

MIGRANT INTEGRATION POLICY INDEX III

MIPEX
III



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Thomas Huddleston, Jan Niessen with
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MIGRATION POLICY GROUP



The MIPEX III is produced as part of the project: Outcomes for Policy Change, co-financed by the European Fund for the Integration of Third-Country Nationals.

Published in Brussels by the British Council and Migration Policy Group, February 2011

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The second edition of the Migrant Integration Policy Index was published in September 2007 by the British Council and Migration Policy Group. The pilot edition was published in 2005 as the European Civic Citizenship and Inclusion Index by the British Council, Migration Policy Group and Foreign Policy Centre

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Acknowledgement for scientific purposes should refer to MIPEX as: Thomas Huddleston *et al*, Migrant Integration Policy Index (2011). For other purposes, MIPEX can be referred to as MIPEX 2011.

Website for full MIPEX results, online tool, and information about MIPEX events across Europe and North America:

www.mipex.eu

Contact: info@mipex.eu

The responsibility of ideas or opinions expressed in this publication lies with the authors of the project. The European Commission is not responsible for those ideas or opinions nor for any use that may be made of them.

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ACKNOWLEDGEMENTS

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Extensive collaboration:

The third edition of the MIPEX rests on the extensive and long-term collaboration of trusted partners, experts and supporters of the project.

We are extremely grateful to our research partners composed of Philippe De Bruycker, Dirk Jacobs and Yves Pascouau at the University Libre de Bruxelles; Kay Hailbrunner at the University of Konstanz; Judit Toth at the University of Szeged; Alistair Ross at the London Metropolitan University and Isabelle Chopin, Executive Editor of the European Anti-Discrimination Law Review. We also thank Barbara Herman for her correlation analysis of the results.

We thank those who gave their valuable input at the stakeholder and expert consultations on each of the MIPEX issues as well as at the usability seminar.

We are extremely grateful to our network of partners for their energy and commitment to the MIPEX: **Austria:** Beratungszentrum für Migranten und Migrantinnen (Counselling Centre for Migrants); **Belgium:** King Baudouin Foundation; **Bulgaria:** Open Society Institute – Sofia; **Canada:** Maytree Foundation and ACS – The Association for Canadian Studies; **Cyprus:** KISA – Action for Equality, Support and Anti-Racism; **Czech Republic:** People in Need and Multicultural Center Prague; **Denmark:** DRC – Danish Refugee Council; **Finland:** Think Tank e2; **France:** France Terre d'Asile and Terra Nova; **Germany:** Heinrich Böll Foundation; **Greece:** i-RED: Institute for Rights, Equality & Diversity and Hellenic League for Human Rights; **Hungary:** Menedék – Hungarian Association for Migrants; **Ireland:** Immigrant Council of Ireland; **Italy:** Fondazione ISMU; **Latvia:** Providus – Center for Public Policy; **Lithuania:** Institute for Social Research; **Luxembourg:** ASTI-Association de Soutien des Travailleurs Immigrés; **Netherlands:** FORUM – Institute for Multicultural Affairs; **Norway:** KIM – Norway's Contact Committee for Migrants and Authorities; **Poland:** IPA – Institute for Public Affairs; **Portugal:** Calouste Gulbenkian Foundation; **Romania:** Soros Foundation Romania; **Slovakia:** IVO – Institute for Public Affairs; **Spain:** CIDOB – Barcelona Centre for International Affairs; **Sweden:** Swedish Red Cross; **Switzerland:** SFM – Swiss Forum for Migration and Population Studies and the Lucerne University of Applied Sciences and Arts – Social Work; **United Kingdom:** Runnymede Trust and Immigration Advisory Service and **United States of America:** Immigration Policy Centre – American Immigration Council.

We also give thanks to the British Council offices in: Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and United States of America for their valuable collaboration and assistance.

Finally, we extend our full and heartfelt appreciation to the networks of experts, peer reviewers, and country profile contributors, who shared their detailed knowledge to produce the comparative data on which the MIPEX depends. Their names are listed below and more detailed information is available on the website at www.mipex.eu.

Austria: Norbert Bichl, Barbara Herzog-Punzenberger, Karin König, Albert Kraler, Bernard Perchinig, Klaus Starl, Katrin Wladash; **Belgium:** Emmanuelle Bribosa, Perrine Devleeshouwer, Isabelle Doyen, Thomas Huddleston, Dirk Jacobs, Rachel Laget, Julie Ringelheim, Dirk Vanheule; **Bulgaria:** Esen Fikri, Margarita Ilieva, Marinela Radeva, Zvezda Vankova, Penka Vasileva; **Canada:** Siddharth Bannerjee, Noel Burke, Peter Carver, Gerard Gall, Ratna Ghosh, Jack Jedwab, Herbert Marx, Jeff Poirie; **Cyprus:** Lambros Baltiotis, Nicoletta Charalambidou, Corina Demetriou, Elena Markou, Nikos Trimiakiotis, Michalinos Zembylar; **Czech Republic:** Jakob Hurrle, Pavla Boucková, Magda Faltova, Vera Honuskova, Pavla Hrededna, Mila Hutyrova, Petr Novotny; **Denmark:** Bente Bondebjerg, Christian Horst, Ulla Iben Jensen, Pia Justesen, Per Mouritsen, Mandana Zarrehparvar; **Estonia:** Laura Kirss, Marianne Meior, Vadim Poleshchuk, Raivo Vetik; **Finland:** Juhani Kortteinen, Jouko Lehti, Leena Lestinen, Perttu Salmenhaara, Pasi Saukkonen; **France:** Sophie Latraverse, Françoise Lorcerie, Jean-Eric Malabre, Emmanuelle Néraudau, Marie Raynal, Patrick Simon, Matthieu Tardis; **Germany:** Kay Hailbronner, Yasemin Karakasoglu, Holger Kolb, Maria Kotsina, Matthias Mahlmann, Frauke Miera, Shannon Pfohman; **Greece:** Dimitris Hormorit, Eirini Gounari, Ruby Groves, Panayota Papoula-Tzelepi, Miltos Pavlou, Nassos Teodoridis; **Hungary:** Lilla Farkas, Akos Gocsal, András Kádár, András Kováts, Boldizsár Nagy; **Ireland:** Denise Charlton, Liam Coakley, Niall Crowley, John Handoll, Maureen Killeavy, Piaras MacEinri, Orlagh O'Farrel; **Italy:** Gian Carlo Blangiardo, Mariza Barbera, Giovanna Campani, Ennio Codini, Alessandro Maiorca, Alessandro Simoni; **Latvia:** Dace Akule, Alexei Dimitrov, Gita Feldhune, Marija Golubeva, Boris

Koltchnaov; **Lithuania:** Gediminas Andriukaitis, Vida Beresnevičiute, Egle Samuchovaite, Jolanta Samuolyte, Vaiva Zuzevičiute; **Luxembourg:** Francois Moyse, Serge Kollwelter, Frederic Mertz, Claudia Hartman; **Malta:** Eugene Buttigieg, Therese C. Cachia, Tonio Ellul, Charmaine Grech, Peter Max; **Netherlands:** Pieter Boeles, Guus Extra, Leyla Hamidi, Rikki Holtmaat, Gerrie Lodder, Urszula Kiwara; **Norway:** Anders Bakken, Ronald Craig, Halvor Frihagen, Steven Meglitsch, Kari Helene Partapouli; **Poland:** Lukasz Bojarski, Agata Gorny, Krystyna Iglicka, Piotr Kazmierkiewicz, Witold Klaus, Dorota Misiejuk; **Portugal:** Graca Fonseca, Lucinda Fonseca, Maria João Hortas, Florbela Luis de Sousa, Manuel Malheiros, Miguel Patricio; **Romania:** Andreea Craciun, Constantin Husti-Radule, Iustina Ionescu, Romanita Iordache, Stefan Leonescu, Smaranda Witec; **Slovakia:** Zuzana Bargerova, Olga Gyarfasova, Jana Kadlecikova, Elena Gallora Kriglerova, Marcela Maslova, Peter Varga; **Slovenia:** Meira Hot, Neza Kogovsek, Felicita Medved, Katarina Verbar-Sternad; **Spain:** Rosa Aparicio-Gomez, Lorenzo Cachón, Alia Chahin, Mariona Illamola, Eduardo Rojo, Elena Sanchez, Ricard Zapata; **Sweden:** Pieter Bevelander, Nihad Bunar, Anna Dahlbom, Paul Lappalainen, Per Norberg; **Switzerland:** Gianni D'Amato, Weibke Doering, Denise Efionayi-Mäder, Rosita Fibbi, Bülent Kaya, Bernhard Soland, Nicole Wichmann; **United Kingdom:** Harris Beider, Cathryn Costello, Ian Davies, Antti Keskiisaari, Aileen McColgan, Audrey Osler, Kjartan Sveinsson; **United States of America:** Rebecca Smith, Michael Roffer, Lenni Benson, Melissa Lazarin, Michele Waslin, Travis Packer, Mary Givagnoli.

LETTER OF SUPPORT

Our ever-changing societies are also becoming ever more diverse. Whatever our individual backgrounds, we all have a stake in the shared future of the communities and countries we live in, where each, in his or her own way, contributes to its economic, social and civic life.

Every individual must have equal opportunities to participate in a society free of discrimination and other obstacles to fundamental rights. These principles are enshrined in our constitutions and international laws. Now our governments must work to recognise the value of citizens with and without an immigrant background by treating all residents equally, granting newcomers a clear path to citizenship, and investing in measures to achieve this.

The Migrant Integration Policy Index provides us with the instrument we need to see how we live up to the promise of equality. It allows us to build our policies on solid research and experience from around the world. The MIPEX enables us to learn from the progress made in other countries and measure how well we are implementing our common legal standards. We wait, with great anticipation, for the 2011 MIPEX results to use in our own efforts to evaluate, compare and ultimately improve the outcomes of our countries' integration policies.

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INTRODUCTION

What is the Migrant Integration Policy Index?

The Migrant Integration Policy Index (MIPEX) is a reference guide and fully interactive tool to assess, compare and improve integration policy. It measures integration policies in 31 countries in Europe and North America. Using 148 policy indicators the MIPEX creates a rich, multi-dimensional picture of migrants' opportunities to participate in society by assessing governments' commitment to integration. By measuring policies and their implementation it reveals whether all residents are guaranteed equal rights, responsibilities and opportunities.

www.mipex.eu/about

What's new in the third edition?

The third edition of the MIPEX covers more countries and more policies than the previous edition. With new analysis over time it also identifies the changing trends in integration policy. Bulgaria, Romania and the USA have been added to the 25 European Union countries, Switzerland, Norway and Canada of the second edition. A new policy strand on the education of migrant pupils adds 27 new policy indicators to those on labour market mobility, family reunion, political participation, long-term residence, access to nationality and anti-discrimination. Indicators have been updated, including the addition of 40 new indicators. 12 expand the strand on labour market mobility and others measure how the way policies are implemented can facilitate or hinder participation (e.g. consultative bodies, language/integration tests).

What does MIPEX do?

MIPEX promotes transparency by increasing public knowledge and visibility of national policies, changes and international trends. The project stimulates debate on government objectives, progress and results. It also inspires integration actors to collect further evidence of how legal integration can work to promote societal integration in practice.

MIPEX establishes the extent to which all residents are legally entitled to equal rights and responsibilities as well as to any support that addresses their specific needs to make equal opportunities a reality. It answers questions on enforcement mechanisms, such as sanctions, the existence of equality bodies and their mandate, the role of non-governmental organisations and dialogue with social partners. Where such mechanisms do not exist, integration actors can call for their creation. Where they do exist, actors can (learn to) use them effectively.

Who produces MIPEX?

The MIPEX project is led by the British Council and the Migration Policy Group. 37 national-level organisations, including think-tanks, non-governmental organisations, foundations, universities, research institutes and equality bodies are affiliated with the MIPEX project alongside the British Council offices in 31 countries across Europe, Canada and the USA.

The research is designed, coordinated and undertaken by the Migration Policy Group in cooperation with the research partners. The publication, including the results and country profiles, were written by the Migration Policy Group. The national partners, along with British Council offices, will hold a series of events in 2011 to launch debates across Europe and North America.

This publication provides a summary overview of the results. The MIPEX results for Finland, France, Germany, Italy, the Netherlands, Poland, Portugal, Romania and Spain are also available in their respective languages. For the full and interactive results tool please go to: www.mipex.eu.

The MIPEX III is produced as part of the project: Outcomes for Policy Change, co-financed by the European Fund for the Integration of Third-Country Nationals.

www.mipex.eu/partners

What are the highest standards used by MIPEX?

For each of the 7 policy areas: labour market mobility, family reunion, education, political participation, long-term residence, access to nationality and anti-discrimination, MIPEX identifies the highest European or international standards aimed at achieving equal rights, responsibilities and opportunities for all residents. The European Union work programme 2010-2014 on Freedom, Security and Justice re-confirmed: 'The objective of granting comparable rights, responsibilities and opportunities for all is at the core of European cooperation on integration.' The highest standards are drawn from Council of Europe Conventions or European Union Directives. Where there are only minimum standards, European-wide policy recommendations are used.

How does MIPEX decide the scores?

There are 148 policy indicators on migrant integration in the MIPEX. These have been designed to benchmark current laws and policies against the highest standards through consultations with top scholars and institutions using and conducting comparative research in their area of expertise. A policy indicator is a question relating to a specific policy component of one of the 7 policy areas. For each answer, there are 3 options. The maximum of 3 points is awarded when policies meet the highest standards for equal treatment. A score of 2 is given when policies lie halfway to the highest standards, and a score of 1 is given when they are furthest from the highest standards. Scores of 1 or 2 are given for rephrased versions of the more restrictive provisions of EU Directives or of national practice. Where a country has no policies on a specific indicator, it is given a default value of 1.

Within each of the 7 policy areas, the indicator scores are averaged together to give one of 4 dimension scores which examine the same aspect of policy. The 4 dimension scores are then averaged together to give the policy area score for each of the 7 policy areas per country which, averaged together one more time, lead to the overall scores for each country. In order to make

rankings and comparisons, the initial 1-3 scale is converted into a 0-100 scale for dimensions and policy areas, where 100% is the top score.

Who gathered the data?

Unlike indexes based on expert opinion, MIPEX is based on public laws, policies and research. In every country, independent scholars and practitioners in migration law, education and anti-discrimination filled out the score for each indicator based on the country's publicly available documents as of May 2010. Scores for March 2007 were also obtained for new indicators in areas other than education (new policy area). All scores were anonymously peer-reviewed by a second expert. The Migration Policy Group moderated any discrepancies and checked the completed questionnaires for consistency across strands and countries over time. Finally, national experts provided input on policy changes and the reasons behind them.

How do policies affect integration?

MIPEX demonstrates how countries can do better in creating the legal environment in which immigrants can contribute to a country's well-being, where they have equal access to employment and education, live in security with their families, become active citizens and are protected against discrimination.

Since policies are one factor influencing integration, MIPEX can be used as a starting point to evaluate how policy changes can improve integration in practice. This information must be sourced from official statistics, budgets, project and scientific evaluations, government reporting, and evidence from NGOs, courts and migrants. Further research should investigate whether a policy is working in practice and answer how changes in integration policy are:

1. based on evidence and international standards
2. funded and implemented
3. evaluated for those who are supposed to benefit
4. analysed for their broader impact on society
5. improved based on new evidence.

USER'S GUIDE

Integration actors can struggle to find up-to-date, comprehensive research data and analysis on which to base policies, proposals for change and projects to achieve equality in their country. Instead they may find anecdotal, outdated information and piecemeal statistics that are too disconnected from the real impact on people's lives to assist in formulating improvements.

The MIPEX aims to address this by providing a comprehensive tool which can be used to assess, compare and improve integration policy. The MIPEX includes 31 countries in order to provide a view of integration policies across a broad range of differing environments. For a long time North America was cited as the continent of immigration, while Europe was largely a continent of emigration. Some European countries still are (including many in Central Europe and the Baltics). Now a great many European countries are established countries of immigration (Nordic countries, Western Europe, Southern Europe), where every year many people come into the country, often more than leave. For some countries, immigration is a very recent phenomenon (including Southern Europe, Czech Republic, Finland and Ireland), while many attract migrant workers. For more information on these terms, see www.mipex.eu.

The tool allows you to dig deep into the multiple factors that influence the integration of migrants into society and allows you to use the full MIPEX results to analyse and assess past and future changes in policy.

Government

The MIPEX tool gives policymakers a quick reference guide to assess the impact of their policy changes and get an overall impression of their country's strengths and weaknesses. This allows governments to see the effects of their approach and policy changes. It highlights policies that score well and possible areas for improvement. You can compare these strengths and weaknesses with other countries, either across your region, Europe and North America, or all the countries at once. You can find inspiration for policies and learn lessons from their objectives, implementation and results. You can also use MIPEX to assess the impact of future changes and evaluate past policies. You can further collect and share evidence about how past policies were funded, implemented, and evaluated, so that future policies can improve.

www.mipex.eu/government

Advocacy

Advocacy organisations and migrants can combine their practice and experience-based recommendations with the MIPEX research findings. This benchmarking tool can bring international information and standards to your advocacy. MIPEX not only monitors policy changes, but can also be used proactively to improve implementation and propose policy changes that would improve integration. You can see how to improve policies in specific areas and how to better implement existing policies by comparing them with the approach of top-scoring countries and with the highest standards.

www.mipex.eu/advocacy

Global actors

The MIPEX can be used by global actors as a benchmark to assess the impact of international and European standards, be they binding law, voluntary agreements or recommendations, on national law and policies. It also presents information on how national governments have committed to their implementation. You can see who falls below and who goes beyond these standards; whether standards have motivated change and improvements and if there is a need for assistance in developing implementation measures. Where there are no standards you can see if there is room for future cooperation by looking at common strengths and weaknesses.

www.mipex.eu/global-actors

Research

Since the project aims to make integration policy data both visible and usable to the public, researchers are incorporating it into their research, making MIPEX a platform for greater comparative knowledge on integration. It provides a systematic categorisation across 7 areas of expertise and currently across 31 countries. Its evaluation framework turns policies into numbers, using national experts to report the facts in law and policy. The scores and scales provide for clear and coherent interpretations based on standards for equal treatment. The full results and expert commentary can be downloaded, and you can use the interactive online tool to compare countries. The entire data set can be used for in-depth quantitative and qualitative research on specific issues, for comparison across countries and to evaluate how different factors impact on policies and why countries differ from each other. To link legal and societal integration, multivariate analysis can compare policies to funding, public and migrant opinion data, the results of official evaluations, and changes in integration statistics.

www.mipex.eu/research

Press

The MIPEX can be used by both the international and national media as a reliable, quick reference guide to provide in-depth understanding on where countries are doing well in providing equal rights, responsibilities and opportunities to migrants, and where they are falling behind. You can compare countries to neighbouring or other countries, and get an overview of what has changed and what could be done to improve integration. Since the MIPEX is updated continuously, you can regularly access contextual information and keep abreast of what is on the agenda in your country with regard to migrant integration and the impact it has on society. You can find the reasoning behind low and high scores in your country and use the results to supplement the human angle of stories on migrants and their experiences.

www.mipex.eu/press

KEY FINDINGS

WWW.MIPEX.EU/KEY-FINDINGS

Strengths and weaknesses

MIPEX's 31 European and North American countries have, on average, policies just halfway favourable for integration. Scoring around 50%, overall policies create as many obstacles as opportunities for immigrants to become equal members of society. Migrant workers, reunited families and long-term residents enjoy basic security, rights and protection from discrimination. The three greatest obstacles are for settled foreigners to become citizens or politically active and for all children, whatever their background, to learn and achieve together in school.

Rankings

Within the top 10 countries, immigrants benefit from slightly favourable policies in Benelux (BE, NL), North America (CA, US), Nordics (FI, NO, SE), and Southern Europe (IT, PT, ES). SE, still leading despite family reunion shifts, is working to better implement and deliver results on equal rights and responsibilities. PT, narrowing SE's lead, transposed EU standards in ways to secure immigrants' statuses (see also BE, ES). Well-developed integration policies in old and new immigration countries demonstrate that what counts is not only tradition and experience, but also political will. AT, CH, Central Europe and the Baltics still lag behind.

Changes

Integration policies change little by little, but with potentially great effects on people's lives. Most countries improved just 1 overall point on the MIPEX 100-point-scale. Though the crisis changed few policies, funding cuts may undermine their implementation and impact on immigrants. Because of major reforms, integration opportunities slightly improved in GR (+10) and LU (+8) and worsened in the UK (-10). Looking at the 6 MIPEX strands with data from 2007 and 2010, 6 countries are catching up to MIPEX's halfway mark, while 10 keep progressing beyond it. Recently wavering countries (+0) took either no or contradictory steps. New conditions slightly reversed the direction in 4 leading countries.

Trends

MIPEX finds strong positive statistical correlations between its different strands. Most countries that do well (or poorly) in one area of integration do well (or poorly) in the others.

Labour market mobility and family reunion:

Immigrant families can better reunite and participate in countries that help all newcomers find the right jobs, with leading countries being old and new countries attracting labour migration.

Labour market mobility and education:

Countries where immigrant adults can improve their careers, skills and qualifications are more likely to see and address their children's specific needs and opportunities.

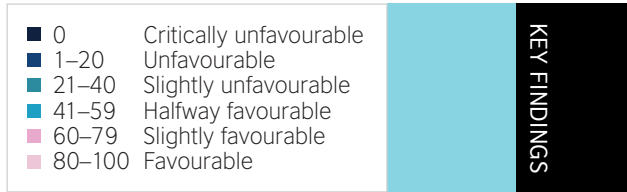
Access to nationality, political participation, anti-discrimination: Newcomers are more encouraged to participate politically as foreigners in the very countries that encourage them to become citizens. Where government is only directly accountable to citizens, it is often harder for an immigrant to become one. Countries that facilitate naturalisation also tend to protect all residents from many forms of discrimination, including based on their nationality.

Family reunion and long-term residence: Countries tend to grant secure and equal rights to families and long-term residents.

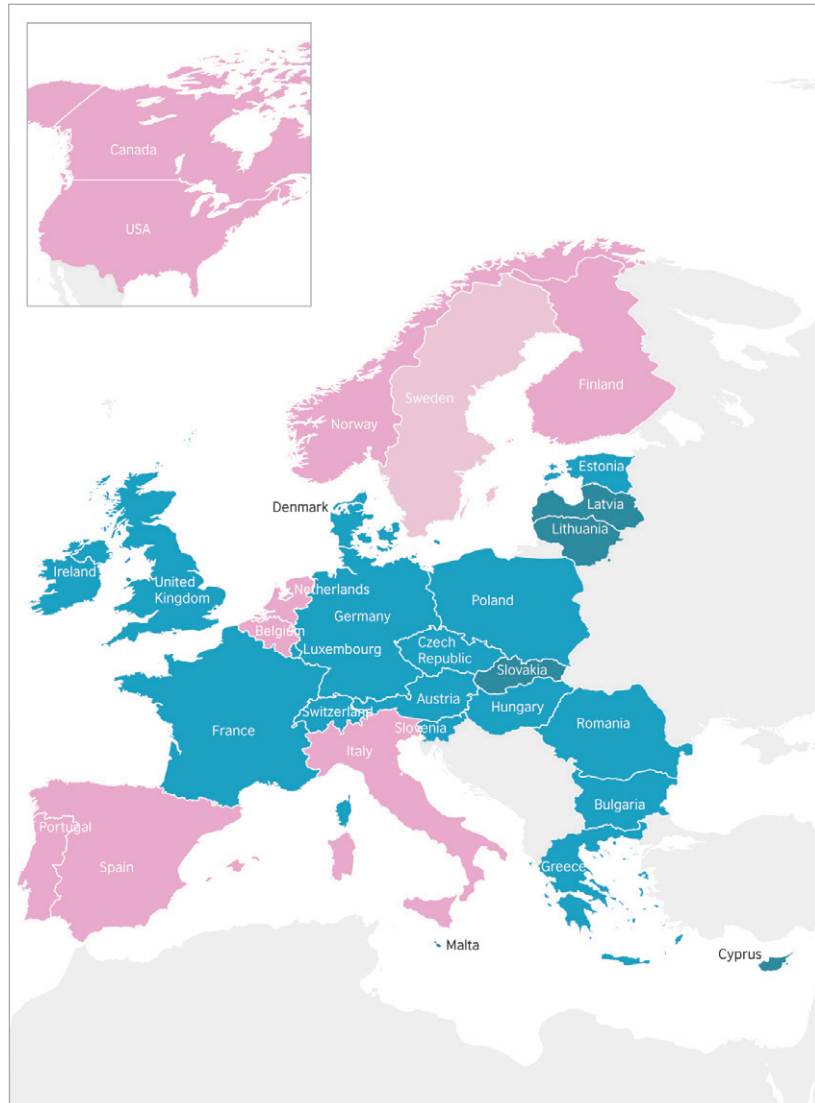
Conditions for residence: Increasingly, the many high conditions that immigrants traditionally must meet to naturalise after many years are imposed on newcomers who wish to settle down or reunite with families.

Using evidence to improve policy

Few countries base integration policy changes on hard facts. The focus on numbers of immigrants and test scores/levels says little about whether society is integrating over time. Some governments monitor statistics on integration trends, but fewer evaluate if policies had any impact on them. Evidence is mostly used on migrant employment and education. As parties politicise integration to win votes, success is increasingly measured through election results and public perception. Whether or not integration is a priority, national changes are often justified by international law and examples from other countries. In Europe, national policies are more favourable and similar where EU law applies (family reunion, long-term residence and anti-discrimination).



Rank	Country	MIPEX III*	Change since MIPEX II**
			III* II**
1	Sweden	83	▼ (-1)
2	Portugal	79	▲ (+5)
3	Canada	72	▲ (+1)
4	Finland	69	■ (0)
5	Netherlands	68	■ (0)
6	Belgium	67	▲ (+4)
7	Norway	66	▼ (-1)
8	Spain	63	▲ (+3)
9	USA	62	■ (0)
10	Italy	60	▼ (-1)
11	Luxembourg	59	▲ (+8)
12	Germany	57	▲ (+1)
	United Kingdom	57	▼ (-10)
14	Denmark	53	▲ (+2)
	EU Average	52	■
15	France	51	■ (0)
16	Greece	49	▲ (+10)
	Ireland	49	▲ (+1)
18	Slovenia	48	■ (0)
19	Czech Republic	46	▲ (+4)
	Estonia	46	▲ (+2)
21	Hungary	45	▲ (+3)
	Romania	45	■
23	Switzerland	43	■ (0)
24	Austria	42	▲ (+3)
	Poland	42	▲ (+1)
26	Bulgaria	41	■
27	Lithuania	40	▲ (+1)
28	Malta	37	■ (0)
29	Slovakia	36	■ (0)
30	Cyprus	35	■ (0)
31	Latvia	31	▲ (+3)



* The overall score includes Education and the six other policy areas.
 ** This excludes Education. It reflects the overall changes in the six other policy areas measured in both MIPEX II & III.

LABOUR MARKET MOBILITY

WWW.MIPEX.EU/LABOUR-MARKET-MOBILITY

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

A migrant with the right to work and live in the country has the same chances as everyone else in the labour market. From day one in the country, she and her family members can start applying for any job in the private or public sector. She gets her qualifications from abroad recognised. She can then improve her skills through training and study grants. The state encourages her by targeting her specific needs – for example, she can take language courses focused on her profession. Job mentors and trained staff help her assess skills and use public employment services. Once employed, she has the same rights as all workers in the country.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

Where a migrant cannot fully contribute to the country's economic life, his skills and ambitions go to waste. He must wait 5 years to have the same right as nationals to work, study or start his own business. Even then, he is barred from working in many sectors and professions. In the meantime, he has to look for work on his own, without any general or targeted support. Because his foreign qualifications are not recognised, he may have to give up his career to take whatever job he finds. Employers do not have to provide him with the same working conditions or social security as his co-workers.

Average

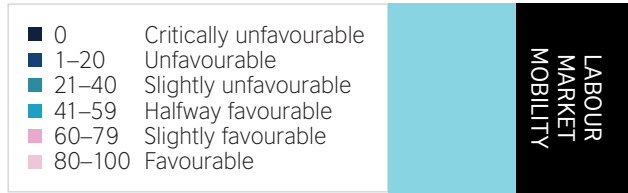
To find a job, not all foreign residents with the right to work have equal access to the full labour market, education system or employment services. For instance, only nationals and EU nationals in Europe enjoy equal opportunities in the public sector and better procedures to recognise their non-EU degrees. Most immigrants can use public employment offices. Targeted support is the major area of weakness in most countries. Rarely are these general services able to address specific

needs, especially for migrant women and youths. Once migrants find jobs, they should enjoy the same working conditions and access to unions as nationals. These workers, who pay full taxes, are excluded from parts of the social security system.

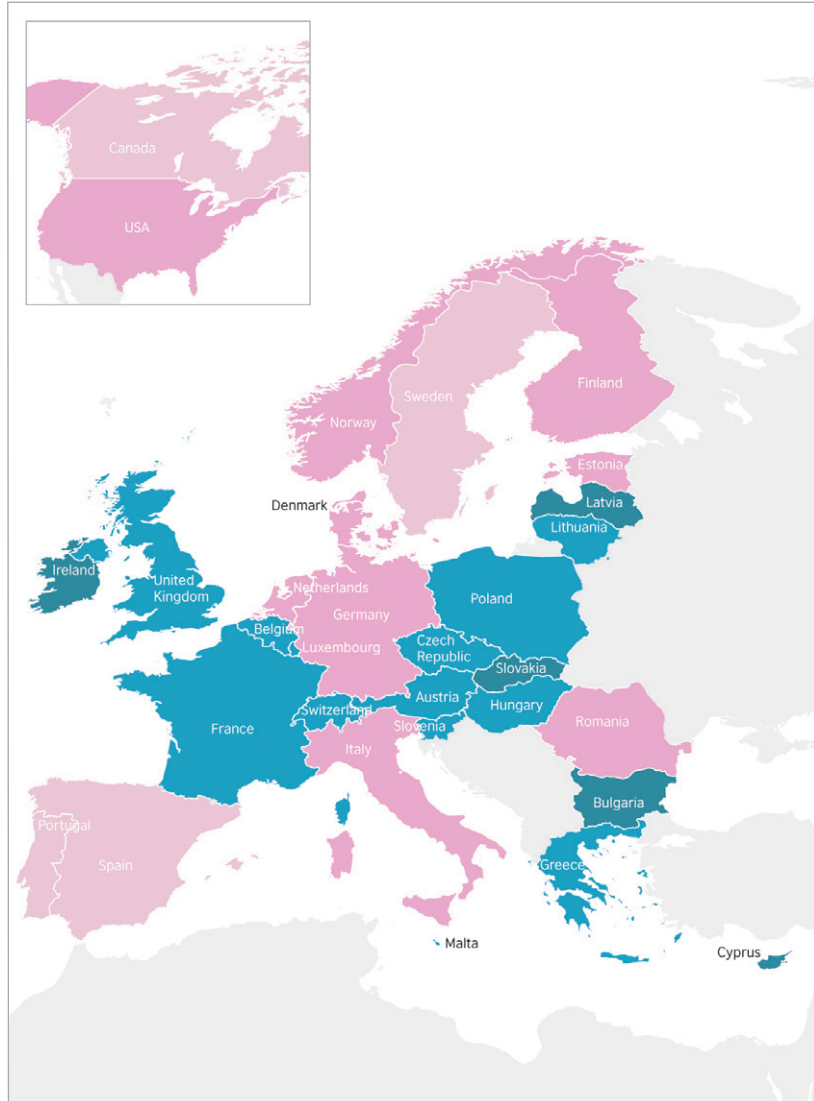
Immigrants have better access and targeted support in the established countries of immigration. Likewise, the countries that restrict access are not usually the ones that try to take advantage of immigrants' specific skills. As exceptions to these trends, BE, FR, and LU are wasting the economic potential of many of their non-EU residents by providing targeted support but closing many sectors to them. Countries recently dependent on migrant workers (CZ, IT, ES, PT) may treat them equally as workers, but often ignore the specific challenges of the foreign-born. EE and RO emerge as the only Central European countries that are at least slightly prepared for their future migration needs.

Changes and trends

From 2007 to 2010, immigrants received greater labour market support in 10 countries. More legal residents will have equal access to jobs and training in several new countries of immigration (GR, ES, PT) and in Central Europe (HU, PL, LV). Countries sometimes used opportunities in EU law to improve their legislation. More established countries of immigration made progress on targeted support measures, which are generally weak in all countries. Immigrants in AT and DK will see several new targeted support measures, and their qualifications may be better recognised in CA, PT and LU.



Rank	Country	MIPEx%	
		III	II
1	Sweden	100	■ (100)
2	Portugal	94	▲ (80)
3	Netherlands	85	■ (85)
4	Spain	84	▲ (79)
5	Canada	81	▲ (77)
6	Germany	77	■ (77)
7	Denmark	73	▲ (64)
	Norway	73	▼ (76)
9	Finland	71	■ (71)
10	Italy	69	■ (69)
11	Romania	68	■ (68)
	USA	68	■ (68)
13	Estonia	65	■ (65)
	<i>EU Average</i>	57	■ (57)
14	Austria	56	▲ (44)
15	Czech Republic	55	■ (55)
	United Kingdom	55	■ (55)
17	Belgium	53	■ (53)
	Switzerland	53	■ (53)
19	Greece	50	▲ (45)
20	France	49	■ (49)
21	Luxembourg	48	▲ (45)
	Poland	48	▲ (45)
23	Lithuania	46	■ (46)
24	Slovenia	44	■ (44)
25	Malta	43	▼ (48)
26	Hungary	41	▲ (36)
27	Bulgaria	40	■ (40)
28	Ireland	39	▼ (42)
29	Latvia	36	▲ (27)
30	Cyprus	21	■ (21)
	Slovakia	21	■ (21)



FAMILY REUNION

WWW.MIPEX.EU/FAMILY-REUNION

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

Families who are successfully reunited together have the socio-cultural stability to participate in society. In Europe, a non-EU family has the same rights and responsibilities as an EU family moving from one country to another. Upon arrival, a newcomer applies for her spouse/partner and children, and dependent parents and grandparents. The procedure is free and short. Authorities have no reason to reject her application if it's not fraudulent and poses no security threat. The state facilitates the family's integration by helping them access schools, jobs and social programmes.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

A migrant who is kept apart from his family has few prospects to integrate in the community where he lives. He has to wait years to become a long-term resident. Even then, the law only recognises the traditional nuclear family. Sponsors must pass difficult conditions without government support. Only those with high incomes, stable jobs and high scores on language/integration tests can live with their family. Procedures are long, expensive and discretionary. The law forces reunited family members to be dependent on him since they cannot work or use public benefits. They are not entitled to an autonomous residence permit, even if he dies, divorces, or abuses them.

Average

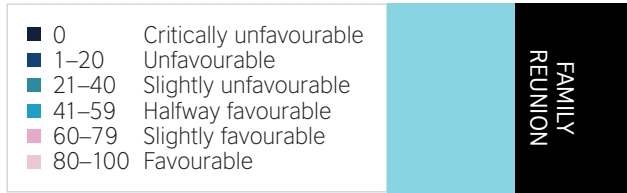
Most immigrants in Europe and North America have a legal right to family reunion that is slightly favourable for them and their families' integration. Countries with restrictive definitions of the family tend to also impose burdensome conditions on the sponsor. Those with inclusive definitions often limit conditions out of respect for family life. Applicants must prove a 'stable and sufficient' income, often vague and higher than what nationals need to live on social assistance. Few countries impose

language or integration conditions. But as more do, they are extending these to spouses before arrival. Families tend to acquire both a secure residence permit and equal rights, but, to get an autonomous residence permit, they face significant waiting periods and conditions.

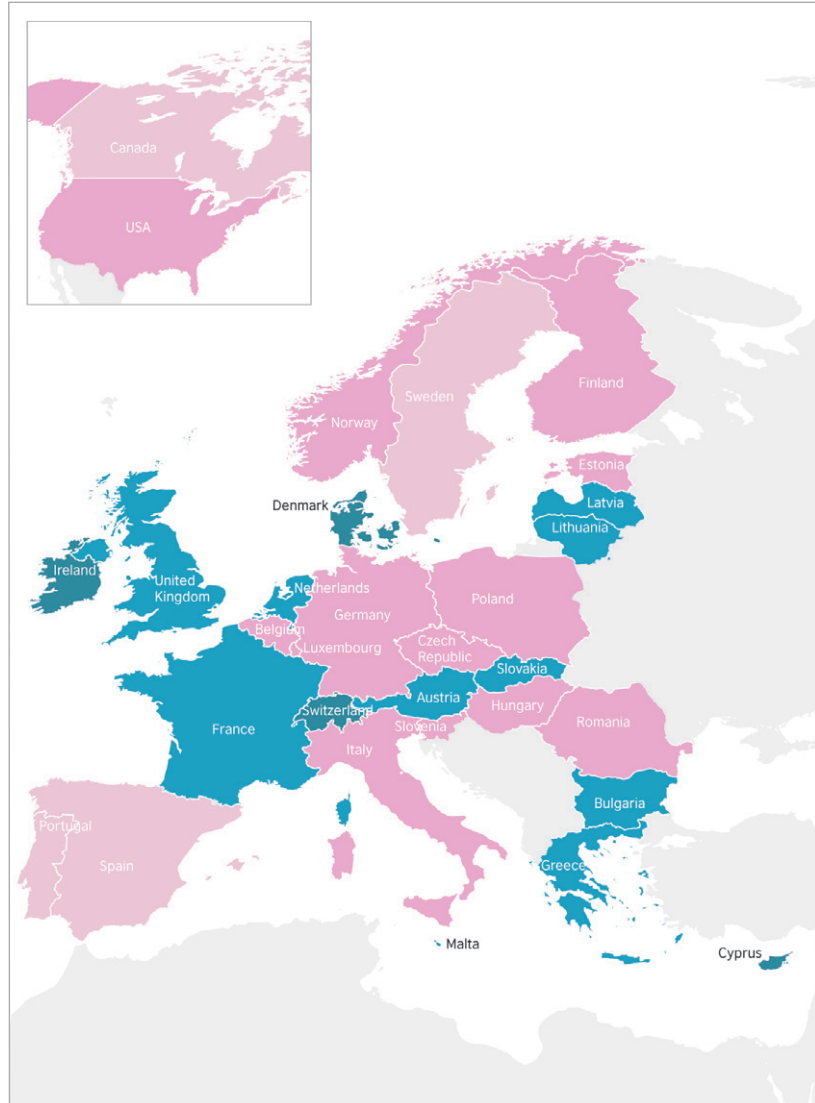
A secure family life is the starting point for integration in North America, the Nordics, Northwest Europe and new countries of labour migration. Among these, the definitions of the family and conditions are more inclusive in CA than US; SE and FI than NO; and ES and PT than IT. Favourable conditions in law in Central Europe are applied through highly discretionary procedures.

Changes and trends

Since 2007, little changed for non-EU families reuniting in Europe, whose future remains unclear. Procedures became more favourable in 5, but less in 11. Countries (recently GR, LU, ES) now provide basic rights and residence security, often to comply with EU law. Because these are minimum standards, few go back on them, but fewer go any further. Decision-makers mostly disagree on how to apply conditions to family reunion. Countries with favourable policies (BE, PT, SE) try to set income or housing requirements based on what all residents are expected to meet in society. But increasingly, established countries of immigration are asking immigrants to fulfil conditions that many nationals could not: higher marriage ages (UK), higher incomes (AT), more tests (NL), also for spouses abroad (NL, DE, FR, DK), mostly with higher fees but little support. Conditions that are not promoting family reunion and facilitating integration in practice could be unjustified under EU law (2003/86/EC). Immigrants have started to bring evidence to national courts and the European Court of Justice (e.g. NL Chakroun case).



