

BACKGROUND PAPER WMR 2010

The Future of Integration Policy



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The Future of
Integration Policy

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FOREWORD

This paper is one of 19 background papers which have been prepared for the IOM, 2010 World Migration Report which is entitled the “Future of Migration: Building Capacities for Change”. The 2010 report focuses on likely future trends in migration and the capacities that will be required by States, regional and international organizations, civil society and the private sector to manage migration successfully over the coming decades.

Over the next few decades, international migration is likely to transform in scale, reach and complexity, due to growing demographic disparities, the effects of environmental change, new global political and economic dynamics, technological revolutions and social networks.

The 2010 World Migration Report focuses on capacity-building, first because it is good governance to plan for the future, especially during a period of economic downturn when the tendency is to focus on immediate impacts and the short-term period of recovery. Second, capacity-building is widely acknowledged to be an essential component of effective migration management, helping to ensure the orderly and humane management of migration.

Part A of the World Migration Report 2010 focuses on identifying core capacities in key areas of migration management. The aim is not to recommend “one size fits all” policies and practices, but to suggest objectives of migration management policies in each area, to stimulate thinking and provide examples of what States and other actors can do.

Part B of the World Migration Report 2010, provides an overview of the latest global and regional trends in migration. In recognition of the importance of the largest global economic recession since the 1930s, this section has a particular focus on the effects of this crisis on migrants, migration and remittances.

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INTRODUCTION

Many countries of immigration are dramatically changing as their populations become smaller, older, over- or under-skilled or more ethnically and culturally diverse. These demographic changes in a mobile world pose serious future challenges for how societies come together. Given these changes, how can States promote the well-being and quality of life of all the future residents of their increasingly diverse societies?

This short background paper aims to assess the strengths and weaknesses in State capacities to promote integration in view of increasing and changing migration flows. It briefly presents integration policies and some of the external factors that will shape their future. The main body of the paper identifies the most recent transnational trends in different integration-policy areas, takes note of areas of greater awareness and progress, and makes recommendations for capacity-building where policy gaps persist or emerge. The paper relies on existing comparative policy research that is as global as possible, drawing on the extensive expertise of the Migration Policy Group (MPG) in the areas of integration, diversity and anti-discrimination law and policy. At the European level, its scope encompasses the European Union (EU) and Council of Europe, and at the national level, it focuses on countries within Europe as well as selected countries that have traditionally been countries of immigration. The European Union is an especially relevant case study for this analysis, not only because its many countries of immigration have actively supported the concept of integration, but also because these countries are very different in terms of their histories of migration and diversity, current policies, and future needs for greater immigration. Europe also provides an interesting case for an analysis of the dynamics at the:

- international and European levels, where many integration principles are formulated and where practices and policies are exchanged;
- national level, where principles are translated into policies and politics;
- local level, where policies are translated into practices and integration takes place.

One of the major sources of information is the British Council and Migration Policy Group's *Migrant Integration Policy Index* (MIPEX). MIPEX is a standard-setting and monitoring tool about what national governments are doing to promote the integration of legally-resident third-country nationals. The second edition examined the following six areas of integration policy:

- labour market access
- family reunion¹
- long-term residence

¹ This analysis will not focus on the right to family reunion, which is the subject of another background paper.

- political participation
- access to nationality
- anti-discrimination.

MIPEX's policy and implementation indicators create a unique comparative data set of the policies in place as of 2007 in 25 EU Member States, as well as Canada, Norway and Switzerland. These indicators and countries will be updated and expanded in the upcoming third edition.²

Another major source of information was the European Commission's *Handbook on Integration for Policymakers and Practitioners*. The 2004 and 2007 editions, as well as the six issues papers for the 2010 edition, are available on MPG's website.³ Overviews of policies in other developed and developing countries come from the 2009 United Nations Development Programme (UNDP) *Human Development Report: Overcoming barriers: human mobility and development* (Klugman, 2009). Based on the discussions at the Cairo workshop, the information and recommendations in this paper will be further enhanced by examples of policies and practices from other world regions.

WELL-BEING IN A DIVERSE SOCIETY: SHARED FUTURE, EQUAL OPPORTUNITIES AND ACTIVE PARTICIPATION

At stake in integration policy is the well-being of all residents in a country of immigration. As immigrants settle down as residents and new generations are born in the country, they form a part of their receiving society and shape its future through their contributions in the many areas of public life. These contributions are influenced by a range of factors, of which integration policy is just one. Countries have differently structured labour markets, school systems, political opportunities, welfare States, civil societies, migration histories, and national, regional and local identities. The immigration population is born in diverse countries of origin, comes for diverse reasons of migration, and goes through diverse settlement conditions depending on the country and city of destination. Moreover, countries and cities are undergoing their own processes of transformation. As part of the long-term, multi-dimensional and non-linear process of integration, these societies change newcomers, just as much as newcomers change their new societies. Integration occurs over time, but in different ways and at different speeds. Societal structures adapt to the changing needs of the growing, diverse population of newcomers and established communities, regardless of immigrant background.

² See www.integrationindex.eu

³ See www.migpolgroup.com

Integration policy can contribute to the well-being of all residents by promoting a shared future, equal opportunities and participation in the different areas of public life. Those residents who see their future in a given country have an interest in promoting equal treatment and comparable rights and responsibilities for all, through the acquisition of nationality. Legal frameworks deviating from these principles run the risk of becoming serious legal obstacles to, rather than facilitators of, integration. This concept of legal integration, which encompasses legal status, residence rights, citizenship and access to rights, goods, services and resources, is widely treated as the first (although not the only) necessary step for integration in society.

