic integration requirements		
	Support for linguistic and civic integration	
	Insufficient/no free courses provided for all	Sufficient free courses and materials provided for all
No requirements	Inactive <i>(neither demanding nor supporting)</i> Serbia	Voluntary <i>(supporting without demanding)</i> Ireland
Linguistic integration required	Language as obstacle <i>(demanding without supporting)</i> Bulgaria, “the former Yugoslav Republic of Macedonia”, Poland	Obligatory <i>(demanding and supporting)</i> Finland, Portugal, Slovenia
Linguistic and civic integration required	Language and civics as obstacle <i>(demanding without supporting)</i> Armenia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, France, Greece, Hungary, Latvia, Lithuania, Malta, Moldova, Netherlands, Romania, Slovakia, Spain, Switzerland, Turkey, United Kingdom	Obligatory <i>(demanding and supporting)</i> Belgium (Flanders, but practice in French-speaking areas to be determined), Denmark, Estonia, Germany, Luxembourg, Iceland, Italy, Norway, Sweden

Source: Migration Policy Group (MPG), compiled by MPG with MIPEX data for the OSCE and checked against the 3rd Council of Europe Survey of Linguistic Integration of Adult Migrants.

Some sort of free language programme is available to foreign adults in most surveyed Council of Europe member states. A slight majority also offer some sort of civic or social integration course. Few countries embrace a fully needs-based approach by opening the programme to all residents with limited competencies in the national language(s), whether they are foreign citizens, naturalised, birthright citizens or non-migrants. These programmes are almost always free for learners, with a few exceptions based mostly on employment status or very rarely on national loan/reimbursement schemes. Obligatory language courses remain the exception rather than the rule, with migrants required to attend language courses in 12 states. Interestingly, the right to learn the national language is not yet established in most countries. An entitlement to language training can be identified in seven countries: Belgium, Denmark, Finland, Germany, Norway, Portugal and Sweden. In contrast,

most countries' programmes are discretionary, based solely on the available spaces and budget. The 3rd Council of Europe Survey notes that four states with language requirements for residence and citizenship do not offer a guaranteed free language programme: namely Latvia, Lithuania, the Netherlands and the United Kingdom.

Regardless of the requirements for language and civic integration, the quality and effectiveness of these programmes deserve much greater attention. Language learning is the most concrete part of integration programmes and arguably the most valued by the public and migrants alike. Yet language training is rarely flexible or professional enough to guarantee that most migrants attain the level and type of language fluency required for their work or their full participation in public life. The level provided to all migrants is rarely sufficient to meet the country's requirements for long-term residence or naturalisation. Countries diverge significantly on the duration of language support. The range extends from around 100 to 2 700 hours. The most hours are generally provided in the countries with programmes that are long-established, work-oriented and most ambitious in terms of language proficiency. These countries include the Nordic states (no real upper limit in terms of hours), Germany, Estonia and traditional global destinations, namely Australia, Canada and New Zealand. The least number of hours are provided in countries with new, low proficiency or poorly supported programmes, mostly in southern and central Europe. Looking at the Council of Europe's Common European Framework of Reference for Languages (CEFR), the range extends from level A1 (i.e. basic everyday expressions) to B1/B2 (i.e. interaction in most everyday situations). The number of hours provided even varies across countries for the same CEFR level. On the one hand, the number of hours provided is probably insufficient for slow learners. On the other hand, the level of courses provided is too low for university-educated migrants to work in certain highly qualified fields. Job-specific language courses are more effective for labour-market integration, but more expensive and not widespread. A minority of programmes has a separate "literacy" track for the illiterate or those with very little education. General tracking by education level is slightly less common. Childcare or evening courses are rarely guaranteed for working-age migrant adults who often have greater family and work responsibilities than non-migrant adults of the same age. Distance learning programmes are usually ad hoc, NGO initiatives. Within countries, the availability of qualified teachers and high-quality courses is very uneven across the territory and concentrated in migrant-dense gateway cities. In general, the most flexible language training for migrants is still concentrated in the countries with long-standing programmes: namely, Nordic countries and traditional global destinations, such as Australia and Canada. The fact that language courses rarely match the profile and needs of adult learners should be a major cause for concern. Low-quality language or integration courses are not useful as symbolic policies to falsely reassure the public that the government has immigration "under control".