Rank	Country	MIPEx%	
		III	II
1	Portugal	91 ▲ (89)	
2	Canada	89 ■ (89)	
3	Spain	85 ▲ (76)	
4	Sweden	84 ▼ (89)	
5	Slovenia	75 ■ (75)	
6	Italy	74 ▼ (78)	
7	Finland	70 ■ (70)	
8	Belgium	68 ▼ (70)	
	Norway	68 ▼ (72)	
10	Luxembourg	67 ▲ (53)	
	Poland	67 ■ (67)	
	USA	67 ■	
13	Czech Republic	66 ■ (66)	
14	Estonia	65 ■ (65)	
	Romania	65 ■	
16	Hungary	61 ▲ (56)	
17	Germany	60 ▼ (62)	
	<i>EU Average</i>	60 ■	
18	Lithuania	59 ■ (59)	
19	Netherlands	58 ▼ (59)	
20	United Kingdom	54 ▼ (56)	
21	Slovakia	53 ■ (53)	
22	France	52 ▼ (53)	
23	Bulgaria	51 ■	
24	Greece	49 ▲ (47)	
25	Malta	48 ▼ (50)	
26	Latvia	46 ■ (46)	
27	Austria	41 ▼ (43)	
28	Switzerland	40 ■ (40)	
29	Cyprus	39 ■ (39)	
30	Denmark	37 ■ (37)	
31	Ireland	34 ▼ (36)	



EDUCATION

WWW.MIPEX.EU/EDUCATION

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

Any child living in the country can go from kindergarten to university and achieve the best she can. She benefits from the same general measures as classmates with the same socio-economic background. If she has different needs because of her or her family's immigration experience, she benefits from additional support. Her teachers are trained to recognise those needs and set equally high expectations for her. She is entitled to extra courses and teaching to catch up and master their language. Her parents play an active role in her education because the school specifically involves them at every step of the way. She and her parents also bring new opportunities to her school. All students can enrol in classes about her family's language and culture. Her school uses an intercultural approach in its curriculum, textbooks, schedule, and hiring practices. She, along with all students and staff, learn how to live and learn in a diverse society.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

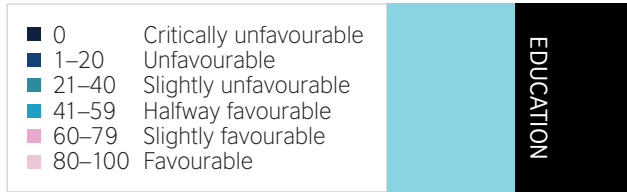
The school does not function as a motor for the integration of immigrant pupils. Many children living in the country do not even have the right to a full education. Only a few schools or ad hoc projects deal with integration. Most of the time, a migrant child is treated just like everyone else of his age. Worse, teachers may see him just as a problem. They have no way to reach out to parents like his, with different languages and backgrounds. He never properly learns the languages of his family or the host society, because language support is poor or absent. He ends up with other immigrant students in under-performing schools. Teachers and staff members are not diverse themselves and cannot handle diversity in their school. All students do not learn to respect and work together with people of diverse backgrounds.

Average

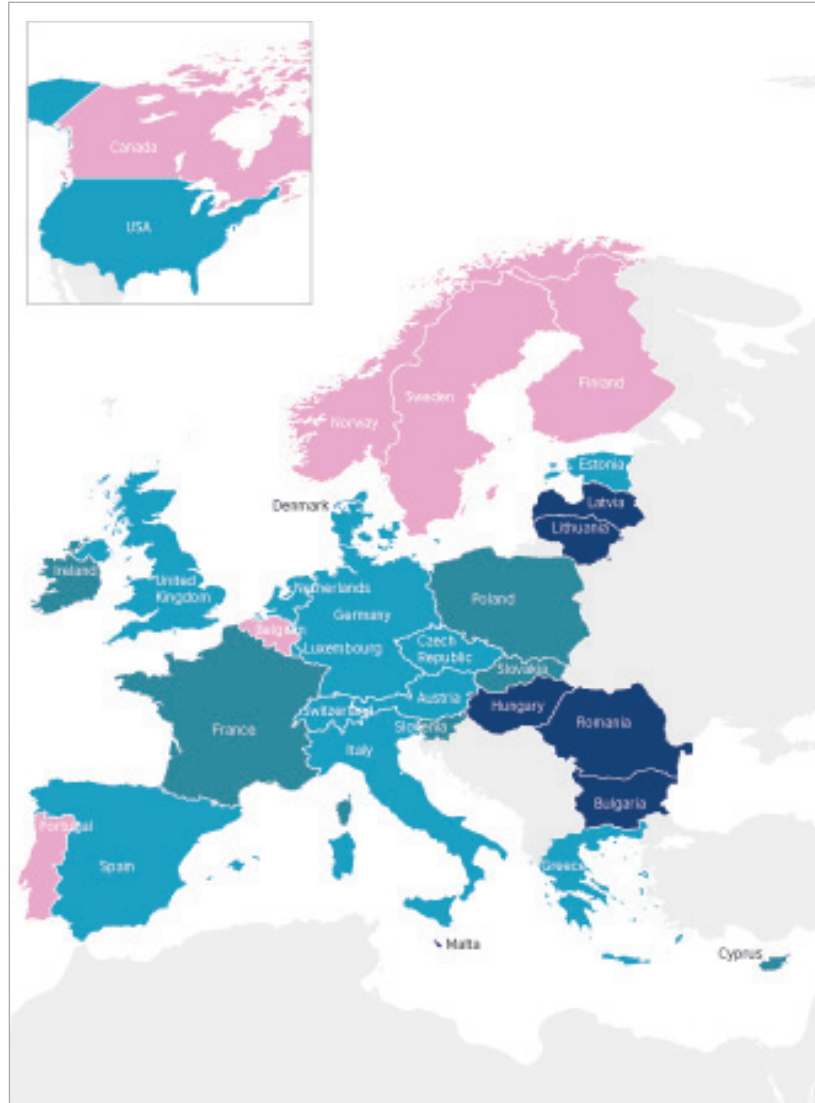
Education, a new MIPEX strand, emerges as a major area of weakness in the integration policies of most countries. Few school systems make professional assessments of what newcomer children learned abroad. Most children have at least an implicit right to attend kindergarten and compulsory education. They also access general measures to help disadvantaged students. They will benefit as much or as little as other students with the same social background.

Still, migrant pupils may also be struggling in school for different reasons than their peers. Here, schools retain wide discretion on whether or not to address the specific needs of migrant pupils, their teachers and parents, and monitor the results. Without clear requirements or entitlements, pupils do not get the support they need throughout their school career and across the country, especially in communities with many immigrants or few resources. Migrants are entitled to support to learn the language, but frequently it is not held to the same standard as the rest of the curriculum. Hardly any countries have systems to diversify schools or the teaching staff; most schools are therefore missing out on new opportunities brought by a diverse student body.

Few education systems in Europe are adapting to the realities of immigration. The most engaged are in North America, the Nordics and the Benelux. The UK leads Europe's major countries of immigration; PT is best among the new countries of immigration; CZ in Central Europe; and EE in the Baltics. The rest fall below the 50% mark, some even critically below (FR, IE, LV, LT, BG, HU).



Rank	Country	MIPEx% III
1	Sweden	77
2	Canada	71
3	Belgium	66
4	Finland	63
	Norway	63
	Portugal	63
7	United Kingdom	58
8	USA	55
9	Luxembourg	52
10	Denmark	51
	Netherlands	51
12	Estonia	50
13	Spain	48
14	Switzerland	45
15	Austria	44
	Czech Republic	44
17	Germany	43
18	Greece	42
19	Italy	41
	<i>EU Average</i>	39
20	Cyprus	33
21	France	29
	Poland	29
23	Ireland	25
24	Slovakia	24
	Slovenia	24
26	Romania	20
27	Latvia	17
	Lithuania	17
29	Malta	16
30	Bulgaria	15
31	Hungary	12



POLITICAL PARTICIPATION

WWW.MIPEX.EU/POLITICAL-PARTICIPATION

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

When states open political opportunities, all residents can participate in democratic life. Newcomers enjoy the same civil liberties as nationals. An immigrant can vote and stand in local elections, and enjoy basic political liberties, just like nationals, after a limited number of years of legal residence. She can also vote in regional elections. She can be elected and even lead a strong and independent immigrant consultative body in her community, region, or for the whole country. The state informs her of her political rights and supports the emergence of immigrant civil society.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

An immigrant cannot contribute to the political decisions that most affect him in the city, region, and country where he lives. The state restricts his basic civil rights. He cannot found a political association, join a party, or work as a journalist. Only nationals (and, in EU Member States, EU nationals) have the chance to vote. He lives in a city where government does not even consult with immigrants. The state does not implement any policies to encourage him to participate in democratic life. Associations representing his interests cannot count on state funding.

Average

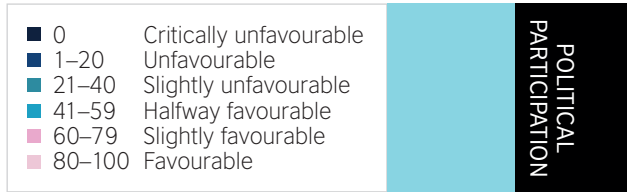
Most immigrants have few opportunities to inform and improve the policies that affect them daily. 11 countries, mostly in Central Europe, still have laws denying immigrants basic political liberties. In Europe, non-EU nationals can stand as municipal candidates in 13 of the countries surveyed, vote locally in 19, regionally in 7, and nationally in 2 (PT, UK). Consultative bodies exist at local level in 15 countries and at national level in 11. They only provide halfway meaningful opportunities for immigrants to improve policies. About half of the countries fund immigrants' political activities, while a third inform them of political rights.

Opening political and civil rights is the sign of a confident country of immigration. Established and new countries of immigration diverge significantly. Immigrants enjoy nearly none of these rights in Central Europe, the Baltics, CY and MT. Only IE and PT have opened as many political opportunities as leading countries in the Nordics and Northwest Europe. Established countries of immigration with less favourable frameworks, especially on voting rights, need either constitutional changes (AT, DE, IT, ES) or greater political will (CA, FR, UK, US).

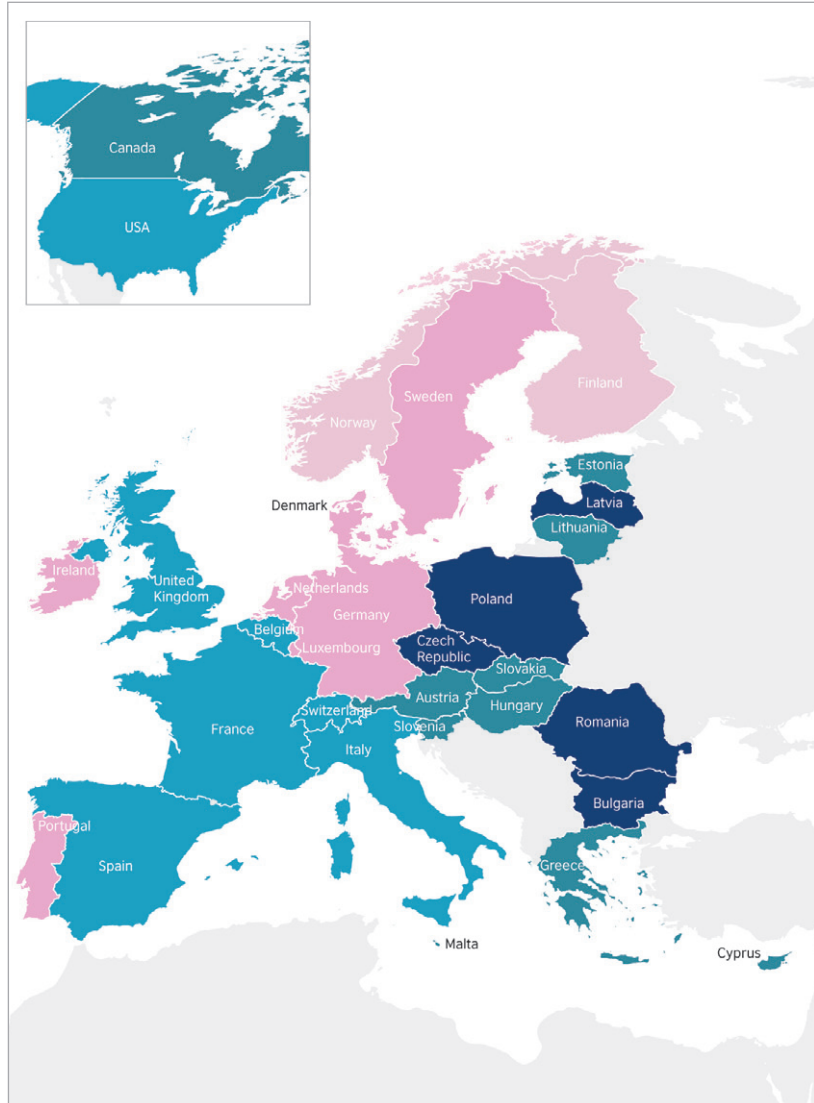
Changes and trends

Immigrants' political opportunities are not getting much better. The only country to make significant progress was GR (+15) which reformed nationality law and opened many local political opportunities. This example illustrates the MIPEX finding that consultative bodies are not a substitute for voting rights. Countries extending voting rights are more likely to create strong consultative bodies.

Political participation is becoming part of integration strategies. Consultative bodies and voting rights first emerged in the 1970s and are regularly debated across Europe and increasingly North America. The major reason that MIPEX scores improve is not directly because of EU law or Council of Europe Convention n.144. National and European courts help secure basic civil rights (AT, ES). New countries of immigration have renewed interest in both consultative bodies (FR, IE, IT, ES, PT) and some voting rights (CZ, EE, LT, SI, LU, SK, BE, GR). MIPEX results suggest that consultative bodies come (LU, PT, CH) and go (BE, DK) usually when governments are willing to listen. Voting rights are here to stay: hard to obtain, but even harder to revoke.



Rank	Country	MIPEX%	
		III	II
1	Norway	94	■ (94)
2	Finland	87	■ (87)
3	Ireland	79	■ (79)
	Netherlands	79	■ (79)
5	Luxembourg	78	▲ (76)
6	Sweden	75	■ (75)
7	Portugal	70	▲ (69)
8	Germany	64	■ (64)
9	Denmark	62	▼ (66)
10	Belgium	59	▼ (61)
	Switzerland	59	▲ (58)
12	Spain	56	■ (56)
13	United Kingdom	53	■ (53)
14	Italy	50	■ (50)
15	USA	45	■
16	France	44	■ (44)
	<i>EU Average</i>	44	■
17	Greece	40	▲ (25)
18	Canada	38	■ (38)
19	Austria	33	■ (33)
	Hungary	33	■ (33)
21	Estonia	28	■ (28)
	Slovenia	28	■ (28)
23	Cyprus	25	■ (25)
	Lithuania	25	■ (25)
	Malta	25	■ (25)
26	Slovakia	21	■ (21)
27	Latvia	18	■ (18)
28	Bulgaria	17	■
29	Czech Republic	13	■ (13)
	Poland	13	■ (13)
31	Romania	8	■



LONG-TERM RESIDENCE

WWW.MIPEX.EU/LONG-TERM-RESIDENCE

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

At some point, all legal immigrants have the right to decide for themselves whether to settle permanently in the country. For an applicant, the procedure is free and short, because the only issue to resolve is whether there is potential fraud or a real security threat. She can appeal any rejection or withdrawal. If accepted, she is secure in her status and treated equally as nationals, with the same rights and responsibilities in most areas of life.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

As a foreigner, a migrant will always have a 'permanently temporary' legal status, without equal opportunities to integrate. Many legal immigrants' types of permit make them ineligible for long-term residence, even if they otherwise met the criteria and residence requirement. An applicant must comply with difficult income and employment requirements. He may not even attempt the high and costly language and integration tests in the absence of free courses and study materials. If finally accepted, his status remains tenuous. He can only return to his home country for very short periods, which frustrates his plans to contribute to its development and his family life.

Average

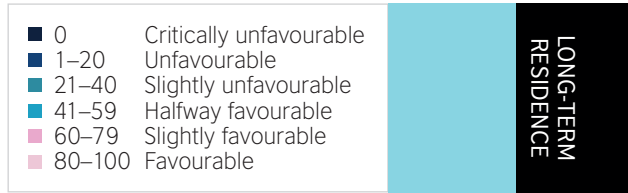
Along with family reunion, long-term residence is a relative strength for countries' integration policies. These residents can work, study, retire and live in the country just like nationals. Migrants must pass many different eligibility requirements and conditions – some more restrictive than others. Several permit-holders cannot apply, even if living in the country for 5 years or more. The conditions once reserved for citizenship are increasingly applied to long-term residence. But the conditions for long-term residence better encourage applicants to succeed. With a focus on basic language knowledge, they take slightly better

account of individuals' abilities and disabilities, and can be more easily supported with courses. Countries retain discretion to refuse or withdraw a long-term resident's permit, although personal circumstances must be taken into account and there are grounds for an appeal.

Most residents can attain a secure status and equal rights in Western European and Nordic countries. The same is true in CA, but not the US. Newcomers may have the most difficulty meeting the eligibility requirements and conditions in UK, CH, DE, FR and AT. Although CY and GR also have burdensome conditions, most new immigration countries do not, even though procedures remain highly discretionary.

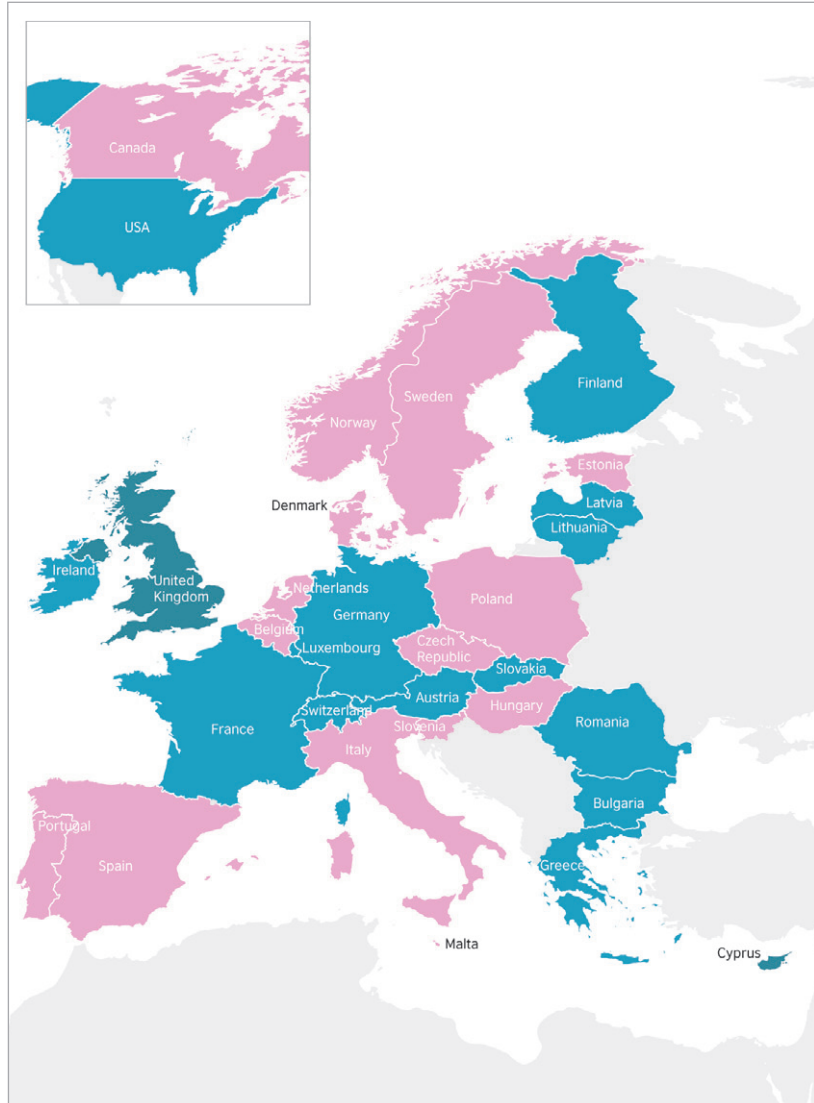
Changes and trends

Potential long-term residents would largely meet with the same opportunities and obstacles in 2010 as they did in 2007. Almost nothing changes where EU minimum legal standards apply. Countries that have to comply catch up (BE +15, PT +14, ES +6), while those that do not can seriously backtrack (UK -43). Most countries are focusing their policy changes on new and demanding conditions circulating in European debates. In 1999, Germany was the only EU Member State to impose a language requirement. Now, the trend on language and integration conditions extends from Europe's established countries of immigration (DK, DE, UK) to new countries of labour migration in the south and east (CY, CZ, IT, PT). Other changes are less conclusive: AT, DK, PT and ES are trying to attract international students to settle, unlike LU and UK; and while ES and PT are offering their long-term residents better protection against deportation, others are finding new reasons for rejection and withdrawal such as points-systems (UK, DK, IT), vague security grounds (EE), and double punishment (UK).



LONG-TERM
RESIDENCE

Rank	Country	MIPEX%	
		III	II
1	Belgium	79 ▲ (64)	
2	Spain	78 ▲ (72)	
	Sweden	78 ■ (78)	
4	Portugal	69 ▲ (55)	
	Slovenia	69 ■ (69)	
6	Netherlands	68 ■ (68)	
7	Estonia	67 ▼ (68)	
8	Denmark	66 ▲ (64)	
	Italy	66 ▼ (69)	
10	Czech Republic	65 ■ (65)	
	Poland	65 ■ (65)	
12	Malta	64 ■ (64)	
13	Canada	63 ▲ (60)	
14	Norway	61 ■ (61)	
15	Hungary	60 ▲ (54)	
16	Latvia	59 ▲ (51)	
	<i>EU Average</i>	59 ■	
17	Austria	58 ▲ (54)	
	Finland	58 ■ (58)	
19	Bulgaria	57 ■	
	Lithuania	57 ■ (57)	
21	Greece	56 ■ (56)	
	Luxembourg	56 ▼ (57)	
23	Romania	54 ■	
24	Germany	50 ■ (50)	
	Slovakia	50 ■ (50)	
	USA	50 ■	
27	France	46 ■ (46)	
28	Ireland	43 ■ (43)	
29	Switzerland	41 ■ (41)	
30	Cyprus	37 ▼ (41)	
31	United Kingdom	31 ▼ (74)	



ACCESS TO NATIONALITY

WWW.MIPEX.EU/ACCESS-TO-NATIONALITY

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

All settled residents who see their future in the country get full support to become citizens and equally participate in public life. All citizens can be dual nationals. A child born in the country to immigrant parents becomes a citizen at birth (*jus soli*) like all other children. Someone born abroad has become attached to the country after living there for 3 years. She is entitled to the nationality when she meets the legal conditions, such as having no recent criminal record. The requirement to pass the basic language test and a citizenship course encourages her to succeed through free, flexible and professional courses and tests. As a new citizen, she has the same citizenship protections as her fellow nationals.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

States that discourage immigrants from acquiring their nationality create a long-term democratic, social and economic deficit. The children and grandchildren of immigrants are still treated as foreigners. An immigrant is not considered eligible unless he has lived in the country for 12 years. New citizens cannot be dual nationals, though other citizens can. The other conditions are too onerous for many settled residents – or even nationals – to pass (e.g. income, fees of 1,500 euros). An applicant must pass demanding, discretionary and costly language and integration tests. The procedure is fully discretionary, without judicial oversight. As a new citizen, he can be stripped of his citizenship at any point in his life, even becoming stateless.

Average

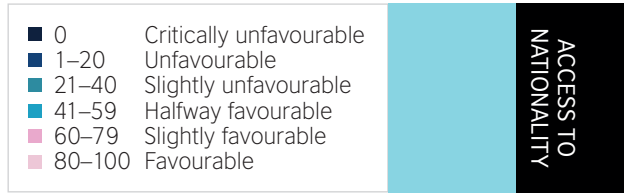
Dual nationality and *jus soli* are becoming the norms for countries of immigration. Most parts of the procedure still discourage or exclude many from trying. To apply, immigrants in Europe wait on average 7 years in total because of some long-

term residence requirements. Half of the countries make citizenship conditional upon income and high fees. Applicants are normally required to know the language, often at high or unclear levels. Tests rarely come with the support to pass them. After rather discretionary procedures, applicants can at least appeal and enjoy some protections from statelessness and withdrawal.

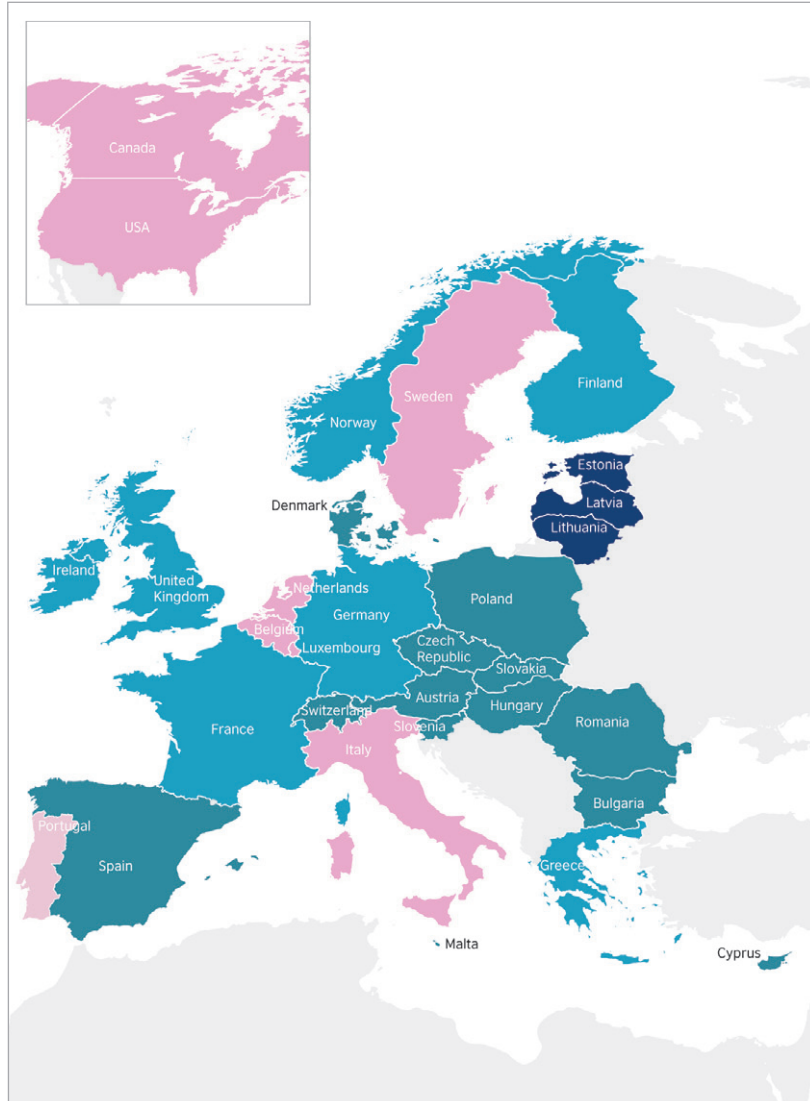
Traditional *jus soli* countries (CA, US, IE, UK, FR) and recently reformed countries (BE, DE, GR, LU, SE, PT) give their foreign residents a slightly favourable path to citizenship. Nationality policies are more unfavourable for societal integration in many new immigration countries in the Baltics, Central Europe, AT, CY, DK, MT and NO.

Changes and trends

New nationality laws significantly improved the conditions for integration in GR (+39) and LU (+32), but slightly undermined them in the UK (-16) and SK (-12). Otherwise, little has changed for most citizens-to-be. Some tests are more professional (DE) and better supported by courses (DE, EE and NL), while fees soared in IE, IT, UK and US. Stakeholders remain divided on whether residence requirements, conditions and security grounds promote or undermine integration in practice. Increasing conditions and years of residence can be viewed as obstacles and poor indicators of integration (GR, earlier PT, BE), or as 'incentives' (LU, SK, UK). A few new citizens will benefit from new protections from discretion, withdrawal, and statelessness (DE, GR, HU, LU). But new security grounds in SK and UK (2007) and proposals in BE, FR, NL and US would link security issues to new citizens. The debate centres on whether withdrawing citizenship from people of foreign origin will make society any more secure or integrated.



Rank	Country	MIPEX%	
		III	II
1	Portugal	82	■ (82)
2	Sweden	79	■ (79)
3	Canada	74	■ (74)
4	Belgium	69	■ (69)
5	Luxembourg	66	▲ (34)
	Netherlands	66	▲ (65)
7	Italy	63	▼ (65)
8	USA	61	■
9	France	59	■ (59)
	Germany	59	▲ (52)
	United Kingdom	59	▼ (75)
12	Ireland	58	▼ (60)
13	Finland	57	▲ (54)
	Greece	57	▲ (18)
	<i>EU Average</i>	44	■
15	Norway	41	■ (41)
16	Spain	39	■ (39)
17	Switzerland	36	■ (36)
18	Poland	35	■ (35)
19	Czech Republic	33	■ (33)
	Denmark	33	■ (33)
	Slovenia	33	■ (33)
22	Cyprus	32	■ (32)
23	Hungary	31	▲ (28)
24	Romania	29	■
25	Slovakia	27	▼ (39)
26	Malta	26	■ (26)
27	Bulgaria	24	■
28	Austria	22	■ (22)
29	Lithuania	20	■ (20)
30	Estonia	16	▲ (15)
31	Latvia	15	▼ (16)



ANTI-DISCRIMINATION

WWW.MIPEX.EU/ANTI-DISCRIMINATION

The best case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

All residents, whatever their background, can fight discrimination and benefit from equal opportunities. Anyone in the country can bring forward a case against all forms of discrimination, as well as racial profiling and incitements to hatred. These are illegal in all areas of public life – from employment to education, public space, housing and social protection. A victim is empowered to seek justice because laws are well enforced and used. Independent equality bodies and NGOs help her throughout the proceedings. Courts use wide-ranging sanctions to prevent, discourage and correct discrimination. The state adopts positive duties and actions, which encourages other institutions to open up. They find the best person for the job or contract, while better reflecting the population they serve.

The worst case

This is a composite of national policies found in May 2010 in at least one of the 31 countries.

People are free to deny opportunities to someone, purely because of his race, religion and nationality. A victim has to bring forward a case in court, without legal aid, interpreters or the support of an NGO. To prove discrimination, he has to carry the burden of proof throughout. If he is not discouraged by the lengthy procedure, he is by the purely symbolic sanctions. Around him, he sees no government action to promote equality. He cannot be helped by weak equality bodies that government created and controls.

Average

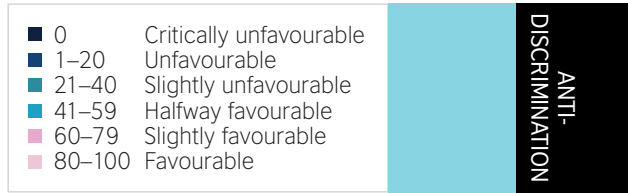
Europe and North America perform better on anti-discrimination than they do in most areas of integration policy. A wide range of actors in most areas of life cannot discriminate against a person on the grounds of race, ethnicity or religion. If it's for her nationality or multiple grounds, she has a harder – or no – chance. Generally, a victim seeking justice benefits from protections against

victimisation, sharing the burden of proof, financial aid and interpreters. Equality NGOs could have stronger legal standings to represent victims, lead class actions and use situation testing. The major areas of weakness are equality policies. States cannot guarantee that staff and service-providers are promoting equality in their daily work. Too few equality bodies have the full legal standing and independence they need to help victims.

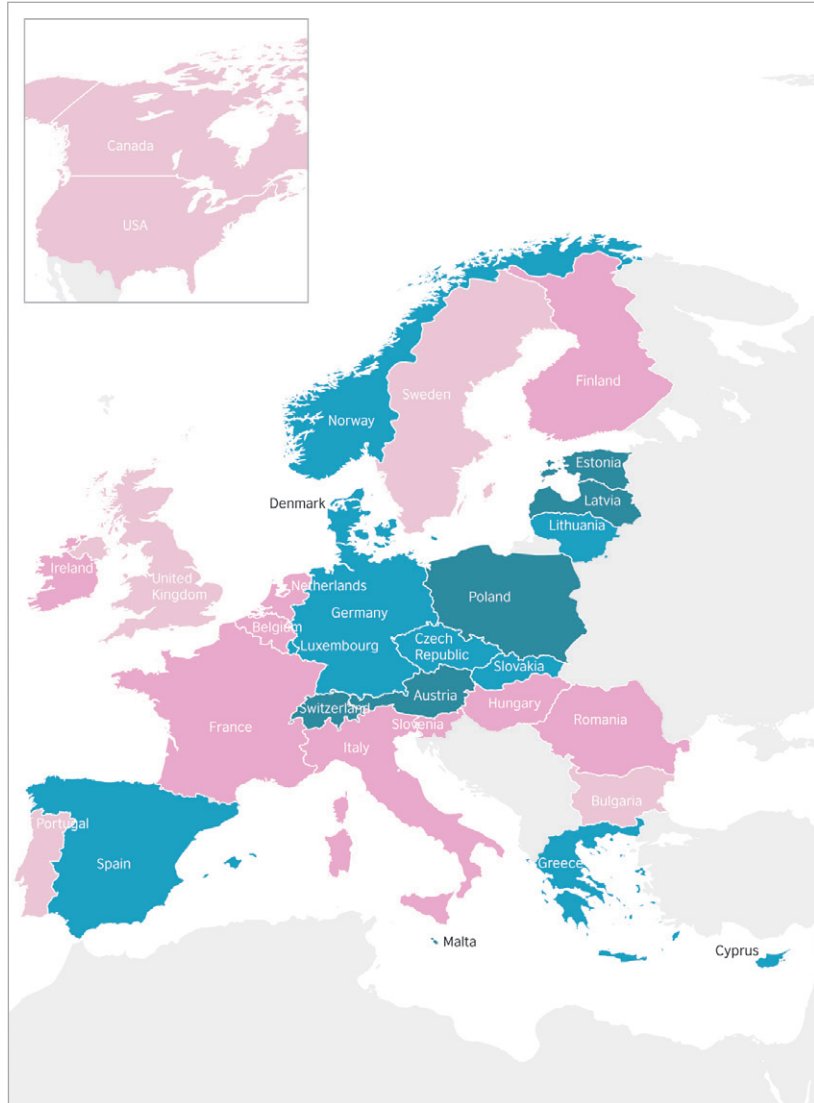
Victims of discrimination are best protected in North America and, in Europe, in the UK, SE, BE and FR. Leaders continue to make laws easier to use and enforce. PT, RO, BG and HU are starting to use often newer legislation to its full extent. The Baltics, MT and AT have only done the minimum that the EU requires; PL and CH fall critically below these standards. The rest (CZ, DE, DK, ES) go somewhat beyond by adopting broader protections that are still ineffective because of weak equality policies.

Changes and trends

Integration policy significantly and consistently improves when countries improve discrimination and equality policies. Here, Europe made its greatest gains. Before landmark EU legislation was passed in 2000, only 6 EU countries had dedicated anti-racism laws. Since then, all have had to catch up – on all 4 MIPEX dimensions. The greatest progress was in new countries of immigration and Central Europe. MIPEX II observed this in DE, GR, LU, SI, and MIPEX III in EE (+14) and CZ (+24). Others make minor improvements to comply with EU law. MIPEX III saw situations improve in BE, DK, FI, FR, LT, LU, MT and PL, while case law strengthens protections (e.g. IE). Weak equality policies and decreases in funding (e.g. IE) and political will (e.g. FR) can undermine access to justice.



Rank	Country	MIPEX%	
		III	II
1	Canada	89	■ (89)
	USA	89	■ (89)
3	Sweden	88	■ (88)
4	United Kingdom	86	▲ (81)
5	Portugal	84	■ (84)
6	Bulgaria	80	■ (80)
7	Belgium	79	▲ (70)
8	Finland	78	▲ (77)
9	France	77	▲ (74)
10	Hungary	75	■ (75)
11	Romania	73	■ (73)
12	Netherlands	68	■ (68)
13	Slovenia	66	■ (66)
14	Ireland	63	▲ (55)
15	Italy	62	■ (62)
16	Cyprus	59	■ (59)
	Norway	59	■ (59)
	Slovakia	59	■ (47)
	<i>EU Average</i>	59	■
19	Lithuania	55	▲ (50)
20	Greece	50	■ (50)
21	Spain	49	■ (49)
22	Germany	48	■ (48)
	Luxembourg	48	▲ (47)
24	Denmark	47	▲ (42)
25	Czech Republic	44	▲ (20)
26	Austria	40	■ (40)
27	Malta	36	▲ (27)
	Poland	36	▲ (35)
29	Estonia	32	▲ (18)
30	Switzerland	31	■ (31)
31	Latvia	25	■ (25)

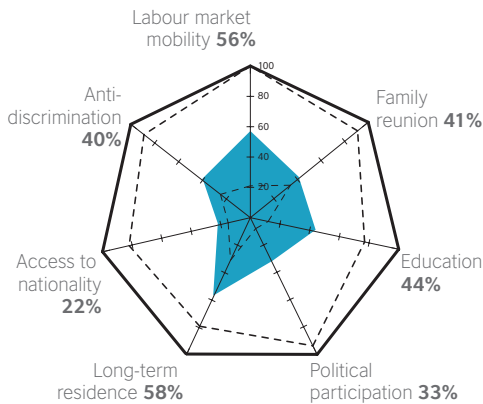


AUSTRIA

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Austria - - Best practice in 31 countries - - Worst practice in 31 countries



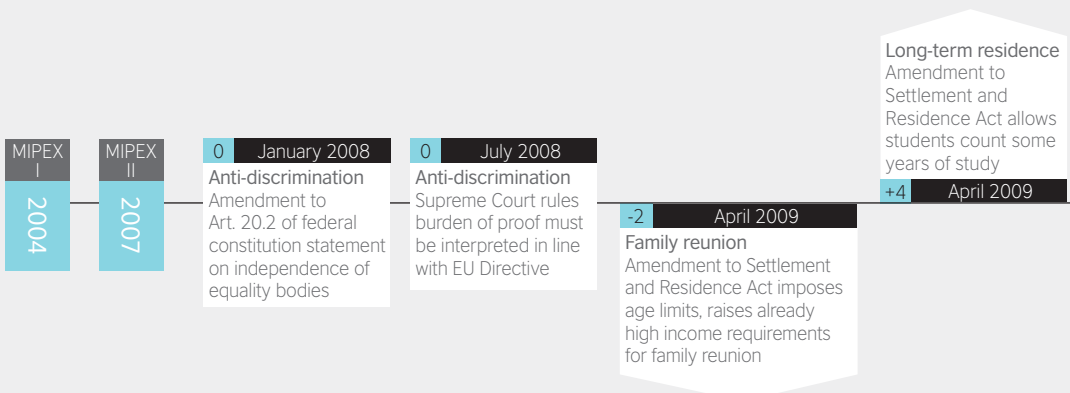
OVERVIEW

Only Austria and Germany kept citizens from new EU Member States from equally accessing the labour market, creating much undeclared work (e.g. care giving). In recent years, Austria saw fewer new non-EU immigrants of all types and fewer naturalised citizens, partly due to 2005 restrictions in law.

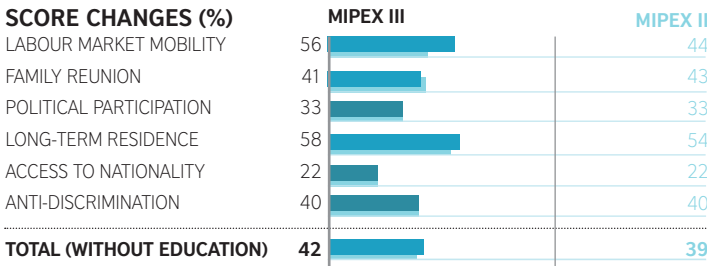
In 2010, the government committed to a National Action Plan for Integration, after years of NGO consultations, an integration platform, expert reports and panels, statistics and new indicators. This process of policy change has produced much paper and discussion, but few improvements so far.