The next step for integration policies respecting equal treatment under the law is to deliver on equal opportunities within their specific context and to make progress towards equal participation for all residents, regardless of their socio-economic status or immigrant background. Native- and foreign-born individuals with similar profiles may be more integrated in some areas of life (such as the labour market) than in others (such as the school system). Their level of participation will change over time and generations. By constantly adapting to the new dynamics within society, foreign- and native-born residents gain new information and skills that they can use to contribute to overall well-being, organizations can better reflect and serve a diverse population, and public authorities can develop the capacity to promote a shared future, equal opportunities and participation in public life.

EXTERNAL FACTORS THAT WILL IMPACT FUTURE INTEGRATION POLICIES

Government policies on immigrant and societal integration are only two of a number of factors that influence the direction of integration processes. Changes in residence and citizenship policy, equal opportunities, and active participation may or may not be attributable to government policy interventions. Before integration policymakers hold their policies directly responsible for changes in participation rates, they need to weigh the significance of the various factors in society. Among these are the relative importance of immigrants in society, the level of politicization, experience and awareness of discrimination, and the country's general capacity to provide equal opportunities for all.

If immigration does become part of the solution to meet economic and demographic needs in many parts of the world, immigrants and their descendants will become more important parts of a country's population. Table 1 shows the projected relative importance of the foreign-born in the overall population of OECD States.

Table 1: Projected foreign-born population (%), assuming constant rates of emigration from major source countries, 2030

Country	Percentage of foreign-born population	% point change
Luxembourg	30.6	-5.8
Ireland	9.0	-2.0
Turkey	1.5	-0.9
Australia	26.4	-0.4
Slovak Republic	2.8	-0.1
Poland	2.3	-0.1
New Zealand	22.4	0.0
Mexico	0.3	0.0
Hungary	3.4	0.1
Czech Republic	5.5	0.4
Japan	1.5	0.5
Finland	3.4	0.7
Spain	6.2	1.1
United States	14.4	1.2
Austria	15.0	1.2
Switzerland	25.1	1.3
Norway	9.6	1.4
Canada	23.3	1.5
Italy	5.5	1.5
Greece	13.0	2.2
Sweden	16.6	2.3
Netherlands	11.2	2.5
Denmark	10.0	2.7
United Kingdom	12.4	3.1
France	14.9	3.3
Portugal	11.6	5.1

Source: B. Lindsay Lowell (2009) Chapter 2: Immigration “pull” factors in OECD countries over the long term. In: *The future of international migration to OECD countries*, Organisation for Economic Co-operation and Development (OECD), Paris.

According to this projection, the immigrant population is likely to grow faster in some traditional countries of immigration (such as Canada and the United States), but not others (such as Australia and New Zealand). Across Europe, with the exception of Central European countries that attract few immigrants today, societies will become more diverse through global work, family, and humanitarian migration. These overall figures also confirm that immigrants and their descendants will become more visible in specific parts of society – for

example, as more of the children born in the country have an immigrant background, the school system will have a student body that is more diverse than in the past. Adapting the system to meet the learning needs of future generations will require the support of the older, less diverse segments of the population.

Another aspect to be monitored is political participation. In democratic States that facilitate the acquisition of nationality, immigrants and their descendants should, in theory, have as much of a voice in elections and political representation as their fellow citizens. Since only a few political systems encourage immigrants to form or vote for “ethnic” parties, mainstream parties on both sides of the political spectrum can vie for their votes by adapting their discourses, programmes, candidate lists and leadership. Increased political attention to the problems of a diverse population is one likely consequence of the increased importance of immigrants. As it becomes more common for a country’s residents to be born abroad or to foreign-born parents, it is more likely that integration and equal opportunities will become greater priorities for citizens and politicians in migrant-receiving countries.

Although integration will be increasingly prioritized, it need not be politicized. The level of politicization is defined as the extent to which integration policy is an area of political consensus versus contention. The more that different political parties agree on common integration objectives, the more likely that the resulting policy will be designed around the needs of immigrants and receiving communities. For instance, the main Portuguese political parties agreed not to politicize the major 2006 nationality law reform. As a result, Parliament was able to give unanimous approval to the idea that all immigrants, regardless of their origins, should have an equal opportunity to become Portuguese and that their children’s children should no longer be treated as foreigners. On the other end of the scale, the more that parties use integration to distinguish themselves on the political spectrum, the more likely that policy will be designed around winning votes from majorities and swing voters, most worryingly from the extreme right. The most recent example of citizenship reform is the United Kingdom, where a flurry of legislative proposals in 2009 may make naturalization (once as welcoming a procedure as in Canada, France and Ireland) more like the highly politicized and volatile policies in Germany, Norway and Switzerland. Whether or not integration policies are changed for mere electoral gain will greatly depend on how local and national contexts change – and how opinion- and policymakers choose to respond to these changes.