## Chapter 4

# NO EXCUSES: CALLING ALL SERVICES AND EMPLOYERS TO WORK WITH MIGRANTS

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**L**abour-market integration happens over time and depends on many factors. Securing family life, long-term residence and citizenship seems to indirectly boost labour-market integration outcomes for many migrants. In terms of direct employment policies, research<sup>8</sup> has found that employment outcomes improve for migrants who get legal access to the labour market, a formal recognition of their foreign degree or a new domestic degree and/or work experience. In Europe today, most newcomers have the right to work and study after a few years' legal stay. The limited legal options to work for asylum seekers and certain categories of newcomers can get them on the wrong career path or out of the labour market altogether.

These issues of legal access are less of a problem for Europe's mostly long-settled migrant communities than is the lack of effective support. According to MIPEX, in most countries migrants must restart their careers without the help of a social safety net or strong, targeted programmes to recognise their foreign skills and orient them to available jobs and services. For example, the ECSR 2015 Conclusions observe that discrimination against foreigners in the allocation of family benefits is a widespread problem, while migrant workers face discrimination in the labour market sometimes in law and often in practice. Overall, support is often uneven across employers, sectors and services, and is unco-ordinated across the country. This lack of effective support partly explains the persistent problem of low-quality employment for migrants across Europe. While the majority of non-EU migrants find jobs over time and their employment rates improve depending on the labour market, their jobs are often lower-quality jobs than for non-migrants with the same level of education. University-educated migrants more often work below their level of qualifications and poorly educated migrants more often work below the poverty line. The low quality of employment for migrants across Europe does not accord with the assumption that employment is central to social integration and self-sufficiency.

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8. For summaries, see Bilgili O. (2015), "Evaluating Impact: Lessons learned from Robust Evaluations of Labour Market Integration Policies", CIDOB and MPG, Brussels, Belgium; Liebig T. and Huddleston T. (2014), "Labor Market Integration of Immigrants and their Children: Developing, Activating and Using Skills", *International Migration Outlook 2014*, OECD Publishing, Paris; Butschek S. and Walter T. (2014), "What active labour market programmes work for immigrants in Europe? A meta-analysis of the evaluation literature", *IZA Journal of Migration 2014*, 3:48.

Equal access in law and in practice to effective rights and services would most likely boost migrants' employment rates and the quality of their employment. What generally works well for unemployed nationals also tends to work well for migrants. Most major destinations, with the support of European institutions, are investing in reforms of their recognition procedures, targeted support and social rights for non-EU citizens. However, these policies are probably still too new, small-scale or selective to reach the sizeable minority of non-EU citizens who are not in employment and rarely access education, training or unemployment benefits in their new country.

A lack of effective support appears to be a major obstacle for migrants to access not only the labour market, but also the education and health systems. Education and health-care entitlements are generally equal for citizens and regular migrants across Europe, although legal access is sometimes not equal for undocumented migrants and asylum seekers to the health-care system and for undocumented children to vocational or higher education. Eligible migrants can usually learn about the education and health system through basic introductory information provided in several languages. But beyond legal access and basic information, health and education policy and providers often fail to take into account migrants' specific needs. Doctors and teachers are rarely trained, equipped or required to understand and serve these needs. Health and education policy makers rarely monitor and address the gaps for migrants in the uptake and effectiveness of mainstream programmes. Migrant education and health policies do seem to become more ambitious as countries become wealthier and the migrant population grows. Still, most European countries are far behind the standards set in the traditional global destination countries, whose health-care and education systems are more responsive and intercultural. According to MIPEX, a few northern European countries are starting to offer more personalised general and targeted support, which seems to reach larger numbers of migrants in need and partly explains their progress over time. As European countries become more diverse and more newcomers arrive, schools and health services cannot afford to remain slow to adapt to their diverse needs – or else our general health and education standards will suffer.

Member states' efforts to guarantee equal rights and opportunities are often supported by Council of Europe standards and EU law. These rights are guaranteed under the European Convention on the Legal Status of Migrant Workers (ETS No. 93), which has been ratified by several major European destination countries. Thanks to a 1997 Council of Europe/UNESCO Convention, humanitarian migrants lacking documents should be entitled to alternative means to prove their qualifications and skills.<sup>9</sup> Standards have been further elaborated by the Council of Europe's Committee of Ministers' recommendation CM/Rec(2011)2 on validating migrants' skills. The European Union has further reinforced these rights. The standards are strong for beneficiaries of international protection (EU Qualification Directive 2011/95/EU) and improving for non-EU migrant workers (EU Single Residence and Work Permit Directive 2011/98/EU). A recent CJEU court ruling (in cases C-443/14 and C-444/14) reinforces that residential dispersal requirements for beneficiaries of international

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9. Article VII of Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region, 1997 (ETS No. 165).

protection (Article 33 of the EU Qualification Directive) must have the object and effect of promoting integration and not simply “burden-sharing” between authorities.