Since the Plan started translating well evaluated projects into commitments (e.g. labour market), Austria gained 3 points on MIPEX. Most initiatives to promote integration are still local and regional projects, limited in time and reach. These 'best practices' cannot overcome all the obstacles to integration in the national legal framework, scoring 42 and ranking 24th, behind CH. Long-term residence, where Austria does best, is just average for most European countries. Other established immigration countries tend to provide better opportunities for immigrants to participate politically, become citizens, and fight discrimination.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



1: Eurostat
2, 3, 4, 5, 6, 7, 8, 9, 10: Ibid
11: Urban Audit
12: Eurostat
13, 14, 15, 16: Ibid

KEY FINDINGS

- Greatest new commitment to targeted labour market measures: from absent to average.
- Some of the most restrictive eligibility and conditions for family reunion: now age limits, soon tests abroad.
- Migrant education policies weak in Europe, Austria.
- Few opportunities in democratic life, unlike other established immigration countries.
- Becoming long-term resident best promotes integration in Austria, now also for international students.
- Naturalisation one of the riskiest and most expensive gambles in EU.
- Austria falling behind citizenship trends in other immigration countries: dual nationality, *jus soli*.
- All residents enjoy weaker discrimination protections than in most countries because of weak fields, equality policies.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹	+21,000
TCN immigration (2008) ²	39,055
Largest third countries of origin (2008) ³	Serbia and Montenegro, Turkey, Bosnia and Herzegovina
TCN population (2009) ⁴	547,402
TCN as part of population (2009) ⁵	6.60%
Foreign-born as part of population (2009) ⁶	10.30%
Permits delivered for family (2009) ⁷	14,572
Permits delivered for work (2009) ⁸	2,692
Permits delivered for study (2009) ⁹	3,233
Permits delivered for humanitarian reasons (2009) ¹⁰	16,132
Cities with largest TCN population (2004) ¹¹	Salzburg 15.55%, Vienna 13.71%, Linz 10.84%
TCN employment rate (2009, change since 2006) ¹²	56.70% +0.2%
National employment rate (2009, change since 2006) ¹³	71.60% +1.4%
TCN unemployment rate (2009, change since 2006) ¹⁴	12.80% 0.00%
National unemployment rate (2009, change since 2006) ¹⁵	4.80% 0.00%
Nationality acquisitions (2008, change since 2005) ¹⁶	10,270 -24,606

0 October 2009
Access to nationality law raises already high requirements

0 January 2010
Labour market mobility
Negotiations started on Rot Weiss Rot card for 'key workers'

Labour market mobility
National Action Plan for integration commits to targeted labour market measures
+12 January 2010

0 January 2010
Family reunion
Action Plan proposes pre-departure measures for family reunion

MIPEX III
2010

AUSTRIA

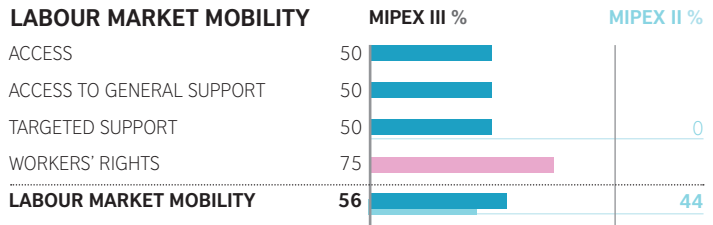
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Areas for improvement

Austria scores below countries with similar migration histories (Nordics, DE, DK, NL), traditional settlement (CA, US) and recent labour migration (ES, IT, PT). Ending EU citizens' transitional measures in 2011 (2013 for BG and RO) are opportunities to provide all Austrian residents equal access to private and self-employment. Non-EU reunited families immediately work in 22 of the 30 other MIPEX countries. 19 facilitate conditions for all entrepreneurs. Procedures for recognising foreign qualifications are equal and smoother in 9 (recently CA, PT, and proposed in DE).



LABOUR MARKET MOBILITY



Non-EU temporary residents may enjoy national measures to improve their position on the labour market, but without the equal access to jobs and training guaranteed in most other established immigration countries. Between 2007 and 2010, Austria made the most progress on labour market mobility (after PT). National targeted measures went from absent (0) to average (50) like most established immigration countries (e.g. CA, FR, ES).

The objectives in the 2010 Action Plan drew inspiration from ad hoc projects and policies in the länder. Accordingly, immigrant residents may be included in the country's labour market objectives. Combined language and vocational training may help them learn the technical vocabulary of their sector. Migrant youth may get better jobs through career coaching and mentoring, while migrant women may benefit from special programmes on language, health, sports and domestic violence. In the future, government wants more migrants in the public sector, including the police, schools, justice, health and so on. The public employment services that migrants access (as in 18 other MIPEX countries) will also be better trained to serve a diverse public in the various länder. For example, Vienna city administration and employment services are starting to get staff better trained and more diverse. These programmes may expand and improve in the future.

Still, newcomers may find targeted measures ineffective because overall labour market mobility policies (56) waste their full potential. Non-EU temporary residents cannot access jobs or general support like Austrians can. Most non-EU workers are tied to one employer and sector, and must always pass labour market tests. Family members' careers are interrupted for a year before they can access the job market. For entrepreneurs, one major obstacle to starting a business in the regulated trades is obtaining 'certificates of competence.' One obstacle for all immigrants to find a job matching their skills are the procedures to recognise foreign qualifications. Furthermore, all non-EU residents do not have immediate and equal access to vocational training and study grants. So far, Austria does not promote labour market mobility as well as most established immigration countries in North America or Western Europe (see box).

Progress on targeted employment measures, not yet basic labour market access, family reunion.

See DE, SE.

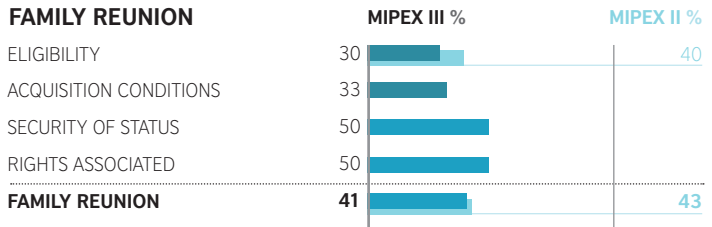
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New restriction: age limits

Länder-administered quotas create excessive waits. Since 2006, sponsors can only live with families if passing high-income requirements (only 5 other MIPEX countries) and 'integration agreements' (only 6). 2009's 21-year age limits may further discourage sponsors and delay spouses' integration. Waiting another 3 years abroad is supposed to fight arranged and forced marriages, even if the measure affects all marriages. Just 7 others impose age limits over 18, presented as 'in line' with options in EU law. Their effectiveness is hard to measure and evaluate (see UK).



FAMILY REUNION



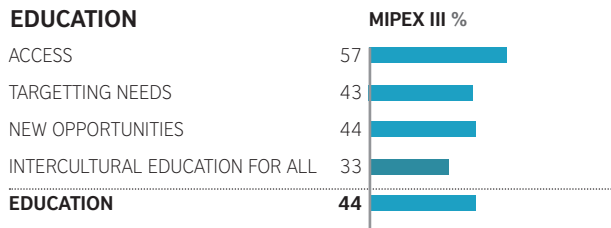
Austrian policies fall further below the European average because non-EU couples are now kept apart longer than Austrian couples (see box). Immigrants in only CH and DK (out of 30) face as restrictive definitions of the family and conditions. The 2010 Action Plan proposes pre-departure measures, which are rarely required (4) or even slightly effective (see FR). Austria may promote integration through free and accessible tests and courses. Reunited families in most other countries enjoy a more secure status and equal rights than in Austria, such as working and general vocational training (see earlier). Current language and introduction measures in Austria would better help families participate if also free, as in DK and FR.

Implementation

In all länder but Carinthia, school councils have integration and intercultural education departments and inspectors. Still, staffing and support varies significantly. To advise newcomer parents, 'Start Vienna', for example, offers education information seminars in most mother tongues. To support mother tongue teachers, Austria provides for new languages and teachers (360 for all Austria in 2008/09). Only 20 per cent of pupils with a mother tongue other than German are taking these courses. Immigrant cultures may or may not be integrated into 'intercultural education'. For other federal/ decentralised countries, see Nordics, US.



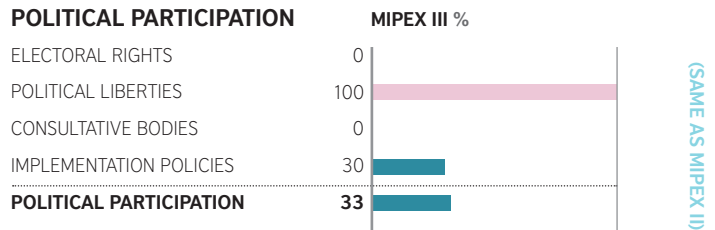
EDUCATION



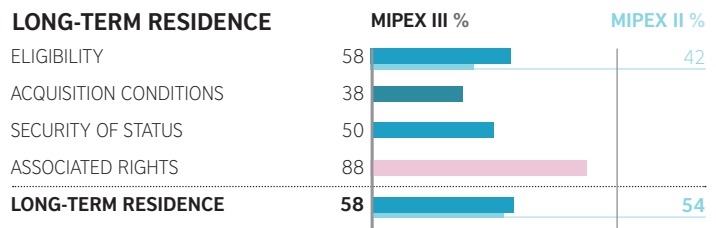
Migrant pupils may face as many challenges in Austrian schools as in the average European country, similar to DE and CH. All migrant children benefit from compulsory education and general measures for disadvantaged pupils. Targeted programmes focus on all pupils with limited German (e.g. extra funding and quality German courses). These participants are supposed to achieve and participate more at different school levels, from kindergarten to higher education or vocational training (e.g. Vienna's Jugendberatungs- und Bildungszentrum). Schools and länder retain wide discretion about whether or how to train teachers, teach mother tongues and cultures, and implement intercultural education (see box). DE, Nordics and UK are piloting some policies to diversify schools, teachers and parent associations.

AUSTRIA

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Newcomers in most immigration countries in Europe can better contribute to democratic life than in Austria. They do enjoy basic political liberties as in 19 other MIPEX countries (with most problems in Central Europe and the Baltics). In Switzerland, they can vote in several cantons (and in 18 other MIPEX countries) and are structurally consulted in all (also 14, including DE). To vote in Austria, constitutional change is needed (as in DE, IT, ES, PT). Austria's foreign residents have been encouraged to participate politically through ad hoc funding and consultations (e.g. in Graz, Vienna, Styria). That these projects have been overlooked for national policy is a major weakness in Austria's National Action Plan for Integration.



Becoming a permanent resident slightly improves a non-EU resident's integration in Austria and most other European countries, due to EU law. Comparatively few are eligible: international students have a clearer path since 2009, but not temporary workers. Those that can meet the slightly unfavourable conditions (see also family reunion) acquire just average residence security and rights in most areas, except for democratic life. They are more uncertain about their future in Austria than in other established immigration countries (e.g. BE, FR, DE, NL, SE). They are doubly punished for a long but not exhaustive list of 'threats'. They can be deported to countries they barely know, after living in Austria for decades or since childhood.

Reforming immigration countries opening political rights, citizenship, discrimination protections.

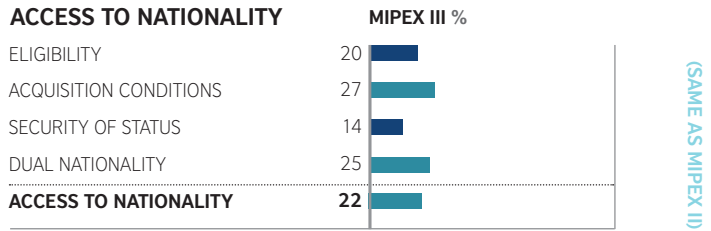
See FI, GR, IE, LU, PT.

AUSTRIA

Recent changes in law, impact
 2009 Nationality Law reforms added the same income requirement for naturalisation as for family reunion. The thinking was simply that the Settlement and Residence Act had changed. Applicants need to prove an income at the minimum pension level, plus funds for rent, loan repayments, garnishments and alimony. Immigrants and Austrian-born descendants must document this for the last 3 years. Austria recently published statistics that showed fewer people are naturalising, partly because fewer have access since the 2005 law (i.e. less flexible residence, language/integration test).

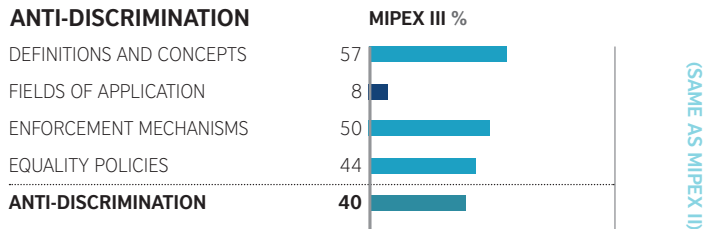


ACCESS TO NATIONALITY



Becoming an Austrian is one of the riskiest gambles, because the path to citizenship is long, burdensome, discretionary and expensive. Since 2009, applicants need even higher incomes and pay the highest national/länder fees across the EU. More established immigration countries are finding it simpler to grant dual nationality (now 18, recently LU) and *jus soli* after one or two generations (now 15, since 1999, DE, SE, FI, PT, LU, GR). Countries introducing conditions like Austria's usually let immigrants apply much sooner. Since the 1999 German reform, immigrants are entitled if they meet agreed legal conditions. Compared to Austria, only the Baltics made less progress to encourage common citizenship among nationals and long-settled residents.

ANTI-DISCRIMINATION



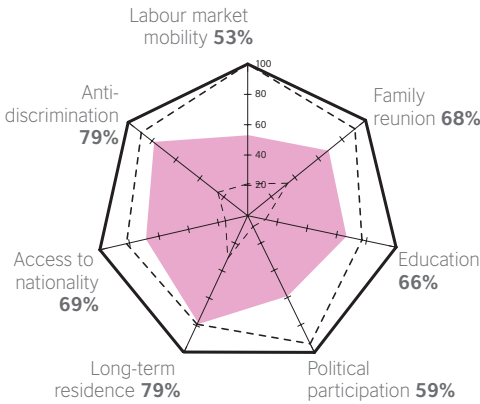
All residents, regardless of their background, have to live with more discrimination than in almost all European countries because they have weaker access to justice in Austria. Only EE, LV, MT, PL took such a minimalist approach to comply with EU law; CH does not need to. 9 MIPEX countries outlaw religious or nationality discrimination in more areas of society, while 15 do both. Potential victims can rely on average discrimination definitions and equality policies. Still, they have few options to enforce their rights other than courts. Judges apply more limited sanctions and equality NGOs can do very little compared to 18. Victims only receive half the help from Austrian equality bodies that they could in 16.

BELGIUM

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Belgium - - Best practice in 31 countries - - Worst practice in 31 countries



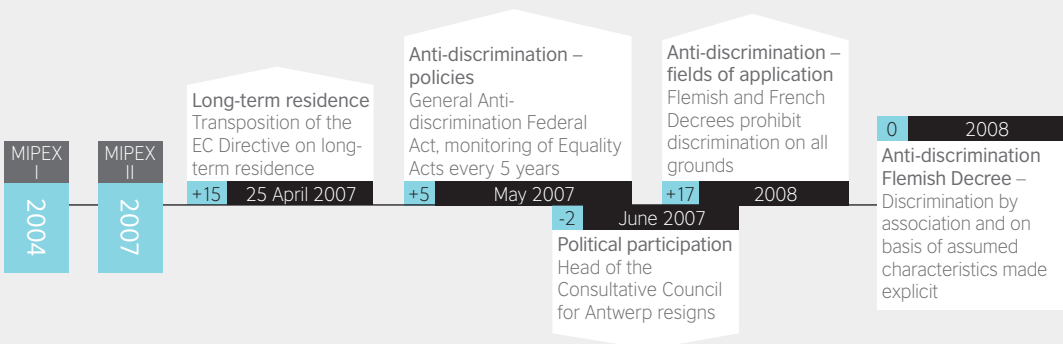
OVERVIEW

Net migration is below the EU average. Most foreigners are EU citizens, while few non-EU workers are allowed in. Case-by-case regularisations started in 2009. Job opportunities for immigrants and their descendants, although unequal, were less affected by the crisis than elsewhere. The OECD finds that the 2000 Nationality Law helps settled migrants to become Belgian and better integrate economically, especially in the public sector.

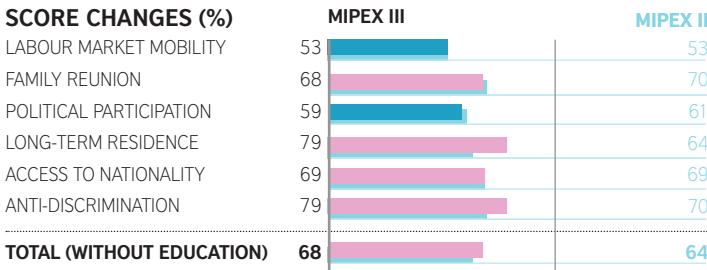
Without a government for long periods, many changes were blocked (e.g. family reunion and naturalisation). Both language communities are now developing some sort of introductory programmes. Political and linguistic divisions persist on immigration and citizenship policy, with some (mostly Flemish) politicians seeking restrictions and regional autonomy.

Newcomers still benefit from integration policies that are some of the best in Europe and getting better (+4 points, now outranking NO, IT, UK). More coherent anti-discrimination laws benefit potential victims. EU law was implemented to give immigrants clearer access to long-term residence, while government does not intend a new housing condition to undermine family reunion. Belgium still restricts basic access to the labour market, especially compared to countries attracting labour migration.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



17: Centre pour l'égalité des chances et la lutte contre le racisme Website
 18, 19: Ibid
 20: Eurostat
 21, 22, 23, 24, 25: Ibid
 26: Urban Audit
 27: Eurostat
 28, 29, 30, 31, 32: Ibid

KEY FINDINGS

- Belgium encourages labour market mobility less than other established immigration countries.
- Non-EU residents excluded from large number of jobs.
- Discrimination protections and equality policies across Belgium continue to improve.
- Clearer and more secure status for long-term residents.
- Naturalisation, promoting integration since 2000, now being undermined by inefficient Parliamentary Committee.
- Dutch and French-speaking committees better see and target migrant children needs than most, but still problems related to social class and lack of school diversity.
- Family reunion procedures provide largely favourable starting point for integration, despite some weaknesses and problems with implementation throughout.
- New requirements to fight slumlords and precarious living should not undermine family reunion.
- Political opportunities still limited.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹⁷	+55,000
TCN immigration (2008) ¹⁸	35,320
Largest third countries of origin (2008) ¹⁹	Morocco, Turkey, USA
TCN population (2008) ²⁰	312,192
TCN as part of population (2008) ²¹	2.90%
Foreign-born as part of population (2009) ²²	9.10%
Permits delivered for family (2009) ²³	28,523
Permits delivered for work (2009) ²⁴	5,391
Permits delivered for study (2008) ²⁵	6,743
Permits delivered for humanitarian reasons (2009) ²⁶	8,089
Cities with largest TCN population (2004) ²⁷	Brussels 10.56%, Antwerp 6.85%, Gent 4.69%
TCN employment rate (2009, change since 2006) ²⁸	34.40% +4.4%
National employment rate (2009, change since 2006) ²⁹	61.60% +0.6%
TCN unemployment rate (2009, change since 2006) ³⁰	29.40% -3.8%
National unemployment rate (2009, change since 2006) ³¹	7.90% -0.4%
Nationality acquisitions (2007, change since 2005) ³²	36,060 +4,548

Long-term residence – conditions
 Procedure for long-term residence lasts 5 months. If delayed, status is given
+25 July 2008

Anti-discrimination – definitions
 European Court of Justice (C-303/06) – Discrimination by association implicitly forbidden under federal law
+15 17 July 2008

0 April 2009
Integration in Flanders, Wallonia
 Integration decrees proposed

0 October 2009
Family reunion; nationality
 Government announces Bills on family reunion and naturalisation

-2 February 2010
Family reunion Council of State:
 housing for family reunion must be proven, but by any legal means

MIPEX III
 2010

BELGIUM

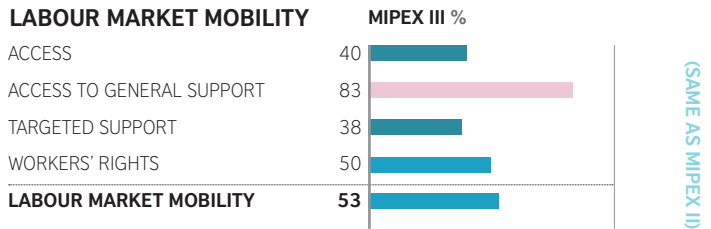
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Importance of labour market integration

Belgium is one of only 6 countries in total (e.g. AT, IE) where non-EU workers and their families cannot immediately access all areas of employment. They can in the Nordics, NL and countries attracting labour migrants (e.g. CA, ES, PT, US). These countries also tend to guarantee equal access to study grants (9) and social security (14), unlike in parts of Belgium and half the MIPEX countries (mostly Central Europe). Better targeted measures are developing in neighbouring FR, DE, and NL or CA and SE.



LABOUR MARKET MOBILITY



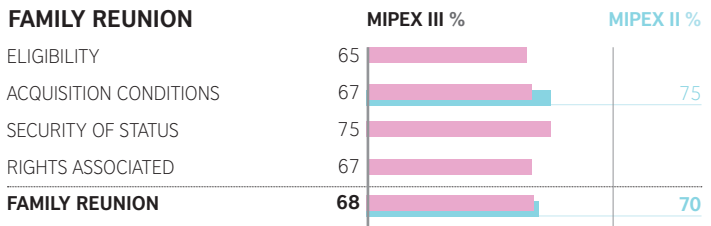
The greatest weakness across the country's integration policies is promoting newcomers' labour market mobility. Non-EU workers and families can use general job support and some targeted measures to become better skilled and qualified. However, they may be legally excluded from the very careers that they are qualified for, because of delayed and unequal access to a large part of all jobs in Belgium (see box). Only after years of residence and paperwork do they have the same job mobility as Belgian or EU citizens. Until they naturalise, they cannot hold permanent public sector jobs, and several temporary ones. These restrictions may delay or discourage non-EU newcomers from investing in skills and careers over the long term.

Families in public life

Most countries facilitating family reunion also promote labour market mobility. However, Belgium still limits family members' access to employment. While they can participate in programmes to improve their skills and education, bureaucratic obstacles may make them dependent on their sponsor in their first years. In addition to opening access, other countries (e.g. DE, SE) adopt better targeted job measures for migrant women and youths. In countries like FI, NL, NO, immigrant bodies funded and consulted by government work to be representative of migrant women and younger generations.



FAMILY REUNION



Most non-EU families should be able to live together as their starting point for integration, according to Belgian law. Their chances for a secure family life in Belgium are slightly favourable, reflecting EU law, but not much better than in the average European country or the US. Neighbouring countries (FR, DE, NL) may be delaying or discouraging families' integration through new conditions (e.g. income, language), sometimes proposed in Belgium.

With dimension scores between 65 and 75, Belgium's complicated laws contain some weaknesses and many strengths, even if implementation is complicated. Non-EU newcomers can immediately apply for their family, largely based on Belgium's inclusive definition of the family. However, only citizens can sponsor their dependent parents or grandparents, unlike in 19 countries. Since 2006, non-EU couples meeting while the sponsor is already living in Belgium are separated until age 21. Additional age limits, optional under EU law, are imposed in just 7 other EU countries.

Migrant students have equal legal access and may use targeted measures, but still disadvantaged by social class and little mixing of students.

See Nordics, CA.

BELGIUM

Integration abroad?

Pre-departure requirements exist nowhere in North America and in just 4 European countries (2 more proposed). Flemish plans to 'start integration earlier' with voluntary free courses abroad would be favourable only if spouses could participate as easily in their home country as they do in Belgium. Since 2008, France has done slightly well at offering free courses across the world. DE and NL programmes are less cost effective abroad than they are in the country. They are more costly for the State and families, while few learn anything meaningful.



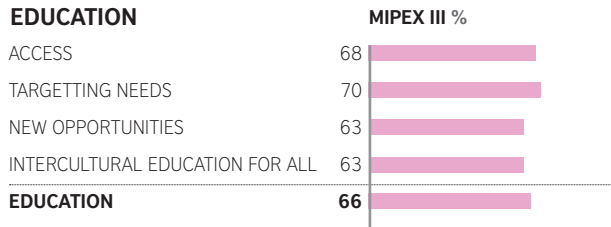
Since implementation of EU law (2003/86/EC), sponsors must also provide health insurance (as in half EU Member States) and housing (as in most) for their families. During parliamentary debate, government stated that goals to fight precarious living situations and slumlords should not create new problems or longer separations for families in practice. Belgium's MIPEX score only dropped 2 points because sponsors can use any legal means to prove 'sufficient' housing. PT and SE have also tried to guarantee that new conditions facilitate, rather than undermine, family life. If Belgian authorities respect these legal conditions, families should only be rejected in genuine cases of fraud, family break-up or serious security and health threats. If they do not, families learn why and can appeal, as in 24 other countries. Family members could participate quicker and more effectively with full access to the labour market (see box). Current integration programmes are already favourable and in high demand because the free courses help all participants to succeed (see box). They are required in the Dutch-speaking community (as in FR and NO) and are voluntary and needs-based in Wallonia (like SE and FI). Other countries (e.g. AT, NL) provide less favourable learning environments.

Similar policies, different terms

French-speaking schools (scoring 55 overall) focus on social disadvantage, with some specific support (e.g. FR, SE) for refugees and newcomers from developing countries. Dutch-speaking schools (76) also give socially disadvantaged pupils with migrant backgrounds ('allochtoon') extra support, specifically on language (e.g. DE, NL). Dutch and French-speaking schools score similarly on access (71, 64) and interculturalism (67, 58). On needs (80, 60) and opportunities (88, 38), Dutch-speaking schools have more translated information and migrant parent outreach (e.g. *Minderhedenforum* projects), data on migrant pupils and school mixing projects.



EDUCATION



The Dutch and French-speaking communities are becoming aware of the different challenges facing diverse students and starting to work on them. All pupils can learn about some immigrant languages and cultures. All newcomers should receive targeted orientation and quality language support, while schools get some extra training, funding, and guidance. Data could be systematically monitored and evaluated to improve implementation. Although all have equal educational opportunities in law, economically disadvantaged pupils may not receive enough support and end up in underperforming schools, only with students from the same class and background and with fewer immigrant teachers. Both communities need evidence-based diversity policies for enrolment, recruitment, and parental involvement (e.g. Nordics, DE, UK).

BELGIUM

WWW.MIPEX.EU/BELGIUM

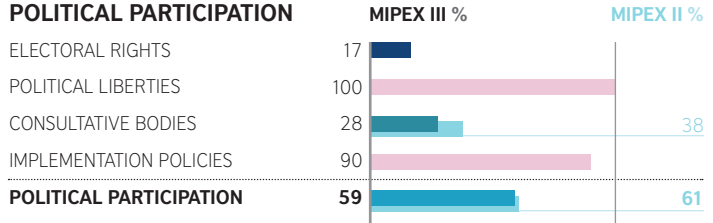
Consultative bodies:

independence, political will

More established consultative bodies tend to treat immigrants as serious, equal partners. These bodies are often more representative, democratic and autonomous – but not in Belgium, where long-standing Brussels and national bodies are among the weakest in Europe. Dependent on government's goodwill, many die out like Antwerp's in 2007. The exception is the *Minderhedenforum*, an independent and immigrant-led 'participation organization', representing 17 federations and 1500 grassroots associations. Funded by the Flemish community, it reports and recommends on ethnic minority needs in Flanders and Brussels. www.minderhedenforum.be

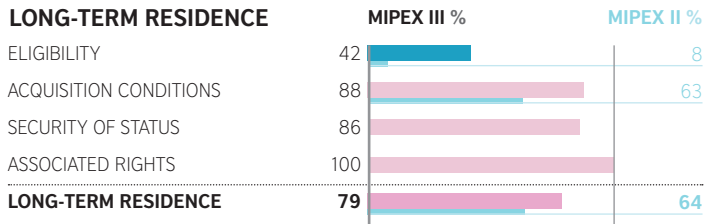


POLITICAL PARTICIPATION



Non-EU residents enjoy only limited political opportunities, a weakness in Belgium as across Europe but a strength in neighbouring LU and NL. In Belgium, they voted for the first time in the 2006 municipal elections. Conditions are still restricted (5 years, registration), as in other countries recently opening electoral rights (e.g. EE, HU, LT, SI). So far, they cannot stand as candidates (as in 13 MIPEX countries) or vote in regional elections (as in 7). Participation in 2012 elections would improve if they were actively informed of their rights. As in most of Western Europe, immigrants are given equal political liberties and some public funding for their political associations, but are weakly consulted (see box).

LONG-TERM RESIDENCE



A major asset for integration in Belgium – and Europe on average – is securing residence and rights for non-EU residents after 5 years. Belgium (like PT, ES) turned implementing EU law into an opportunity to make the status clearer and accessible. Applicants are certain about when they can apply, how long they can leave the country for, and how long the procedure lasts, giving Belgium the biggest improvement (like PT) and highest score (alongside SE and ES). While only limited groups can apply, the simple, short procedure is based on the facts and rule of law. In parliamentary debate, government presented EC long-term residence as a 'warranty' document to work and move freely throughout the EU.

Where Belgium leads on integration, anti-discrimination law could be more accessible (SE, UK), while naturalisation procedure could be more efficient and encouraging (CA, US, SE).

See CA, US, SE

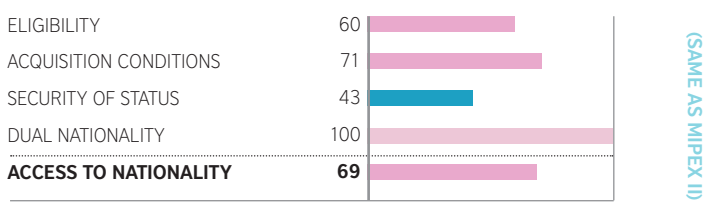
BELGIUM

Inefficient procedure, options for reform

Only DK and some CH cantons still require parliamentarians for naturalisation. In Belgium, when there's no government, there may be no Committee and no naturalised citizens. A 2010 bill would have added more discretionary rejection/withdrawal grounds about residence, language, and 'integration'. Until 2000, integration was assessed subjectively by police, sometimes in applicants' homes. Other countries have basic (US), professional (CA), well-supported (DE, NO) citizenship programmes, including ceremonies (7). Reforms in DE, GR, and LU made procedures less discretionary for all meeting clear agreed conditions.



ACCESS TO NATIONALITY



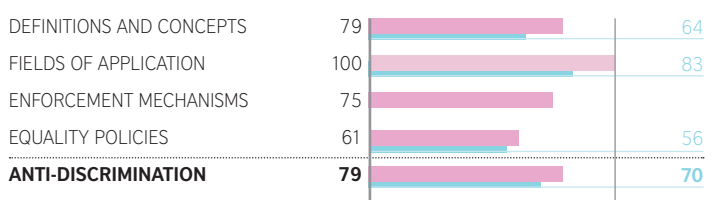
The recent path to citizenship, which was improving newcomers' civic and economic integration, is being undermined by an inefficient Naturalisation Committee (see box). 2000's law made naturalisation conditions simpler, shorter and free. But the Committee must approve every applicant and changes their criteria behind closed doors. For instance, '3 years of uninterrupted legal stay' may mean 3, 5, or 8 years, or 365 days, without a day's gap in administrative records. The Committee's backlog is minimum 2 years. Two thirds of candidates, many of whom may have succeeded before, are rejected today. They cannot learn why or appeal, unlike in 23 countries. At that point, they may as well apply for nationality by declaration after 7 years.

Co-ordinating equality policies

The public has seen Belgium's various governments taking greater responsibility for equality by monitoring and implementing acts in nearly all parts of the country: specifically the May 2007 General Anti-discrimination Federal Act (Article 52); 2008 Flemish Decree (Article 49); 2008 French Community Decree (Article 61); and the 2008 Walloon Region Decree (Article 35). Belgium's Centre for Equal Opportunities and Fight against Racism, established in 1993, now can better co-ordinate implementation across the country, including 13 local contact bureaus in Flanders, similar to FR, NL and SE.



ANTI-DISCRIMINATION



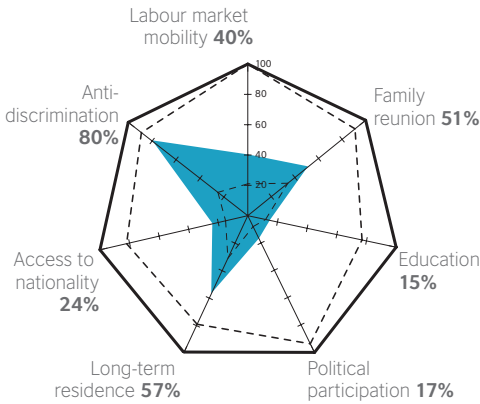
All residents, regardless of their background, enjoy consistently better opportunities to participate in society when countries worked on equality, with Belgium in the lead (like Nordics, FR, UK, CA, and US). Victims can use robust procedures to enforce their rights, with NGO support, wide sanctions, legal aid and situation testing. There could be more clarity in definitions on multiple discrimination (e.g. CA, US) and racial profiling (also FR, NL, UK). Enforcement could improve through class actions or *actio popularis* (14 MIPEX countries) and alternative dispute procedures (19). Since 2007, minor modifications improved the law; e.g. discrimination by association (European Court of Justice) and discrimination protections in education. Equality policies are now stronger and better co-ordinated (see box).

BULGARIA

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Bulgaria - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

Since acceding to the EU in 2007, Bulgaria has remained largely a country of emigration, though immigration increased with EU membership and economic trends. Recently, Bulgaria saw more international students, slightly more asylum seekers, but few non-EU migrant workers, despite government initiatives.

Newcomers to Bulgaria will find that policies are just half-way favourable for their integration. Bulgaria's policies that best promote integration are in areas of European law. All residents can use some of the strongest anti-discrimination law in both Central Europe (along with RO) and Europe in general. Protections against ethnic, racial, religious and nationality discrimination apply in all areas of life with independent support and good possibilities to enforce rights. Bulgaria has implemented laws on family reunion and long-term residence, which score just below the European average. Favourable conditions in law can nevertheless be undermined by authorities' wide discretion in procedures, a problem across Central and Eastern Europe. Beyond the negative effects of this insecurity on integration, newcomers critically lack many basic citizenship, education and political opportunities that are becoming best practice across Europe.

INTEGRATION POLICY TIMELINE



33: Eurostat

34, 35, 36, 37, 38, 39, 40, 41: Ibid

42: Urban Audit

43: Eurostat

44, 45, 46, 47: Ibid

KEY FINDINGS

- Labour market mobility is an area of weakness. Bulgaria has lowest score on general support (with IE).
- Family reunion and long-term residence slightly below European average. Conditions are accessible but administrative discretion means lack of status security.
- Restrictive access to education and limited measures to target needs make Bulgaria the second lowest scoring country on education (after HU).
- Limited political participation and restrictive access to nationality.
- Robust and broad anti-discrimination laws in Bulgaria and a strong equality body.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³³	-16,000
Largest third countries of origin (2008) ³⁴	Russia, Ukraine, Armenia
TCN population (2009) ³⁵	20,306
TCN as part of population (2009) ³⁶	0.30%
Foreign born as part of population (2009) ³⁷	0.30%
Permits delivered for family (2009) ³⁸	1,539
Permits delivered for work (2009) ³⁹	769
Permits delivered for study (2009) ⁴⁰	1,623
Permits delivered for humanitarian reasons (2009) ⁴¹	1,264
Cities with largest TCN population (2001) ⁴²	Sofia 0.67%, Varna 0.56%, Pleven 0.55%
TCN employment rate (2009, change since 2006) ⁴³	61.50% +8.70%
National employment rate (2009, change since 2006) ⁴⁴	62.60% +4%
TCN unemployment rate (2009, change since 2006) ⁴⁵	6.87% -2.15%
National unemployment rate (2009, change since 2006) ⁴⁶	6.80% -2.2%
Nationality acquisitions (2008, change since 2007) ⁴⁷	7,140 +1,170

0 January 2008

Migration and integration National Strategy on Migration and Integration (2008–2015) adopted

0 March 2009

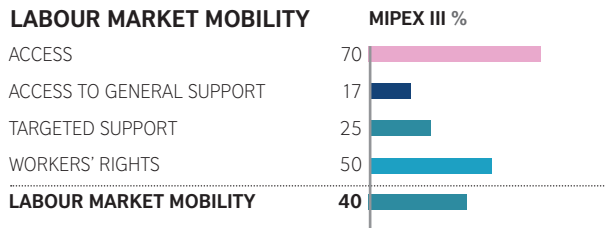
Education Government introduces draft School Education and Pre-school Instruction and Preparation Act

MIPEX III

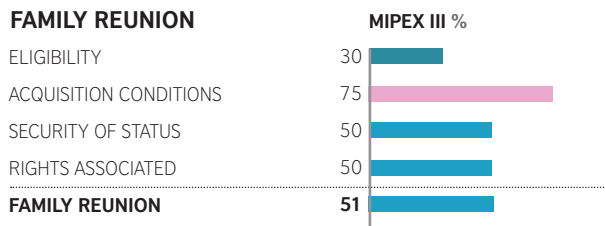
2010

BULGARIA

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Migrants enjoy slightly weak job opportunities in Bulgaria and most Central European countries, unlike in RO. Some temporary permit holders cannot immediately work. Once they can, all private and some public sector positions are open to them. Still, temporary workers risk spending years trapped in a job below their level because Bulgaria gives them the least access to general support, along with IE. Their foreign qualifications might not be recognised while their education and training opportunities are limited in Bulgaria. Although taxpayers, workers who are not long-term residents cannot access some social benefits; whereas, in contrast, the majority of MIPEX countries provide all residents basic equal general support and rights as workers.

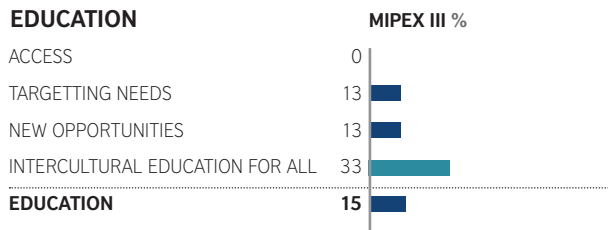


Bulgaria restricts the definition of the family more than most countries in the region or across Europe. Households cannot include dependent adult children or other relatives, unlike in 21 MIPEX countries, including RO. As in other Central European countries, sponsors have to fulfil rather accessible conditions in the law, but have just halfway security and rights, slightly below the European averages. Only in Bulgaria, DK and IE are families not entitled to an independent status before long-term residence, even where their sponsor dies or is abusive. As in most countries, families do however have equal access to the same rights as their sponsor, including employment, education and social benefits.

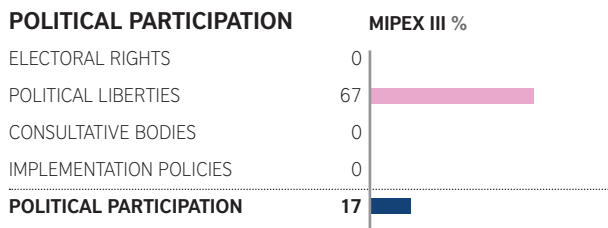
Missing basic provisions on education, political participation, general job support.

See EE, GR.

BULGARIA



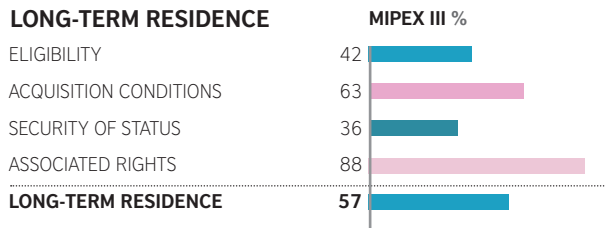
At 15 points, Bulgaria scores 2nd worst on migrant education, just ahead of HU. Access is critically unfavourable for integration, since children of temporary and undocumented migrants pay fees to access education, unlike in 27 of the 30 other MIPEX countries. Half guarantee access at all education levels. For those lucky enough to attend compulsory education, trained language teachers are supposed to teach standardised Bulgarian programmes. Mother tongues can be taught. Other than that, schools are far less prepared than most in Europe to address new needs and opportunities. The Centre for Educational Integration of Children and Students from Ethnic Minorities helps schools implement intercultural education, but could guarantee more materials, guidelines and evaluations.



