

# Latvia & Poland in MIPEX: Learning partnerships for new countries of immigration

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## Introduction

Europe's countries of emigration in Central and Eastern Europe are beginning to realise that they also have or will inevitably become countries of immigration. A few years ago, discussing immigration and integration policies in these regions of Europe was frequently associated with the EU accession "transposition culture" and all its discontents. Monitoring the situation of minorities and non-nationals and the adoption of relevant EC directives on migration were integral aspects of the accession process. On the one hand, the legal norms and political conversations that have emerged from European cooperation on immigrant integration have had their impact in certain areas of legislation in Central and Eastern Europe. Yet on the other, some prominent political actors in the region portrayed them as necessary means to placate Brussels, dismissing the idea that these policies responded to present or future domestic needs. This perception is starting to give way with post-accession emigration, domestic labour shortages, and "graying" demographic projections. These trends are making experts and governments more aware of Central and Eastern Europe's immigration needs, while simultaneously making these countries more attractive destinations in a globalising world where migration is ever on the rise.

In recognising the need to prepare a legal and policy framework as countries for immigration and settlement, policymakers and stakeholders in Central and Eastern Europe have become increasingly interested in learning from practices from their more experienced neighbours. Indeed the many recent EU instruments<sup>1</sup>, which have been especially influential for new countries of immigration to conceptualise a national integration policy, have at the same time left their national governments great room for manoeuvre – or, put differently, great room for mutual learning. Prioritising the integration agenda and searching for best practice raises expectations that policy interventions can reaffirm certain principles and have a certain impact on the multi-dimensional, long-term, and non-linear processes that are condensed into the term "integration".

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<sup>1</sup> The EC directives on family reunion (2003/86/EC), and long-term residence (2003/109/EC), the Common Basic Principles for Immigrant Integration Policy, and in particular the national programmes of the European Fund for the Integration of third-country nationals 2007–2013.

There is thus a growing need in the design and evaluation of integration policy for comparable indicators of policy success across all EU Member States that are both policy relevant and scientifically robust. The Migrant Integration Policy Index (MIPEX), co-managed by the British Council and the Migration Policy Group and co-financed by the European Commission, has generated significant media and political attention, precisely because it is one of the first European-wide tools for integration policy comparison. MIPEX benchmarks the national legal and policy framework against a European normative framework of principles for promoting integration.

Building on previous and soon-to-be published material on the study, the first part of this chapter situates MIPEX within the process of European cooperation on integration and the open debate between policymakers and scientists on indicators for integration policy success.<sup>2</sup> It then links MIPEX to a proposed “joined-up approach” with various integration stakeholders for measuring the implementation and impact of these policies. The chapter briefly outlines the various “next steps” and methodological challenges that need to be considered in establishing casual links between policies, implementation, outcomes, and the other factors at play in integration processes. It concludes with the impact of this joined-up approach for raising the integration agenda in Central and Eastern Europe through projects like *Learning to Welcome*.

The second part of the chapter draws on Latvia and Poland’s MIPEX results to summarise the current state of their integration policies in a European normative context. It is beyond the scope of this chapter to provide comprehensive analysis of policies in Poland, Latvia, and the region, or conduct in-depth evaluations of practices from other EU Member States. Rather, this chapter investigates the MIPEX results in greater detail from the perspective of a migrant newcomer choosing to settle in Latvia or Poland over other countries in the region. Both countries’ areas of policy strengths and weakness for promoting integration are thus compared to each other, to relevant European standards, and to those of the region, the EU average, and other countries that are top destinations for Polish and Latvian citizens working abroad in the EU.

This part links certain areas of weakness in Polish and Latvian legislation with practices from other countries which could be interesting for further investigation. It thus assists readers from both countries to navigate through examples from the various reference publications and handbooks for the exchange of best practice, including those authored by the Migration Policy Group.<sup>3</sup> These compari-

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<sup>2</sup> For more on MIPEX in the context of European cooperation on integration, see: Niessen, Huddleston, and Citron. Migrant Integration Policy Index (British Council and Migration Policy Group; Brussels, October 2007), 4–5; as well as Niessen and Huddleston. Benchmarking legal and policy measures in the field of integration (Brill Academic Publishers; Leiden, forthcoming), Chapter 1.