National systems that are organized in ways that promote equal opportunities for all will increase the speed and level of immigrant participation in society. Immigrant and societal integration cannot be separated as policy goals in employment, active citizenship, social inclusion, education, and so on. Regardless of the type of labour market, European countries that experienced recession between 1998 and 2008 saw unemployment rates rise faster and higher for immigrants than for the native-born (Klugman, 2009: 41–42). Yet before the crisis, the labour markets in Southern Europe performed better in getting non-EU nationals into jobs (European Commission, 2008). In the aftermath, those in Northern and north-western Europe

may prove more effective for keeping them in jobs or training programmes (Fix et al., 2009). The countries most generous in terms of welfare policy, as measured by the Expected Benefits Index (see Niessen and Huddleston, 2009 (eds)) were also those with the most favourable integration policies, as measured by MIPEX (Huddleston and Borang, 2009). In terms of political participation, results from the European Social Survey suggest that immigrants, regardless of where they are born, become most civically active in the countries where the native-born are most civically active (Aleksynska, 2008). Immigrants and natives are thought to participate more when political systems become more open to political outsiders and newcomers (i.e. higher degrees of federalism, decentralization, proportional voting, and wide coalition governments) (Localmultidem, 2008). On migrant education, one key factor emerging from recent comparative research is that national education policies have different capacities to address the disadvantages faced by all learners with parents who have a low level of education or socio-economic status. Whether students from poor or foreign-language-speaking families are realizing their full learning potential partly depends on the type of education system they go through and the level of individual support they receive.⁴ States that capitalize on this type of context-specific research to adapt their national systems are more capable of remedying general inequalities in society, as well as those between the foreign- and native-born.

Future levels and awareness of discrimination will continue to influence immigrants' abilities to take up the equal opportunities that are opened by targeted and general integration policies. Immigrants and ethnic minorities interviewed in national and international surveys regularly report that they experience high levels of recent discrimination, racist crime, and victimization.⁵ In the EU, two out of every three citizens report that ethnic discrimination is still the most widespread ground for unlawful discrimination in their country.⁶ Indeed, EU citizens admit to being less comfortable with an ethnic minority attaining high political office than they would be with, say, a woman, disabled person or homosexual. Greater awareness of discrimination and openness to diversity can reduce discriminatory behaviour and increase public support for targeted and general integration policy. In that regard, it is encouraging that EU citizens with and without an ethnic minority background are equally supportive of positive action and monitoring equal opportunities in the labour market for ethnic minorities.

⁴ For example, see TIES: The integration of the European second generation, <http://www.tiesproject.eu/>

⁵ Most recent EU-level surveys are EU-MIDIS http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm ; EU Crime Survey <http://www.gallup-europe.be/euics/Xz38/default.htm>

⁶ See most recent Euro-barometer on discrimination, http://ec.europa.eu/public_opinion/archives/ebs/ebs_317_en.pdf

CURRENT CAPACITIES AND TRENDS IN INTEGRATION POLICY

The main section of this background paper identifies the most recent transnational trends in integration policy, as well as areas of greater awareness and progress. As integration is multidimensional, the process can be measured in all areas of public life, many of which are beyond the scope of government intervention. This paper focuses on the following key areas for integration in countries of immigration:

- infrastructure to prioritize and mainstream integration
- equal residence status and rights for integration
- conditions for acquisition: incentives or obstacles for integration?
- economic participation
- education of newcomer students
- civic participation
- the importance of promoting naturalization in a country of immigration
- non-discrimination and equality policies.

Infrastructure to prioritize and mainstream integration

National and local authorities⁷ are increasingly designing mechanisms to respond to demographic changes and deliver on integration policy. New countries of immigration are adapting former programmes for emigrants and internal migrants (as in Southern Europe and Ireland) and lessons learned from refugee integration (as in Central Europe). A few lead ministries have taken responsibility for mainstreaming by establishing inter-ministerial committees to ensure immigrants' access to general services. (For an overview of the existing integration infrastructure in the EU Member States, see Niessen and Huddleston, 2007). Another trend involves transferring the integration portfolio from Ministries of the Interior or of Social Affairs and Employment to new ministries and agencies dedicated to integration. The goal is to develop a strategy that better reflects the interests of the whole of government, and not just one ministry. This level of understanding and prioritization of integration has developed in most traditional settler countries as well as Northern and north-western Europe, with the recent additions of France and Ireland. So far, this approach has been resisted in many parts of Southern Europe, the United Kingdom and the United States (see U.S. Department of Homeland Security, 2008; Center for American Progress, 2009), and Germany (Sachverstaendigenrats deutscher Stiftungen fuer Integration und Migration,⁸ 2009). Should the trend persist, new form and coherence may be given to regional and international

⁷ On cities, see www.intcities.eu , www.coe.int/t/dg4/cultureheritage/culture/Cities/Default_en.asp , http://www.nlc.org/resources_for_cities/PROGRAMS_SERVICES/MAIL/aboutmail.aspx , <http://citiesofmigration.ca/>

⁸ Expert Council of German Foundations for Integration and Migration

cooperation, whereby – at the EU level, for instance – a common framework on integration is more linked to security than fundamental rights (Barroso, 2009).