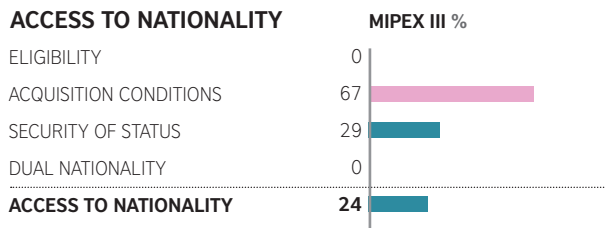
Non-EU residents are excluded from democratic life in Bulgaria, as in only several other Central European countries like RO. They cannot vote or stand in any election, unlike in 19 MIPEX countries including EE, HU, LT, SK and SI. Structural immigrant bodies are not yet part of integration governance, as they have become in several new immigration countries (e.g. IE, ES, PT). Neither does the State encourage new communities to organise and represent their civic and political interests, although the European Integration Fund finances ad hoc general projects. Political liberties fare marginally better, as migrants and nationals have equal rights to media and associations, but not political parties, as in only 8 other countries.

BULGARIA

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Standard in the EU, newcomers wait 5 years to apply for equal opportunities to integrate in economic and social life. The legal conditions are relatively straightforward, as in Central Europe. However, at €500, the cost of issuing the permit is among the highest in Europe and could be a major obstacle in practice. Apart from being issued with a 5-year permit, as required under EU law, a long-term resident does not get the security that normally comes with this status in most European countries. Permits can be lost on wide grounds, including insufficient resources (as in only 12 countries) and without consideration of some important personal circumstances (only 6).

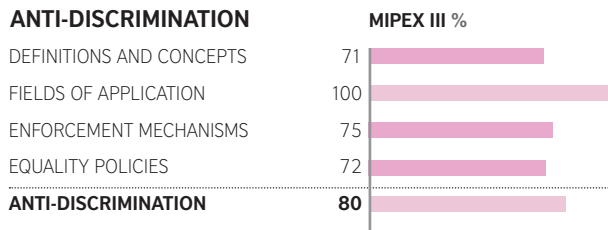


Bulgaria (like other Central European countries) lacks fundamental citizenship principles, increasingly recognised in established and reforming immigration countries (recently GR). Fewer countries require applicants to renounce their previous nationality (only EE, LT, ES), which is a major obstacle to naturalisation and unlikely an incentive to integration. Few require as long a residence requirement (5 years as long-term residents can mean 10 in practice). Unlike RO, conditions are more professional than average in Central Europe, with attainable language levels (A2), free support and few vague requirements. Authorities have wide discretion, and applicants no right of appeal (as only 7 other countries). If accepted, new citizens will be relatively well protected from withdrawal and statelessness.

All residents can enjoy strong protections against discrimination. Other leading countries make legislation easier to use.

See SE, UK.

BULGARIA



Like RO, Bulgaria has enacted robust and broad anti-discrimination laws, which all residents and newcomers can better use to secure more equal opportunities in practice. The other leading countries (CA, PT, SE, UK, US) continuously improve anti-discrimination and equality laws to make it easier to use in practice. The 2004 Protection Against Discrimination Act prohibits discrimination on all grounds, including nationality. Unlike RO, it covers discrimination based on association and has specific rules on multiple discrimination. Protection against discrimination extends to all areas of life, as in 14 other countries, and includes protection against victimisation. A victim has above average possibilities to enforce their rights.

As in other leading countries like RO and HU, victims can access administrative and legal proceedings, are not always obliged to carry the burden of proof and can use both situation testing and statistical evidence in court. Judges have the full range of sanctions at their disposal in cases of discrimination. If victims cannot take the case themselves, they can look to NGOs for support and both class actions and *actio popularis* are available, as in 5 other countries. Still, victims may be discouraged by the length of the proceedings (unlike 11 MIPEX countries, especially NL).

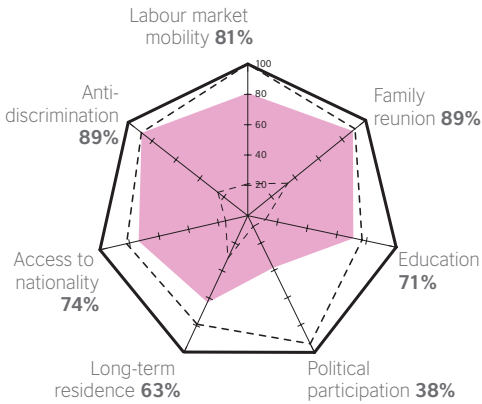
Victims can also look for support from one of the strongest equality bodies in Europe, the Protection Against Discrimination Commission. The Commission offers independent advice and investigative assistance, issues binding appealable decisions and instigates its own proceedings and investigations. It can also submit legally binding recommendations to the parliament and government to prepare bills and abolish discriminatory laws. Several government units work on anti-discrimination. All public authorities are obliged to take all necessary measures in their daily work, including positive actions, to secure the aims of the anti-discrimination law. However there is no explicit obligation on the State to promote equality through information campaigns and consultation (unlike in 13) or in public contracts (6).

CANADA

WWW.MIPEX.EU/CANADA

SCORE OVERVIEW

— 100% on MIPEX scale ■ Canada - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

One in 5 Canadian residents is born abroad. Despite the economic crisis, Canada maintained its long-term immigration vision. Between 200–250,000 permanent residents have immigrated each year since 1990. 61 % are 'economic class' migrants and their families, while 26 % are 'family class' immigrants sponsored by Canadians and permanent residents. In 2009, there were 643,293 temporary residents, who are mostly international students, humanitarian cases, and increasingly workers.

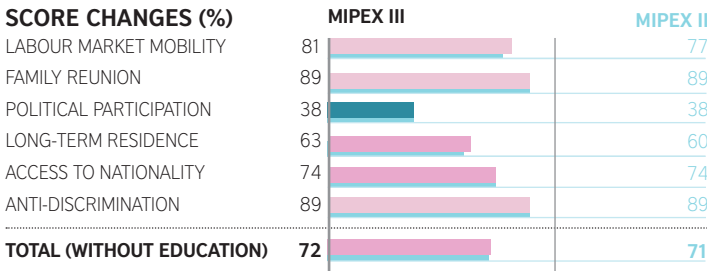
Government is working to better implement immigration policies and address unintended consequences. Refugee system reforms may fast-track procedures, while increasing integration support and resettlement. 2009's Citizenship Law protects the value of citizenship by limiting it to one generation born abroad.

Migrant workers and families benefit from the third-best integration policies in the 31 MIPEX countries. Traditionally, they start their lives in Canada with near equal opportunities and an encouraging path to citizenship. According to a new MIPEX strand, schools in major immigration provinces are some of the best prepared to help all students live and learn in a diverse society. Canada increased its score by 1 point by committing to better recognise foreign qualifications.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



48: Board of Trade of Metropolitan Montreal, migration patterns
 49: OECD SOPEMI 2010
 50, 51, 52, 53: Ibid
 54: Citizenship and immigration Canada
 55, 56: Ibid
 57: OECD SOPEMI 2010
 58, 59, 60: Ibid
 61: OECD SOPEMI 2007 and 2010

KEY FINDINGS

- Canadian and US governments have strongest commitment to anti-discrimination and equality.
- One of best policies to attract permanent migrant workers and their families.
- Canada now committed to Pan-Canadian Framework to improve assessment and recognition of foreign qualifications.
- Canadian schools 2nd best at targeting needs of migrant pupils.
- Multiculturalism policy improves political participation of immigrants and diversity education for all Canadians.
- No local voting rights before becoming Canadian, unlike in 19 MIPEX countries, despite grassroots movements in Canada and US.
- New citizenship test and guide is most professional of all countries.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁴⁸	+269,081
Immigration flows (2008) ⁴⁹	247,243
Largest countries of origin (2008) ⁵⁰	China, India, Philippines
Foreign-born population (2009) ⁵¹	5,355,210
Foreign-born as part of population (2009) ⁵²	20.10%
Permits delivered for family (2008) ⁵³	143,000
Permits delivered for work (2009) ⁵⁴	178,478
Permits delivered for study (2009) ⁵⁵	85,140
Permits delivered for humanitarian reasons (2008) ⁵⁶	37,796
Foreign-born employment rate (2008, change since 2000) ⁵⁷	70.9%
National employment rate (2008, change since 2006) ⁵⁸	73.70%
	+2.6%
Foreign-born unemployment rate (2008, change since 2000) ⁵⁹	7.25%
	+0.8%
National unemployment rate (2008, change since 2006) ⁶⁰	6.10%
	-0.15%
Nationality acquisitions (2008, change since 2004) ⁶¹	176,467
	-16,123



CANADA

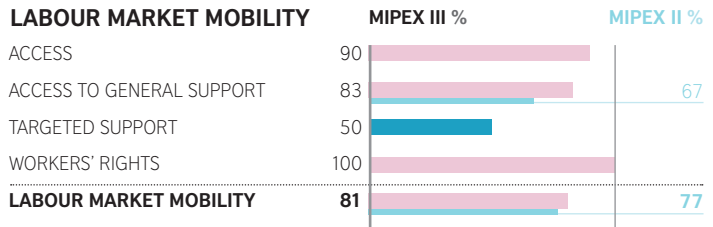
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Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications

This 2009 Framework recognised that migrants face extra barriers to get their foreign degree recognised, because procedures were designed for Canadians educated in Canada. Federal, provincial and territorial governments committed to work together and set key principles, benchmarks and implementation strategies. Canadian and international-trained applicants will now be treated equally and enjoy better procedures across all jurisdictions, including for regulated professions. For some new proposals in other countries, see FR, DE, LU and PT.



LABOUR MARKET MOBILITY



Migrant workers and their families have some of the best labour market opportunities in Canada – far better than in Europe on average or the US. As in most countries attracting high labour migration, foreign residents and nationals have the same right to work in any sector, start a business and use public job services. All have the same working conditions and access to social security. But they may find that their specific problems as newcomers trained abroad are not addressed on the labour market in Canada, as in most countries. They may soon have an easier time in Canada getting a job that matches their qualifications (see box).

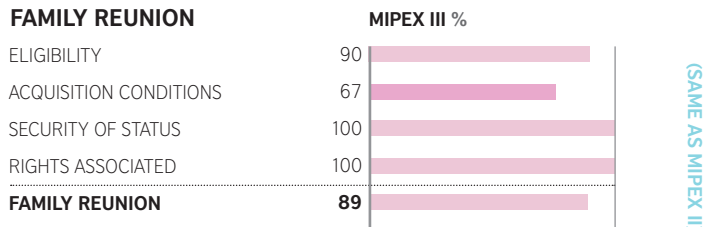
More workers, more families

Canada's high scores on labour market and family reunion are linked as in other labour migration countries. One reason Canada attracts migrant workers is that all permanent residents can sponsor their families, if they have basic means to support them. Immigration law recognises their spouse, common-law or conjugal partner, of the same or opposite sex. Their family can also include minor or adult children, parents, grandparents and dependent relatives, including orphaned minors.



Families have equal access to the labour market, just like all other permanent residents.

FAMILY REUNION

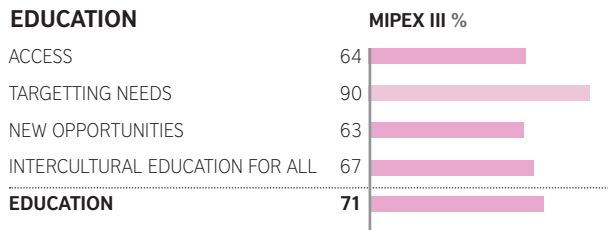


Canada tries to give most of its foreign residents a secure family life as their starting point for integration. Canada recognises many types of families and gives them equal rights as their sponsor. Economic and family class migrants enjoy a better-established and stable system. In comparison, many European countries are just introducing basic residence security and rights and some similar conditions. Canada's weakness is the backlog, which has applicants waiting for years without knowing when they will be reunited with their family. Canadian authorities have tried to fast-track and prioritise certain files. Legal time limits on procedures exist in 20 of the 30 other countries surveyed.

Canada provides the conditions for immigrant students to succeed. For other countries addressing new needs and opportunities, see the Nordic countries, BE and PT.

See the Nordic countries, BE and PT.

CANADA



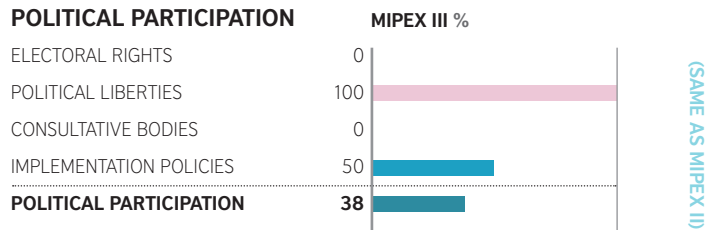
Ranked 2nd after SE, Canada has best practices across the country to address the new needs and opportunities that immigrant students bring to schools. All children in the country, regardless of their status, have the right to an education. When newcomers arrive in most provinces, students have their prior learning assessed, while parents and children receive a full introduction to school life. Barriers to access only arise when undocumented students want to go to university. Provinces could consider more targeted measures if migrant children are not achieving or participating like peers with similar abilities and social backgrounds. In leading countries like the Nordics, US, and NL, migrant children increasingly benefit from programmes to start and stay on academic tracks.

Generally, the education systems in Canada and the Nordic countries are able to address immigrant students' specific needs. Those with language difficulties can master English or French because they have the right to high quality second-language courses. Provincial governments tend to provide extra training for teachers and funding per student, and sometimes extra guidance or support. Authorities need to collect and use better harmonised data to improve how these courses, funds and support target needs.

All students in Canada slightly benefit from the country's multiculturalism policy. Most learn in school about how to live in a diverse society (as in BE, NO, PT, SE UK). Students with an immigrant background can learn about their 'heritage' language and culture, either during the school day or afterwards. Individual schools decide whether or not to adapt their foreign language offer and school schedule so that all students could learn about the language and culture of their immigrant peers. Few provincial policies try to diversify teacher recruitment (e.g. DK, DE, NO, NL, UK) or address potential 'white flight' (e.g. DK, CH, UK, US). Even so, only students in Sweden benefit from such favourable new opportunities and intercultural education as in Canada.

CANADA

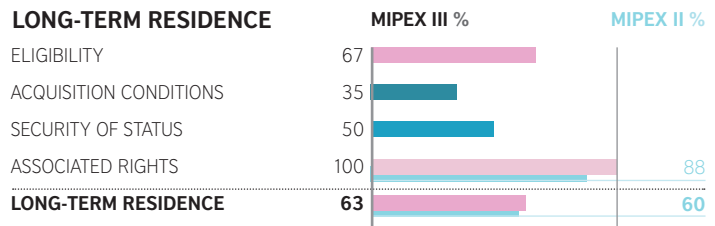
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Before newcomers naturalise, they can participate in civil society in Canada as in Europe, but not in democratic life. All people in Canada enjoy freedom of opinion, association and assembly. Under the Multiculturalism Policy, the government funds and supports immigrant associations in order to reach out and develop lasting relationships with new communities. However, these leaders do not have the chance to inform integration policy through immigrant consultative bodies, which MIPEX finds in 14 European countries and leading US states and cities. Grassroots movements in the US and Canada (e.g. 'I Love Toronto') are mobilising city leaders behind local voting rights for newcomers, which 18 EU Member States have extended to their non-EU residents.

'Canadian Experience' Class

Canada's potential permanent residents come from both abroad and inside the country. Since 2008, 'Canadian experience class' migrants are temporary foreign workers and international students who lived in Canada for a year. With the skills need in key occupations, they have facilitated access to permanent residence.



Most of Canada's permanent residents arrive in the country with equal rights and some residence security at the very start of their settlement process. In most EU Member States, non-EU residents must wait 5 years to obtain equal opportunities to integrate. In the US, few immigrants can apply for a Green Card, which lacks key provisions on residence security or rights. In Canada, potential 'economic class' migrants (see box) must meet some selective conditions, according to Canada's immigration points system. They have many means to prove proficiency in English or French. Family members and refugees are automatically eligible for permanent residence. Again, the backlog is the major weakness in the procedure.

All Canada's residents are treated equally and are able to become full citizens. For high scores on both anti-discrimination and nationality, see SE, PT, US.

See SE, PT, US.

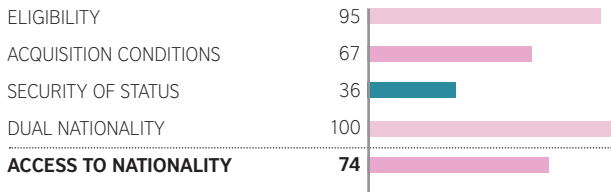
CANADA

Canada's citizenship test: keeping the conditions for success

Immigrants receive the support they need to acquire a basic knowledge about Canada and either French or English. The revised test and study guide, Discover Canada, focus on the rights and responsibilities of being a Canadian citizen. Canada also provides independent citizenship judges who review approximately 180,000 applications each year, administer the free citizenship test, and maintain the integrity of the process. They also fill symbolic roles leading citizenship ceremonies and acting as citizenship ambassadors in public.



ACCESS TO NATIONALITY



(SAME AS MIPEX II)

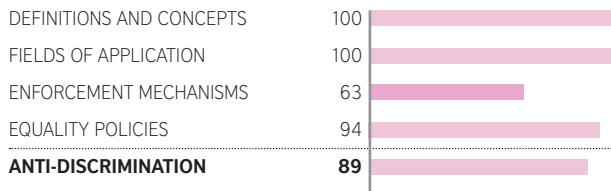
Nearly all Canada's residents who see their future in the country are encouraged to become Canadian citizens. It scores 3rd after PT and SE. As in all other traditional settler countries (e.g. US), immigrants and their children have a clear path to citizenship. Many MIPEX countries are also reforming to accept dual nationality (18 total) and some birthright citizenship (15). In several, newcomers who meet the legal conditions for naturalisation can apply after a few years' residence; in Canada, it's 3 of the last 4. Canada has the most professional citizenship test of all MIPEX countries (see box). Naturalising citizens are only slightly insecure in their status, because discretion is limited and judges have full oversight.

Aiming for equality

All Canadians learn about their rights through public campaigns and dialogues. Everyone in the private and public sector must refrain from discrimination, while those at federal level take the lead through 'employment equity' programmes. Since 1986, these programmes are required and monitored to see whether they help groups such as women and visible minorities get out of their chronic conditions of disadvantage in the labour market. For other effective equality policies, see SE, UK and US.



ANTI-DISCRIMINATION



(SAME AS MIPEX II)

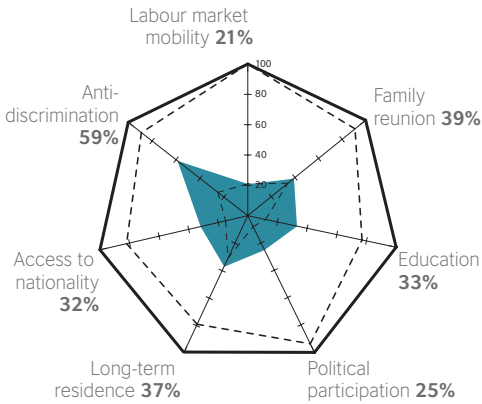
Canada's deep commitment to equality helps newcomers and visible minorities obtain equal opportunities in practice. Federal, provincial and territorial human rights codes protect victims of many types of discrimination on the grounds of ethnicity, race, religion, nationality, or several grounds known as 'intersectionality' (see also UK, US). All Canadians benefit from the ways equality is mainstreamed across government (see box). Canada and the US established the strongest anti-discrimination laws and equality policies, while most European countries are introducing, improving and starting to use theirs. Canada's rather average enforcement mechanisms could be improved based on innovative practices on situation testing, 'victimless discrimination', or sharing the burden of proof (e.g. BE, FR, HU, SE).

CYPRUS

WWW.MIPEX.EU/CYPRUS

SCORE OVERVIEW

— 100% on MIPEX scale ■ Cyprus - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

Immigration to Cyprus is largely for work. But with policies ranking 2nd last of all 31 MIPEX countries, Cyprus discourages long-term integration. The law creates the least favourable conditions for these workers to access and integrate long-term on the labour market. They have few real opportunities to participate in democratic life or to naturalise. Cyprus' policies on family reunion and long-term residence score closer to countries far outside the scope of EU law (IE, UK).

In 2008, the Supreme Court found that government policy to prevent many temporary migrants from accessing long-term residence was justified under the Directive but without referring to the European Court of Justice. This policy was also called into question by the European Commission. Cyprus responded by enacting Law 143(I) 2009, where it imposes new integration requirements on potential applicants. Cyprus, like many countries, does best on promoting integration when fighting discrimination. Scoring at the European average, broad protections in law are still difficult to enforce and receive limited support from the State.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	21	21
FAMILY REUNION	39	39
POLITICAL PARTICIPATION	25	25
LONG-TERM RESIDENCE	37	41
ACCESS TO NATIONALITY	32	32
ANTI-DISCRIMINATION	59	59
TOTAL (WITHOUT EDUCATION)	36	36

62: Eurostat
63, 64, 65, 66, 67, 68, 69, 70: Ibid
71: Urban Audit
72: Eurostat
73, 74, 75, 76: Ibid

KEY FINDINGS

- At 35 points, Cyprus is the only country far below average and falling further behind, ranking 2nd last of all 31 countries.
- Cyprus has least favourable policies on labour market mobility, access is critically unfavourable.
- New integration requirements for long-term residence further restrict policies that already exclude many from applying, argued by Supreme Court.
- Migrants wishing to reunite their families face the most restrictive eligibility conditions.
- While all migrant children can access compulsory schooling with some measures to target needs, undocumented may be excluded in practice.
- Immigrants' limited access to Cypriot nationality.
- Anti-discrimination is an area of strength for Cyprus but needs better implementation.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁶²	-3,000
TCN immigration (2008) ⁶³	3,351
TCN population (2009) ⁶⁴	50,040
TCN as part of population (2009) ⁶⁵	6.30%
Foreign-born as part of population (2009) ⁶⁶	16.10%
Permits delivered for family (2008) ⁶⁷	335
Permits delivered for work (2008) ⁶⁸	32,704
Permits delivered for study (2008) ⁶⁹	8,751
Permits delivered for humanitarian reasons (2009) ⁷⁰	109
Cities with largest TCN population (2001) ⁷¹	Lefkosia 5.53%
TCN employment rate (2009, change since 2006) ⁷²	67.10%
National employment rate (2009, change since 2006) ⁷³	69.90%
	-9.8%
TCN unemployment rate (2009, change since 2006) ⁷⁴	7.30%
	+0.3%
National unemployment rate (2009, change since 2006) ⁷⁵	5.30%
	+2.7%
Nationality acquisitions (2007, change since 2005) ⁷⁶	2,780
	-1,172

-4 December 2009

Long-term residence Law 143(I) on language and integration assessment for long-term residence

0 December 2009

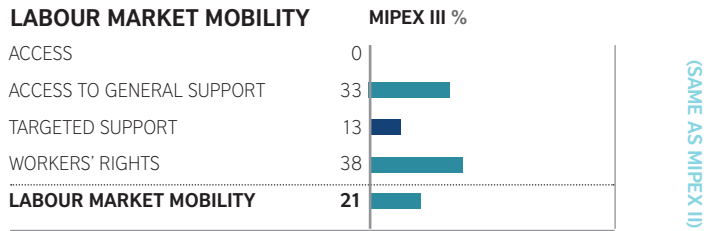
Family Reunion Law 143(I): more favourable family reunification for migrant workers in international companies

MIPEX III

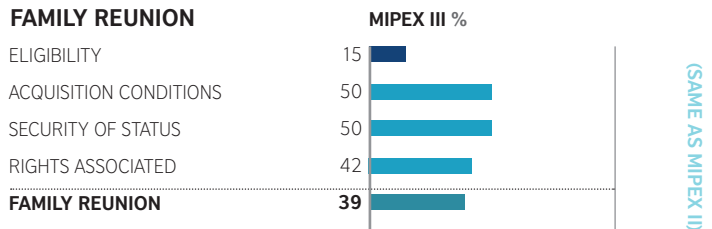
2010

CYPRUS

WWW.MIPEX.EU/CYPRUS



Cyprus and SK set nearly unfavourable legal conditions for labour market mobility, also scoring an absolute zero on access. The law severely limits non-EU residents' long-term economic integration, unlike new countries of labour migration (IT, ES, PT, CZ). Newcomers are often refused work permits. Those granted one still cannot access numerous professions. Like only 9 other countries, the public sector is completely closed off. Non-EU migrant workers cannot access public employment services (as in only LV, MT and SK). They have the least favourable rights as migrant workers of all 31 MIPEX countries, with Cyprus alone denying them both equal working conditions and social security. Even as taxpayers, they cannot claim unemployment benefits or public allowances.



Immigrants face the 3rd most restrictive policies for reuniting families, close to countries outside EU law. 21-year-age limits are imposed on spouses (as only 7 others), but with no clear legal justifications why. Dependent children/parents (only 10) are also excluded. To reunite the family, sponsors pay disproportionate fees and prove full-time legal employment (5 others), despite the unfavourable labour market policies. Passing these hurdles does not bring full security, as permits can be lost on wide grounds, including where original conditions no longer apply. Reunited family members have limited access to employment and social benefits (unlike in 24 other countries, see recent changes GR, ES) as well as autonomous status, creating conditions of dependency and poverty.

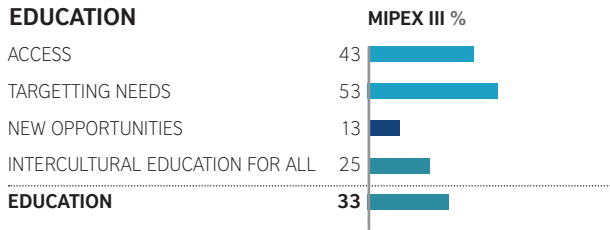
Opportunities for migrants to work, reunite with their families and participate in democratic life are among the most limited of MIPEX.

See ES, GR.
CYPRUS

While all migrants have legal access to compulsory education, a Circular from the Ministry of Education (2004) questions this right for undocumented migrant children. It may still give individual schools discretion to decide on admissions and has not been withdrawn. Students who enter the system may benefit from a 2008 Programme that commits to the smooth integration of non-Greek speaking students. The Ministry of Education acknowledges that this is a first step but efforts to integrate intercultural elements into the curricula are being met with resistance.

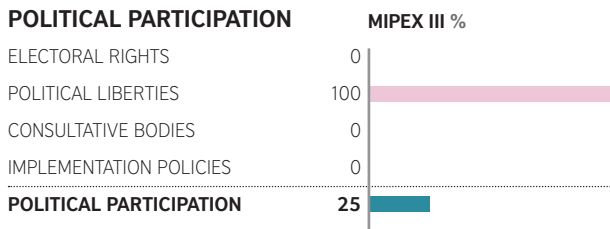


EDUCATION



Migrant children can generally access compulsory education and general support, although undocumented children may have difficulties (see box). If they have specific needs as migrants, pupils benefit from targeted measures slightly above average, which include standardised language support (also for parents) and teachers with training. However, apart from monitoring segregation in schools (see box), little more is done to encourage their contribution to society as other countries do; for example, by teaching migrant languages (22 countries) and cultures (14), or reaching out to parents (12). And while intercultural education is an official aim, government support to implement measures is unfavourable, with limited possibilities to adapt curricula in practice (see PT, ES).

POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Cyprus excludes non-EU residents from democratic life as in other new and minor countries of immigration. Despite EU and Council of Europe standards, political participation is absent from Cyprus's integration strategy. Non-EU residents cannot vote or stand in elections (unlike 19 countries, including new countries of immigration HU, SI and recently GR). Political liberties fare better (as in 20 countries) and migrants can join political parties, unlike many countries in Central Europe. Immigrants are not structurally consulted by the government (as in 15 countries and recently GR). Migrants can establish their own association but its impact will be limited, without dedicated state funding to represent their communities' interests (see PT).

CYPRUS

WWW.MIPEX.EU/CYPRUS

Supreme Court backs government policy

In early 2008, in the case *Motilla*, the Supreme Court confirmed the restrictive government policy preventing many temporary migrants from applying for long-term residence. The court found that the nature and purpose of a potential applicants' residence could be considered to see whether they had 'put down roots.' It claims this was justified under the EC Directive on long-term residence. This interpretation of EU law has not been confirmed as the Cypriot Court did not send a preliminary ruling request to the European Court of Justice.

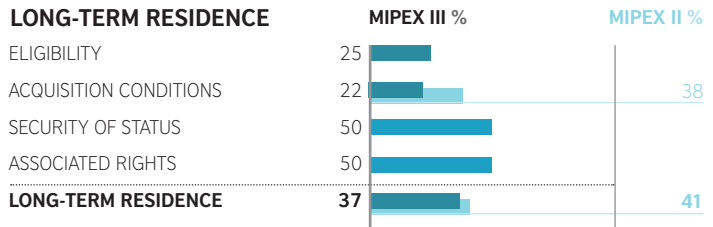
From infringement to obstacles

The Commission considered that Cyprus had incorrectly implemented Article 3(2)(e) of the Long-term Residence Directive by preventing migrants who resided strictly on a temporary basis from applying for the status. In 2008, it requested explanations from the Government on its policy. In response Cyprus removed the temporal criterion under Law 143(I)/2009 (although still limiting 'formally restricted' permits), but this amendment cannot bypass *Motilla*, which directly interpreted the EC Directive. The

new law implements new integration conditions, which will constitute a further obstacle for most applicants.



LONG-TERM RESIDENCE



Policies slightly discourage long-term residence and are the 2nd least effective for integration after the UK, which is far outside the scope of EU law. Many non-EU residents cannot even apply for long-term residence since several temporary residence permits cannot be considered for the 5-year residence requirement (see boxes).

Migrants who meet the limiting eligibility criteria still have to fulfil conditions that are the least favourable for promoting integration (after UK, CH, DE). They must pay excessive costs (€430). Although the state provides non-EU residents with unfavourable legislation and conditions on the labour market, applicants are expected to provide proof of permanent employment contracts of at least 18 months (jobs required in only 6 other MIPEX countries). Since 2009, they must now pass a new language test (level A2). They must also demonstrate knowledge of the current political and social situation in Cyprus (as in only 6 countries). With little support provided, these integration measures, scoring 39 on MIPEX, are more of a barrier (e.g. DK, GR, RO, SK) than an incentive (e.g. CZ, PT, FR). The official aim of the law was to respond to Commission concerns (see box) and facilitate foreign investment. However only migrants working in international companies need not fulfil the integration requirements when they apply for the status (and then, just for the first renewal). There are no other exemptions, unlike the general trend to exempt vulnerable migrants and consider individual abilities, even in countries with otherwise difficult integration conditions (DE, NL, IT).

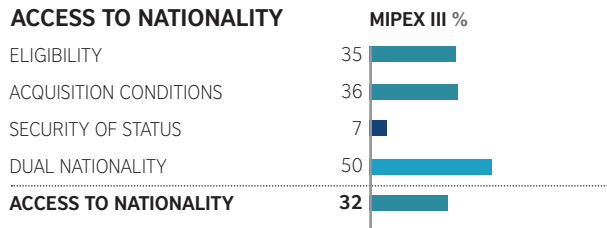
Successful applicants have the poorest rights of all countries (with FR, IE). They have no clear residence right on retirement and limited access to housing (unlike 29 of the 30 countries). Half-way security grants them a 5-year permit that can be refused or lost for fraud, security threats or criminal record, but not if they lose their job. Some personal circumstances will be considered before withdrawal but this will not guarantee protection from being deported, no matter how long they have lived in Cyprus (unlike IT, PT, RO).

Long-term residence policies discourage integration, 2nd least favourable of all 31 countries.

See PT, ES, SI

CYPRUS

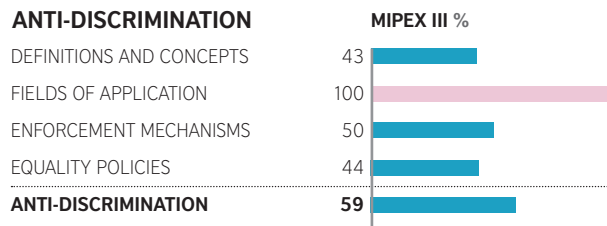
ACCESS TO NATIONALITY



(SAME AS MIPEX II)

Migrants' children/grandchildren are not considered Cypriot at birth despite mounting international trends (now 15, recently GR, LU). Foreigners wait at least 8 years to apply, passing a long, costly and discretionary procedure with no support where they can be refused for 'lack of good character'. This contrasts with other countries (GR, LU, PT, DE) that remove such vague conditions and set conditions that encourage success. They have no entitlement to citizenship (in 10 countries). If they succeed, they are more insecure than elsewhere. They can lose their status on wide grounds, regardless of statelessness or time. At least first generation migrants need not renounce their previous nationality (as in 18 countries), which would be a major barrier to naturalisation.

ANTI-DISCRIMINATION



(SAME AS MIPEX II)

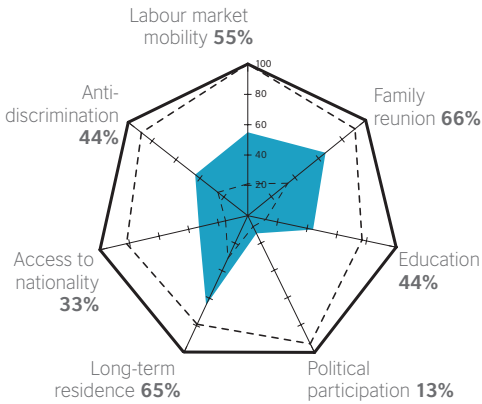
The law protects all residents against discrimination on any ground (including nationality) in all areas of their life, yet it is missing key definitions (e.g. discrimination by association, multiple discrimination). Victims can bring a civil or criminal case and obtain legal aid. Proceedings are complex, with no possibility for alternative dispute resolution (unlike 19 countries) and with limited sanctions available. The Equality Body has slightly favourable powers but limited staffing. It issues recommendations and leads investigations but cannot pursue a claim in court on victims' behalf (unlike 12 countries). The State provides for some dialogue on discrimination issues but has no obligation to promote equality in its work.

CZECH REPUBLIC

WWW.MIPEX.EU/CZECH-REPUBLIC

SCORE OVERVIEW

— 100% on MIPEX scale ■ Czech Republic - - Best practice in 31 countries - - Worst practice in 31 countries



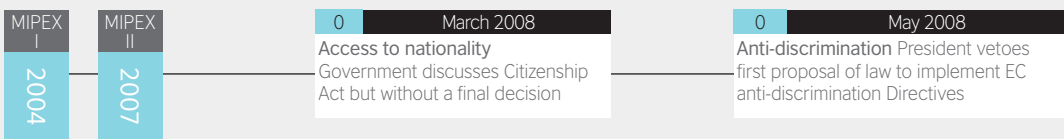
OVERVIEW

The Czech Republic remains an important country of immigration, despite the economic crisis. Non-EU residents, often young and temporarily employed in the most affected sectors, were disproportionately impacted, with unemployment rising and new immigration falling. Voluntary return programmes proved ineffective, since most want to stay. Conditions are worse in their home countries but may improve here, they hope, given what they paid and expected when migrating.

Migrants still enjoy largely the same legal opportunities to integrate. General access to the labour market remains better than most Central European countries. Neither political rights, nor Czech citizenship were reformed, unlike in other new countries of immigration. Stated family reunion policies have not changed, even if discretionary procedures can. Moreover, the new language test for long-term residence did not lower the score because it aims to encourage applicants to succeed.

Czech integration policies rose 4 MIPEX points, now outranking EE, LT, CH, thanks to the 2009 Anti-Discrimination Law. These EU minimum standards improve access to justice for many victims, regardless of nationality or background, and help all residents fully participate in society.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	55	55
FAMILY REUNION	66	66
POLITICAL PARTICIPATION	13	13
LONG-TERM RESIDENCE	65	65
ACCESS TO NATIONALITY	33	33
ANTI-DISCRIMINATION	44	20
TOTAL (WITHOUT EDUCATION)	46	42

77: Eurostat
78, 79, 80, 81, 82, 83, 84, 85, 86: Ibid
87: Urban Audit
88: Eurostat
89, 90, 91, 92: Ibid

KEY FINDINGS

- Last to transpose EU anti-discrimination directives, national laws make significant progress, still below European average.
- Public Defender of Rights appointed as equality body.
- State equality policies still weak; law needs greater support for implementation.
- Good basic access to labour market and family reunion, as in other new countries of labour migration.
- Favourable conditions in law, high discretion in procedures: challenge across Central Europe.
- 'Reciprocal' voting rights ineffective, political liberties still limited.
- Czech Republic behind other new countries of immigration on dual nationality, birthright citizenship.
- Schools better prepared for migrant children than most in region: access still a problem.
- New basic language test for long-term residence: will applicants succeed?

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁷⁷	+28,000
TCN immigration flow (2008) ⁷⁸	58,509
Largest third countries of origin (2008) ⁷⁹	Ukraine, Vietnam, Russia
TCN population (2009) ⁸⁰	261,727
TCN as part of population (2009) ⁸¹	2.50%
Foreign born as part of population (2009) ⁸²	3.90%
Permits delivered for family (2009) ⁸³	9,281
Permits delivered for work (2009) ⁸⁴	11,312
Permits delivered for study (2009) ⁸⁵	4,139
Permits delivered for humanitarian reasons (2009) ⁸⁶	2,292
Cities with largest TCN population (2001) ⁸⁷	Prague 2.08%, Usti nad labem 1.23%, Plzen 0.85%
TCN employment rate (2009, change since 2006) ⁸⁸	66.90% -0.1%
National employment rate (2009, change since 2006) ⁸⁹	65.40% +0.1%
TCN unemployment rate (2009, change since 2006) ⁹⁰	6.80% -0.8%
National unemployment rate (2009, change since 2006) ⁹¹	6.70% -0.5%
Nationality acquisitions (2008, change since 2005) ⁹²	1,200 -1,426

0 January 2009
Labour market mobility
Green Card system
facilitates labour migration

-2 January 2009
Long-term residence
– conditions
Decision 538 –
language tests
become effective

+24 June 2009
Anti-discrimination
Anti-discrimination
Law (198/2009)
is implemented –
improvements on
all dimensions

MIPEX
III
2010

CZECH REPUBLIC

WWW.MIPEX.EU/CZECH-REPUBLIC

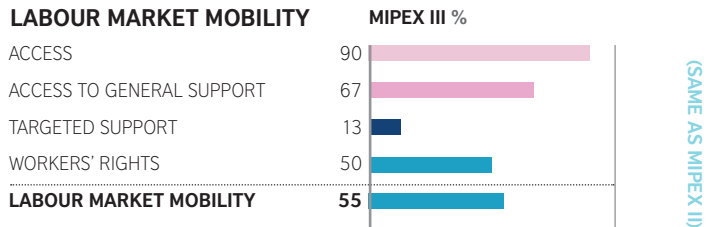
Equal workers' rights in practice

While the economic crisis did not affect the MIPEX score for labour market mobility, there have been attempts to control previously unregulated employment agencies, specifically regarding how they bring in and treat migrant workers. Licences have already been withdrawn for breaches of conditions. There have also been calls to extend the focus beyond control to a more complete and lasting protection.



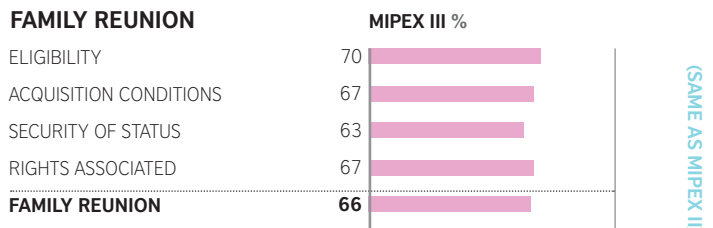
Targeted measures could better guarantee migrant workers' labour rights and help them report employer abuses.