<sup>3</sup> Niessen, Huddleston, and Citron. Migrant Integration Policy Index, OECD; European Commission. Handbook on Integration for policy-makers and practitioners: first edition (Brussels, 2004); European Commission. Handbook on Integration for policy-makers and practi-

sons allow for reflection not only on the benefits of adopting favourable legal frameworks that facilitate active participation and remove legal obstacles. They also prepare policymakers and stakeholders in Latvia and Poland for the “next step” challenges that other countries have faced in policy delivery, implementation, and outcomes.

## 1. MIPEX and its next steps

### 1.1. What European cooperation has contributed to integration policies...

The integration of third-country nationals has become an area of increasing European competence, be it through the Council of Europe or the European Union, particularly for the latter since the 1999 Tampere Conclusions and the launch of the 2004–2009 Hague Programme. National governments, European-wide networks of academics, social partners, and umbrella-NGOs have contributed to the process of defining integration, establishing a comparable vocabulary, and identifying areas for policy improvement across Europe. Recommendations for the creation of high European legal and policy standards have emerged from the mapping exercises led by European-wide networks of academics, proposal directives from the European Commission, or proposals from networks of stakeholders and NGOs.

In phases of policy action, some of these high legal standards have been incorporated into the high but open-ended principles behind many of Europe’s non-binding measures, such as the Lisbon Strategy and the Common Basic Principles on Immigrant Integration Policy, which serve as general guides (rather than fixed standards) for national policies. European cooperation has also provided binding legislative measures, such as EC directives on family reunion, long-term residence, racial equality, and employment equality or Council of Europe conventions on political participation at the local level. Certain directives, notably on anti-discrimination, retain high standards introduced in Commission, academic, or stakeholder proposals, whereas the negotiation process for others has watered down higher-principled proposals to minimum standards with various derogation clauses.

Now in an implementation phase, the European institutions have tasked networks of legal experts to undertake the *monitoring* of the transposition of the EC directives (and their alternatively high or minimum standards). At the same time, *benchmarking* and *best practice* initiatives have been undertaken by various integration actors in order to track policy changes over time and identify practices across Europe that correspond to the highest common standards. For instance, the European Commission’s *Handbook on Integration* identifies projects and programmes

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tioners: second edition (Brussels, 2007); International Migration Outlook (OECD; Paris, 2007); ILO multi-lateral framework on labour migration (ILO; Geneva, 2006); Niessen and Huddleston. Setting up a system of benchmarking to measure the success of integration policies in Europe (European Parliament; Brussels, 2007). Other sources are specifically cited.

that are relevant, efficient, effective, sustainable, and have an impact in terms of promoting integration.<sup>4</sup> Successful monitoring and benchmarking exercises can generate policy feedback, whereby new areas of improvement are identified, gaps in vocabulary remedied, and calls for further European standard-setting and action initiated.

## **1.2. ... and how the MIPEX study fits in**

MIPEX aims to promote a better informed and European-wide debate on integration policies. The Migration Policy Group, which leads on MIPEX's research with its twelve years' experience as an independent specialised European think-and-do-tank, has found that constructive debates must not only bring together the relevant stakeholders around the table, but also leave at their disposal a common piece of research that defines the scope for comparison. To this end MIPEX generates much-needed comparative and quantitative data on integration policy and presents this sensitive information in a format that is clear, concise, and accessible to all the actors involved in public policy debates. The method used in MIPEX to link national policies and European principles and legal instruments provides national stakeholders with a tool to contribute to and monitor transposition, as well as to encourage policy feedback by identifying residual areas of improvement across Europe.

The design of an instrument for policy comparison like MIPEX first requires the creation of a normative framework of the highest European standards on promoting integration. These standards on equality of opportunity and comparable rights and responsibilities<sup>5</sup> come from the academic recommendations, proposals, binding and non-binding measures that have emerged from European governmental and non-governmental cooperation on integration mentioned above. The fact that the MIPEX has brought a normative framework to the realm of integration keeps debates focused on what principles lie behind different national integration policies, what justifications are made for changes in law, and what policy coherence has been attained.

The next step for the MIPEX research partners was to apply this normative framework to 142 policy indicators (also known in the good governance literature as input indicators) with the aim of comparing the legal provisions in place that aim to promote the integration of legally-resident third-country national migrant residents. Through indicators, lofty principles are broken down into clear, spe-

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<sup>4</sup> Annex 1: Praxis-based policies – the translation of practices into policies. In: European Commission. Handbook on Integration for policy-makers and practitioners: second edition (Brussels, May 2007), 89–91.