Equal residence status and rights for integration

A legal status and set of rights that are at least a slightly favourable starting point for integration are granted by most developed countries to newcomers who can pass the conditions for residence. Most secure a stable residence status and equal access to housing, health care and social security for immigrants with a long-term residence status⁹ or highly-skilled work programme, while developing States are less likely to do this than developed States (Klugman and Medvalho Pereira, 2009). Already in 2007, 25 EU Member States, as well as Canada, Norway and Switzerland, scored relatively well on the MIPEX rubric for providing residence security and a rights framework for temporary migrant workers, reunited families, and long-term residents. Indeed, the EU's objective in this field¹⁰ has been for the Member States to create a common status for all legally-resident non-EU nationals and comparable rights as for EU nationals.¹¹ Where the EU Member States have been able to agree to ambitious minimum standards (Cholewinski, 2004; John, 2004), the transposition of EU directives has slightly improved the security and rights of migrant residents and their families in national law. The impact was greatest in the Mediterranean, Baltics and Central Europe, where the integration infrastructure is still under development. Europe's new countries of immigration are likely to make further modest improvements – for example, on family reunion (see Huddleston, 2008) – if the EU pushes ahead with a more consolidated and coherent Immigration Code¹² by 2014.

Conditions for acquisition: incentives or obstacles for integration?

Before immigrants can obtain residence status and the associated set of rights, several countries are introducing new conditions in the form of individual assessments of language ability, civic knowledge or "integration", however defined. It was relatively common for naturalization procedures to require that applicants, who have lived in the country for many years, have a basic ability in one of the country's official languages. In 2001, Germany was the

⁹ MIPEX noted the following exceptions: Cyprus (no explicit mention in the law of equal access to social security), France (long-term residents are still excluded from 50 private sector professions, self-employment in many areas, and many parts of the public sector), and Ireland (no formal long-term residence status existed at the time).

¹⁰ See European Council (2003a, 2003b, 2007 and 2009): Directives on family reunion (2003/86), long-term residence (2003/109), the proposal for a single residence and work permit for migrant workers (COM 2007/638) and the highly-skilled "Blue Card" directive (2009/50).

¹¹ See Tampere European Council 15 and 16 October 1999 Presidency Conclusions, A, III, 18 http://www.europarl.europa.eu/summits/tam_en.htm

¹² See 16 October 2009 Swedish Presidency draft of the Multiannual programme for an area of freedom, security and justice serving the citizen (The Stockholm Programme): http://www.se2009.eu/polopoly_fs/1.19577!menu/standard/file/Draft_Swedish_Programme_16_October_2009.pdf

only EU country that imposed such conditions on long-term residents; by 2007, this practice had also been adopted by Austria, France, Greece, Luxembourg, the Netherlands and the United Kingdom. The recent Dutch idea of obligatory integration measures abroad as a condition for entry has also been copied in Denmark, Germany, France and the United Kingdom. The effect of this rush to add new types of conditions is that the procedures for family reunion or long-term residence look more and more like those for naturalization. The fewer conditions a country places on family reunion or long-term residence, the fewer they tend to place on access to nationality or vice versa (Huddleston and Borang, 2009). National policymakers may be transposing the conditions for full membership in the national community onto the conditions for very different statuses, such as the acquisition of a long-term residence permit or the right to live with one's family (Carrera, 2009).

These language and integration conditions may or may not have the effect of promoting integration. The rationale for introducing these assessments or tests is that they act as incentives for applicants to learn the country's language and other facts. However, in the past, countries have removed or simplified such assessments, viewing them as legal deterrents that enhance administrative discretion and serve policy goals other than integration (Human Rights Watch, 2008). The outcome of these conditions may simply be a decline in the number of residents who can apply. Those not selected may not be those least integrated or fluent, but rather those least educated and least affluent, as well as the elderly, the illiterate, victims of post-traumatic stress disorder, and women in vulnerable situations. The capacities of not only immigrants, but also the State, may not be improved by these conditions. Deploying such assessments, especially abroad, come with potentially high costs to the relevant budgets and administration. It is not certain that these conditions, which enhance the State's capacity to test, effectively enhance its capacity to transmit skills relevant for integration or enhance applicants' capacity to learn and succeed. Moreover, there are growing political costs associated with such tests, which can be complicated, unrelated to daily integration realities, culturally insensitive, factually incorrect or too difficult for some nationals to pass.

The standards and effects of these conditions for family reunion, long-term residence and naturalization need to be regularly evaluated to establish whether or not they are efficient or effective integration incentives. For example, after the introduction of the Australian citizenship test led to a significant drop in applications and failure rate among humanitarian immigrants, a Citizen Test Review recommended that the content should focus on the basic legislative requirements, in simple, clear English. Economic resource conditions should also be evaluated in terms of the labour market context and implications for democratic governance. For instance, Portugal abolished its "means of subsistence" test for citizenship in 2006. Instead, any registration or declaration regarding nationality, as well as any certificates required, are handled free of charge for those with an income that is equal to or below the national minimum wage.

Economic participation

Equal job security and workers' rights for temporary migrant workers have facilitated the development of a labour market integration policy in most developed countries. In the majority of MIPEX countries, State policy is flexible enough to adjust to ups and downs in the labour market and the careers of migrant workers. Specifically, migrant residents can renew their permits or take a period of time to change employers or look for a new job, should they become unemployed. Most developed countries of immigration, unlike most developing ones, accord access to unemployment benefits for long-term residents or for temporary migrants after a few years' work (Klugman and Medalho Pereira, 2009: 14–15). During the current recession, States that already had such legislation as part of their integration infrastructure were more able to respond quickly to changes in the labour market, avoid creating visa overstayers, and thus safeguard their long-term economic and demographic interests (OECD, 2009a).