LABOUR MARKET MOBILITY



The Czech Republic emerges as one of the very few in Central Europe better preparing for its migration needs. The MIPEX score on labour market mobility has not changed since 2007. As in labour migration countries, migrants should have access to all sectors, with no special barriers to establishing a business. However, their rights as workers are just as unfavourable as they are favourable. Temporary migrant workers cannot access unemployment benefits or public employment services. When working, they should have the same working conditions as nationals (see box). Despite new efforts to facilitate the recognition of qualifications, substantive targeted measures remain limited compared to other new immigration countries (e.g. ES, PT).

FAMILY REUNION

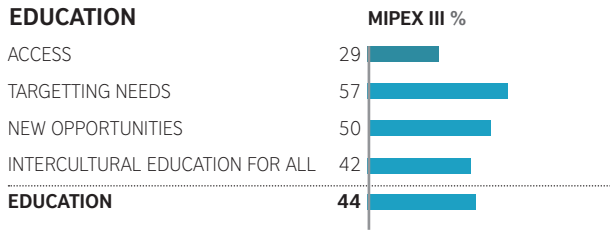


Migrants have slightly favourable opportunities to be reunited with their families, as in most new labour migration countries. The Czech Republic is slightly above the European average on all 4 dimensions. The major weakness is the requirement to be a long-term/permanent resident. Even if sponsors have the necessary housing and resources, they can be kept apart from their family for 5 years. When they can apply, the definition of family is rather inclusive. The family receives a 1-year renewable permit, with equal access to education and employment. Still, they can lose their status on many grounds, including where their sponsor becomes unemployed. An autonomous status is possible but subject to long delays.

New country of labour migration needs to implement in practice its favourable employment, family and education policies.

See EE, PT, or ES

CZECH REPUBLIC

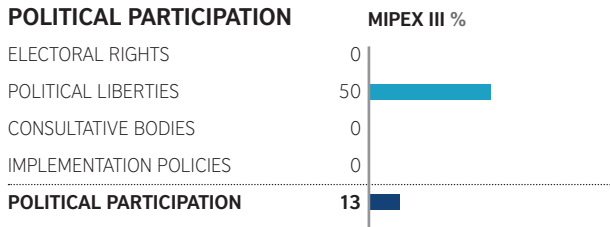


Not all migrant pupils can access Czech education, but when they can, the modest targeted support for them is better than in most Central European countries. Only compulsory education is available for all migrant children, regardless of status. Half the MIPEX countries extend access to all education levels (recently ES). According to laws and decrees, Czech language courses should be needs-based, professionally taught, and regularly evaluated, while mother tongue and cultures should be available, at least for EU citizens and long-term residents. The potential school segregation of migrant pupils is not yet monitored and addressed in policy. Schools are required to teach multicultural education across the curriculum and get some state support on implementation.

Immigrant leaders in public life

Effective voting rights have been granted in Central Europe (SK, HU, SI, LT) and new consultative bodies created across Europe (IE, ES, PT, soon EE). Currently, the Czech government consults and works from time to time with NGOs in Commissions and Committees, which is different from democratic consultation with communities themselves. Recognised minorities—but not migrants—get special funding for community activities. Since 2009, 6 new regional integration centres have been

run by NGOs, local governments, and public agencies, but not by immigrants. See www.migrationonline.cz/e-library/?x=2228265



(SAME AS MIPEX II)

Increased immigration has led to better political opportunities for newcomers in many new immigration countries, but little in the Czech Republic (see box). These opportunities are the 2nd least favourable for integration of all 31 MIPEX countries. Government has been ineffective at signing treaties giving 'reciprocal' voting rights for non-EU permanent residents, since adopted in 2001. Immigrants are still denied key political liberties (as in 9 Central European countries). Immigrants cannot join parties, nor found associations unless 3 Czech citizens are on the board. Despite 2009's regional integration centres to offer services to migrants, so far immigrants themselves do not benefit from democratic consultative bodies or dedicated funding to organise, meet community needs, and represent their interests.

CZECH REPUBLIC

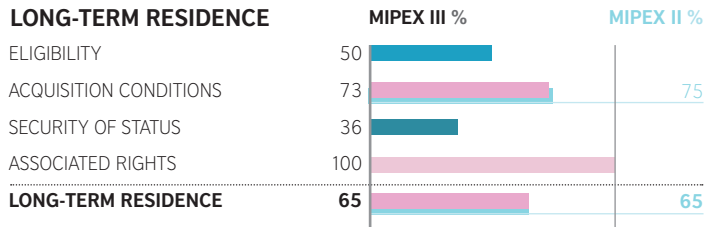
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Language test

A new test may or may not be a barrier for some migrants, depending on its design and implementation. The government introduced a language test for long-term residence, a trend in several European countries. Its goals were to help applicants learn more Czech while reducing the unequal treatment, which characterise unqualified language checks in several countries. It therefore sets an attainable level (A1) and exempts those with proven abilities or disabilities. Qualified schools organise tests at no cost, while preparatory courses may be free, especially with state grants.



LONG-TERM RESIDENCE



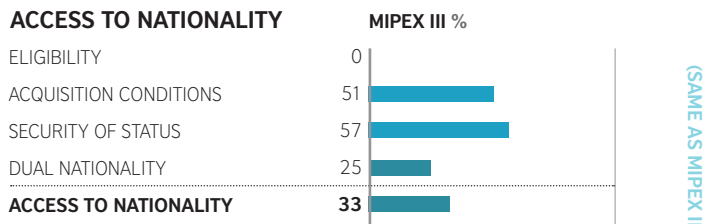
If the law is properly implemented, the procedure for long-term residence should enable all applicants to obtain a slightly secure status. After 5 years, many types of migrants can apply for the same social and economic opportunities as nationals, as in most European countries. But in Central Europe, the conditions advertised in law are often not those applied in practice. In the Czech Republic, anyone with a basic income and language knowledge meets the requirements. But authorities have many ways of rejecting their application, without considering their circumstances. 2009's new language test, scoring 93, is one example of how the Czech Republic and many countries can reduce discretion and potentially encourage applicants to succeed (see box).

Citizenship reform

Several new countries of immigration introduced dual nationality (now 18 MIPEX) and some *jus soli* citizenship (15), aiming to fight exclusion in their changing societies. LU and PT now recognise citizenship for immigrants' grandchildren. GR does the same for their children, many of whom faced administrative difficulties to study and work in their country of birth. Because many newcomers can meet the legal conditions within a few years, GR and PT lowered the residence requirement. For other recent reforms, see DE, BE, FI, and SE.



ACCESS TO NATIONALITY



The path to citizenship is long and discouraging for immigrants and their descendants in the Czech Republic and across Central Europe. Legislators had years of talk about reform, but little action, unlike reforming new immigration countries (see box). Eligibility is critically unfavourable, as in only BG, HU and LV. Most immigrants must live in the country for, on average, a total of 10 years. Their children and even grandchildren are still considered foreigners at birth. That many must renounce their previous nationality does not promote integration. Conditions for obtaining citizenship are halfway favourable but may not be respected in the discretionary procedure; for instance during the language interview. New citizens are as secure in their status as Czech nationals.

Anti-Discrimination Law 198/2009 does improve Czech law and may promote integration in practice.

For ideas about implementation see BG, HU, and RO.

CZECH
REPUBLIC

Implementing and improving the law

Some of the strongest anti-discrimination laws are actually found in Central Europe. In BG, HU, and RO, lawyers and stakeholders have become better trained and experienced in how to use the law as well as evidence like statistics and situation testing, which can also be used to prove discrimination under CZ law. They have also developed strong, independent and proactive equality bodies,



including the Protection Against Discrimination Commission (BG), the Equal Treatment Authority (HU) and the National Council on Combating Discrimination (RO).

ANTI-DISCRIMINATION

	MIPEX III %	MIPEX II %
DEFINITIONS AND CONCEPTS	57	43
FIELDS OF APPLICATION	50	8
ENFORCEMENT MECHANISMS	54	29
EQUALITY POLICIES	17	0
ANTI-DISCRIMINATION	44	20

Czech residents, with and without a minority background, saw the greatest improvement in integration recently when the government finally (and reluctantly) passed the second proposal for the Anti-Discrimination Law (Law No. 198/2009). With this new law, all legal residents of the Czech Republic are the last in Europe to get the dedicated anti-discrimination measures that are promised under EU law. The President had vetoed the previous proposal in 2008 because, in his opinion, it dealt with issues already covered by existing constitutional provisions and would be 'unnecessary, counterproductive and bad' for private relations if adopted.

Czech law did indeed improve, at least for promoting integration. EU citizens across most countries, especially in Central Europe, all saw great improvements when these minimum standards were adopted in their country. It will help Czech residents of different races, ethnicities, and religions to obtain in practice the equal opportunities they are promised in law. They are now protected against unequal treatment in all main areas of life, whether on grounds of ethnicity or race. They already enjoyed some protection from nationality discrimination. All potential victims should see their rights better enforced through specific protection against victimisation, access to free legal aid and interpreters, as well as a wide range of sanctions. They can also get independent legal advice from the new Public Defender of Rights.

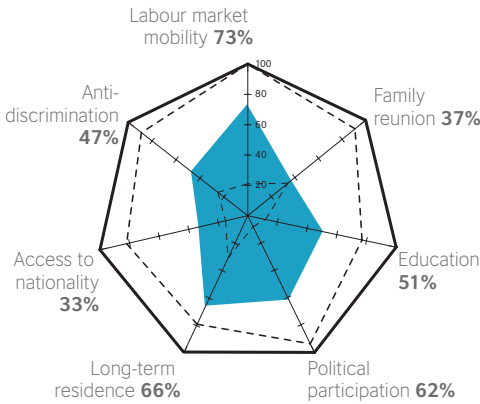
However, since lawmakers took a minimum standard approach (see EE), Czech residents continue to have some of the weakest protection against discrimination in Europe. Religious discrimination is still tolerated outside of the workplace and job training. Victims cannot receive much help from the Public Defender of Rights, since it cannot issue binding decisions, has no legal standing and cannot conduct its own investigation. Neither will the Czech public benefit from any state initiative to promote equality through information, dialogue or new state practices. In the meantime, other actors in society and the justice system can take the lead on implementation (see box) by helping victims use this historic law and recommending improvements over time.

DENMARK

WWW.MIPEX.EU/DENMARK

SCORE OVERVIEW

— 100% on MIPEX scale ■ Denmark - - Best practice in 31 countries - - Worst practice in 31 countries



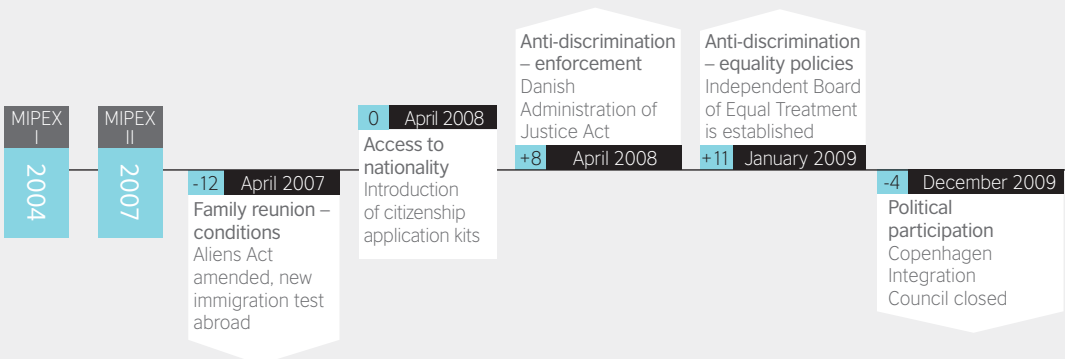
OVERVIEW

While labour migration increased since 2004, fewer families or humanitarian migrants arrive and naturalised citizens are at the lowest level since the Liberals/Conservatives came to power, backed by the Danish People’s Party.

In many areas of integration policy, most of the 30 other MIPEX countries do both of the following to secure full participation, while Denmark takes just the first step: Obstacles are removed to work, but not to reunite families. Children should succeed in school and society, but not if that means curricula on non-European languages or intercultural education. All settled residents can easily participate in local politics, but not become national citizens.

Denmark does follow certain European trends. Like other established immigration countries, newcomers’ employment and education needs are well targeted and policies evaluated. It slightly improved anti-discrimination laws to comply with EU law. In other areas, requirements set the bar for success exceptionally high in Denmark, compared to most. Yet high pass rates (e.g. of family reunions, citizenship tests) are often not interpreted as signs of success, but of the failure to design the right requirements.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	73	64
FAMILY REUNION	37	37
POLITICAL PARTICIPATION	62	66
LONG-TERM RESIDENCE	66	64
ACCESS TO NATIONALITY	33	33
ANTI-DISCRIMINATION	47	42
TOTAL (WITHOUT EDUCATION)	53	51

93: Eurostat
 94: Eurostat
 95: OECD SOPEMI 2010
 96: Eurostat
 97, 98, 99, 100, 101: Ibid
 102: Note harmonised definitions reported to Eurostat
 103: Urban Audit
 104: Eurostat
 105, 106, 107, 108: Ibid

KEY FINDINGS

- Some of best targeted labour market support, but not same general support that Danes use.
- Family reunion policies second least favourable for integration, especially eligibility and conditions.
- New Immigration Test may test ability to pay, but not willingness to integrate.
- Average political opportunities for Nordics, still Integration Council closed in Copenhagen.
- Danish schools target New Danes' needs, overlook new opportunities and intercultural education for all.
- New points-based system opens permanent residence but with even harder conditions to pass.
- Danish path to citizenship missing basics of immigration countries: dual nationality, birthright citizenship.
- Better mechanisms and equality bodies to help discrimination victims, state policies still weak.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁹³	+21,000
TCN immigration (2008) ⁹⁴	17,518
Largest third countries of origin (2008) ⁹⁵	Norway, Ukraine, Iceland
TCN population (2009) ⁹⁶	211,366
TCN as part of population (2009) ⁹⁷	3.80%
Foreign born as part of population (2009) ⁹⁸	5.80%
Permits delivered for family (2008) ⁹⁹	4,231
Permits delivered for work (2008) ¹⁰⁰	7,420
Permits delivered for study (2009) ¹⁰¹	16,253
Permits delivered for humanitarian reasons (2009) ¹⁰²	5,731
Cities with largest TCN population (2004) ¹⁰³	Copenhagen 8.26%, Odense 4.87%, Aarhus 4.64%
TCN employment rate (2009, change since 2006) ¹⁰⁴	56.90% +2%
National employment rate (2009, change since 2006) ¹⁰⁵	75.70% -1.7%
TCN unemployment rate (2009, change since 2006) ¹⁰⁶	13.80% +3.5%
National unemployment rate (2009, change since 2006) ¹⁰⁷	6.00% +2.1%
Nationality acquisitions (2008, change since 2005) ¹⁰⁸	6,020 -4,177

Family reunion – security

New Executive Order slightly clarifies duration of family reunion permits

+12 March 2010

Long-term residence – eligibility
 Act No. 572 amends Aliens Act

+17 May 2010

-2 May 2010

Long-term residence conditions
 Act No. 572: new points system

-7 May 2010

Long-term residence security
 Act No. 572: new points system

Labour market mobility

Numerous targeted measures introduced e.g. Act 1512 December 2009, Act 485 June 2009

+9 2007–2010

MIPEX III

2010

DENMARK

WWW.MIPEX.EU/DENMARK

LABOUR MARKET MOBILITY	MIPEX III %	MIPEX II %
ACCESS	80	
ACCESS TO GENERAL SUPPORT	50	
TARGETED SUPPORT	88	50
WORKERS' RIGHTS	75	
LABOUR MARKET MOBILITY	73	64

Denmark does more than most European countries to promote newcomers' labour market mobility, combining equal access (as in most labour migration countries) and new targeted measures (as in older immigration countries). Permanent residents, family members and green card holders can immediately access all sectors – private, public, and self-employment – a flexibility enjoyed by all new arrivals to ES and PT as well as NL and US. Non-EU workers work under the same conditions as Danes but without equal access to social security (e.g. 10-year wait to start old-age pension, 40 for full and 7 years of 'starthelp' before full cash benefits). On social security, 14 countries treat all workers equally, including AT, DE, NL.

Immigrants have slightly fewer opportunities than average for general support, unlike leading labour migration countries (e.g. CA), where access and qualification recognition is often equal to nationals. Unemployed migrants or those wishing to up-skill have only half access to mainstream support. Non-EU work-permit holders cannot access public employment services, vocational training and study grants like reunited families and Danish nationals can. Procedures to recognise non-EU qualifications remain complicated for newcomers (recently CA, PT).

With limited general support, newcomers can use developing new targeted measures that, with DE, are the 2nd most elaborate in Europe, just behind SE's new plans. Newcomers benefit from new policies based on pilot programmes, evidence and evaluation including 2010 Government plans to reduce non-EU nationals' long-term unemployment, a campaign targeting migrant youth ('We need all youngsters' – finished 2010) and a new employment and entrepreneurship programme for migrant women (*kvindeprogrammet*). The Labour Market Authority intends to strengthen its previous labour market integration work based on evaluations using changes in statistics on migrant employment and unemployment rates. Under these projects, the state covers costs of mentoring new employees, immigration consultants and specialised research and information centres (SEBI). 12 Job packages from 2006 (evaluated 2008) target low-skilled persons and provide training. Initiatives under the 'Act on Danish courses for Adult Aliens' and 'Act on Integration' support learning Danish, such as free introductory classes for workers and, since 2009, Online Dansk.

Leading on targeted job measures, behind on general job measures, far behind for family reunion.

See countries attracting labour migrants like CA, PT, ES, US.

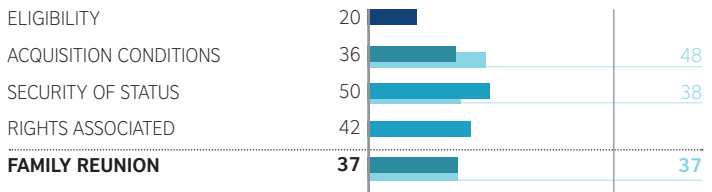
DENMARK

Immigration test slightly unfavourable for integration

The 2007 Aliens Act introduced a future immigration test for families, inspired by Dutch policies (scoring 14). Whatever data is used to evaluate whether the test acts as a facilitator of integration, its MIPEX score (36) suggests it will be more of an obstacle. Even if learning materials are free and online, disproportionate costs, including the fee and flight to Denmark, may exclude persons who would have been willing to participate in Danish society. France's requirement (71) is just a free course abroad.



FAMILY REUNION



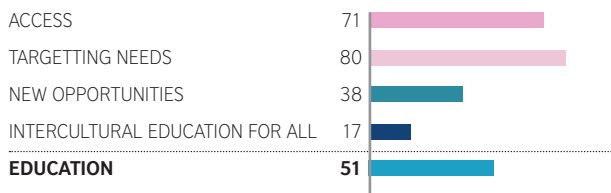
Danish policies are the 2nd least favourable for family wellbeing, just after IE, which has no real policy. More favourable family reunion is the integration strength of most other countries, especially those attracting labour migrants. Denmark's many eligibility requirements do not reflect the realities of most families. Spouse age limits only exist in 7 other MIPEX countries, with none so high as Denmark's (24). Both adult children/parents are generally excluded (as in only 9 countries). Sponsors' residence requirements are longer than in any MIPEX country and conditions exceptionally restrictive, as in only AT, FR, CH. Families will soon face an immigration test (see box). Without permanent residence, families risk deportation if they lose or leave their sponsor (as in only BG and IE).

Diverse schools

In 2002, central government subsidies for immigrant languages were limited to European and Nordic students. Most municipalities withdrew their own funding, reducing the participation rate of all bilingual students from 41% in 1997 to 7% in 2008. Language offers are better adapted to local diversity in 22 MIPEX countries.. Intercultural education in Denmark means learning about 'Western' values or foreign cultures abroad. Despite ad hoc government projects, there is no structural support for pupils to understand peers of different cultural backgrounds (part of curriculum in 27).



EDUCATION



Education authorities focus more than most European countries on school-leaving and achievement gaps between migrant and non-migrant pupils. Migrant children in Denmark have access to education and targeted evidence-based measures throughout pre-school, compulsory and vocational education (e.g.'We need all youngsters' campaign). Like most countries, Denmark invests in quality language courses, extra support and teacher training on migrants' needs. New projects encourage migrants to become teachers, migrant parents to become involved and schools to fight 'white flight' (Aarhus, Copenhagen). But, compared to leading countries, Denmark fails to support the many opportunities that minorities bring to schools or teach all students how to live and learn together in a diverse society (see box).

DENMARK

WWW.MIPEX.EU/DENMARK

From the democratic to the technocratic

The effectiveness of Denmark's integration councils is regularly evaluated and actions are taken to improve (e.g. 2007's five regional dialogue conferences). An evaluation found Copenhagen's elected Integration Council had not fulfilled expectations between 2006-2007 to give advice by using hearings and experts. Voter turnout in 2006 was a mere 13.8%. Although the Council claimed to have improved since, the City Council voted to replace the capital's democratic body with a think-tank of selected experts.

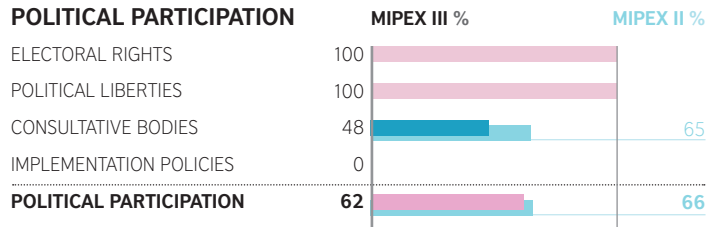


Points system

Migrants and refugees who cannot keep up with one of Europe's least favourable integration schemes (after SK, RO) are denied permanent stay. The efforts they are making today only amount to 70 of 100 points. They must win extra points with better scores on employment, language or education, plus active citizenship or a citizenship exam. Even with free courses, few may succeed, because language levels are so explicitly high (as in only DE and EE) while integration assessments (required in only 6 others) are more complicated than in nearly all countries.

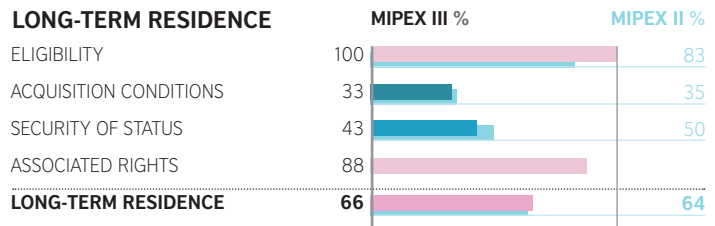


POLITICAL PARTICIPATION



Denmark's traditionally strong political participation policies, based on the Nordic democratic model, are now just slightly favourable for integration. Immigrant civil society was severely affected by the 2002 withdrawal of subsidies, which still go to women and disability councils. Now government funds ad hoc 'diversity' projects. Since 2010, newcomers must wait 4 – not 3 – years for their electoral rights. The MIPEX score fell slightly when Copenhagen closed its Integration Council (see box). Generally, these Councils provide slightly meaningful opportunities to improve integration policy. They could become more professional with greater structured roles in the process and more engaged and representative with greater links to different immigrant communities, as in NO, BE (Flanders) and NL (national).

LONG-TERM RESIDENCE



Long-term residence remains a slight area of strength for Denmark as for most countries. Many others better encourage non-EU residents because a basic income and 5 years' residence in the country are evidence enough of their attachments, many of which are hard to measure. Few impose as many conditions as DK. After 4 – not 7 – years, migrants can apply, but will be rejected without proving even greater progress on several precise points in a points system, scoring far off the MIPEX scale (see box). Only 6 other countries require such high employment requirements. Applicants are now slightly more insecure in their status. Britain's proposed but yet implemented points-based system has been criticised as complicated, bureaucratic and counterproductive.

Only some European trends: Stronger discrimination law, not yet dual nationality, birthright citizenship.

See LU

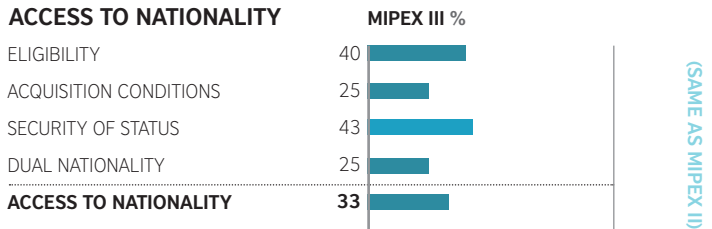
DENMARK

What is the bar for success?

While a citizenship test is less arbitrary than most interview assessments (e.g. Central Europe), the Danish People's Party repeatedly wants to change the test and conditions. Increasing the definition of integration would further limit naturalisation. A political agreement (Circular 61, September 2008) requires applicants to achieve a high score on the difficult Danish language exam (level three). They must not have received any social benefits in 4½ out of 5 years and not in the last year before applying.



ACCESS TO NATIONALITY

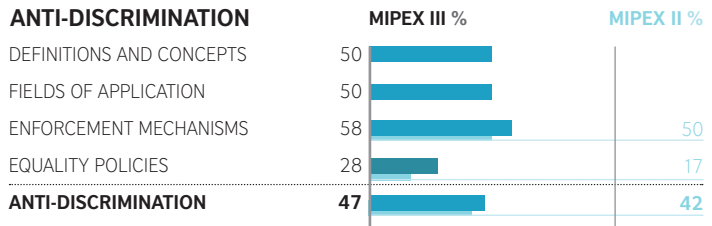


Departing from other established immigration countries, Denmark's policies may discourage settled residents from becoming full citizens. Internationally, dual nationality is becoming harder to avoid and easier to regulate. Unlike DK, 18 MIPEX countries (recently LU) somehow accept it for migrants, with debates ongoing in DE. Birthright citizenship, which DK removed in 1976, is also spreading to secure equal citizenship over generations (now 15, recently GR, LU, DE, PT). The 9-year residence requirement for the first generation is one of the longest of all MIPEX countries and the language level is the highest. Parliament still votes on the application (only in BE, CH cantons). Countries such as DE, US, CA, GR are simplifying and rationalising procedures and tests.

Established in 2009, the Board of Equal Treatment can engage in judicial proceedings on behalf of complainants on many grounds of discrimination, while the Danish Institute for Human Rights works as the specialised equality body, as required under EC Directive 2000/43/EC. The institute gives independent advice to victims of discrimination in accordance with Section 10 of the Danish Act on Ethnic Equal Treatment. Since April 2008, the Danish Administration of Justice Act allows voluntary mediation of conflicts in civil judicial proceedings.



ANTI-DISCRIMINATION



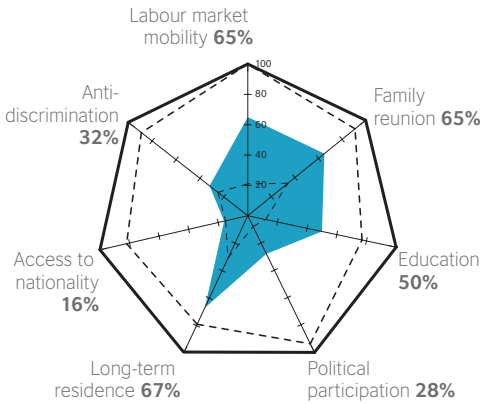
DK's midway anti-discrimination laws slightly improved, mirroring European trends. Victims now enjoy average access to redress such as binding mediation decisions and also benefit from reinforced equality bodies (see box). However, unlike 15 countries, nationality/citizenship is still not prohibited as a ground for discrimination even if critical to ensure equal opportunities in countries of immigration. The main weakness is the State's few equality policies. Previous action plans, diversity programmes and platforms are good practice but temporary and not translated into the public duties that are increasing across Western Europe and North America. For instance, governments in CA, NO, SE, and UK must promote equality in its functions, public contracts and through information campaigns and dialogue.

ESTONIA

WWW.MIPEX.EU/ESTONIA

SCORE OVERVIEW

— 100% on MIPEX scale ■ Estonia - - Best practice in 31 countries - - Worst practice in 31 countries

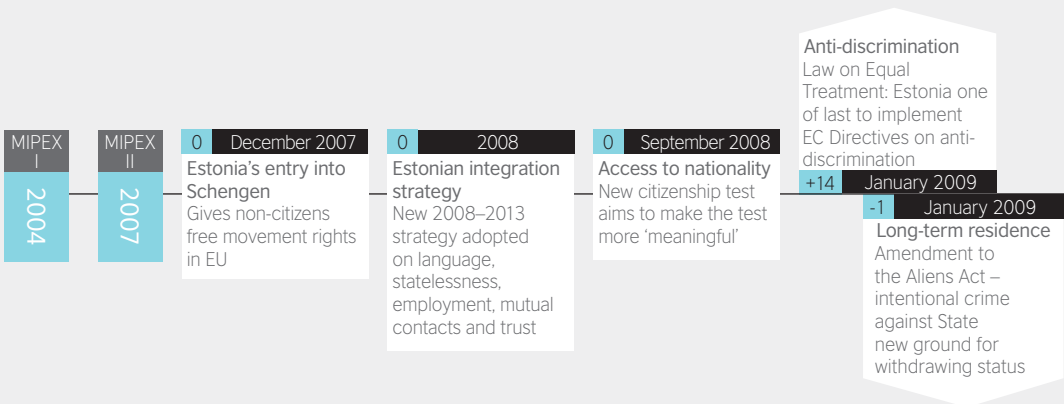


OVERVIEW

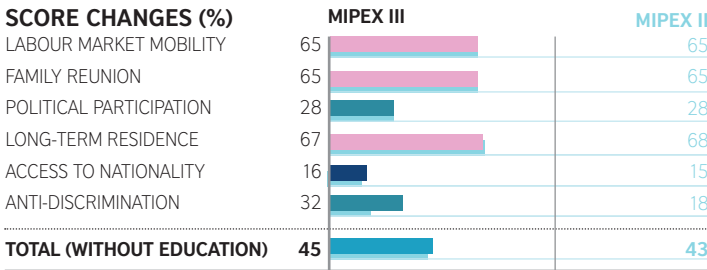
Although immigration remains low and little changed, Estonia retains a significant non-EU national population. The stateless population has reduced over time as naturalisations increased with reforms over the past 2 decades.

Since MIPEX II, all residents now have basic protections against discrimination which slightly improved conditions for integration in Estonia (+2 on MIPEX). Still, progress was kept to the minimum and lags behind the European average. Its score would have increased more, were it not for the so-called 'Bronze Soldier Package'. Making long-term residents more insecure in their status may make society more secure – but it may not. It may even make society less integrated. Meanwhile, Estonia lost its place in MIPEX rankings to GR, which addressed its underlying weaknesses on citizenship and political participation. Nearly 20 years after independence, newcomers and their children have limited political liberties and Estonian citizenship. Estonia has been leading in Central Europe with its Integration Strategy to increase participation in employment, education and social life. Its major challenge now is to create the inclusive conditions for all residents to participate as equals in democratic life.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



109: Eurostat
 110: Eurostat
 111: Statistics Estonia
 112: Eurostat
 113, 114, 115, 116, 117, 118: Ibid
 119: Urban Audit
 120: Eurostat
 121, 122, 123, 124: Ibid

KEY FINDINGS

- Estonian integration strategy one of best in Europe at targeting specific education and employment needs.
- Intercultural education needs better implementation.
- Basic civil rights still lacking.
- ‘Bronze Soldier Package’ creates new withdrawal grounds for long-term residence: for citizenship, it would have been non-constitutional.
- Language requirements well supported, but much higher than most in Europe.
- No improvement on citizenship for generations born after independence.
- Significant progress on anti-discrimination to meet basic EU standards.
- Equality bodies and policies still weak.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹⁰⁹	+/-500
TCN immigration flow (2008) ¹¹⁰	938
Largest third countries of origin (2008) ¹¹¹	Russia, Ukraine, Belarus
TCN population (2009) ¹¹²	204,805
TCN as part of population (2009) ¹¹³	15.30%
Foreign born as part of population (2008) ¹¹⁴	16.00%
Permits delivered for family (2009) ¹¹⁵	1,148
Permits delivered for work (2009) ¹¹⁶	1,135
Permits delivered for study (2009) ¹¹⁷	383
Permits delivered for humanitarian reasons (2009) ¹¹⁸	994
Cities with largest TCN population (2004) ¹¹⁹	Tallinn 9.93%, Tartu 3.44%
TCN employment rate (2009, change since 2006) ¹²⁰	47.90%
	-5.6%
National employment rate (2009, change since 2006) ¹²¹	63.50%
	-4.6%
TCN unemployment rate (2009, change since 2006) ¹²²	22.60%
	+11.4%
National unemployment rate (2009, change since 2006) ¹²³	13.80%
	+7.9%
Nationality acquisitions (2008, change since 2005) ¹²⁴	2,120
	-4,952



ESTONIA

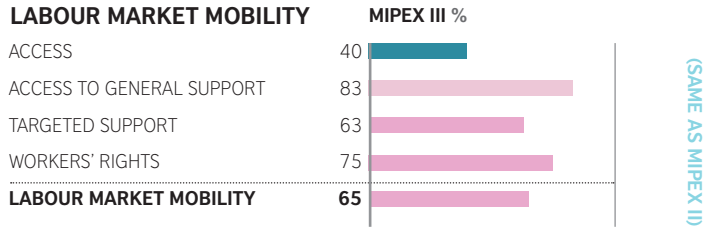
WWW.MIPEX.EU/ESTONIA

Estonian integration strategy

Most European countries, especially in Central Europe (e.g. LV), have yet to develop effective targeted support. Estonia stands out, along with the Nordics, FR, PT, DE and NL. The 2000–2007 Estonian Integration strategy has been extended to 2008–2013. Its programmes help all Estonian residents, especially youth, find jobs or training, get their qualifications recognised, improve their language skills for their profession and meet other professionals in their field. The strategy's target is to reduce any differences in employment and income for Estonia's residents, whatever their nationality. www.kogu.ee/index.php?id11145/



LABOUR MARKET MOBILITY



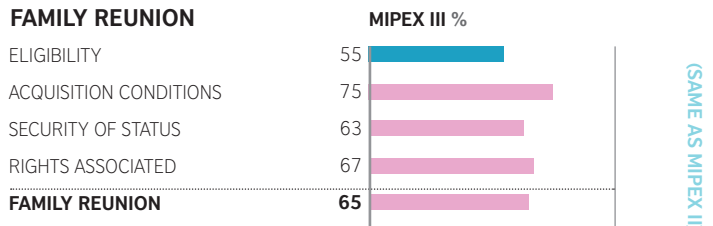
Non-EU workers benefit in Estonia from much better support than in most of Central Europe, but they still face major barriers to access the labour market. They can use general education and training programmes, as well as targeted support through the Estonian integration strategy (see box). They will have largely the same workers' rights as their Estonian co-workers. However, to access a job, they face several obstacles that may discourage them from even looking for one. A non-EU national with the right to work in EE cannot access the public sector and must fulfil additional conditions to open a business or work in the private sector.

Promoting family life

The conditions that families must comply with to benefit from family reunion in Estonia are generally accessible, particularly when compared with restrictive countries of immigration, such as AT, DK, FR, DE. This relatively positive finding is mirrored in many countries in Central Europe (HU, LT, LV) and in leading new countries of immigration such as ES and PT. However, the slightly limited definition of the family in Estonia remains the major stumbling block for eligibility.



FAMILY REUNION



Non-nationals who want to be reunited with their families can make use of policies that are slightly favourable for their integration. The area of weakness is their eligibility. Estonia keeps them apart from their families for two years, and then only lets them apply for their nuclear family. If they have the basic income to support their family, the procedure is short and straightforward. The spouse's permit can be refused or withdrawn if the relationship breaks up and they cannot get an autonomous permit even in particularly difficult circumstances. They have good access to legal guarantees and equal access to social benefits and employment as in most countries.

Newcomers to Estonia enjoy better labour market, family and education policies than in most of Central Europe.

Compare it with its neighbours, LV and LT.

ESTONIA

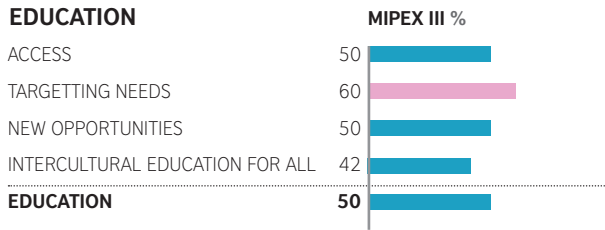
Intercultural education for all

Integration and Migration Foundation's 'Our People' projects help schools organise social integration programmes. Its media work tries helping the public appreciate cultural diversity and ethnic minorities in Estonia. All pupils are supposed to learn this throughout the curriculum. Still, pupils may not see diversity in the textbooks they use, the school day they experience and the teachers they learn from. To better implement intercultural education, schools



need systematic help to adapt and evaluate. More teachers can be recruited from different backgrounds (e.g. DK, FI, NL, NO, UK).

EDUCATION



The Estonian education system has a more developed integration strategy for newcomers than most Central European countries. All children have the right to an education, from pre-school to university. Some schools organise induction programmes for newcomers and their parents, but they are not required. Once in the system, newcomers benefit from slightly favourable targeted measures. All teachers must be able to solve problems in multicultural learning environments. Newcomers receive compulsory, continuous and high-quality support to learn Estonian, while they can also learn their own language and culture. Greater work on intercultural education, the slight weakness in current policies, may help all pupils take advantage of the new opportunities that diversity brings to Estonian society (see box).

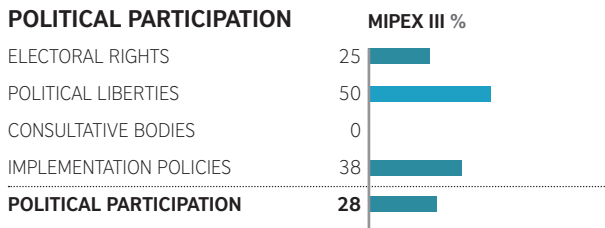
Better informed integration policies? Future Round Table of Nationalities

MIPEX may see Estonia's integration policies improve if the Round Table on Nationalities begins to meet. The Estonian Co-operation Assembly (KOGU) is building on the work of the former Presidential Round Table. They were also inspired by practices across Europe as in DK, FI, NL (national), and NO. Every



year, the appointed members of the round table will focus on one issue and report its proposals to the President and policymakers.

POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Political participation is a major area of weakness for integration in Estonia, as in many Central European and Baltic countries. Non-citizens who are participating in all other areas of Estonian society are still largely excluded from democratic life. Long-term residents can vote in local elections. They cannot stand as candidates, unlike in 13 countries including LT and recently GR. They are also banned from political parties, unlike in 22 countries. For non-citizens to form or receive funding for their associations, they have to let them be run by a majority of Estonians and EU citizens on their boards. Estonia has lacked consultative bodies on these issues since the President's Round Table on Ethnic Minorities closed (see box).

ESTONIA

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Linking foreigners and security?

In response to the April 2007 'Bronze Soldier' riots, Parliament approved a 'Bronze Night Package' (Bill N.416UE), which lowered Estonia's MIPEX score by 1 point. Long-term residents may lose their status if they commit an 'intentional crime against the State' in the country. These might be neither actual nor serious threats. Such non-violent offences include the destruction of national symbols and flags, or those of foreign States or international organisations. The



President refused to extend this ground for withdrawing citizenship, which would go against the constitution.

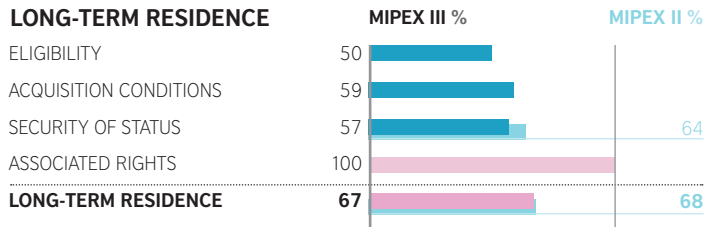
New citizens in new countries of immigration

GR, LU and PT recently introduced some form of birthright citizenship and full acceptance of dual nationality. The new second generation should not be socially and democratically excluded, according to the Greek law. The objective in LU, where 40% of residents are foreign nationals, was to reflect these changes in society and consolidate integration.