<sup>5</sup> For more on the normative framework, see: Niessen, Peiro, and Schibel. Civic Citizenship and immigrant inclusion: a guide for the implementation of civic citizenship policies (Migration Policy Group; Brussels, 2005).

<http://www.migpolgroup.com/documents/2474.html>

cific and measurable legal and policy measures, which are among the principal tools that governments use to promote integration. Though comparing countries on the basis of robust indicators is commonly used in the private sector and increasingly in the public sector, the exercise remains a relatively new phenomenon for justice and home affairs. The second edition of MIPEX, launched in October 2007, covered six of those most critical policy areas linked to the broad concept of integration: labour market access, family reunion, long-term residence, political participation, access to nationality, and anti-discrimination law.

Each indicator consists of three possible answer options based on the normative framework. All 142 were answered and peer reviewed by leading national legal experts and practitioners who are independent of government, as is done for similar indexes of national policies in other sectors. The individual indicator scores can then be aggregated together into dimensions that consider similar aspects of policies. For instance, which migrant residents qualify for a certain legal status (*eligibility*)? What else do governments ask of eligible candidates (*conditions for acquisition*)? How secure is a migrant in obtaining and maintaining the status (*security of status*)? And what rights and opportunities do migrants gain with the status (*rights associated*)? The indicators in the four dimensions are then averaged together into a strand score (for instance, for *labour market access*), which provides a broad-brush overview for policy comparison.

The database of answers to these 142 indicators enables comparisons of integration policies in five respects. At the national level, users can assess the success of government policies in meeting the MIPEX's normative framework for promoting integration. Comparisons can also be made between areas of policy strength and weakness to check for policy coherence. At the international level, a country's successful performance can be compared to those of its neighbours as well as to the "average" for the EU-25,<sup>6</sup> EU-15, or EU-10. Published biannually the MIPEX has an additional longitudinal component to measure progress over time in setting standards on integration.

The MIPEX team believes that these five forms of comparison can serve as mirror that can be help up to EU Member States for them to evaluate their success in translating integration principles into concrete laws and policies. As noted in the European Commission's second edition *Handbook on Integration*, evaluations that concentrate largely on effective implementation will not on their own capture problems arising from the overall strategic direction and use of integration standards. One of the conclusions from the Handbook is that policies and their principles should themselves be made the subject of evaluations.<sup>7</sup> Good governance indicators, like those in MIPEX, may bring significant improvements to the appropriateness and quality of a country's integration strategy.

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<sup>6</sup> Preparation of the MIPEX second edition began before the accession of Bulgaria and Romania.

<sup>7</sup> European Commission. *Handbook on Integration for policy-makers and practitioners*: first edition (Brussels, 2004), 61–62.

### **1.3. How do MIPEX scores link to policy success? A “joined-up approach”**

One frequently asked question during the 21 national MIPEX launches was whether a favourable MIPEX score meant that policies had successfully led to societal integration. Rather, a favourable MIPEX score can be considered a first step towards successful integration. The legal and policy framework helps set the conditions and opportunities for individual integration processes, which is one of the key factors that influence how migrants and natives adapt to living in a diverse society. The MIPEX score does not claim to provide the complete picture of the state of implementation, the influence of the other factors or policy areas, or societal outcomes.

A “joined-up approach” to measuring integration policy success can link the MIPEX to the “next step” policy evaluations designed through various partnerships of policymakers and stakeholders that assess how high-principle policies can lead to successful outcomes. The MIPEX results make integration policies in Europe more accessible to a wider range of stakeholders and provide a framework for more comprehensive investigations. If MIPEX links integration principles and policies, follow-up research projects can link MIPEX scores with the detailed policy reality. Such research projects often aim to complement MIPEX’s comparative and quantitative policy scores with in-depth qualitative interviews of policymakers, service-providers, and migrants themselves.

A related next-step in a joined-up approach is an assessment of the state of policy implementation, which considers to what extent policymakers are properly delivering on their national policies, however these policies score in the MIPEX. Stakeholders sometimes refer to an “implementation gap”, where for instance the conditions “on the books” for the acquisition of a certain legal status are different from those demanded by authorities “in practice”. Just as the MIPEX’s normative framework is based on equality of opportunity and active participation, so too could implementation indicators be derived from the principle of equal access to and outcomes in services. These indicators concern the quality, efficiency, knowledge, and use of mainstream and targeted public services. Equality is measured through comparisons of the migrant residents to a segment of the host society population with a similar socio-economic background. It is important to point out that MIPEX already contains an increasing number of implementation indicators, for instance on lengths and costs of procedures, the enforcement of anti-discrimination law.