Integration support and rights are also secured under the European Social Charter. Article 19 specifies that newcomers should have access to full information, free essential services and specifically trained frontline staff in employment, education, housing, health, social services and social security. States must provide special measures to migrant workers and family members in order to facilitate their departure, journey and reception, their access to rights and mainstream services and to overcome specific problems related to their health and short-term accommodation (ECSR Conclusions III Cyprus, Conclusions IV, Germany). Migrants should enjoy equal rights in terms of remuneration, employment and working conditions, in-service training (ECSR Conclusion VII, United Kingdom), trade union membership, benefits of collective bargaining and access to public and private housing, including home ownership (ECSR Conclusions IV, Norway) and subsidised housing and benefits (ECSR Conclusions III, Italy). These many European standards can be further explored and used by authorities in European countries to improve equal treatment in law and in practice.



## Chapter 5

# EVERYONE HAS THE RIGHT TO QUALITY EDUCATION

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**D**elivering equal opportunities requires significant reform to the education system as one of Europe's greatest weaknesses in migrant integration. Too many school systems leave behind pupils from poorly educated families, especially from minority communities, who are more likely to be concentrated in poorly performing schools. For migrant pupils in particular, too many schools, teachers and parents do not receive the support they need to create the conditions for mixed schools and classrooms, educational mobility, multilingualism and an intercultural education. Schools and teachers are often left alone, with wide discretion and few resources or requirements, to address the specific learning needs of migrant pupils and teach all pupils the intercultural and citizenship skills to live in a diverse society. Few countries seize the new opportunities and skills that migrant pupils bring to school in terms of language learning, cultural diversity and social bonds between pupils and between parents of different backgrounds. Undocumented pupils in several countries face obstacles to access education, especially vocational and higher education. All of these obstacles are well known to policy makers, practitioners and researchers and yet reform is slow or stalled in most countries.

Every child's right to quality education "on the basis of equal opportunity" is firmly enshrined in the UN Convention on the Rights of the Child. Under Article 30 of the European Social Charter, effective measures are required in order to promote the access of these persons to quality education. States are also obliged to promote and facilitate the teaching of migrants' languages to their children (Article 15 and Article 19.12 of the European Social Charter) as far as practicable (e.g. sufficient number of children living in the same area, see ECSR Conclusions 2002, Italy). These standards have been summarised and further elaborated through the Committee of Ministers' Recommendation CM/Rec(2008)4 to member states on strengthening the integration of children of migrants and of immigrant background.<sup>10</sup>

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10. See also European Council Conclusions of 26 November 2009 on the education of children with a migrant background (OJC 301 11.12.2009).

More broadly, inclusive education, as defined by UNESCO, is a process that addresses and responds to the diversity of needs of all children, young people and adults through increasing participation in learning, cultures and communities, and reducing and eliminating exclusion within and from education. It is a principle that places the responsibility on states to educate all children without any discrimination within the mainstream system. Inclusive and intercultural education is supported by the Council of Europe through its Charter on Education for Democratic Citizenship and Human Rights Education (Recommendation CM/Rec(2010)7) and related programmes. The Council of Europe also promotes intercultural dialogue as open and respectful exchanges of views of people with different backgrounds on the basis of mutual understanding and respect.<sup>11</sup> Education for democratic citizenship and human rights education should be included in the curriculum, staff training and democratic governance at all education levels. These provisions should be regularly updated, evaluated and researched. As a result, all learners are supposed to possess the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences – particularly between different faith and ethnic groups – settle conflict in non-violent ways and combat all forms of discrimination and violence, especially bullying and harassment. Like these rights and standards, these curricula cannot exist only on paper in the strategies of education authorities. School leaders, teachers and migrant communities must be empowered and required to implement inclusive and intercultural education in the curriculum and the day-to-day life of the school.

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11. Council of Europe Ministers of Foreign Affairs (2008), White Paper on Intercultural Dialogue: "Living Together as Equals in Dignity", Strasbourg, France.

## Chapter 6

# INTEGRATION POLICIES WILL FAIL WITHOUT MORE EFFECTIVE ANTI- DISCRIMINATION LAWS, EQUALITY BODIES AND EQUALITY POLICIES

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**N**otwithstanding these reforms guaranteeing equal rights in law, equal opportunities will be impossible in practice without greater enforcement of strong anti-discrimination laws. Such laws have recently been adopted throughout Europe, but their implementation remains under-funded. Following the adoption of the EU anti-discrimination law in 2000 (Directives 2000/43/EC and 2000/78/EC),<sup>12</sup> the creation of dedicated anti-discrimination laws and equality bodies in EU member states and accession states has been the greatest and most consistent improvement to integration policies across Europe in the past 15 years.