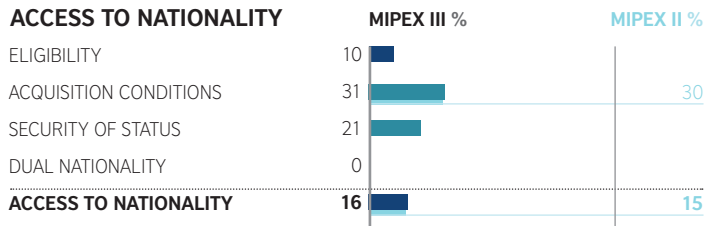
Foreigners who apply for multiple nationality are attached to their new country and willing to integrate, while preserving the nationality and culture of their or their parents' origins.

LONG-TERM RESIDENCE



Long-term residence is a slightly favourable status for promoting integration in Estonia like in most European countries. Standard from EU law, newcomers apply after 5 years and if accepted, obtain many secure and equal rights. While most conditions are basic, the slightly unfavourable language requirement is set so explicitly high (B1, only 2 others of 31 MIPEX) that it may be unrealistic for many willing newcomers, even with free available support. LT and LV opt for the more average 'A2'. Halfway secure in their status, long-term residents born in Estonia or living there for over 20 years can still be deported. They become more insecure, a trend in very few countries, after the 'Bronze Soldier Package' (see box).

ACCESS TO NATIONALITY



Estonia and Latvia have the most serious problems of all 31 MIPEX countries with long-term democratic inclusion. The Estonian Integration Strategies have encouraged non-citizens to naturalise, but the legal framework is itself unfavourable for it, and many applicants see it that way. Despite several political debates and proposals about equal citizenship for children born a generation after independence, they are still treated as foreigners at birth. Whether they become Estonian citizens depends too much on their parents, part of the older generation. Estonia is also one of rare countries where new citizens still cannot be dual nationals, whatever their personal circumstances. The trends in reforming countries of immigration across Europe (recently PT, GR, LU) are to introduce some birthright citizenship (now 15) and tolerate dual nationality (now 18).

Estonia improves, with basic discrimination protection, following EU law. Still far behind European trends on citizenship.

See FI, GR, PT.

ESTONIA

To be eligible in Estonia today, most foreigners must have 8 years' residence, without leaving the country for long periods at a time. If they use the EU free movement rights that non-citizens acquired in 2007, the clock starts all over again, according to a December 2008 Supreme Court decision.

The conditions for passing are more difficult and numerous than in 20 MIPEX countries. If applicants are not exempt from the language and citizenship tests, they have free and good support to pass them, including new free citizenship courses since 2009. While many assessments are discretionary, only 6 countries set so high a language level as Estonia. Instead of written tests, some opt for less controversial methods, sometimes conducted by new citizens themselves: courses (e.g. LU and NO), interviews (US) and citizenship judges (CA).

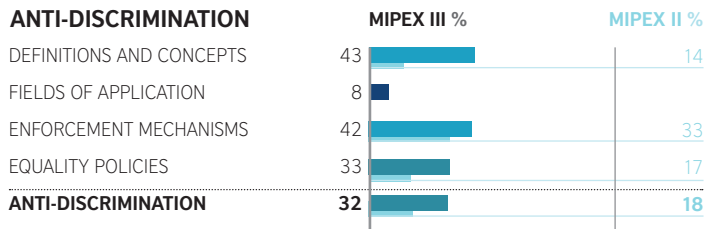
New citizens remain insecure in Estonia, as in several Central European countries. Authorities have many grounds to reject their application or later stripped of their citizenship at any time, even if Estonia would make them stateless. Applicants at least have good legal guarantees and avenues for appeal, as in 18 other countries.

Law on Equal Treatment

With the new law, Estonia is one of the last EU Member States to transpose the EU anti-discrimination directives. While it brings real improvements and significantly raises Estonia's score, its adoption met with strong resistance. As a result, only minimum standards apply (e.g. CZ) and protection remains weak by comparison with the rest of Europe. Nonetheless, now that standards are in place, they can hopefully improve. Indeed, when policies on anti-discrimination change, it is generally for the better. Central European countries such as EE are making the greatest progress.



ANTI-DISCRIMINATION



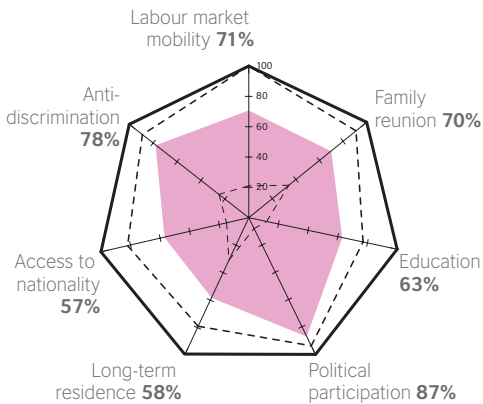
All residents in Estonia will significantly benefit from the new basic protections against discrimination, following years of debate on transposing EU law (see box). They can now expect equal treatment in both the private and public sectors, including from the police force. They can receive independent advice from the new Commissioner for Gender Equality and Equal Treatment. Despite this major progress, Estonia's policies remain comparatively weak. Legal actions are limited, as are court sanctions. Religious and nationality discrimination are still tolerated in many areas of life. The Commissioner has limited powers, especially in court. The State has not committed to key equality policies, like awareness-raising campaigns about discrimination and victims' rights.

FINLAND

WWW.MIPEX.EU/FINLAND

SCORE OVERVIEW

— 100% on MIPEX scale ■ Finland - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

Finland remains a net immigration country, though numbers fell from a 2008 high. More unaccompanied minors and asylum seekers have recently sought protection in Finland. Labour migration decreased, while family and student applications are unchanged. Policies focus on attracting more students and workers, and fewer groundless asylum seekers.

Finland also remains a country with slightly favourable integration policies, scoring 4th overall behind SE, PT and CA. Even its areas of weakness (citizenship, long-term residence) are better than what most newcomers experience on average in Europe. Still, they encounter many obstacles on several key dimensions where Finland lags behind a range of countries, not only SE: residence equality for spouses and families, eligibility for long-term residence, discretion in naturalisation, intercultural education and new opportunities in schools.

However, little has improved for newcomers over 3 years of policy making. Indeed, Finland's biggest MIPEX improvement, on access to nationality, stemmed from a court case. Years later, politicians have yet to implement a clear, professional and encouraging path to naturalisation. Debates may intensify in the run up to 2011 elections.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	71	71
FAMILY REUNION	70	70
POLITICAL PARTICIPATION	87	87
LONG-TERM RESIDENCE	58	58
ACCESS TO NATIONALITY	57	54
ANTI-DISCRIMINATION	78	77
TOTAL (WITHOUT EDUCATION)	70	70

125: Eurostat
126, 127, 128, 129,
130, 131, 132, 133, 134: Ibid
135: Urban Audit
136: Eurostat
137, 138, 139, 140: Ibid

KEY FINDINGS

- Finland one of top 10 to promote migrant workers' job and target their needs.
- Promotes participation of migrant workers and their families, though equal residence rights a problem.
- Finnish school system one of best on access, needs, but just average for new opportunities, intercultural education.
- Long-term residence policies is weakness for Finland, though average for most, particularly eligibility and conditions.
- All residents have equal political opportunities at local, regional levels – 2nd best after NO.
- Access to nationality weakness for Europe as for Finland.
- Strong anti-discrimination laws need greater role for NGOs, equality body.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹²⁵	+15,000
TCN immigration (2008) ¹²⁶	12,338
Largest third countries of origin (2008) ¹²⁷	Russia, Somalia, China
TCN population (2009) ¹²⁸	90,365
TCN as part of population (2009) ¹²⁹	1.70%
Foreign born as part of population (2009) ¹³⁰	2.70%
Permits delivered for family (2009) ¹³¹	6,643
Permits delivered for work (2009) ¹³²	2,754
Permits delivered for study (2009) ¹³³	3,949
Permits delivered for humanitarian reasons (2009) ¹³⁴	4,237
Cities with largest TCN population (2004) ¹³⁵	Helsinki 3.39%, Turku 3.27%, Tampere 2.04%
TCN employment rate (2009, change since 2006) ¹³⁶	48.40% +3.7%
National employment rate (2009, change since 2006) ¹³⁷	68.70% -0.6%
TCN unemployment rate (2009, change since 2006) ¹³⁸	20.60% -4.8%
National unemployment rate (2009, change since 2006) ¹³⁹	8.20% +0.5%
Nationality acquisitions (2008, change since 2005) ¹⁴⁰	6,680 +997

0 August 2008
Access to nationality
Ratification of 1997
European Convention
on Nationality and
1968 Convention on
statelessness

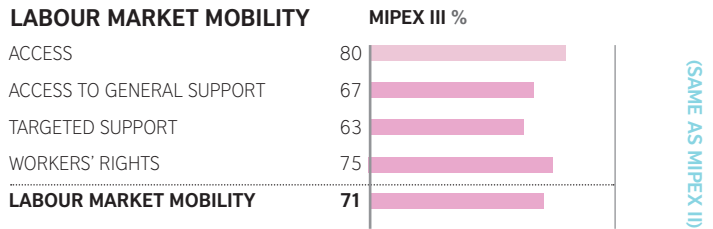
0 October 2008
True Finns gain seats
Right-wing populist
party "True Finns"
gained more seats
than ever in municipal
elections

Anti-discrimination
7.11.2008/679 – Amending
Act on Ombudsman
for Minorities and
Discrimination Tribunal
+1 November 2008

MIPEX
III
2010

FINLAND

WWW.MIPEX.EU/FINLAND

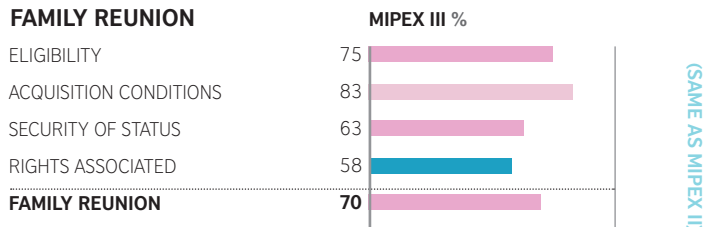


Finland slightly promotes migrants' labour market mobility like countries attracting labour migration. Not all temporary migrants with the right to work can change jobs and sectors as Finns can. All residents can work in all economic sectors, but public sector language requirements may disproportionately exclude the foreign-born (see 2005 Irish Garda policy on Irish language). Finland, like leading Nordics, NL and DE, is working on a common area of weakness: general and targeted support migrant workers can use to improve their skills and qualifications for the Finnish job market. All do not have the same access as Finns to study grants (now in 9 MIPEX countries) or equal facilitated procedures recognising foreign qualifications (in 5).

Residence equality

Before being eligible for long-term residence, spouses and adult family members do not enjoy the same residence security as their sponsor. They are not entitled to autonomous status unless in particularly difficult circumstances. Whether they remain dependent on their sponsor depends on whether authorities deem they have 'solid ties' to Finland. AT, NL provide entitlements in cases of death, divorce, separation and violence, while

several countries (e.g. FR, PT, ES, SE, NO, US) are working on clearer residence autonomy for all families after a few years.

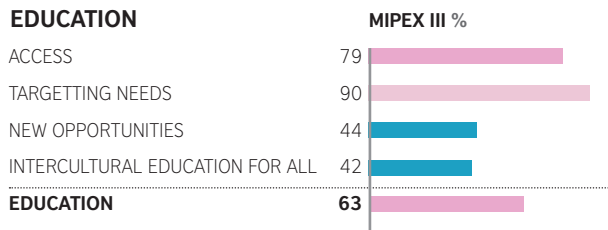


Sponsors may start integration in society with a secure family life, but family members only have basic residence rights and security themselves. Eligibility provisions aim for a quick and inclusive reunion of the family. Limitations on dependent adult children and relatives are similar in 7 other MIPEX countries, but more restrictive than in 9. Sponsors must have a basic subsistence like most Finns, though these amounts may seem comparatively high for a newcomer in Finland – or compared to most European countries. Families have equal rights to work, study and take needs-based introduction programmes (see BE, SE). But their permit can be withdrawn on several grounds. The major area of weakness, as in most countries, is autonomous residence (see box).

Non-EU residents slightly favourable opportunities to work, reunite their family, have their children educated. All participate in democratic life.

See NO, PT, SE

FINLAND



All migrant children benefit from Finland's rather inclusive education system that addresses their specific needs, particularly compared to the poor scores for most countries. All pupils in the country, whatever their status, have an implicit right to their education, as in most leading countries on migrant education (see problems in NO and SE). From pre-school to university, pupils from migrant backgrounds have the right to language and additional support to access all levels of education. Although teaching professionally, teachers are not specifically trained to assess what pupils learned abroad (see FR, LU); they can use some standards and tools to place the child in the right year and level.

Measures to facilitate their participation include preparatory training for secondary school and additional language instruction for apprenticeships. Similar facilities are available for university, where they also receive funding and have particular circumstances taken into account. Such measures are encouraged in the 2009 Globalisation Strategy for Higher Education.

On targeting needs, Finland scores top marks together with NO, SE and CA. Pupils who need help learning Finnish have the right to high quality language courses. Teachers must be specifically trained and follow a standard course based on the National curriculum of preparatory training for basic education (2009). Pupils also have the right to learn their mother tongue (Finnish National Board of Education: National core curriculum for basic education 2004). Together with their parents, they receive an induction programme and parents are encouraged and supported to get involved in school life under the National Curriculum for Basic Education. However, while academic needs are addressed, the school system does not fully harness the new opportunities brought by diversity since systems to promote social integration and monitor segregation in schools are absent. They may learn about cultural identity and internationalism, but not specifically the immigrant cultures in their local communities (e.g. BE, SE). Intercultural education stands out better in school life in BE, CA, ES, SE and UK. Finland can enlarge programmes like SPECIMA so that teachers better reflect the diversity in the classroom (e.g. DE, NL, NO, UK).

FINLAND

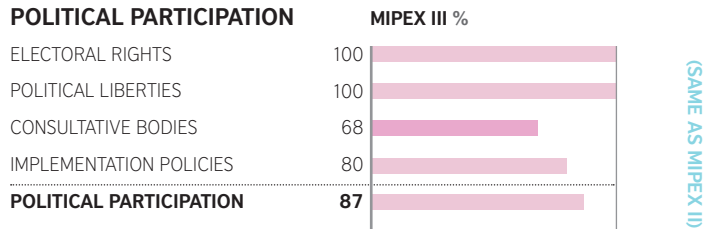
WWW.MIPEX.EU/FINLAND

Consulting migrants to improve policies:

Finland scores 68 on consultative bodies, with ETNOs covering all regions for government consultation, immigrant NGO activities and public information. They also appoint 'Goodwill Ambassadors': influential persons working to make Finnish society more diverse and equal. One of the vice chairs and a minimum of 10 of the 30 members in the national ETNO must represent migrant communities or ethnic minorities. Representatives are asked to nominate both genders and prioritise those with migrant/ethnic background. For further good practice, see BE (Flanders), DE (regional/local), DK, NO.

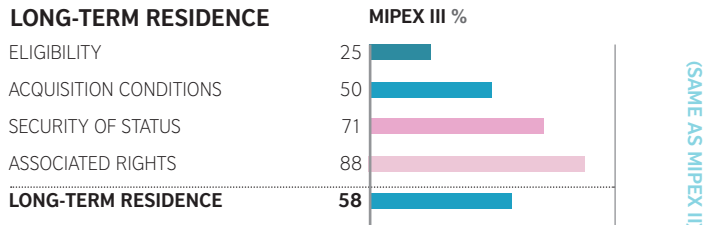


POLITICAL PARTICIPATION



Scoring 2nd after NO, Finland's approach to democracy encourages all residents to participate in the decisions that concern their daily lives. Newcomers can fully vote and stand in local and regional elections (see also DK, IE, NL, NO, SE). All residents enjoy the same political liberties: joining a political party, forming community associations, creating new media. Authorities also reach out to migrants by fostering immigrant civil society and consulting it through bodies that create slightly positive environments for dialogue. Migrants are consulted at national and regional levels as elected NGO participants in an Advisory Board for Ethnic Relations (ETNO, see box).

LONG-TERM RESIDENCE



To fully participate with secure status and rights, migrants can only qualify for long-term residence with some difficulty. Temporary workers cannot apply to settle down permanently. Former international students cannot count time spent studying in Finland, despite European trends to the contrary (AT, BE, PT, ES). Depending on the circumstances, the conditions may be more demanding (income, length, cost). Permits are automatically renewable but can be lost on various grounds: fraud, security threats, serious crimes. Even Finnish-born or 20-year residents can be expelled. However, personal circumstances are considered and they have good legal guarantees. Long-term residents enjoy equal rights in most areas of society, though the recognition of non-EU qualifications remains a problem.

Strong discrimination prohibitions, but only individual actions for victims. Equality body may be limited.

SE
See US, CA, FR

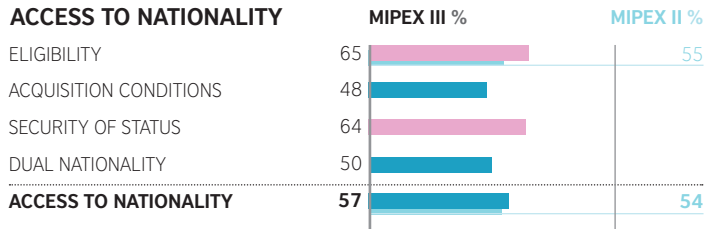
FINLAND

Six years total

The Supreme Administrative Court found that migrants could apply after a reduced time period. 6 years is counted from when the migrant receives their first residence permit, not the permanent permit. Although the Supreme Court did not specifically mention integration, the lower court referred to applicants' 'strong ties' to Finland when overturning the original refusal. The proposed Nationality Act would shorten it to 5 years. 5 to 6 years is standard – even a little longer – compared to established immigration countries. See BE, CA, FR, IE, NL, PT, SE, US.



ACCESS TO NATIONALITY



Naturalising migrants lack a clear, professional and encouraging path to citizenship. In 2007, courts improved unclear residence requirement, now at 6 years total (see box). Applicants undergo a long and costly (around 400€) procedure, involving conditions that are actually slightly counterproductive for integration. Naturalisation is not reserved for those with specific incomes in 13 countries. Indeed, naturalising helps immigrants integrate economically (see OECD SOPEMI 2010). Current language requirements are also slightly unfavourable. Only 6 countries set such explicitly high levels that discourage many, even with quality support. Unlike Finland, 10 countries provide some entitlement for those meeting agreed legal conditions. Otherwise Finnish procedures are average for established and reformed immigration countries: dual nationality, *jus soli* and protection against withdrawal.

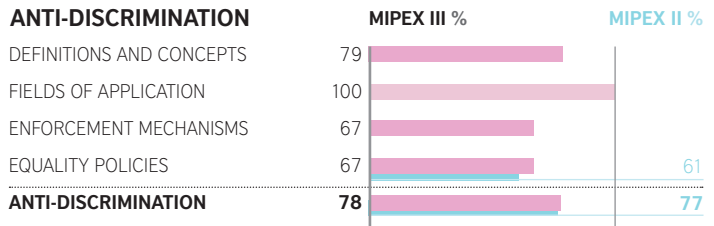
Refining and improving the equality body

A 2008 amendment to the Act on the Ombudsman for Minorities and Discrimination Tribunal clarified Finland's compliance with the EU Racial Equality Directive. It confirmed the Ombudsman's role in conducting independent surveys on national or ethnic origin and in deciding independently on its targets and methodology.



However, since such surveys are often general by nature, a stronger mandate of inquiry may be required for more efficient supervision. Moreover, its budgetary capabilities remain uncertain.

ANTI-DISCRIMINATION



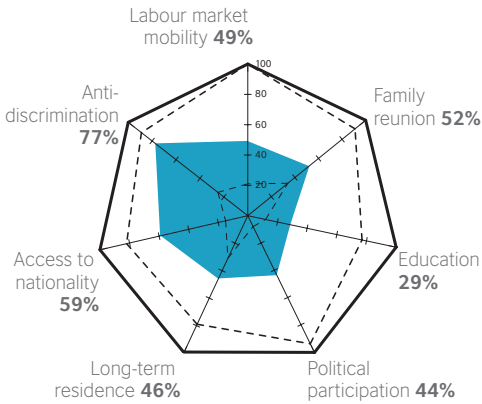
All residents benefit from broad laws in all spheres of life against nationality, religion, race and ethnic discrimination, as in other leading countries. As victims they can obtain legal aid to seek a range of sanctions via a choice of legal, administrative and alternative actions, and do not always carry the burden of proof. However, they cannot rely on NGOs for support (unlike 24 countries) and must bring the case themselves, without class actions or *actio popularis* (unlike 14). They do receive some independent assistance from the Ombudsman for Minorities and Discrimination Tribunal (see box) although the decisions of the Ombudsman are not binding. The government has obligations to promote equality beyond what is required in most countries.

FRANCE

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SCORE OVERVIEW

— 100% on MIPEX scale ■ France - - Best practice in 31 countries - - Worst practice in 31 countries

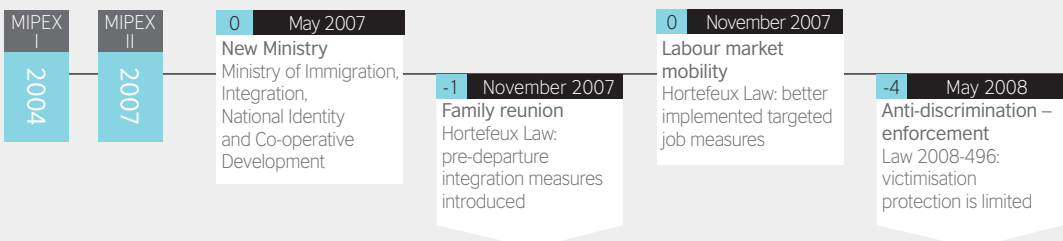


OVERVIEW

France recently saw less permanent immigration, fewer family reunions and naturalisations, and some more work migration. Scoring halfway on MIPEX, newcomers encounter the least favourable and most contradictory integration policies of all major countries of immigration – more measures focus on unemployed migrants, while keeping millions of jobs closed. Obstacles are removed for work but added for families, unlike in countries attracting labour migration like CA. They are encouraged to become citizens, but not yet to vote as foreigners, despite public support. Government action may undermine the strong existing anti-discrimination law and equality body.

Since MIPEX II, the overall situation has not improved. The 2007 Hortefeux Law is one of many ‘immigration reforms’ (4 in 7 years, with 5th on the way) making minor changes on the same issues. Evaluations have started about the full impact of these policies. Government regularly pilots and evaluates targeted education and employment schemes. Other changes are largely based on media stories and elections. One campaign promise was the new Ministry of Immigration, Integration, National Identity and Co-operative Development, whose success is often expressed in expulsion targets.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	49	49
FAMILY REUNION	52	53
POLITICAL PARTICIPATION	44	44
LONG-TERM RESIDENCE	46	46
ACCESS TO NATIONALITY	59	59
ANTI-DISCRIMINATION	77	74
TOTAL (WITHOUT EDUCATION)	54	54

141: Eurostat
142, 143, 144, 145,
146, 147, 148, 149, 150: Ibid
151: Urban Audit
152: Eurostat
153, 154, 155, 156: Ibid

KEY FINDINGS

- Few countries follow France in imposing job, language and integration requirements for family reunion.
- New targeted labour market measures still overlook major problems of access.
- 2007 Hortefeux Law: minor changes, including new integration courses for families abroad.
- French naturalisation shares basics with other countries of immigration, but excessive discretion.
- Pre-departure courses abroad still not as cost effective as the Integration Contract in country, still more favourable than German or Dutch models abroad.
- Targeted education measures for migrant children still weak, in pilot phase.
- Most countries that facilitate naturalisation grant local voting rights for foreigners – not yet France.
- France leads on anti-discrimination, if nationality discrimination and equality body not undermined.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹⁴¹	+71,000
TCN immigration (2008) ¹⁴²	88,985
Largest third countries of origin (2005) ¹⁴³	Algeria, Morocco, Turkey
TCN population (2009) ¹⁴⁴	2,435,198
TCN as part of population (2009) ¹⁴⁵	3.80%
Foreign born as part of population (2009) ¹⁴⁶	5.80%
Permits delivered for family (2009) ¹⁴⁷	83,528
Permits delivered for work (2009) ¹⁴⁸	19,612
Permits delivered for study (2009) ¹⁴⁹	53,563
Permits delivered for humanitarian reasons (2009) ¹⁵⁰	18,136
Cities with largest TCN population (2001) ¹⁵¹	Paris 10.20%, Strasbourg 6.97%, Lyon 6.24%
TCN employment rate (2009, change since 2006) ¹⁵²	41.40% +0.6%
National employment rate (2009, change since 2006) ¹⁵³	64.20% +0.5%
TCN unemployment rate (2009, change since 2006) ¹⁵⁴	23.70% +0.6%
National unemployment rate (2009, change since 2006) ¹⁵⁵	9.50% +0.3%
Nationality acquisitions (2008, change since 2004) ¹⁵⁶	137,320 -17,507

Anti-discrimination – definitions
Conseil de Prud'hommes
F06/00120:
discrimination by association is covered
+15 November 2008

0 February 2009

Labour market mobility
Lift nationality restrictions on jobs:
Senate approves, HALDE recommends, National Assembly rejects

0 November 2009

'National identity'
Government starts debate about 'what it means to be French today'

0 March 2010

Political participation
Socialist Bill introducing local voting rights for non-EU residents voted down by Parliament

MIPEX III

2010

FRANCE

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Nationality restrictions

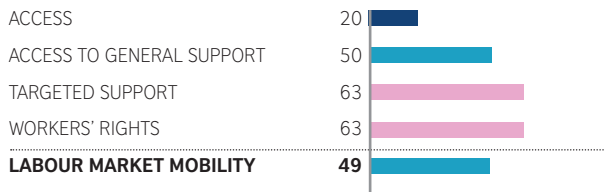
The Senate unanimously approved lifting some restrictions but a National Assembly majority rejected it, claiming that all countries had these restrictions, that none facilitated naturalisation like France (see access to nationality), that restrictions favourably discouraged "brain drain" among French-trained immigrant elites, and that there was no evidence base on this issue. Earlier, France's equality body (HALDE), finding no justification for treating non-EU nationals worse than EU nationals, recommended removing the nationality criteria for the private sector, 3 areas of civil service, and public companies and institutions. www.halde.fr/IMG/pdf/Deliberation_2009-139.pdf

'Assessment of Professional Skills'

The Hortefeux Law generalised these assessments for newcomers, based on evaluations of a previous programme and indicators showing foreigners' high unemployment rates. It encourages working age newcomers with sufficient French to know their skills when starting the job hunt. The Integration Office focuses on 'accessible' jobs, especially sectors with manpower shortages, while government renewed 2 agreements with the National Agency of Personal Services and Federation in Transport and Logistics. The programme plans to offer follow-up on training and assistance in job seeking and qualification recognition.



LABOUR MARKET MOBILITY



(SAME AS MIPEX II)

Despite governmental promises to promote 'selective' work migration, France denies all non-EU residents selected to live there with equal opportunities in more areas of its labour market than most European countries. At 40 points below the EU average, French eligibility provisions are the 2nd least favourable of all countries, after CY and SK. While unemployed non-EU residents can use better implemented targeted measures to find work, they have limited opportunities to enter a career that matches their skills. They are denied legal access to more jobs than in all MIPEX countries. Past estimates of around 7 million excluded jobs (or 30% of all jobs in France) include public sector jobs (e.g. permanent civil servants), 50 professions in the private sector (e.g. veterinarians, pilots, tobacco shop owners) and from starting a business in many regulated professions (e.g. lawyers, doctors, architects and pharmacists). Much of this protectionism dates back to the late 19th century and the 1930s. France is also the only MIPEX country to deny them full trade union rights. In 2004, they lost the right to be elected to 'Prud'homme' Councils and Chambers of Commerce and Professions. As such, France has been missing out on migrants' full economic potential and risking long-term social and economic exclusion.

Instead, the government has focused on improving targeted measures, which score above the European average (as in 8 countries e.g. DK, DE, NL). That these measures are based on specific goals and some evidence (see box) may make them more effective. However, the fundamental problem of access is not addressed. Immigrants may be oriented towards jobs where manpower is needed, but not where they are qualified. Moreover, the assessment of their skills, although long, costly and even impossible in some sectors, does not amount to an official recognition of their qualifications. Most European countries, especially those trying to attract labour migration, are giving most non-EU residents full access to the private sector and self-employment as well as conditional access to the public sector. Other countries outperform France by granting all residents equal and facilitated recognition of their qualifications (e.g. all CA provinces, PT).

Access to labour market, family reunion conditions can discourage long-term integration.

See ES, SE, CA

FRANCE

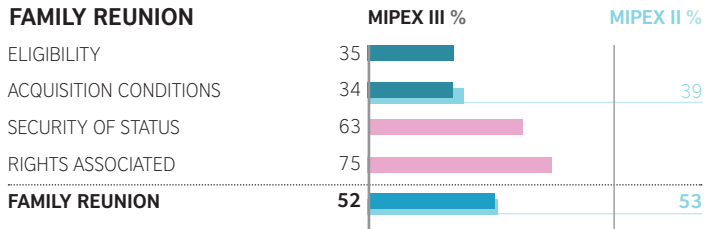
Courses abroad: what effects?

France's free and largely accessible courses (71) may slightly facilitate integration and present fewer obstacles than the Dutch (14) or German (57) approach. Still, integration courses in France are more successful (82) because those abroad may not be as cost-effective, professional or relevant. Supporters justified them citing high migrant unemployment rates, options in EU law and the Dutch policy. They presented French language and republican values as 'pre-requisites.'



Evaluations can check whether courses did improve integration and female empowerment – or just delay or discourage family reunion.

FAMILY REUNION



French family reunion policies are often presented as the most 'liberal' in Europe, with the government only following the average conditions. Families actually have better legal opportunities in 21 MIPEX countries to live together as their starting point for integration. France keeps families separated with some of the most restrictive eligibility provisions and conditions (3rd most). This only compares to AT, DK, CH, where policies are highly politicised and regularly changed. Most countries require some conditions such as basic housing or income; France requires all and continues to raise the levels. The Hortefeux Law included employment (only 5 other countries do), integration (6), new pre-departure measures (3, see box), but, ultimately, not DNA tests.

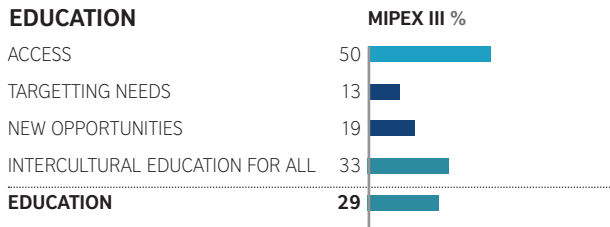
Pilot projects

So far, the French education system has provided limited induction programmes (CLIN) without standardised methods, tools or evaluation (8 countries score 100 for teaching language of instruction e.g. FI, SE, US). Some pilot schemes have just begun. 'Ouvrir l'école aux parents' is being implemented and evaluated across France, helping 4,000 parents in 2010 with courses on French and the school system. In 2009, 200 former newly arrived children on their way to higher education received 'Parcours de réussite professionnelle' grants of 2400€. See DE, NL, PT, SE and US.



In 2009, 200 former newly arrived children on their way to higher education received 'Parcours de réussite professionnelle' grants of 2400€. See DE, NL, PT, SE and US.

EDUCATION



As in established immigration countries, all pupils can access schools and what general support exists for disadvantaged students (e.g. ZEPs, *plan espoir banlieue*). Trained institutions (CASNAVs, see also LU) assess and inform newcomers. If they later have different needs than peers with similar social backgrounds (e.g. newcomers, limited French), few are entitled to targeted support, beyond some pilots (see box). New talk about diversity is not yet part of the curriculum, which largely dropped intercultural education in the 1980s (unlike 27 countries). Some bilateral agreements still support immigrant languages (LCOs). In other school systems, mainstreaming (e.g. BE, PT, SE) helps classroom teachers target specific needs while teaching all pupils to live and learn together in a diverse society.

FRANCE

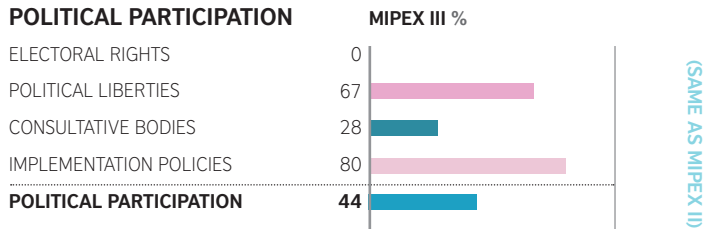
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Voting rights for immigrants, but when?

In 2008, President Sarkozy stated voting rights, which he called 'factors of integration', did not fit in his immigration approach because they would reduce – rather than add – clarity to the issue. The Socialists' 2010 proposal stated that this democratic and progressive measure would promote political and social recognition and fight discrimination. The majority rejected this in March 2010, referring to the link between voting and nationality espoused in the 1789 revolution, and the relative ease of France's naturalisation procedure (see access to nationality).

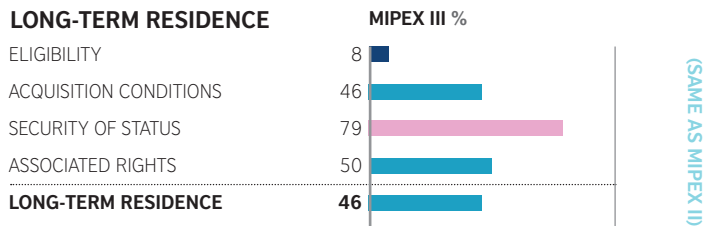


POLITICAL PARTICIPATION



Immigration countries like France that open access to nationality also tend to open political opportunities. A 2010 bill proposed local voting rights (as in 19 MIPEX countries). The major obstacle is political will, not public support (see box). Political liberties are limited for non-EU nationals because many professions in the media remain closed (see labour market mobility). Still, they can join political parties, as in 21 others. Associations they form receive some support for civic participation. Immigrant consultative bodies (e.g. Paris, Grenoble, Nantes, Strasbourg) are slightly favourable, but could also be immigrant-elected and led (e.g. FI, DE, NO). Only in FR, GR, and IE are immigrants consulted in different cities but not yet at national level.

LONG-TERM RESIDENCE



Fewer categories of immigrants can access long-term residence, which lags behind most European countries, where this is a strength for integration. Twenty years ago, long-term residence was the rule rather than the exception. These residents enjoy a secure and equal status, despite persistent nationality restrictions on jobs and qualifications. In expulsion cases, judges consider their personal circumstances, like age and residence duration. In 2003, then Interior Minister Sarkozy also reformed (but did not completely remove) double punishment. However, the list of who can apply shrunk with 2003 and 2006 reforms. Moreover, applicants cannot leave France for more than short periods, which may undermine co-development goals. Eligibility, at 8 points, is well below the European average (43).

France will continue to lead on anti-discrimination with a strong HALDE and stronger State equality policies.

See CA, SE, UK

FRANCE

Decentralisation of naturalisation

Local prefects may now decide on naturalisation, without a second opinion from central-level government. Building on a 2009 pilot, the reform will be evaluated to see if it does deliver better services and shortens waiting times for decisions across the country.



However the reform may also lead to more unequal waiting times and unequal treatment. 2009's Ministry's politicised 'National Identity' debates led to new proposals on citizenship and integration contracts.

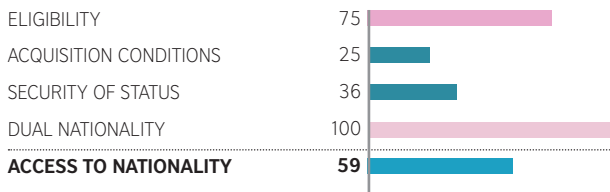
Protection against victimisation

This means that people should not be intimidated or retaliated against when they bring a discrimination complaint or case. When transposing EU law, Law 2008-496 provided this for race, origin and sex discrimination in all matters. It removed nationality as a prohibited ground, which lowers protection for non-French citizens and could create problems in employment law. It is still prohibited in the penal code



and, under general principles of public law, cannot be used to refuse access to rights (social security, education, health) to legal foreign residents.

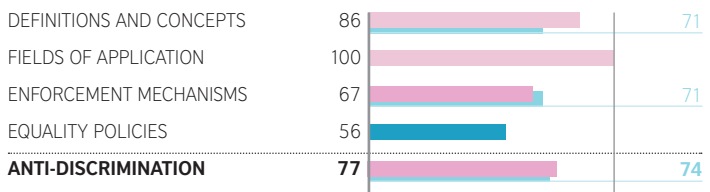
ACCESS TO NATIONALITY



(SAME AS MIPEX II)

The basic path to French citizenship aspires to treat all citizens equally: dual nationality for all (as in 17 other MIPEX countries), *jus soli* (14) and naturalisation after 5 years (7). However, FR only ranks 9th, with DE. While applicants enjoy judicial oversight and protection against statelessness, French prefects enjoy significant and potentially increasing discretion (see box). First generation immigrants with the same background may be accepted in one prefecture but rejected in another, depending on the way conditions are interpreted. Unlike France, other countries entitle applicants to citizenship if meeting the legal conditions (10). Language professionals (10) can conduct free basic level language assessments (e.g. CA, NO, US) based on freely available courses and questions (7).

ANTI-DISCRIMINATION



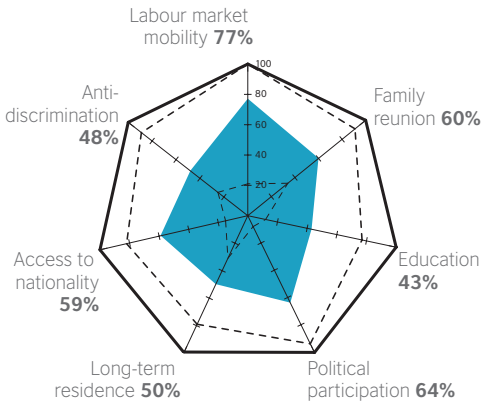
Conditions for integration improved most in MIPEX countries when government increased commitment to equality. FR leads (with CA, US, UK, BE, SE) by improving legislation. The independent and slightly strong equality body, *la HALDE*, has been effective in advising government and the increasing numbers of victims. However, FR alone slightly weakened national protections when transposing EU law (see box). This is prohibited in 14 other countries. Following the 2009 Sabeg report, government could focus on its own modest equality policies. The 'Diversity Labels' that it gave to 219 private companies since 2008 could be applied to public administration through public duties. Public functions and contracts would then better promote diversity (see CA, US, SE, UK).

GERMANY

WWW.MIPEX.EU/GERMANY

SCORE OVERVIEW

— 100% on MIPEX scale ■ Germany - - Best practice in 31 countries - - Worst practice in 31 countries

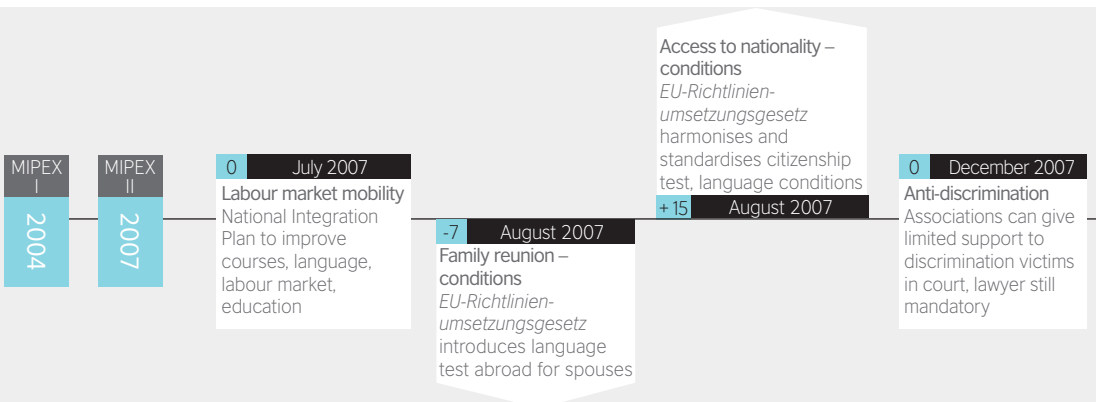


OVERVIEW

In this major country of immigration and emigration, immigration and asylum have long declined since 1995. Newcomers' integration policies little improved in 3 years, but are halfway favourable, and comparable to other major immigration countries. Germany scores average for Europe on education and family reunion policies, but far below on equality policies and long-term residence conditions. 2007's *EU-Richtlinienumsetzungsgesetz* aimed both to demand and promote real participation in society. Indeed, a more objective citizenship test may help naturalisation rates rise and converge across Germany. However new German tests abroad may demand more than spouses can do abroad. The effect may not promote couples' integration, but rather undermine family reunions. Test scores may be poor indicators of immigrants' many harder-to-measure skills and aspirations to integrate in Germany. Future research can assess these findings.