Surveys often show that trade unions are the mainstream organizations with which immigrants are most likely to interact (Aleksynska, 2008). As a best practice for other economic and civic actors to study, trade unions were the historical cradle of immigrant inclusion because equal rights were granted to all members, regardless of citizenship or legal status, to vote and participate within the organization (Martiniello, 2005). Today, the only MIPEX country to exclude non-nationals from work negotiation bodies is France. Chambers of Commerce or Trade and "Prud'homme" (mediation) councils could include non-EU migrant residents, until this right was restricted to only EU/EEA citizens in 2004. The right to freedom of association is one area where national and international courts play an active role in the review of changing interpretations or restrictions. In 2007, the Spanish Constitutional Court ruled that certain fundamental rights pertain to every person, regardless of administrative status, among which are the rights to association and demonstration. At the EU level, the 2004 decision by the European Court of Justice induced Austria to extend to all third-country national workers the right to stand for elections as shop-stewards and delegates to the Chamber of Labour.

Beyond the question of a favourable integration legal status and workers' rights, it is only in the past decade that States have started to address the conditions of the national labour market that may limit the contribution of international migrants – just as they may limit other disadvantaged groups, such as youth, women, and internal migrants. The legislation in European countries to provide their migrant workers with employment security and rights scored much better on the MIPEX rubric than those to get them into employment. The fact that both States and immigrants often put economic participation as their top integration priority does not resolve the structural barriers between labour market insiders and outsiders. Unique challenges emerge for international migrants, since they usually differ in terms of

nationality, types of skills and language knowledge, and diplomas and work experience from abroad.

The disproportionate impact of this recession on the foreign-born has revealed these capacity gaps, which were often masked by the recent progress on labour market integration driven by economic and job growth. Now that demand no longer propels many low-skilled sectors and temporary contracts are up, foreign-born and non-nationals are experiencing some of the fastest rising unemployment rates. In the EU27,¹³ these trends have produced employment gaps that the European Commission now describes as “alarming” (European Commission, 2009). Whether countries in boom times were able to establish access to employment, general employment services, and targeted integration measures has partly determined their current capacity to respond rapidly and effectively in times of economic transformation. Previously proactive national governments are trying to maintain their investments in targeted measures and retrain unemployed foreign-born workers as part of their recovery strategy. A few, such as Sweden, are even redoubling their efforts.¹⁴ Whereas those countries that did not have such programmes may not have weathered the economic crisis with enough political capital to now introduce them, at least not in time to help their foreign residents avoid the potentially scarring effects of long-term unemployment.

State policies on labour market access and integration measures in place before the crisis were mapped by MIPEX in March 2007. Equal access to employment and self-employment for immigrants on work permits was guaranteed by most Nordic, Western Mediterranean, and traditional settler countries; however, in half the MIPEX countries, foreign residents who wanted to work in certain jobs or sectors were obstructed by eligibility restrictions and additional requirements that did not apply to nationals. Significant proportions of many of these countries’ populations were not citizens – as was the case in Austria, France, Greece, Germany and Latvia. Until these residents can apply for nationality, they need more than the right qualifications to be hired by an interested employer, and more than a viable business plan to start up a business. On labour market integration measures, the 27 countries were, on average, considered to have gone only halfway towards implementing the best practices identified in MIPEX. Temporary migrant workers had equal access to vocational training and study grants in a minority of States.¹⁵ Traditional countries of immigration and most in Northern and Western Europe were adopting and pursuing targets to increase migrant employment, vocational training and profession-based language courses. Fewer of those countries also prioritized the facilitation of procedures to recognize foreign skills and qualifications.

¹³ See http://europa.eu/about-eu/27-member-countries/index_en.htm

¹⁴ For more information, see <http://www.thelocal.se/15494/20081106/>

¹⁵ For example, France, Italy, Netherlands, Portugal, Spain, Sweden and Switzerland.

The education of newcomer students

Targeted policies for newcomer students have risen up political agendas, propelled by comparative research such as the OECD PISA results (OECD, 2006; 2009b). Only a few developed or developing countries have problems guaranteeing the basic right to compulsory education for all children, especially those of undocumented migrants (Klugman and Medalho Pereira, 2009: 13–14).¹⁶

Taking the EU as one sample, European Commission studies have identified areas where States have started developing capacities and common practices in education (Heckmann et al., 2008; EACEA/Eurydice, 2009):

- equal access to school services and financial support
- information about the general school system
- designation of special resource persons
- intensive language support upon arrival in compulsory education
- minimum support for newcomers in the mainstream classroom
- adoption of official intercultural education goals
- extracurricular provision of tuition for certain mother tongues and countries of origin (e.g. based on bilateral agreements).

State capacity is less developed and practices are less common in the following areas:

- criteria and support for assessments of newcomers' prior educational attainment
- statutory right for parents and newcomers to access interpretation services
- information about pre-primary education
- language support in pre-primary education
- support services for special resource persons
- extra language or curricular support beyond the first year
- additional extracurricular support for language-learning
- additional meetings with immigrant parents
- adaptations of assessment mechanisms or class sizes for migrant pupils
- adaptations of daily school life to enhance participation of diverse pupils (i.e. school timetables, curricula, dress codes, menus)
- funding and quality standards for tuition in immigrants' mother tongue
- aligning foreign language provision with mother tongue of immigrant pupils
- implementation and funding of intercultural education, especially in teacher training and learning materials for all subjects
- monitoring of migrant pupil performance and evaluation of targeted policies.

¹⁶ For instance, Belgium, Egypt, India, Poland, Singapore, Sweden and the United Arab Emirates.