Now is the time for enforcement, since most discrimination victims do not know and use their rights in practice. Data on discrimination experiences and complaints are improving across Europe thanks to many public and civil-society initiatives at national and European level, including the landmark EU-MIDIS survey (currently being repeated) of the EU Agency for Fundamental Rights. These data sources confirm that most people experiencing discrimination do not report these incidents to the authorities because they believe that discrimination is widespread and nothing will happen. Weak state equality policies and weak support for equality bodies mean that victims are too poorly informed and supported to take even the first step in the long path to justice. Most national equality bodies are chronically understaffed and limited in their resources and powers to reach the number of people experiencing discrimination. Beyond these bodies, the equality policies of national or regional authorities are often limited to voluntary initiatives, such as action plans, diversity charters and information campaigns, without any obligations in law or any monitoring through equality data. As national laws and equality policies become more powerful and established, discrimination victims will better know and use their rights and hopefully better trust the justice system and feel welcome in their new country.

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12. For more on these standards and their enforcement, see the European Commission's Equality Law Network at [www.equalitylaw.eu](http://www.equalitylaw.eu).

States must find ways to develop and secure comprehensive equality policies from all authorities. Efforts to inform the public of discrimination and their rights must be systematic and reach all people, including vulnerable populations. Moreover, equality policies guarantee, as minimum, that all authorities and state services promote non-discrimination and equal opportunities in practice for vulnerable populations. Article 6(1) of the Council of Europe Framework Convention for the Protection of National Minorities (FCNM) concerns states' obligations not only to persons belonging to national minorities, but to non-discrimination and equal opportunities for all:

The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

These standards and related advisory bodies can support states to improve their response to xenophobia and extremism in society. For example, the FCNM's Advisory Committee in its Fourth Opinion on Germany (ACFC/OP/IV(2015)003) recommended that school and public-awareness programmes focus not only on preventing right-wing extremism, but also on identifying and combating all forms of intolerance and prejudice.

Comprehensive equality policies and duties that include migrants have been devised by very few Council of Europe countries, for example Norway, Sweden and the United Kingdom. The European institutions support this approach on equality policies and duties. EU law allows for the adoption of positive action<sup>13</sup> and collection of equality data.<sup>14</sup> The Committee of Ministers of the Council of Europe has adopted recommendations (Rec(2004)2) to member states on the access of non-nationals to employment in the public sector. Regarding the FCNM, the Czech Republic is the first signatory to attempt to secure equality duties for migrants through the status of a national minority, including support for minority associations and language teaching. Belarusians and Vietnamese have been recognised as a national minority and have been represented by members of the Government Council for National Minorities since 2013. Association status (but not yet Council representation) was accorded to Chinese, Nigerian, Korean and Syrian communities in 2012.

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13. For more, see de Vos M. (2007), "Beyond Formal Equality: Positive Action under Directives 2000/43/EC and 2000/78/EC", European Commission, Brussels, Belgium.

14. For more, see Chopin I. et al. (2014), "Equality Data Initiative: Ethnic origin and disability data collection in Europe: Measuring Inequality – Combating Discrimination", Open Society Foundations, Brussels, Belgium.



## Chapter 7

# ALL EUROPEAN COUNTRIES MUST BECOME INCLUSIVE DEMOCRACIES

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**P**olitical participation and citizenship are key complementary strategies to promote integration in many areas of life. These policies have proved effective for expanding the electorate and boosting political participation rates for several migrant groups. Political inclusion can also improve the responsiveness of politicians to their local public's needs and to limit the far right's electoral success and impact. Citizenship policies in particular are important factors driving the naturalisation rates for migrants from developing countries and boosting their labour-market and political participation. Naturalisation improves migrants' well-being in a variety of unexpected ways, such as increasing their discrimination protection and reporting rates, as well as their opportunities for free movement in the EU.

Few European countries could qualify as fully inclusive democracies. The leading examples are Belgium, the Netherlands, Portugal and most Nordic countries, where most non-EU citizens are enfranchised in local elections and the majority of long-settled residents (at least 10 years' residence) have been naturalised as citizens. In contrast, migrants in most European countries have few opportunities to inform and improve the policies that affect them daily. Millions of non-EU citizens are disenfranchised from voting and few are engaged in the weak consultative bodies and state funding structures. In most European countries, more than half of non-EU citizen adults have lived there long enough to become citizens, yet citizenship remains out of reach for many, including large numbers of second-generation adults born and raised in the country. The highly discretionary and costly path to citizenship often discourages migrants to apply. A few countries have not caught up with international reform trends to embrace dual nationality and to create citizenship entitlements for the second-generation. Overall, political participation and citizenship are too often weak or completely missing from national and local integration strategies, especially in more recent destination countries.