MIPEX saw Germany's policies improve through public evaluations (e.g. courses) and partnership with länder and NGOs (e.g. National Action Plan). Still, immigrants are better consulted at regional/local than national level. Areas like education see more intentions and well-evaluated projects than actual entitlements. Changes often require authorities cooperate to reach national consensus.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	77	77
FAMILY REUNION	60	62
POLITICAL PARTICIPATION	64	64
LONG-TERM RESIDENCE	50	50
ACCESS TO NATIONALITY	59	52
ANTI-DISCRIMINATION	48	48
TOTAL (WITHOUT EDUCATION)	60	59

157: Eurostat
158, 159, 160, 161, 162, 163, 164,
165: Ibid
166: OECD SOPEMI 2010
167: Urban Audit
168: Eurostat
169, 170, 171, 172: Ibid

KEY FINDINGS

- Average education policies: more ad hoc funding/projects than entitlements in länder.
- Most professional 'citizenship test', but language levels may be too high to pass.
- Discrimination law undermined by weak equality bodies/commitments, most countries give better help to potential victims.
- Clear path to citizenship like major countries of immigration.
- Some of best targeted measures for labour market integration, except in recognising qualifications.
- German tests abroad for spouses may facilitate or discourage integration in Germany.
- Secure residence and equal rights for families, as in Northern Europe.
- Most restrictive conditions for long-term residence in Europe or North America.
- Foreigners have some political opportunities at local/regional level, but not in elections or national politics.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹⁵⁷	-13,000
TCN immigration (2008) ¹⁵⁸	237,901
Largest third countries of origin (2008) ¹⁵⁹	Turkey, Serbia and Montenegro, Iraq
TCN population (2009) ¹⁶⁰	4,655,215
TCN as part of population (2009) ¹⁶¹	5.70%
Foreign born as part of population (2009) ¹⁶²	8.80%
Permits delivered for family (2009) ¹⁶³	54,139
Permits delivered for work (2009) ¹⁶⁴	16,667
Permits delivered for study (2009) ¹⁶⁵	31,345
Permits delivered for humanitarian reasons (2008) ¹⁶⁶	37,500
Cities with largest TCN population (2004) ¹⁶⁷	Munich 15.08%, Frankfurt/Main 14.89%, Augsburg 13.75%
TCN employment rate (2009, change since 2006) ¹⁶⁸	48.00% +3.5%
National employment rate (2009, change since 2006) ¹⁶⁹	70.90% +3.4%
TCN unemployment rate (2009, change since 2006) ¹⁷⁰	18.30% -5%
National unemployment rate (2009, change since 2006) ¹⁷¹	7.50% -2.3%
Nationality acquisitions (2008, change since 2005) ¹⁷²	94,470 -22,771

Access to nationality – security

Amended nationality law places 5-year time limit on citizenship withdrawal for fraud/deceit

+14 February 2009

-1 December 2008

Long-term residence – conditions
New Integration course concept introduces test for long-term residence

-7 December 2008

Family reunion – conditions
New Integration course concept introduces test for family members

0 September 2009

Labour market mobility
New CDU-CSU-FDP government agreement on integration, including qualification recognition

MIPEX III

2010

GERMANY

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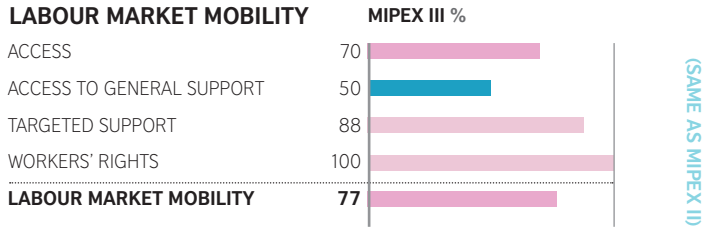
Recognising immigrants' full potential

More countries are guaranteeing foreign-trained workers equal and facilitated recognition of their qualifications (e.g. CA, LU, PT) – perhaps soon, Germany. Christian Democrats and Liberals agreed in September 2009 that changing the law could help an estimated 300,000 qualified immigrants to better contribute economically, while reducing labour shortages for engineers, scientists, doctors, etc. Current procedures require complicated and time-consuming co-operation between länder and professional organisations.

Meanwhile, many länder, wanting more integrated and efficient public sectors, are reaching out to people with migrant backgrounds (e.g. Berlin needs you!).



LABOUR MARKET MOBILITY



Though slightly favourable and 6th-highest on MIPEX, Germany's labour market mobility policies are not yet reformed to fully help immigrants to find jobs matching their skills and qualifications. Most non-EU workers have generally equal access and rights. Following the National Integration Plan, national, regional and local policies provide the most targeted support in MIPEX countries (after SE). Current policies may still be less effective for qualified newcomers who cannot contribute to the public sector unless for 'urgent official needs' (unlike in 12 MIPEX countries) or equally use study grants (unlike 9). Problems recognising non-EU qualifications encourage 'brain waste' and place non-EU newcomers in jobs below their skills, which led to new coalition commitments (see box).

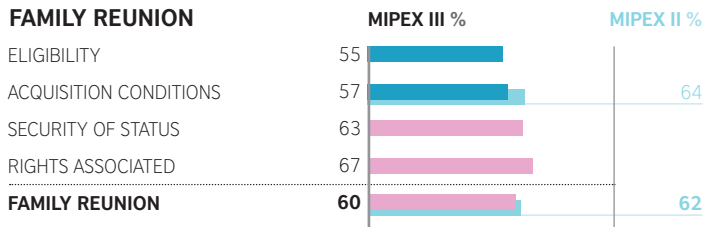
Earlier German, better integration for all?

2007's Act transposed 11 EU directives and introduced unrelated measures like the German test abroad. MIPEX finds it less an obstacle to integration (57) than the Dutch (14), because professionals (Goethe Institute) assess only German language and offer courses. Still, French free courses/tests (71) score better for integration goals. Evaluations using the Act's stated objectives and application/rejection rates should find as many spouses coming to Germany, but with better



German when starting integration courses. This would 'ease integration in Germany' for all separated non-EU couples.

FAMILY REUNION



Families who see their life together in Germany go through average procedures for Europe in all respects, except for new tests (as in only 4 other countries, see long-term residence), also abroad (only 3, see box). Sponsors wait different periods for different family members, some much longer than in most countries (e.g. only 8 require 2 years' residence or more). Sponsors are reunited with spouses or homosexual partners (as in half) once becoming adults at 18 (as in 22). Sometimes, dependent adult children/parents can join (as in 17). If the average conditions are met, families have relatively secure and equal rights. Refusals or withdrawals must be justified, their personal circumstances considered, and open to appeal.

Good practices on migrant education can become entitlements for all pupils, parents and teachers. Other federal/decentralised countries better mainstream specific needs.

See SE, US.

GERMANY

From practices to policies

Newcomers take 'pre-courses' and language assessments at pre-primary level. All do not benefit from further quality German-as-a-second-language courses. Across Germany, there are some common language assessment tools (e.g. from FörMig) but no language learning standards, teacher training or monitoring (see Nordics, US), nor support to implement intercultural education (e.g. BE, NL, PT, UK).

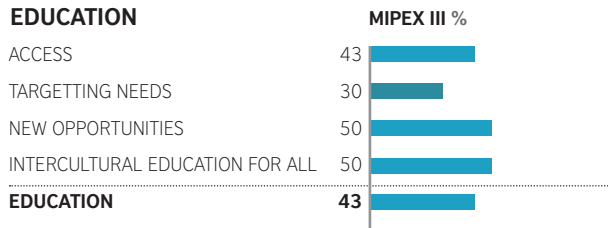
More migrant teachers

Most länder have started campaigns to encourage people with migrant backgrounds to study education and become teachers. Hamburg establishes diversity quotas, while

others give priority to speakers of immigrant languages. North-Rhine Westphalia specially targets ethnic Germans from the former USSR Aussiedler. See also DK, NL, NO, SE, UK.



EDUCATION



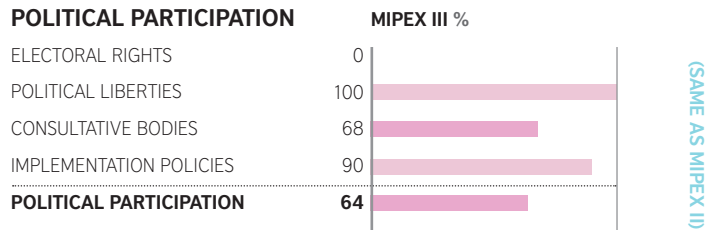
As in most European countries, Germany, with its various school types and tracks, creates many challenges for migrant pupils; some specific to their family's migration experience, but many shared with families of the same social class. Projects, entirely dependent on funding and political will, only address their needs in some schools or for some part of their school career. Many educational authorities therefore know what to do and can do it, but not for all pupils and parents. Well-evaluated projects can become policies. National integration indicators and objectives already set goals for all länder's pupils, with or without a migrant background, to achieve and participate in school. Several other federal/decentralised countries (e.g. SE, US) have agreed entitlements for any migrant pupil with specific needs, while states and municipalities decide how to address them.

As in AT, Benelux, Nordics and the US, migrant pupils and parents in länder education systems are encouraged to participate in all school types and tracks: from pre-primary (e.g. intercultural education, HIPPY, *Griffbereit*), secondary education (e.g. *FörMig*, *Rucksack Förderunterricht* from Mercator foundation), vocational training (e.g. KAUSA, *Netzwerk IQ*) and higher education (e.g. Audit Diversity). Still, newcomers may be placed in the wrong year or level because expert institutions (see FR, LU) do not assess all they learned abroad. Moreover, not all pupils actually living in the country can access education, since children with undocumented parents only have a legal right in 5 länder. Half the MIPEX countries give them equal access to all school levels.

Many schools retain much discretion about whether or not to target the new needs and opportunities that diversity brings to the classroom. Pupils benefit from general support and funding if socially disadvantaged. For other needs, schools have good data on performance and segregation (e.g. National Education and Socioeconomic Panels) but provide each pupil, parent or teacher with few additional entitlements (see box). Schools do teach immigrant languages (as in 22) in many ways, in and outside classroom and sometimes to all pupils. The curriculum does teach all pupils to appreciate cultural diversity, but rarely the specific immigrant cultures in Germany (see box).

GERMANY

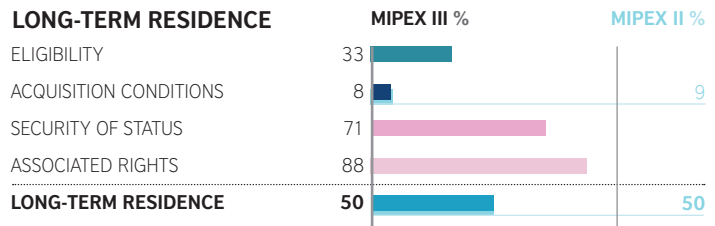
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Germany, like most established immigration countries, provides newcomers some political opportunities, but few in democratic or national politics. Since 1994, it is clear that voting rights (as in 19 MIPEX countries) would require political will for constitutional change (see also AT, IT, ES, PT). In the meantime, some political parties exclude non-nationals from internal posts. Non-EU nationals enjoy individual political liberties (as in 19), including the right to join parties. They also enjoy civil society support to represent their interests. Immigrants are better consulted by municipalities and länder than by the national government. Their structural, independent and elected bodies are favourable models for future national conferences on integration (see also DK, FI, NL national, NO).

Quality courses, enough to test?

Germany provides free tests/materials and courses at about 1€ per hour (free in e.g. DK, FR, LV, PT). Based on a 2006 evaluation to improve course quality, language and orientation courses offer an extra 315 hours total. Mandatory tests, which may create a less favourable learning environment, aim to provide authorities with more reliable statistics. Past tests had strong selection biases, since only those believing they would pass would take them. Future evaluations can better assess whether or not these courses are successful for all applicants.



Around 10 points below average, Germany withholds long-term residence permits from newcomers who cannot meet conditions that are as demanding as for full citizenship. While several countries (e.g. NL, UK) transposed some conditions on to long-term residence, no other requires as many as Germany (scoring 8). Only 6 others limit applicants to workers, and just DK and EE to B1 language speakers (see box). Most accept any basic legal income and just basic language knowledge, without integration tests. Others also better retain international students through long-term residence (e.g. CA, DK, NL, SE, recently AT, BE, ES). If finally accepted, long-term residents enjoy more secure and equal rights in Germany, as in most of North and Northwest Europe.

Path to citizenship like major and reforming countries of immigration. Areas of weakness: national political participation, equality policies/bodies.

See NL, NO, PT, SE, UK.

GERMANY

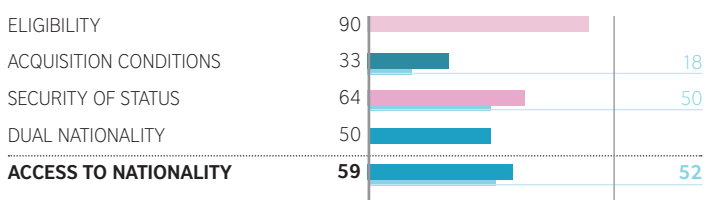
More secure and objective

A 2006 Federal Constitutional Court's ruling found that 5 years was sufficient for authorities to detect fraud or deceit after naturalisation. Also in 2006, länder interior ministers took one step to standardise and harmonise naturalisation requirements, which were leading to unequal treatment and accusations of discrimination. Language requirements aside, the new 'citizenship' test (scoring 83) better supports applicants



to succeed. They can prepare with free courses and test questions and then take more objective and professional tests. If successful, länder's naturalisation rates may increase and converge.

ACCESS TO NATIONALITY



Since 1999, permanent residents have clear citizenship paths as in many major and reforming immigration countries: first generation by entitlement (somewhat in 9 others) and second generation by birth (14). Applicants enjoy improving and secure legal procedures, and the more professional 'citizenship test' (see box). Some parties support 'turbo naturalisation' to shorten residence requirements (currently 7 to 8 years). Even though becoming German can actually speed up integration, applicants are rejected if not already well integrated economically (as in only 11 others) and linguistically (explicitly in 6). To promote naturalisation, 18 countries embrace multiple nationality; Germany accepts it for just EU nationals since 2007. Despite calls for reform, soon roughly 320,000 German-born may need to choose between the two.

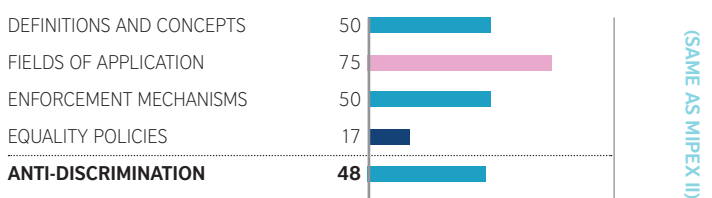
Weak equality policies

Germany has made comparatively few commitments to equality. According to 9 MIPEX countries' laws, authorities must ensure people know about discrimination and their rights. Several high-scoring European countries (NO, SE, UK) maintain strong State equality duties to encourage candidates and entrepreneurs from disadvantaged backgrounds. Recently, länder expressed interest in diversifying public sectors (see earlier). 2007's 'Charter of Diversity,' borrowing French practice, has symbolic



goals that are hard to evaluate in practice, since companies make vague commitments (e.g. cultivate corporate culture of respect, reassess recruitment procedures).

ANTI-DISCRIMINATION



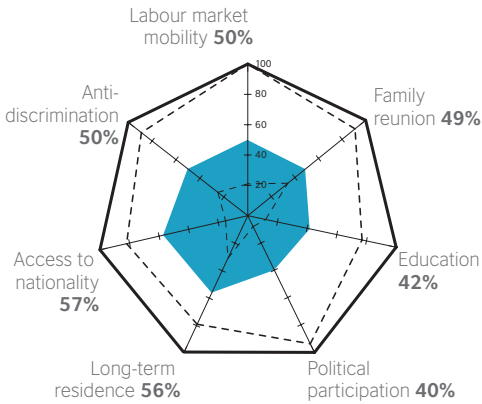
Germany's laws may be ineffective against discrimination because potential victims do not get the support they need from weak equality bodies and State commitments (see box). The law goes beyond current EU minimum requirements. Racial, ethnic and religious discrimination is prohibited in most areas of life, and nationality discrimination in some. Despite some improvements in 2008, NGOs have both more limited legal roles and actions than in 14 MIPEX countries. The Federal Anti-discrimination Agency also has weaker powers to help victims than in 24. It can make limited investigations of their case, but not its own alternative dispute procedures (12), claims for victims in court (12), or its own proceedings (13).

GREECE

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Greece - - Best practice in 31 countries - - Worst practice in 31 countries

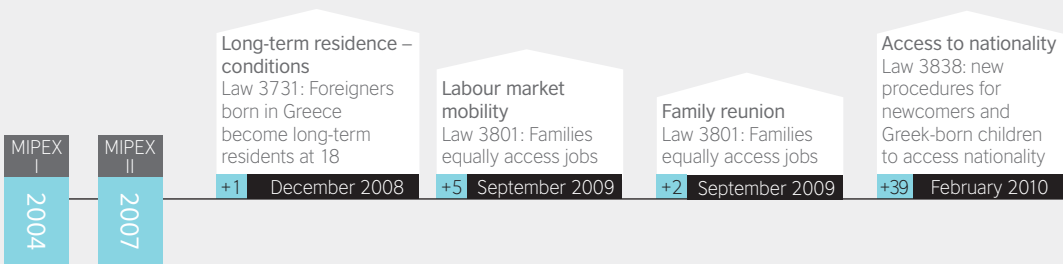


OVERVIEW

Despite the crisis, the population and workforce kept growing with more immigrants and asylum seekers, as Greece becomes one of Europe’s major countries of transit and destination, partly due to EU policies (e.g. Dublin II). After previous governments’ limited integration actions (e.g. Estia programme), Greece made the greatest overall progress of any MIPEX country (+10) with just 3 laws from the new government, though politicised among right-wing parties. Immigrants and their descendants may see slight improvements in all MIPEX areas, except long-term residence and anti-discrimination. To know whether these reforms are properly implemented in practice, Greece must develop a culture of using statistics and policy evaluation for integration.

Greece’s integration policies are now average for Europe, scoring in-between new countries of immigration in Southern Europe. Policies are also more coherent, with strands ranging from 40 to 57 instead of 18 to 56. Both political participation and citizenship were improved in the same law, with reference to European standards and established immigration countries’ policies. Where most European countries do best (family reunion, long-term residence, anti-discrimination), Greece only follows minimum standards from EU law.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	50	45
FAMILY REUNION	49	47
POLITICAL PARTICIPATION	40	25
LONG-TERM RESIDENCE	56	56
ACCESS TO NATIONALITY	57	18
ANTI-DISCRIMINATION	50	50
TOTAL (WITHOUT EDUCATION)	50	40

173: Eurostat
174, 175, 176, 177,
178, 179, 180, 181, 182: Ibid
183: Urban Audit
184: Eurostat
185, 186, 187, 188: Ibid

KEY FINDINGS

- Ranks 16th, similar to European average and between new countries of immigration in South.
- Greatest legal progress of other countries (+10) on nearly all strands.
- Political participation: from weak to average.
- Progress on citizenship average for established immigration countries, especially eligibility for newcomers and Greek-born children.
- Labour market access still less favourable than for most countries, with limited access for non-EU residents and no policies targeting their specific challenges.
- Reunited families have better rights, but reunion procedures below European average, especially eligibility.
- Long-term residence unchanged, conditions some of most restrictive in Europe.
- Anti-discrimination definitions and fields below average.
- Greek schools face similar problems addressing diversity, as most in Europe.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹⁷³	+27,000
TCN immigration (2008) ¹⁷⁴	49,035
Largest third countries of origin (2008) ¹⁷⁵	Albania, Ukraine, Georgia
Third-country nationals population (2009) ¹⁷⁶	767,919
TCN as part of population (2009) ¹⁷⁷	6.80%
Foreign-born as part of population (2009) ¹⁷⁸	8.30%
Permits delivered for family (2009) ¹⁷⁹	22,637
Permits delivered for work (2009) ¹⁸⁰	16,383
Permits delivered for study (2009) ¹⁸¹	1,489
Permits delivered for humanitarian reasons (2009) ¹⁸²	1,275
Cities with largest TCN population (2004) ¹⁸³	Athens 22.97%, Thessaloniki 10%, Patras 8%
TCN employment rate (2009, change since 2006) ¹⁸⁴	66.60% -1.3%
National employment rate (2009, change since 2006) ¹⁸⁵	61.20% +0.2%
TCN unemployment rate (2009, change since 2006) ¹⁸⁶	10.30% +2.3%
National unemployment rate (2009, change since 2006) ¹⁸⁷	9.50% +0.6%
Nationality acquisitions (2008, change since 2004) ¹⁸⁸	16,920 +15,024

Political participation
– electoral rights
Law 3838: Local
electoral rights

+33 February 2010

Political participation-
implementation
policies
Internet and radio
campaigns

+10 April–May 2010

Political participation
– consultative
bodies
Law 3852: New local
integration councils

+15 June 2010

MIPEX
III

2010

GREECE

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New sources of inspiration

Greece lags behind other new countries attracting labour migration on access and targeted measures. Labour market access in leading new labour migration countries, ES and PT, is much more favourable, with no restrictions on access to the public sector or self-employment (together with 9 other countries). While targeted measures are largely underdeveloped in Europe, many established countries set targets to help migrants into legal employment and training. New countries



of immigration are increasingly introducing these nationwide economic integration programmes (e.g. EE, ES, PT).

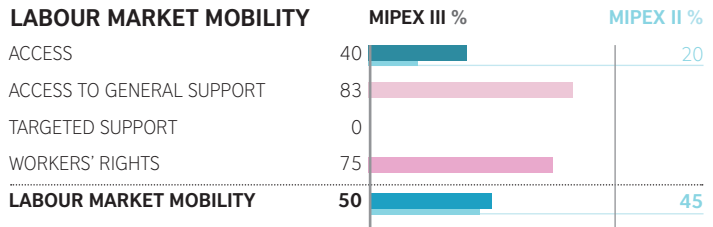
Labour market opens up to families:

Law 3801/2009 provides full access to employment for reunited family members. Its goal is to simplify the procedure and make it a quick and efficient service for migrants. Depending on implementation, this measure should help family members become less dependent on their sponsor and more active in the Greek economy. Under the previous regime, authorities had



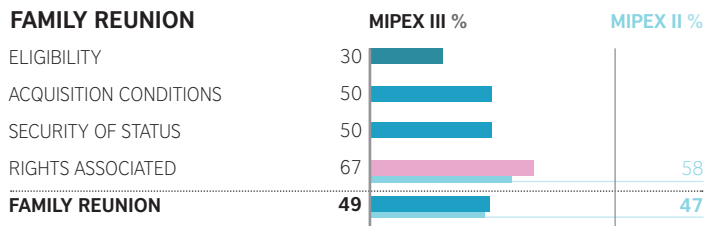
the discretion to grant labour market access to family members during the 1st year, depending on available vacancies, and often with delays.

LABOUR MARKET MOBILITY



Despite slight improvements (see family reunion), Greece still provides non-EU residents slightly unfavourable access to employment and does little to address their specific job situation. Their legal opportunities for labour market mobility are far behind the average European country (see box). Non-EU residents with right to work can never access the public sector (as in only 9 others) and must fulfil additional obligations to open a business (7). According to law, all workers should enjoy equal working conditions, social security, and most mainstream support to improve skills and qualifications. Still, this support targets neither immigrants' needs as foreign-born and -trained workers, or their specific vulnerability to exploitation, irregular and temporary jobs, and 'brain waste'.

FAMILY REUNION



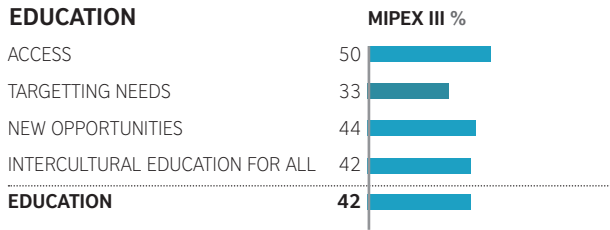
Ranked 24th, far below the average for Europe and new labour migration countries (e.g. CZ, IT, ES), Greece delays and discourages integration by keeping more family members apart and for longer. Eligibility is the major weakness. Only 8 other countries require sponsors to wait so long (2 years). Further administrative delays (far above Europe's average procedural lengths of a year) mean they may have permanent residence permits (5 years) by the time spouses and minor children arrive, years behind their sponsor on integration. Parents and adult children are excluded, unlike in 20 other countries. Immigrants in only 5 face such steep income requirements as Greece's. Families have average security but better rights since 2009 (See box).

Labour market mobility and political participation improve, but fall short of what is needed for long-term integration.

See PT, NL, DK

GREECE

EDUCATION



Under Greece's average policies, all migrant pupils, regardless of status, access all school levels, as in half the MIPEX countries, but face similar problems as across Europe. Their progress in school can be facilitated by trained teachers and quality support to learn Greek. Still, each pupil is not entitled to targeted, on-going assistance, as in established immigration countries. Policies on immigrant languages, cultures and 'intercultural schools' could better support the social integration of all pupils and parents, with and without an immigrant background (see BE, Nordics, DE, ES, PT). Countries like ES and UK make intercultural education a dedicated school subject, while BE, NL, PT and UK better integrate it into school materials and activities.

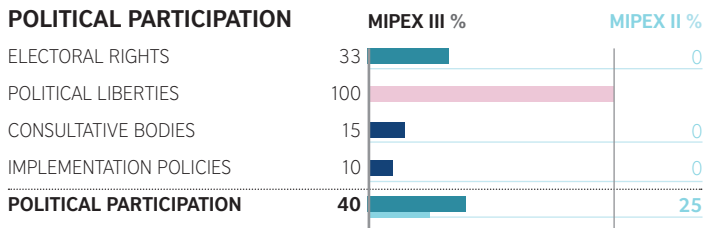
Democratic opportunities open, slightly...

Thanks to Law 3838/2010, long-term residents and 10-year permit holders can now vote locally. They can stand for some positions (excluding mayor or vice-mayor) once they have sufficient Greek knowledge for their tasks. Voting rights are presented as the most effective form of active integration, fighting social exclusion and promoting local governance. Local integration councils aim to record and investigate problems faced



by permanently residing migrants and strengthen social cohesion. However, the 5 to 11 members may or may not be immigrants, but just municipal councillors.

POLITICAL PARTICIPATION



Like new immigration countries in past years, Greece made significant but limited progress (+15) to open average political opportunities (see box). Non-EU residents now enjoy limited active and passive voting rights, similar to recently reforming countries. Get-out-the-vote campaigns may raise awareness by November 2010 elections. New integration councils, if implemented, may have weaker powers than similar new bodies (e.g. ES, PT). Still, they could inspire more democratic structures at national level, should government rethink the representation of immigrants themselves in the National Commission for Migrants' Integration. The major weakness is no dedicated funding for an immigrant civil society that would actively inform immigrants and work on all issues of civic participation and consultation (e.g. PT).

GREECE

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Facilitated long-term residence?

The high cost (€900) and strict prerequisites meant hardly any applications in 2008. Law 3731/2008 (under the last government) did not address the real issue of residence security (only increased 'conditions' score by 1%). Greek-born migrant children become long-term residents as adults, once they complete their primary and secondary education in Greek schools. The subsequent Law 3838/2010, introducing birthright citizenship for second and third generation migrants, may have a more positive impact on their status.

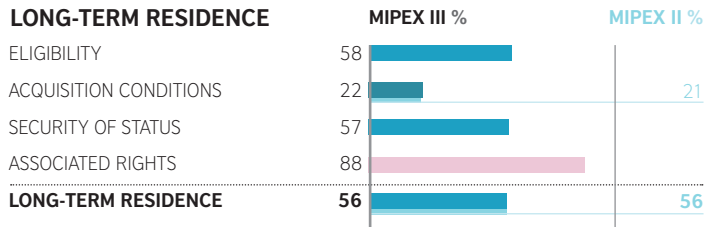


Reasons for reform

Law 3838/2010 was presented as a 'pressing national interest for security and social cohesion'. It emerged from NGO campaigns ('Greek you are born AND you become'), recommendations from the Ombudsman and National Commission for Human Rights, and public consultation involving comparisons with other countries. For instance, the law draws inspiration from DE reforms (just 2 points away from Greece's new MIPEX nationality score).

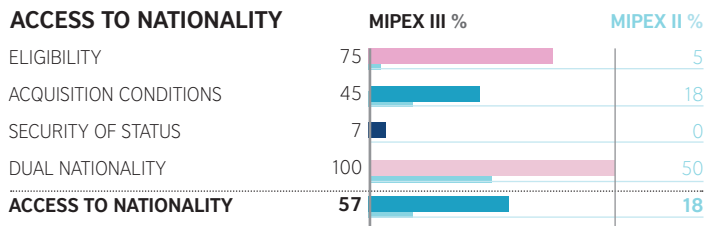


LONG-TERM RESIDENCE



Successful candidates enjoy average security and equal rights as provided under EU law, but get this far with difficulty because conditions restrict literally the number of applicants who can succeed (see box). Law 3838/2010 reduced 'exorbitant' fees of €900 down to the more 'realistic' €600 – still much more than in nearly all 31 countries. Most countries require just a basic income and language knowledge. Only 7, including Greece, also require high incomes or specifically integration courses/tests. Immigrants in Greece must show 2 years' revenue statements and pass ineffective integration requirements where annual quotas and long waiting lists for free recognised classes deny access to eligible non-EU residents (see instead CZ, DK, FR, LV, PT, RO).

ACCESS TO NATIONALITY



Greece's immigrants enjoy much better integration opportunities today largely because they can better become full citizens (see box). Law 3838/2010 more than doubled the MIPEX score. Greek citizenship transformed from the 3rd most exclusionary of all 31 MIPEX countries to become average among major immigration countries like FR, DE, UK and US.


Immigrants and their descendants are now better eligible for nationality (+70), as in established and reformed immigration countries. The law considered that all children born in Greece deserve to grow up there like Greek children, without greater administrative obstacles. The third generation is now treated equally as Greek at birth, while the second is too, but upon application and some conditions. Following European trends, reforming countries introduce some birthright citizenship (now 14) as they recognise themselves as countries of immigration (see DE, PT, LU). Immigrants' descendants are now automatically dual citizens (as in 11 others).

Score more than doubles on access to nationality for first generation and descendants; now average for established and reformed immigration countries.

See LU, DE, PT

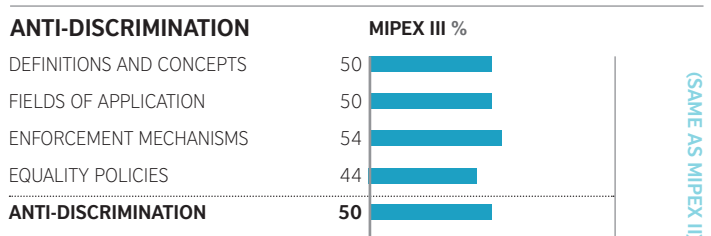
GREECE

Better scoring tests?
 New Citizenship Acquisition Commissions limit authorities' discretion on assessing immigrants' language (required in most countries) and general knowledge (in 17 others). The new system aims to better assess individuals' 'qualities and abilities for living together, smooth social integration and capacity to participate in political life.' Though it hopes to 'rationalise the process', only implementation will tell whether applicants find that the Commissions use professional standards (e.g. A2 for language knowledge) and support all to pass, as elsewhere (e.g. free courses and questions in AT, CA, LU, US).



The first generation also enjoys better opportunities to naturalise, but only for a limited time and under restrictive conditions, due to political backlash from the right and far right. Under transitional arrangements, immigrants can apply after 5 years, standard in 7 other established and reforming immigration countries. Afterwards, the wait will jump back up to 7 years plus a long-term residence permit. The improved conditions (+27) now meet the rather low European average. Vague 'good moral character' clauses are removed, while legal time limits are introduced to 'stop unacceptable sources of continuous and systematic maladministration'. Applicants fulfil a slightly more favourable language/integration condition (see box). Still, Greek citizenship remains one of the most expensive in Europe, with 'more realistic' fees at €700 (previously €1,500). Fees are reduced for second applications and Greek-born children.

Although reasoned decisions were introduced as constitutionally necessary and common practice in Europe, Greek applicants and new citizens remain the 2nd most insecure in the 31 MIPEX countries, along with CY, LT, MT, but above LV. Moreover, candidates have no entitlement to citizenship on meeting the conditions (as in 10, including reformers DE and PT). They can also become stateless for many reasons, even if a Greek citizen for years.



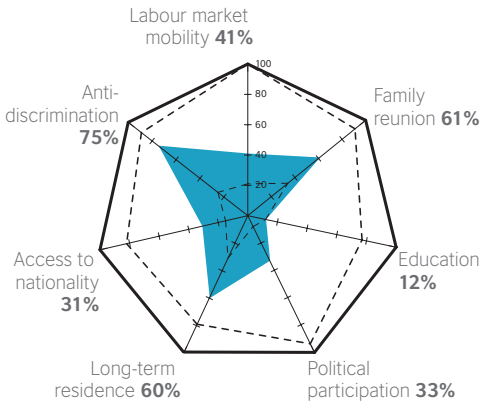
As with long-term residence, Greece's anti-discrimination policies are slightly weaker than average in Europe. Law only provides residents with the minimum EU standards. Unlike in 15 countries, nationality/citizenship discrimination is not explicitly prohibited in law, despite past recommendations from the Ombudsman. The public is not explicitly protected from racial profiling (see FR, UK). Victims have limited options to enforce their rights, facing a long process with no alternative dispute resolution (unlike in 19 countries) or class actions (unlike 14). They may get NGO help and State aid but cannot rely on the equality body since the Ombudsman can neither instigate its own investigations/proceedings nor enforce these specific findings (unlike 13 countries).

HUNGARY

WWW.MIPEX.EU/HUNGARY

SCORE OVERVIEW

— 100% on MIPEX scale ■ Hungary - - Best practice in 31 countries - - Worst practice in 31 countries

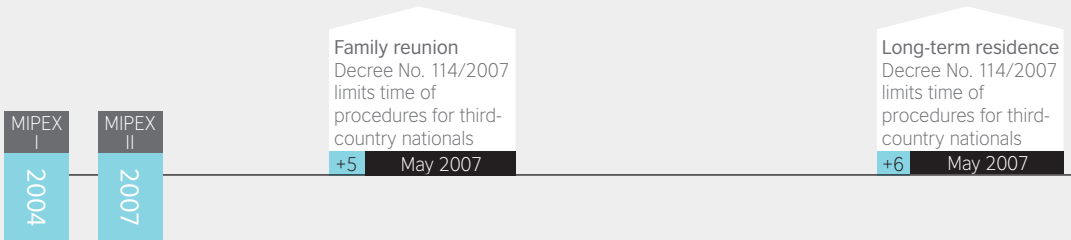


OVERVIEW

Still becoming a country of immigration and asylum, Hungary will need to grow its population, according to international forecasts. So far, most newcomers are ethnic Hungarians from neighbouring countries. While new working groups talk of a comprehensive strategy for all groups, Hungary is one of the last in Europe without one. 2009's first strategy for justice and home affairs was adopted, without consultation or follow-up action plans.

Newcomers' integration opportunities are better than average in Central Europe and similar to CZ, RO, and SI. But without a comprehensive strategy, policies are inconsistent and only half-way favourable, scoring below 50%. The best chances for equal opportunities come through laws and organisations fighting discrimination. As across Central Europe, discretionary procedures are problematic for non-EU residents to obtain secure and equal rights guaranteed in EU law. Political and educational opportunities are also limited. Foreigners living in Hungary for years are slightly discouraged from becoming Hungarian, contrary to policies for co-ethnics abroad. Since 2007, integration improved slightly by shortening administrative procedures (family reunion, long-term residence) and implementing European and international standards (labour market, nationality).

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	41	36
FAMILY REUNION	61	56
POLITICAL PARTICIPATION	33	33
LONG-TERM RESIDENCE	60	54
ACCESS TO NATIONALITY	31	28
ANTI-DISCRIMINATION	75	75
TOTAL (WITHOUT EDUCATION)	50	47

189: Eurostat
190, 191, 192, 193,
194, 195, 196, 197, 198: Ibid
199: Urban Audit
200: OECD SOPEMI 2010
201: Eurostat
202: OECD SOPEMI 2010
203: Eurostat
204: Eurostat

KEY FINDINGS

- Lacking comprehensive integration strategy for all groups, integration policies inconsistent and only halfway favourable.
- Major strengths for integration are laws and organisations fighting discrimination.
- Labour market mobility policies little prepared for future migration needs, despite new equal access to self-employment.
- Immigrants in country slightly discouraged from becoming Hungarians, focus mostly on preferred naturalisation for co-ethnics.
- No birthright citizenship, despite European trends.
- Migrant education least favourable of all countries because International Education Programme has negligible impact.
- Unlike Hungary, most guarantee equal compulsory education for all children, regardless of their status.
- Political participation: leads Central Europe, though limited.
- Quicker procedures for family reunion, long-term residence.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ¹⁸⁹	+16,000
TCN immigration (2008) ¹⁹⁰	17,883
Largest third countries of origin (2008) ¹⁹¹	Ukraine, China, Serbia
TCN population (2009) ¹⁹²	76,561
TCN as part of population (2009) ¹⁹³	0.80%
Foreign-born as part of population (2009) ¹⁹⁴	1.90%
Permits delivered for family (2009) ¹⁹⁵	1,753
Permits delivered for work (2009) ¹⁹⁶	4,535
Permits delivered for study (2009) ¹⁹⁷	4,167
Permits delivered for humanitarian reasons (2009) ¹⁹⁸	12,658
Cities with largest TCN population (2004) ¹⁹⁹	Budapest 1.32%, Szeged 0.9%, Nyíregyháza 0.62%
Foreign-born employment rate (2008, change since 2007) ²⁰⁰	65.60% +0.15%
National employment rate (2009, change since 2006) ²⁰¹	55.40% -1.90%
Foreign-born unemployment rate (2008, change since 2007) ²⁰²	6.10% +1.75%
National unemployment rate (2009, change since 2006) ²⁰³	10.00% +2.50%
Nationality acquisitions (2008, change since 2005) ²⁰⁴	8,100 -1,722

Access to nationality
Law No. 15/2009
ratified UN Convention
on Reduction of
Statelessness, withdrawal
for fraud only

+3 January 2009

0 April 2009

Justice and home
affairs
5-year policy plan for
justice and home affairs

Labour market mobility
Law comes into force
granting equal access
to self-employment for
third-country nationals

+5 January 2010

MIPEX
III

2010

HUNGARY

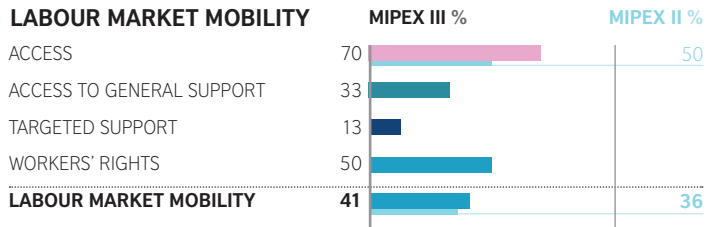
WWW.MIPEX.EU/HUNGARY

New entrepreneurs

Since 2010, non-EU temporary workers, students or humanitarian residents can become entrepreneurs (as in 9 other MIPEX countries, e.g. CZ, IT, NL, ES, US). Before, only nationals, EU citizens, refugees and long-term residents had that full right. Act 115/2009 changed this to harmonise with EU legal obligations, but without consulting or planning with integration stakeholders. Few migrants may know of this change, since Hungary lacks active policies informing them of their labour rights (see DE, PT, Nordics). It also lacks targeted measures helping migrants become entrepreneurs (recently PT).