Civic participation

Actors in some developed countries have shown renewed interest in civic participation as a means of making better, more effective and democratically legitimate decisions on policies affecting a diverse population. This integration area is one where policies diverge significantly between developed and developing countries (Klugman and Medvalho Pereira, 2009) and, within the EU, between Western and Eastern Europe.

In terms of local voting rights, within the EU, EU citizens living in another Member State can vote and stand for local election in all EU Member States. Non-EU citizens can vote in 15 and stand for elections in 10 EU Member States. Northern and north-western European countries were among the first to grant local voting rights in the 1970s and 1980s. This trend has recently re-emerged – first in the Czech Republic in 2001, then in Estonia, Lithuania and Slovenia in 2002, in Ireland, Luxembourg and Slovakia in 2003, and in Belgium in 2004. This transnational trend is not the result of European legal standards, as none of these countries ratified the only relevant Council of Europe Convention on foreigners' voting rights.¹⁷ Local enfranchisement is regularly proposed in political debates in France, Germany, Greece, Italy, Spain and, more recently, in cities in Canada and the United States.¹⁸ Once these electoral rights are granted, they are not revoked or seriously challenged. In practice, allowing immigrants to participate in elections comes with neither high implementation/maintenance costs nor the negative effects often imagined by their opponents (Groenendijk, 2008).

Immigrant consultative bodies and forums, many of which have been languishing for years, are now being promoted in the integration infrastructure of many new cities and countries of immigration. Immigrant associations and representatives are brought together at the local level in 15 EU Member States, and at the regional and national level in 10. The structures established in these countries are, on average, halfway to meeting the quality standards set in the aforementioned Council of Europe Convention. Half are structural bodies that must be regularly consulted on all matters related to integration and immigration, and half are made up of representatives directly elected by either immigrant voters or associations. The Council of Europe's Handbook on the topic enumerates many practical recommendations for improving the functioning of such bodies (Gsir and Martiniello, 2004).

The presence of robust consultative bodies in a country is a good indication of whether it allows immigrants to found associations and access funding for political activities, according to MIPLEX's secondary analysis (Jacobs et al., 2009). The law in most countries of immigration

¹⁷ See Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, N. 144, [http://www.coe.int/t/e/legal_affairs/legal_co-operation/administrative_law_and_justice/Texts_&_Documents/Conv_Rec_Res/Convention%20on%20the%20Participation%20of%20Foreigners%20in%20Public%20Life%20at%20Local%20Level%20\(ETS%20144\).asp](http://www.coe.int/t/e/legal_affairs/legal_co-operation/administrative_law_and_justice/Texts_&_Documents/Conv_Rec_Res/Convention%20on%20the%20Participation%20of%20Foreigners%20in%20Public%20Life%20at%20Local%20Level%20(ETS%20144).asp)

¹⁸ For Canada, see the work of the Maytree Foundation, www.maytree.com/integration/voting_rights; "I Vote Toronto" campaign www.ivotetoronto.org/. For a global perspective on voting rights, see Waldrauch, 2005.

states that immigrants should enjoy the civil liberties favourable for integration, while a few have retained restrictions on the right of foreigners to join a political party or found an association. Dedicated public funding for immigrant associations' political activities are slightly favourable in Western Europe, but generally unavailable in most Eastern and Mediterranean countries, as well as in Austria and Denmark. The criteria for public support for immigrant associations were similar at the different levels of governance in 20 of the 27 countries surveyed in MIPEX. One possible conclusion of ongoing comparative research in different European cities is that authorities should invest in immigrant self-organization as a means of integrating into public life. The more foreign residents found their own associations and link up together, the more they trust in public institutions and participate in mainstream organizations and politics (Localmultidem, 2008; Fennema and Tillie, 1999, 2001). The more government supports, consults, and delivers services through these organizations, the more they become active and effective in public life (Fennema and Tillie, 2004; Spencer and Cooper, 2006).

The importance of promoting naturalization in a country of immigration

The State has a democratic, social and economic interest in facilitating the acquisition of nationality by the long-term non-national population, especially by children born in the country. Immigrants who plan to settle down in their country of residence have an interest in taking up nationality and its full set of rights and responsibilities, including the right to access employment in all parts of the public sector, free movement rights and full formal democratic rights. Naturalization, which is a form of civic participation in itself, removes the legal obstacles to full civic participation and has an important catalysing effect on the integration process (see Huddleston, 2009).

The acquisition of nationality represents the major area of weakness in the integration strategies of most newly-recognized countries of immigration. As the settled non-national population increases, so too does the number who acquire the country's nationality, except where governments politicize these rates and make the procedure more difficult. This increasing politicization of naturalization can make practitioners and civil servants more reactive and frustrate long-term citizenship goals and effective implementation (Bauboeck, 2006; 2007). Surveying policies and rates in developed countries, most foreign nationals naturalize in traditional settler countries, such as Australia and Canada, which emphasize the public's interest in encouraging shared national citizenship. In Europe, on the other hand, only a very small segment of the foreign national population goes through the procedure, which the European Commission, using the MIPEX results, identified as an area for improvement (European Commission, 2008). For instance, many European countries are adopting more inclusive policies for migrants to obtain a long-term residence status, without facilitating access to nationality (Huddleston and Borang, 2009). In contrast, developing countries may make the acquisition of citizenship for immigrants and their descendants even more onerous,

if not impossible (Klugman and Medalho Pereira, 2009). Across all countries of immigration, new generations will need to re-examine the purpose and effect of any nationality policies that exclude one part of the settled population from its citizenship.