Reformers can take inspiration from European standards in addition to many positive examples of reform across the continent. For refugees, the UN Refugee Convention requires that states make every effort to facilitate naturalisation and integration, expedite the proceedings and reduce the costs. Under international human rights law, all categories of foreign citizens should enjoy the same civic and political liberties as national citizens. The European institutions have, since their founding, promoted the civic and political rights participation of migrants. EU citizenship has secured

local voting rights for mobile EU citizens residing in another EU member state. The Council of Europe, with its emphasis on human rights, democracy and the rule of law, has made a substantial contribution through the adoption of European conventions.

The European convention most relevant to and extensive for migrants' civic and political rights is the 1992 Convention on the Participation of Foreigners in Public Life at the Local Level (ETS No. 144). Chapter C requires that foreign residents be granted the right to vote in local elections after a maximum of five years. Chapter B obliges local authorities to encourage and facilitate foreign residents' inclusion in local consultative bodies through either mainstream bodies or the creation of specific bodies with mixed or exclusively migrant membership. The 1997 European Convention on Nationality (ETS No. 166) codifies principles and rules covering all aspects of nationality, from facilitating acquisition by long-term residents and groups with special links, to managing dual nationality and limiting grounds for withdrawal and statelessness.

# CONCLUSIONS: INTEGRATION AT A CROSSROADS

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Over the past decade, European countries have built up high standards for social integration, including through the Council of Europe. Most recently, the European Committee of Social Rights in its 2015 Conclusions has clarified the rights of refugees under the European Social Charter. All of these ever-expanding standards, often written in terms of rights and duties, can also be expressed in terms of the integration outcomes we would like to see for our continent as a future major destination for immigration:

- ▶ spouses and children apply rapidly and are reunited with their sponsor;
- ▶ long-term residence is secured for nearly all foreign citizens with at least five years of legal residence;
- ▶ nearly all residents, regardless of their reason for migration, are proficient in the country's common language(s) or receive the support they need to improve their skills;
- ▶ migrants are just as likely to be in employment, education or training as non-migrants with the same socio-economic background;
- ▶ schools are mixed and offer diverse language courses and educational support that match their diverse student body;
- ▶ most discrimination victims know and use their rights;
- ▶ citizenship is attained by nearly all first-generation adults after 10 years or more in the country and by all second-generation adults.

Europe's standards are highly relevant to respond to the needs on the ground, both for refugee newcomers and for long-settled migrant communities. The ways that governments implement and monitor migrant integration need to turn these standards into clear objectives. With this guidance, integration policy can come up with proportionate and effective responses to the challenges ahead.

In the foreseeable future, the EU's migration governance crisis will, for better or for worse, determine whether or not many European countries choose to invest in integration. The current situation, dominated by unilateral national action and the absence of a common asylum and border policy, is creating perverse incentives for countries to move away from integration. Integration support should not be misinterpreted as "pull factors". These restrictions go against the letter and the spirit of European law and standards. Authorities that tell themselves and migrants that their countries are "transit countries" and that these flows are "temporary" are only encouraging secondary irregular movement in the EU and discouraging everyone from addressing the real integration needs.

If Europe secures orderly arrivals at the borders, legal pathways to Europe and a rapid recognition of beneficiaries of international protection, then national governments and stakeholders will be more likely to focus their energy on integration. Discussion of relocation and resettlement has created a positive dynamic around integration. Countries with “paper-thin” integration strategies are seriously discussing how to systematically address the needs of humanitarian migrants after relocation and resettlement. Countries with ambitious integration policies are looking to increase their capacity, reach and effectiveness for all newcomers whatever their reason for migration. In the absence of a common European response, crisis-thinking is short-term. Europe will need to look again to the long term and see integration as a long-term investment.



The arrival of over one million people seeking protection in our continent in recent months has profoundly shaken Europe and found European governments unprepared to face up to the challenge of providing adequate reception.

Preoccupied with short-term imperatives, European governments have lost sight of more long-term challenges posed by these arrivals. Little, if any, significant debate about how to promote the successful integration of these migrants into their new host societies has taken place.

With this paper, the Council of Europe Commissioner for Human Rights fills this gap and provides guidance to governments and parliaments on the design and implementation of successful integration policies. In particular, he presents the international legal standards which govern this field and sets forth a number of recommendations to facilitate the integration of migrants, with a focus on family reunification, residence rights, language and integration courses, access to the labour market and quality education, as well as protection from discrimination.



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