Measurements of policy impact and outcomes, another “next step”, can provide data on the relevant area of integration that policies aim to influence. So-called “integration indicators” express policy goals in terms of statistics on various groups within the population. For example, a bundle of outcome indicators for labour market access policies can consider to what extent various groups of migrants have realised their full employment potential. The evaluation framework can be derived from the principle of equal outcomes for migrant residents as for a comparable segment of the host society population. These indicators

measure convergence over time and over generation – in other words, the sometimes lengthy movement towards equality.

That said, evaluations cannot assume a simple and direct link between policies, implementation, and outcomes. Quantitative and qualitative research needs to weigh the impact of various factors, including policies, on outcomes in the relevant area of integration. For instance levels of discrimination and the impact of migrant and public perceptions should also be taken into account, before favourable and well-implemented integration policies are deemed to have successfully achieved their desired outcomes.

*Learning to Welcome* is the first research project in Europe to take a step in this joined-up approach. Its greatest innovation will be linking the MIPEX results to in-depth policy research. The project will take a more qualitative and nationally-oriented approach to measuring implementation, outcomes, and the other factors at play in integration processes. The expert assessments of its authors and interviewees can indicate certain tendencies and areas for further research in these steps. The contributions that follow will bring integration stakeholders closer to a complete picture of integration policy successes and areas for policy improvement in Latvia and Poland.

## 2. Integrating Latvia and Poland: MIPEX key findings

The core of this chapter places Latvia and Poland's MIPEX scores in a European normative context. This section provides a broad-brush overview of the state of integration policy in the EU Member States, before entering into a fine-grain of detail on each of the six policy strands. It presents the opportunities and legal obstacles that a newcomer from outside the European Union would encounter the integration processes in Latvian and Polish society.

With the normative framework as a compass, the chapter will examine areas of strength and weakness where policies converge or diverge with the highest European principles for promoting integration. This relationship can also be understood through comparisons with the policies in countries that score more favourably on the MIPEX rubric. Where possible these countries' experiences will be put into context and point to some of the "next-step" challenges that may lie ahead for Latvia and Poland in securing successful implementation and outcomes for favourable policies.

Comparisons with other European countries will highlight the policy areas where Latvia and Poland ride or bunk regional trends in the field of integration. Both countries will be compared to one another and more broadly with Central and Eastern Europe or the 25 EU Member States surveyed in the second edition of MIPEX.<sup>8</sup> Readers of this report will particularly appreciate this as framework for

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<sup>8</sup> In addition MIPEX II included three non-EU countries – Canada, Norway, and Switzerland.

comparison between the IPA and PROVIDUS contributions. Polish integration policies will be contrasted with those in the Visegrad countries (namely, the Czech Republic, Hungary, and Slovakia), while those Latvian policies will be put side by side with its Baltic neighbours to the north and south. Both “countries of emigration” have traditionally focused on the rights of their citizens abroad often in North America and in other EU Member States. This chapter will therefore also compare the integration opportunities offered to non-EU nationals in Latvia and Poland with those offered in the top countries of destination for Poles and Latvians in 2005. The list for both includes Canada, Germany, Ireland, Italy, the Netherlands, Sweden and the United Kingdom.<sup>9</sup>

## 2.1. Overall observations for migrant newcomers

### Common rankings\*

1	SE	Sweden	88
2	PT	Portugal	79
3	BE	Belgium	69
4	NL	Netherlands	68
5-	FI	Finland	67
	CA	Canada	67
7	IT	Italy	65
8	NO	Norway	64
9	UK	United Kingdom	63
10	ES	Spain	61
	EU-15		60
11-	SI	Slovenia	55
	FR	France	55
	LU	Luxembourg	55
	28	MIPEX 28	54
14-	DE	Germany	53
	EU-25		53
	IE	Ireland	53
16	CH	Switzerland	50
17-	HU	Hungary	48
	CZ	Czech Republic	48
19	EE	Estonia	46
20	LT	Lithuania	45
→ 21-	PL	Poland	44
	DK	Denmark	44
	EU-10		44
23	MT	Malta	41
24-	SK	Slovakia	40
	GR	Greece	40
26-	AT	Austria	39
	CY	Cyprus	39
→ 28	LV	Latvia	30