The residence requirement for first-generation newcomers is facilitated in only a few countries. Among those, some may renege on past reforms, as part of the politicization of the naturalization rate (see typology in Howard, 2009). In the United Kingdom, managing the number of people naturalizing would become an objective of the much-debated “points-based test” implementing a “probationary citizenship” for naturalizing migrants (Runnymede Trust, 2009). Countering these slightly restrictionist trends are new countries of immigration that have considered more inclusive criteria in the context of globalizing migration flows. Debates in Italy and Greece, for instance, could draw inspiration from the 17 April 2006 new Law of Nationality in Portugal.¹⁹ The major restructuring of this law opened up the shorter residence period once reserved for nationals of Lusophone countries (six years) to all first-generation immigrants who have a basic knowledge of Portuguese and a clean criminal record.

In the future, more and more of the children born and educated in the country will face unequal opportunities to develop and participate, partly due to their citizenship. Born and socialized in the country like the children of nationals, the so-called second and third generations often see their country of birth as an important part of their identity and know no other country as their own. Many Member States have taken a generational approach to meeting their integration objectives in nationality law. The introduction of *ius soli* (birthright citizenship) for immigrants’ descendants means that birth is the basic criterion for eligibility for nationality. The second generation has an automatic right at birth in traditional countries of immigration such as Canada and the United States. A similar right can be claimed by the third generation in Belgium, Ireland, the Netherlands, Portugal and, since 2009, Luxembourg. For the second generation, European countries have moved towards conditional *ius soli*, whereby citizenship can only be acquired sometime after birth, as in France, and/or only by those born to a legal resident, as in Belgium, Germany and Ireland. This need for a generational approach is consistently raised in public debates in the Baltics, Greece, Italy and Switzerland.

The global trend towards embracing multiple nationality (in part or in full) is removing one of the main obstacles to naturalization. The majority of EU Member States no longer require applicants to renounce their previous nationality, while most others do so for certain groups. Most recently, Luxembourg’s new 28 October 2008 nationality law considers that when new applicants acquire multiple nationality it is a sign of their attachment to Luxembourg, their willingness to integrate and their links with their country and culture of origin. Dual nationality is still a lively topic of debate; in Germany, for example, 23-year-olds are required to choose

¹⁹ See http://www.sef.pt/portal/v10/EN/asp/noticias/Noticias_Detalhe.aspx?id_linha=4628

the citizenship of either their parents or their country of birth.²⁰ The countries most likely to tolerate dual nationality are those facilitating the residence requirement for the first generation and recognizing *ius soli* for their descendants (Huddleston and Borang, 2009). Both facilitated residence requirements and acceptance of dual nationality are presented as closely-related and path-dependant components of integration in States moving away from ethnic towards more civic concepts of the nation (Howard, 2005; Faist, 2004; Mazzolari, 2006).

Citizenship ceremonies are another recent trend, newly present in countries such as Austria, Denmark, Estonia, France, the Netherlands, Norway and the United Kingdom. Some have revived the tradition, such as Norway – after a 30-year interruption. Others have started from scratch, inspired by North American models that are themselves being debated and redesigned. The main issue is removing any requirement that might exclude successful applicants from participating in the ceremonies or receiving their national citizenship. In France, the High Authority for the Fight against Racism and for Equality (HALDE) and the Interior Ministry ensured that prefectures were not excluding participants who wore religious garments such as the Islamic headscarf. When large numbers of naturalizing citizens and their families, politicians, the media, and members of the public participate in citizenship ceremonies, the ceremonies can become a rallying point – for instance, for public awareness-raising, giving voice to immigrants, and promoting mutual interaction between new and old citizens.

Non-discrimination and equality policies

A State's capacity to promote equal opportunities lies in its anti-discrimination laws and equality bodies. Individual migrants and nationals who want to participate in different areas of life cannot be treated less favourably because of their race, religion, gender, disability, nationality, language ability, etc. European and international law has often induced States to introduce dedicated anti-discrimination laws. Because of the EC anti-discrimination directives, the legal definitions of discriminations and mechanisms to enforce them have been one of the areas of greatest and most recent progress in the capacity of EU Member States to fight discrimination. Most of the 28 developed countries surveyed in MIPEX now have laws that should protect residents of different races and ethnic origins from discrimination in employment, education, vocational training, housing, health, and social protection and advantages. Between 2004 and 2007 alone, MIPEX observed significant improvements to the legal framework by countries such as France, Germany, Greece, Luxembourg and the United Kingdom.

²⁰ For more on the campaign to reform rules on dual citizenship, see www.dw-world.de/dw/article/0,,4431908,00.html

The gaps that remain, in terms of immigrant integration, related to religious and, especially, nationality discrimination. A significant number of countries²¹ allow a form of unequal treatment that severely undermines the ability of immigrants to exercise – and of service providers to deliver – comparable rights for nationals and non-nationals. These grounds of unlawful discrimination need to be fully covered in the different areas of life, as in countries such as Canada, Finland, France, Hungary, Portugal, Sweden and the United Kingdom. The window of opportunity for normalizing domestic provisions on grounds such as nationality is often presented when countries are obliged to implement international or EU law on discrimination. During the transposition of the EC anti-discrimination directives, interested Member States, such as Belgium, Cyprus, Ireland, the Netherlands and Sweden, encouraged this spill-over effect, while others (such as Spain) did not (Bell, 2009). Two new tools for policy improvement are the regular monitoring and comparative analysis of anti-discrimination laws and implementation at national and international level.²²

The most pressing next step is that of adopting equality policies that empower societal actors (including government) to apply and use the law in practice, secure equal opportunities within their organizations, and develop their capacity to serve a changing population. National equality bodies and support non-governmental organizations (NGOs) have recently been established in EU Member States to give advice and support potential victims.²³ To do their work effectively, many equality bodies will need greater legal standing and investigative powers, and NGOs will need greater legal opportunities for class action and situation testing. In terms of equality policies, few countries of immigration have the State functions to mainstream and promote equality. States such as Canada, France, the United Kingdom and Nordic countries have taken responsibility for informing the population of their rights and raising awareness among social partners and civil society. Few have developed positive actions for immigrants or ethnic minorities. The Canadian Government, as an employer and provider of public goods and services, uses “employment equity” measures in recruitment and hiring to address the under-representation of visible ethnic minorities. The Swedish Government, as a buyer of goods and services, adopted a regulation in 2006 obliging all winners of public contracts to respect non-discrimination.²⁴ Many societal actors are introducing tools to monitor equality policies’ implementation, including improved statistics, public opinion and victim surveys, and regular reporting on anti-discrimination cases and their outcomes (see Makkonen, 2006, 2007).²⁵

²¹ For example, Austria, Denmark, Estonia, Greece, Latvia, Lithuania, Luxemburg, Malta, Norway, Poland, Slovak Republic, Spain and Switzerland.

²² See the EU legal network of independent experts on non-discrimination, including the annual comparative analysis http://www.migpolgroup.com/publications_info.php?id=16

²³ For the EU network of equality bodies, see www.equineteurope.org. For more analysis, see http://www.non-discrimination.net/content/media/Catalysts%20for%20Change_en.pdf

²⁴ For more analysis and examples, see http://www.non-discrimination.net/content/media/Beyond%20formal%20equality%20-%20Positive%20action%20under%20Directives%2007_en.pdf

²⁵ For the most recent Euro-barometer on discrimination, see

RECOMMENDATIONS FOR CAPACITY-BUILDING

Infrastructure for major countries and cities of immigration

- Create an integration minister/city department, supported by an implementing agency.
- Chair an inter-ministerial committee to develop and mainstream a whole-of-government strategy.
- Set good governance standards, evaluation mechanisms, and indicators on residence and citizenship, equal opportunities and active participation.

Equal residence status and rights

- Guarantee secure residence and equal socio-economic rights for residents on temporary work and family reunion permits, as for nationals.

Conditions for acquisition

- Justify and monitor whether new conditions are suitable, necessary and proportionate for pursuing integration within the specific contexts of family reunion, long-term residence and naturalization.
- Introduce conditions in a way that continues to encourage applications, and implement them in a way that enables applicants to succeed. Evaluations of the different policy options should take individual abilities and costs into account.
- Ensure that those fulfilling the conditions are participating more in public life and reporting a greater stake in the country's future than did those before them.
- Develop State capacity to help immigrants and families participate in society through targeted support that is unrelated to residence status – for example, in the form of accessible courses and information materials.

Economic participation

- Remove any obstacles to equal access to employment and self-employment for temporary residents on work or family reunion permits, as for nationals.
- Improve procedures for the recognition of foreign skills and qualifications.
- Guarantee equal access for all to mainstream training and study grants.
- Set targets for migrant employment, training and profession-based language courses.

- Adopt equal opportunity measures, including those based on ethnic origin, religion and nationality.

Education of newcomer students

- Guarantee access to compulsory education for all, including children of undocumented migrants.
- Support mechanisms to respond to changes in the student and parent population.
- Provide support for a needs-based approach to language learning at all educational levels, including opportunities for tuition in immigrants' mother tongue.
- Implementation and funding of intercultural education.
- Monitoring of migrant pupil performance and evaluation of targeted policies.
- Adopt equal opportunities measures, including those based on ethnic origin, religion and nationality.

Civic participation

- Grant all migrant residents the right to vote and stand in local elections and remove any obstacles to participation (e.g. reciprocity or registration requirements, lack of information).
- Improve consultative bodies' roles in decision-making, establishing membership criteria, and implementing rules to ensure effective participation.
- Adopt equal opportunities measures, including those based on ethnic origin, religion and nationality.

Acquisition of nationality

- Recognize the democratic, social and economic interests of the State, immigrants and the public to facilitate acquisition of nationality for those who plan to reside in the country in the future.
- Put residence requirement within reach of all ordinary newcomers after a few years.
- Introduce an inter-generational approach to citizenship through some form of *ius soli*.
- Address any residual concerns about managing multiple nationality through other policy instruments (such as international legal guidelines on inter-State claims).
- Use citizenship ceremonies as rallying points for new and old citizens.

Non-discrimination and equality policies

- Extend prohibitions against ethnic and racial discrimination to religious and nationality discrimination in the areas where immigrants should have equal access and rights under the law.
- Empower equality bodies and support NGOs to provide advice and legal support to victims.
- Enhance State capacity to promote equality through awareness-raising and dialogue and in its role as an employer, a buyer and a provider of goods and services.

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