According to the MIPEX results, a non-EU migrant newcomer would find a European Union with both strong and weak national policy frameworks for promoting integration, leading *The Times of India* to conclude that he or she should feel welcome in some countries and avoid others “like the plague.” The policies of 28 countries surveyed were on average only halfway to best practice on each of the six MIPEX policy strands. As MPG Director and main MIPEX author Jan Niessen quipped during the European-wide press launch, “If I were a schoolmaster, I would not be entirely happy with my class.” The MIPEX overall rankings nevertheless bring to light clear differences between Europe’s regions, although each region contains its own set of leaders and laggards. The policies of ten countries scored high enough to be considered at least partially favourable for promoting integration: the new countries of immigration in the Western Mediterranean (Italy, Spain, and Portugal), the BENELUX countries (except Luxembourg, ranking slightly lower at 11<sup>th</sup>), and the Anglophone countries (except Ireland, ranking 14<sup>th</sup>), and the Nordic countries (except Denmark, ranking 21<sup>st</sup>).

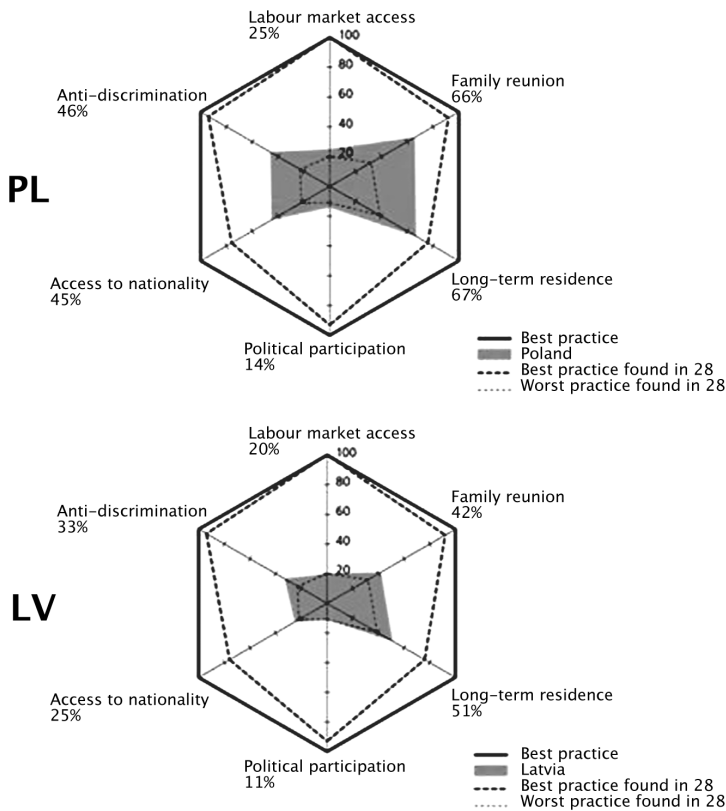
\* Source of tables and diagrams: Niessen, Huddleston, and Citron. Migrant Integration Policy Index, 2007.

<sup>9</sup> Latvians and Poles working in another EU Member State have more favourable rights and opportunities than non-EU nationals who are not long-term residents in terms of labour market access, family reunion, political participation, and long-term residence. Nevertheless, they often benefit from the same labour market integration programmes, naturalisation policies, anti-discrimination laws, and many other aspects of an EU country’s legal and policy framework.



The fact that both old and new countries of immigration appear in this top indicates that a longstanding history of immigration (think of Austria or Switzerland) does not necessarily guarantee favourable policies for promoting integration. Some new countries of immigration like Portugal and Spain have sought out to learn from the successes and shortcomings of their more experienced European peers and rapidly reformed their legal framework to correspond to new labour market needs and social realities.

### Common rankings for Poland and Latvia



For the purpose of *Learning to Welcome*, the most notable observation is that the Central and Eastern European countries are absent from the top ten list. Whereas the integration policies of the Western European countries, where most Polish and Latvian emigrants head, are on average slightly favourable for promoting integration, the Visegrad and Baltic countries overall fall halfway to best practice. Of the EU-10 countries, Slovenia ranks the highest in this halfway bracket at 11<sup>th</sup> out of 28. Poland ranks 21<sup>st</sup> tied with Denmark. Slovakia's policies fall within the slightly unfavourable category, while Latvia is further down the list at 28<sup>th</sup> out of 28.