LABOUR MARKET MOBILITY



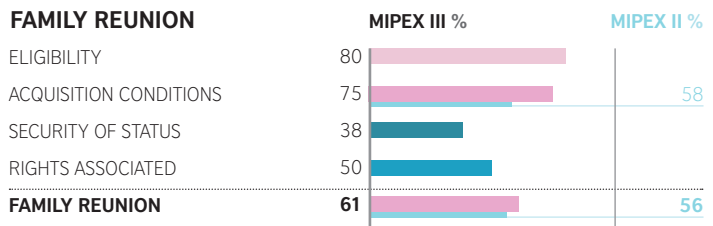
Ranking 26th out of 31, Hungary is not well prepared for future labour migration needs compared to others in the region (CZ, EE, RO). Without immediate labour market access, non-EU workers and families wait longer to access and change jobs than in 23 other MIPEX countries. The public sector can only hire long-term residents, unlike 12, including AT, CZ, DK, ES. Many may now think about starting businesses to employ themselves (see box). But beyond these first jobs, they have few opportunities to build their careers, skills and qualifications. There are hardly any targeted measures to use. Not all can use general education, training, social security and employment services (unlike the majority of MIPEX countries).

From quicker to better procedures

Time limits are normal administrative practice for offering efficient services to the public. National and EU laws increasingly require them for procedures involving non-EU residents, often to avoid delays or, as recently in GR, to fight maladministration. In Hungary, Decree 114/2007 shortens procedures for family reunion and long-term residence (see later). They cannot take more than 22 working days, while requests for entry visas cannot take more than 30. See also several Central European countries (e.g. BG, EE, SK, SI).



FAMILY REUNION



Newcomers have basic rights to reunite with their families, as in countries under EU law, while facing great uncertainty, as across the region. The law encourages them to apply with favourable eligibility provisions and conditions. Once legal residents secure basic income and housing, they can immediately apply for most of their family members, and now receive quick responses (see box). Applicants who meet these conditions are still slightly insecure, more so than in nearby AT, CZ, PL, and RO. Authorities use highly discretionary procedures with wide grounds (e.g. family breakup, end of parental rights, public health) without considering their personal circumstances (required in 24 countries). Families' limited socio-economic and residence rights are slightly below average in Europe.

To lead Central Europe and score like labour migration countries, Hungary needs basic residence security, labour market access and education support.

See CZ, EE, ES, PT.

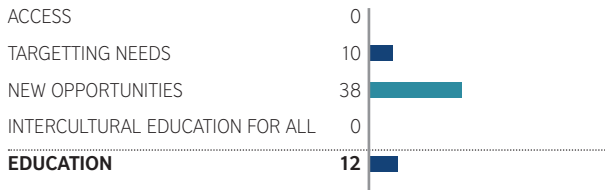
HUNGARY

Voluntary programme with little impact

The 2006 Intercultural Education Programme followed informal consultation with some headmasters, ministry officials and integration working groups. Civil servants looked at Roma programmes and the 1977 EU directive on the education of migrant children. Since it imposes no requirements, schools have the option to establish an intercultural education programme (including induction and language) and with this must apply for the limited funding. The 2006 initiative is not well known or implemented, and evaluations show that sporadic, voluntary and project-based actions have a meagre impact.

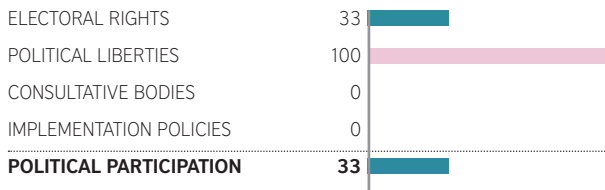


EDUCATION



Hungary's limited strategies and budgets for intercultural education are of little use for newcomer children. Hungary denies undocumented migrants access to not only the full education system (as in half MIPEX countries), but also explicitly compulsory education (only BG, RO, SK do so). It also does so for children of some legal migrants. Intercultural education scores a critically unfavourable zero (see box). To get into the right school, authorities provide limited and outdated information. Schools are required neither to address newcomers' specific needs and opportunities, nor teach all pupils about living in a diverse society. Some migrants are taught their mother tongue and culture (e.g. Hungarian–Mandarin bilingual school), common across Europe.

POLITICAL PARTICIPATION

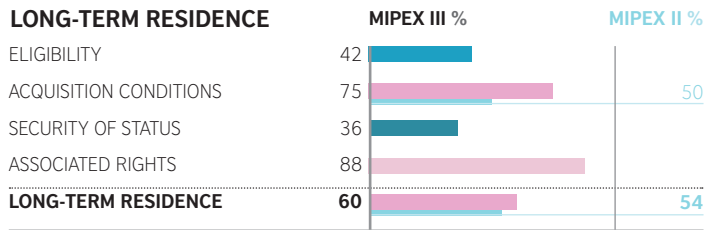


(SAME AS MIPEX II)

For including newcomers in democratic life, Hungary leads Central Europe, but can catch up with the established immigration countries. The constitution grants voting rights (as in 18 other MIPEX countries) but only to long-term residents (e.g. EE, LT, SK, SI). Hungary stands out as the only Central European country without outdated laws denying foreigners their basic political liberties for associations, parties and media. However, it has not encouraged immigrant civil society to emerge. Ad hoc meetings and projects mostly come from European sources. Unlike new immigration countries (e.g. FI, IE, PT), the State has yet to create dedicated consultative bodies or funding for immigrant representatives.

HUNGARY

WWW.MIPEX.EU/HUNGARY



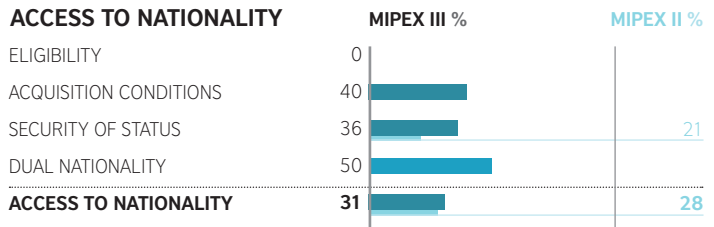
Non-EU residents in Hungary and across the region face similar problems for long-term residence as for family reunion. They confront discretionary, though shorter (see earlier), procedures to obtain basic security rights. HU offers 'classical' national residence permits and EU long-term residence permits (with little difference in MIPEX scores). Only those eligible temporary residents can apply. They prove basic income but face procedures with vague grounds for rejection and withdrawal (as in only 12 other countries). They can access legal remedies, as in family reunion. Compared to Hungary, other emerging immigration countries (ES, PT) use EU standards to send strong messages that all who choose the country as their long-term home will enjoy a secure status.

Citizenship in new reforming countries

As states recognise themselves as countries of immigration, immigrants often see clearer citizenship paths. In 2006, Portugal reformed nationality by applying preferential naturalisation to all meeting the underlying conditions. IT and ES are also discussing opening their policies based on historic/ethnic ties. Modernising citizenship can be part of new comprehensive integration strategies. LU in



2008 changed laws on nationality, immigration and integration. GR in 2010 improved nationality and political participation in the same law. Trends emerge from policies in established immigration countries.



Hungary has so far focused on preferential naturalisation for its co-ethnics abroad, unlike reforming new immigration countries (see box). Citizenship paths remain long and uncertain across Central Europe. The very few eligible for naturalisation in Hungary undergo discretionary procedures with even more vague and burdensome conditions. New citizens are now more secure than average in Central Europe, because of new statelessness protections (see box). They can also keep their previous citizenship, a European-wide trend (18 total). Still, the overall process slightly discourages them from becoming Hungarian, though the 2010 citizenship law or future proposals may bring progress.

Hungary's seemingly standard residence requirements are the most critically restrictive of all 31 MIPEX countries, along with BG, CZ, LV, and some Swiss cantons. The first generation must count 8

Residents can use strong laws to be free of discrimination. Only weak naturalisation procedures for immigrants.

See recently reforming DE, PT, GR.

HUNGARY

Integration: durable solutions for statelessness

Hungary's Law 15/2009 now prohibits citizenship withdrawal except in limited cases of fraud. Hungary signed the UN Convention on the Reduction of Statelessness years earlier. It only ratified the Convention with the law after years of work by international and humanitarian organisations. Their main argument was that integration is one of the few durable solutions for stateless people.



continuous years of long-term residence, which can mean 11 years. Spouses of Hungarian nationals may have to prove 3 years' marriage plus 3 years' residence. 19 MIPEX countries require much less for both groups, with recent reforms between 5–8 years total (e.g. GR, LU, PT, SE). Countries lacking *jus soli* such as Hungary increasingly introduce some form (now 15). Reforms aim to guarantee recognition and inclusion for immigrants' descendants, knowing no other country as their own (see recently GR, LU, PT).

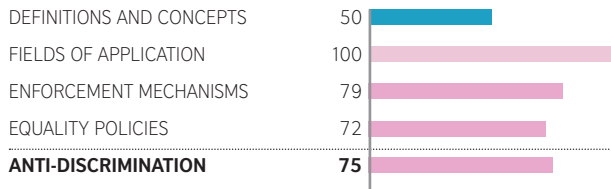
As in many European countries, applicants in Hungary cannot fully prepare or trust the naturalisation procedure and conditions, because authorities reject them with wide discretion. Immigrants receive half-way support to successfully learn Hungarian and the country's constitution and history. Exams are not conducted by language professionals (unlike in 10). All applicants are not entitled to enough free courses to pass, beyond some study materials. Nearly half the countries with language assessments set more clear and basic levels (e.g. A1 or A2). Applicants wait long for their answer (see new time limits for family reunion and long-term residence). There are vague grounds for rejection such as 'the interests of the Republic', even if applicants meet all the conditions (unlike in 10). If rejected, they cannot learn why or appeal (unlike 23).

Strong equality body but weak State action

Hungary's Equal Treatment Authority is one of the strongest equality bodies in Europe (also BG, IE, NL, SE). It offers victims independent advice and can issue binding reviewable decisions. The Authority can also investigate complaints and impose sanctions on offenders. It has the legal standing to intervene on behalf of the complainant, while also instigating its own procedures, although only against certain public bodies. However, with few State actions to promote equality, Hungary itself has yet to overcome Europe's generally weak equality policies.



ANTI-DISCRIMINATION



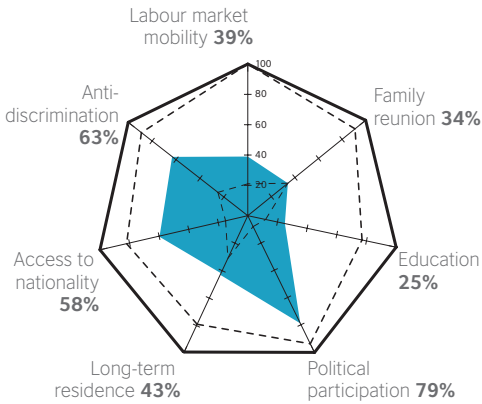
Hungary (like BG, RO) leads on anti-discrimination through broad laws, a strong equality body and NGO involvement. Other leaders (SE, UK) continually improve legislation to help victims bring cases. Without some key concepts in Hungary (generally missing in Central Europe), victims have limited protection from hate speech (unlike 14 countries), profiling (6), multiple discrimination (7) and in the private sector (more than any other country). Nevertheless, definitions apply in many areas and on wide grounds, including nationality (as in 14 others). NGOs help enforce rights by representing victims in court (23 others) and using *actio popularis* (BG, CA, SK) and situation testing (BE, FR, SE, US). Victims also turn to the Equal Treatment Authority (see box).

IRELAND

WWW.MIPEX.EU/IRELAND

SCORE OVERVIEW

— 100% on MIPEX scale ■ Ireland - - Best practice in 31 countries - - Worst practice in 31 countries

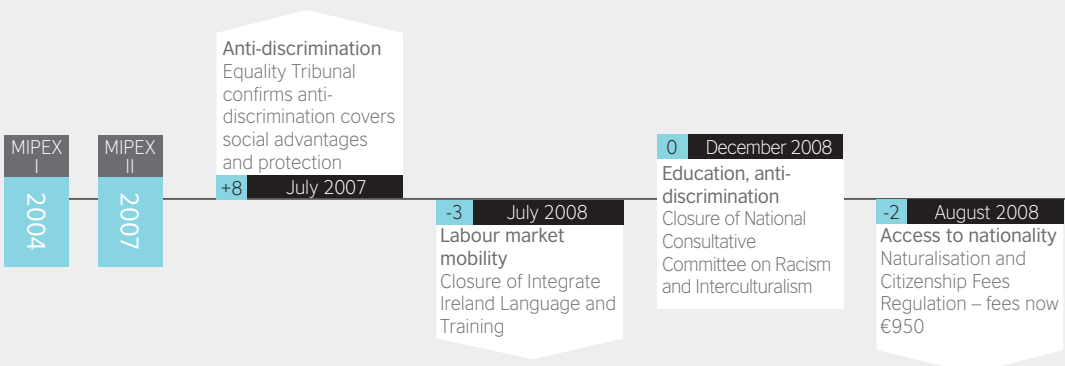


OVERVIEW

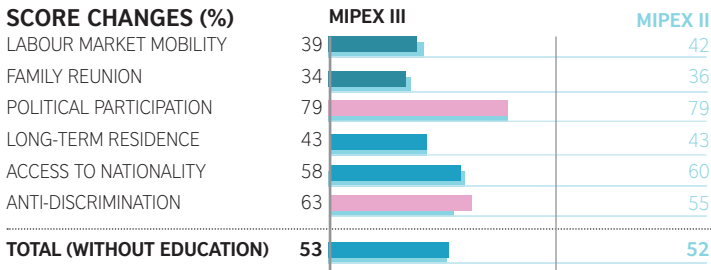
The boom transformed Ireland into a country of immigration but, with the crisis, net emigration has returned for the moment. Government is restricting family access to work, increasing fees and cutting funds, including for the Equality Authority, which may undermine its anti-discrimination work. These exacerbate the effect of the crisis on immigrants, who are already more likely to lose jobs.

These and other restrictions mean that, despite some improvements in discrimination case-law, Ireland's policies are still not halfway (49) favourable for integration, below CA, UK, and US and new labour migration countries (ES, PT). Historically inclusive on nationality and political opportunities, Ireland supported some boom-time projects but did not translate them into basic policies for newcomers (e.g. education). Immigrants' opportunities in Ireland are further falling behind when other countries (e.g. GR and LU) improve political participation, naturalisation and, thanks to EU law, family reunion and long-term residence. Ireland's family reunion and long-term residence procedures set the least favourable conditions for integration in Europe and North America. Political will is needed to adopt the necessary legislation for cost-effective, coherent and legal procedures.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



205: Eurostat
 206: Eurostat
 207: OECD SOPEMI 2010
 208: Eurostat
 209, 210, 211, 212, 213, 214: Ibid
 215: Urban Audit
 216: Eurostat
 217, 218, 219, 220: Ibid

KEY FINDINGS

- Labour market access is poor unlike other countries of labour migration.
- Non-EU family reunion worst of all countries and long-term residence 4th worst, as Ireland opts out of EU law and fails to adopt the Immigration, Residence, and Protection Bill.
- Discretionary procedures and basic unequal rights set some of most unfavourable conditions for non-EU residents to integrate.
- Political participation and access to nationality are still areas of strength and among the highest in Europe, although these basic principles becoming the norm in many countries of immigration.
- Public bodies and initiatives that further the integration of migrants are severely affected by the crisis through closures and funding cuts.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²⁰⁵	-40,000
TCN immigration (2008) ²⁰⁶	13,502
Largest third countries of origin (2008) ²⁰⁷	US, Nigeria, China
TCN population (2009) ²⁰⁸	76,212
TCN as part of population (2009) ²⁰⁹	3.10%
Foreign born as part of population (2009) ²¹⁰	11.30%
Permits delivered for: family (2009) ²¹¹	2,608
Permits delivered for work (2009) ²¹²	4,827
Permits delivered for study (2009) ²¹³	12,263
Permits delivered for humanitarian reasons (2009) ²¹⁴	10,218
Cities with largest TCN population (2001) ²¹⁵	Dublin 8.88%, Galway 7.43%, Cork 4.45%
TCN employment rate (2009, change since 2006) ²¹⁶	55.70% -5.5%
National employment rate (2009, change since 2006) ²¹⁷	61.80% -6.8%
TCN Unemployment rate (2009, change since 2006) ²¹⁸	14.60% +6.5%
National unemployment rate (2009, change since 2006) ²¹⁹	11.90% +7.4%
Nationality acquisitions (2008, change since 2006) ²²⁰	3,250 -823

-2 April 2009
 Family reunion
 Changes to work permit arrangements for migrant workers

0 September 2009
 Anti-discrimination ERA complains to Europe following cuts to the Equality Authority and IHRC budgets

0 July 2010
 Immigration, Residence and Protection Bill
 3rd draft is published

MIPEX III
 2010

IRELAND

WWW.MIPEX.EU/IRELAND

Language and Training (IILT) closed

In July 2008, the government withdrew funding from the 12 not-for-profit IILT centres that had been helping adult migrants and refugees learn English, and providing schools with the language teaching materials they needed. Students, NGOs (Aontas) and teachers' unions criticised the move as a severe setback. The government promised to maintain the same level of funding and integrate these services into mainstream vocational education committees. Some students are now getting services, but without monitoring, there is no guarantee that they are as good or available as before.



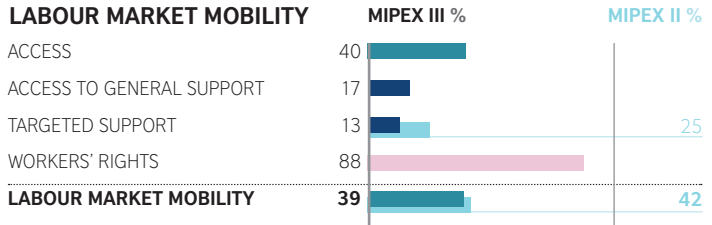
Few clear standards

EU Member States agreed the Family Reunion Directive in 2003 with 2 years for implementation. Most now provide the majority of non-EU families with basic security and rights. However, Ireland has not yet set its own standards despite 3 drafts of an Immigration, Residence, and Protection Bill. The 2008 draft received over 300 amendments to make it more clear, fair and workable. Of these, many were ignored in the 2010 draft, which



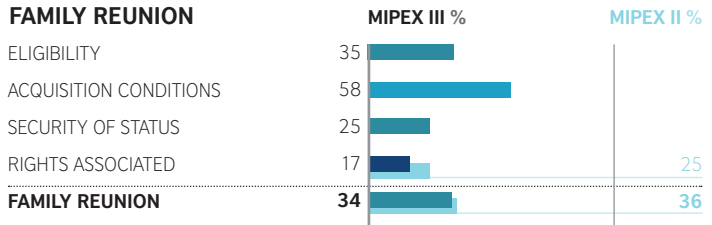
sets high fees, without the right to family reunion or full access to justice. Non-EU families still lack clear legal rules.

LABOUR MARKET MOBILITY



Ireland misses out on the long-term economic potential of its non-EU residents. Ranked 28th out of 31, these policies keep many outside the labour market or in jobs below their qualifications. Unlike EU citizens, non-EU temporary workers cannot access or change jobs, start businesses, or use general job support as in other new and established countries of labour migration (ES, PT, US). Their families face new restrictions to work and become financially independent. The National Qualifications Authority only just started tackling the fact that non-EU qualifications are regularly downgraded or not recognised. Those wishing to up-skill have difficulty benefiting from reduced fees or maintenance grants. The crisis saw the withdrawal of innovative targeted measures (see box).

FAMILY REUNION



With the least favourable family reunion policies in Europe or North America, Ireland shows little respect for the family life of its non-EU residents and discourages their integration once arrived. It even scores below DK, which sends its citizens abroad if they or their non-EU partner have the slightest link to another country. In Ireland, only EU citizens and Irish citizens who move abroad in the EU have a clear right to family reunion with a non-EU resident. The rest lack the basic infrastructure to live with their families unlike in major countries of immigration like CA, US, and UK. Families enjoy better security and rights in most European countries because of EU law (2003/86/EC), whereas Ireland opts out. Irish politicians have been unable to pass the Immigration, Residence and Protection Bill, despite wide consultation (see box).

Irish family reunion policies create the least favourable conditions for integration of non-EU residents and families.

See CA, US, PT, ES.

IRELAND

A breadwinner model: families made dependent on sponsor

The spouse and dependants of a migrant who applied for a work permit before 1 June 2009 could apply for a work permit under a special scheme. Now, however, they must get a work permit in their own right. However, they cannot apply for occupations that currently are off the work permit list. By restricting possibilities for work, families may not be able to become economically self-sufficient.



Few families in Ireland can reunite. Beyond refugees, others are at the mercy of the Minister. Half the MIPEX countries allow most newcomers to apply immediately or upon 1 year's residence. Ireland requires average legal conditions but these matter little, because the Minister has wide discretion to reject families, 2nd only to Latvia. They have limited scope for appeal without much legal aid. This creates significant costs for government, which families must bear if they lose. In nearly all MIPEX countries, families know that their circumstances must be considered, learn why they are rejected, and enjoy judicial oversight.

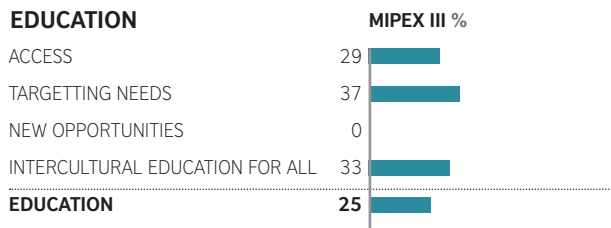
Family members that succeed in being reunited still suffer the most unfavourable conditions for integration in the 31 MIPEX countries. They have no right to their own permit, even if widowed or abused. If they lose or leave their sponsor, they can lose their right to stay, a situation which only exists in BG and DK. They face some restrictions to benefits, education and training. Foreign workers affected by the crisis now see their families' opportunities to work being restricted (see box), forcing many to be economically dependent and live with less. 19 countries treat all family members equally as their sponsor.

NCCRI closed but intercultural strategy launched:

The National Consultative Committee on Racism and Interculturalism closed in December 2008 due to State budget costs. However, the Minister for Integration promised to mainstream its work. At least its work on interculturalism in schools may continue with the 2010 Intercultural Education Strategy, launched following consultation under the National Action Plan Against Racism. It aims to involve schools in interculturalism, encourage partnership with diverse parents and communities, and improve teacher training, student proficiency in the language of instruction and data for evidence-based support.



EDUCATION

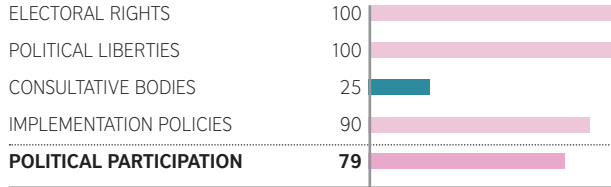


Like most new immigration countries, Ireland is among the least prepared to help newcomers with specific needs to do just as well in school. Since 2010, disadvantaged children have 1 free pre-school year. All can access compulsory education and general support. But migrants with specific needs enjoy less favourable targeted measures than in most new immigration countries. Boom-time funding and projects did not create systems that allow all schools to address or monitor these needs today. Now, many language support teachers are disappearing and organisations such as IILT (see earlier) and NCCRI are closed. Ireland offers less than most on intercultural education or new opportunities. 22 support immigrant languages, while 12 support outreach to migrant parents (see box).

IRELAND

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POLITICAL PARTICIPATION



(SAME AS MIPEX II)

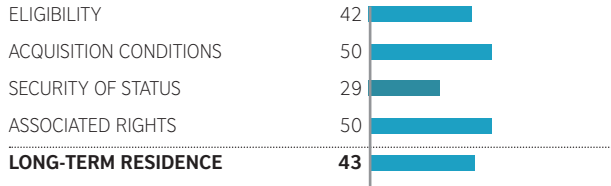
Immigrants benefit from Ireland’s traditionally inclusive political community, a strong point for its integration policy. Tying 3rd with NL after FI and NO, Ireland leads on local voting rights. Dublin’s ‘Migrant Voter’ campaign could be used nationwide in future elections. New communities can organise themselves thanks to full political liberties, philanthropic support and some government funding. Examples are AKiDWA, for migrant women, and the New Communities Partnership (NCP), representing minority and immigrant-led organisations. Ireland, like other new immigration countries, is starting to consult new communities in some way. NCP local fora are immigrant-organised and led. While national Councils on Integration may be more regular and formal, immigrants cannot elect their own representative or chair the meetings.

Two options but no solution

Lacking permanent residence, immigrants have 2 lesser options: ‘permission to remain without condition as to time’ after 8 years and long-term residence for renewable 5-year periods for workers after 60 months. MIPEX scores the second, though both are equally unfavourable because of full ministerial discretion. EU law requires that Member States (except DK, IE, UK) offer long-term residence after 5 years. DK soon will after 4, while the UK traditionally required 2–5 years for workers and families. CA and US grant permanent residence upon arrival.



LONG-TERM RESIDENCE



(SAME AS MIPEX II)

Until they become citizens, Ireland’s non-EU residents are insecure in their status because Ireland still lacks the basic long-term residence entitlement that all European and North American countries provide (see box). The average legal conditions are undermined by the discretionary procedure, 2nd worst to CH. The 2010 Immigration, Residence and Protection Bill would add vague conditions, such as being ‘reasonably integrated’, without clarifying rights and responsibilities. 24 MIPEX countries offer full judicial oversight, absent in IE. Immigrants are not only uncertain of how to pass, but also what rights they gain, and whether their status will be renewed. Only CY does not guarantee equal rights to immigrants, after living so long in the country.

Ireland's integration strengths, naturalisation and anti-discrimination law may be undermined by absolute discretion and budget cuts.

For best practice, see CA, PT, SE, US.

IRELAND

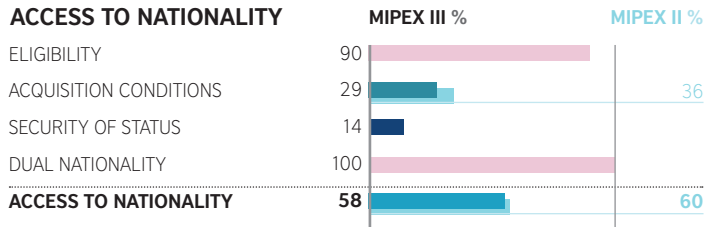
Recent citizenship reforms

Migrants now have a genuine chance to apply and prepare in GR and LU, where discretionary procedures are now more formal and rule based. Both countries set a legal time limit: for LU to reduce the previously 2-year-wait; for GR to stop systematic maladministration. While LU's costs were not prohibitive, those in GR, once the highest in Europe, were reduced to make acquisition 'more realistic' for average people.



Applicants in both are more secure in their status based on new reasoned decisions in GR and explicit refusal/withdrawal grounds in LU.

ACCESS TO NATIONALITY



Ireland's path to citizenship can be an asset for integration, when no longer undermined by long, discretionary procedures. Many new immigration countries are adopting basic elements of Ireland's policy: short residence requirements (7 others), some birthright citizenship (14), and dual nationality (17). However, the Minister has 'absolute' discretion to interpret the slightly unfavourable conditions (e.g. vague 'good character') and can even reject those who meet them. Only applicants in CY, GR, LT, LV, MT are so insecure. Most countries (19) offer reasoned decisions and appeal options. Becoming Irish is one of the most expensive gambles in Europe and North America, with fees rising to €950. Recent proposals add new conditions (language) without resolving these underlying flaws.

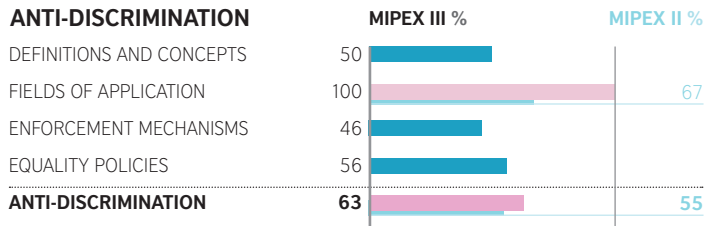
Equality Cuts

Opposition parties and civil society are questioning the disproportionately high cuts to the Irish equality and human rights bodies. The Equality Authority's CEO resigned in protest, claiming it was being victimised for its independence, particularly for investigating alleged public sector discrimination. The new Equality Rights Alliance (ERA) researched how the work and independence of both organisations are being compromised and found Ireland spends less on these bodies than,



for instance, DK or Northern Ireland. In September 2009 it complained to the European Commission and Parliament that Ireland was possibly breaching EU equality directives.

ANTI-DISCRIMINATION



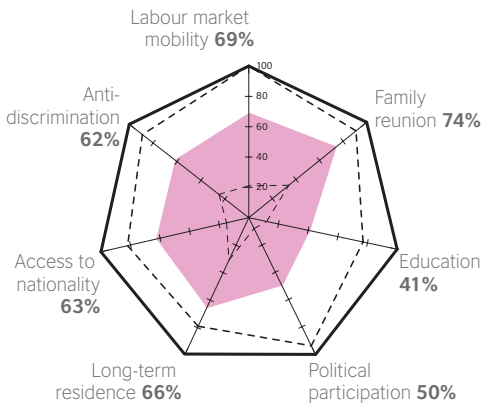
As in most countries, integration improves when government and equality bodies work to guarantee equal opportunities in practice. Ireland's strong anti-discrimination protection is becoming standard, as countries implement EU law. Indeed, Ireland's definitions are now weaker than in 21 countries (e.g. profiling, multiple discrimination) and enforcement mechanisms are below 26 (e.g. NGO role, class actions, aid). Since MIPEX II, the Equality Tribunal confirmed that anti-discrimination covered social protection and advantages as in 15 other countries. Its powers are favourable but funding cuts could seriously reduce effectiveness (see box). The government makes fewer commitments to equality than average. Residents in CA, NO, SE, UK, US benefit from public duties to promote equality and, in 9 countries, information campaigns and dialogue.

ITALY

WWW.MIPEX.EU/ITALY

SCORE OVERVIEW

— 100% on MIPEX scale ■ Italy - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

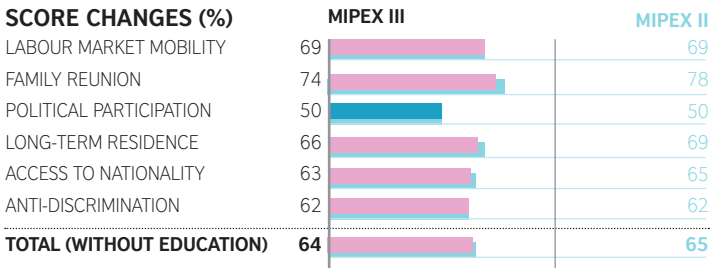
Italy remains a major new country of labour migration and asylum, despite cuts to work quotas and controversial 'push-backs' to Libya. Most permanent immigration is EU free movement and family reunion. An ageing Italy increasingly depends on caregivers; 295,000 applied for 2009's regularisation. The last MIPEX found previous government's integration policies to be the best among Europe's major countries of immigration. Italy's current government made statements recognising MIPEX as an assessment tool. By dropping 1 point overall on MIPEX III, Italy now lost that place to Spain, for its continued commitment to economic, family, and social integration, despite the recession. Italy's new policies, especially the Security Law, made conditions in the country slightly less favourable for integration. Immigrants are presented as responsible for general social problems, with debatable statistics and without evaluations of policies' impact on integration.

New family reunion and long-term residence conditions are out of touch with social realities. While EU law slightly improved Italian anti-discrimination laws, equality policies remain the weakest in Europe. Government is inactive on voting rights and citizenship reform, compared to other new immigration countries.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



221: Eurostat
222, 223, 224, 225,
226, 227, 228, 229, 230: Ibid
231: Urban Audit
232: Eurostat
233, 234, 235, 236: Ibid

KEY FINDINGS

- Favourable labour market mobility and family reunion, as in other new countries of labour migration.
- New long-term residence requirements may or may not encourage language learning and integration.
- Security Act lowers score on family reunion, long-term residence and access to nationality.
- Many new legal conditions are out of step with general societal realities.
- Anti-discrimination law slightly improves to meet EU standards.
- Equality body and policies weakest in Europe.
- Rome consultative bodies model for political participation.
- Voting rights still absent for non-EU residents.
- Educating migrant pupils is area of weakness for Italy, EU.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²²¹	+318,000
TCN immigration (2008) ²²²	283,687
Largest third countries of origin (2008) ²²³	Albania, Morocco, China
TCN population (2009) ²²⁴	2,759,528
TCN as part of population (2009) ²²⁵	4.60%
Foreign born as part of population (2009) ²²⁶	6.50%
Permits delivered for family (2009) ²²⁷	75,153
Permits delivered for work (2009) ²²⁸	106,134
Permits delivered for study (2009) ²²⁹	10,011
Permits delivered for humanitarian reasons (2009) ²³⁰	1,431
Cities with largest TCN population (2004) ²³¹	Milan 10.23%, Florence, 7.4%, Turin 7.2%
TCN employment rate (2009, change since 2006) ²³²	61.80% -3.9%
National employment rate (2009, change since 2006) ²³³	57.50% -0.9%
TCN unemployment rate (2009, change since 2006) ²³⁴	37.30% +1.8%
National unemployment rate (2009, change since 2006) ²³⁵	7.80% +1%
Nationality acquisitions (2008, change since 2004) ²³⁶	53,700 +41,766

-3 July 2009
Long-term residence
Security Law restricts
long-term residence
through language/
integration requirement

-2 July 2009
Access to nationality
Security Law raises costs
of naturalisation, restricts
options for spouses

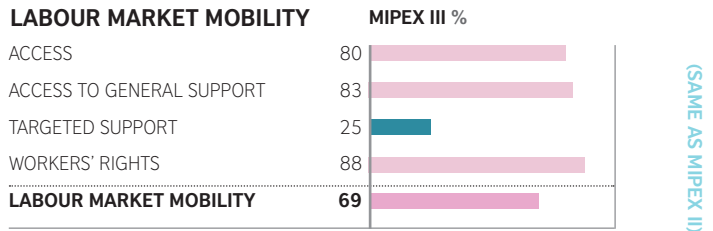
0 January 2010

Education
Protocol 101 "Linguistic
Competences of Foreign
Pupils" – migrant pupil
quotas; initiatives on
Italian language

MIPEX
III
2010

ITALY

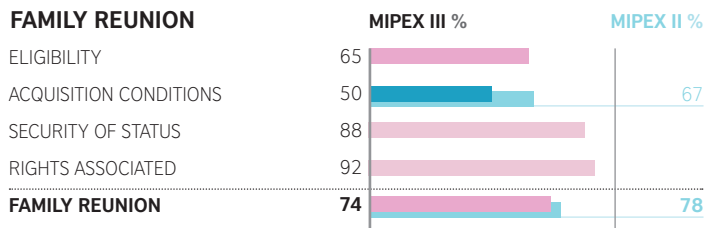
WWW.MIPEX.EU/ITALY



Italy allows legal non-EU workers and their families to integrate into the general economy, with all its strengths and weaknesses, while ignoring their specific situation in it. As in most new labour migration countries (CZ, PT, ES), nationals and legal migrant workers have equal access, support and rights. However the public service is losing out on the skills of non-EU residents, unlike in 21 of the 30 other countries. Moreover, the lack of targeted support in Italy means that the jobs non-EU residents do find may be below their qualifications or outside the legal labour market. Immigrants, especially women and youths, benefit from such support in established countries of immigration as well as PT.

Conditions drop 17 points

Like many Italians, non-EU residents find it as difficult to get housing and legal employment but they must meet disproportionately high income and accommodation requirements to reunite their families. Under the Security Act, they need accommodation meeting general health standards and judged 'suitable' by town officials. The law aims for 2 goals at once: preventing people living in squalor could also slow family reunions. Administrative fees jumped from 80 to 200 euros; 50% cover all costs of the procedure and 50% cover deportations of other immigrants.



Non-EU families in Italy find new and slightly favourable laws, on paper, as in other new labour migration countries, but now less favourable conditions. If authorities respect procedures, families get secure residence and can work, study and participate in society. Courts recently clarified that parents can sponsor children in cases of joint custody. Accessing the procedure is the main obstacle, since many conditions do not reflect social realities (see box). While laws largely reflect definitions of the Italian family, government made it nearly impossible to sponsor parents, even with full financial support (possible in 9 others). Despite Italy's dependence on immigrant carers, 120/2008 decree presents immigrants' elderly parents as unwanted burdens on the welfare state.

Migrants have slightly good access to general systems. But new legal conditions are out of touch with social realities and discourage immigrants from applying.

See PT, ES.

ITALY

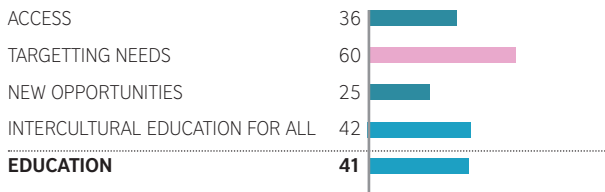
A one-sided approach

A 2010 protocol states that non-Italians cannot exceed 30% of a class. While aiming to improve teaching and integration, it omits standards to ensure the quality of Italian taught. Trainings are not required for teachers to teach Italian to non-native speakers or handle diverse classrooms. Italian pupils are not encouraged to open up to immigrant peers. Immigrant languages are absent from the curriculum, unlike in 22 countries. The current government provides

less support to implement intercultural education and the Observatory for the Integration of Foreign pupils.



EDUCATION



Adapting education systems to diversity is challenging for Europe, especially for new immigration countries like Italy. Its education system has as many strengths as weaknesses. Migrant needs are targeted but generally as a ‘problem group’, while all students are not taught how to live together. As in most countries, migrants under age 18, whatever their status, access education and general support for disadvantaged pupils (however successful these measures are). Schools can use some targeted funding and teacher training on migrants’ needs. Newcomers risk being placed at the wrong level, with few measures to catch up. Besides civil society projects, the Italian education system is not actively supporting new opportunities and intercultural education (see box).

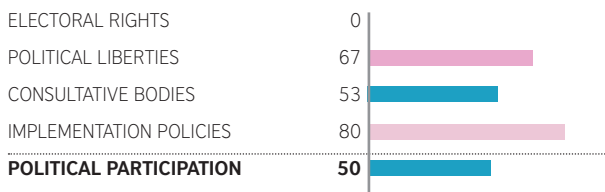
When in Rome

Rome’s 2 consultative bodies have the potential to become models for other bodies at local, regional and national levels in Italy and abroad. Non-EU nationals can run and elect Adjunct Counsellors, representing residents from Africa, Asia, America and Eastern Europe. They are part of the town council and make their own reports and recommendations, even if they cannot vote. Rome’s

Consultative Body for Foreign Communities has 32 members, also freely elected without state intervention from the 30 largest communities.



POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Italy offers more limited political opportunities to its non-EU residents than most established countries of immigration. They cannot vote in local elections like EU citizens can. Government has not shown political will to adapt the constitution (see also AT, DE, ES) or remove their opt-out from Council of Europe Convention 144. At least Rome mainstreams immigrants into local politics (see box). Other Italian immigrant consultative bodies do not encourage meaningful participation. Authorities interfere in the selection of representatives, rarely consult them and give them superficial roles. Italy respects most basic political liberties and provides some funding for immigrant associations. Still, outdated laws state that any newspaper they create must be owned by an Italian citizen.

ITALY

WWW.MIPEX.EU/ITALY

Promoting or preventing integration?

The Security Act follows trends in imposing language and integration conditions for long-term residence. Scoring only 43, this requirement may create an integration obstacle (e.g. CY, GR) rather than an opportunity (e.g. CZ, PT). Goals may conflict; promoting language learning, but preventing 'stable residence' for those who cannot. Exemptions apply for language test (A2). However, all applicants may not have rights to free courses/tests at adult education centres (e.g. CZ, DK, RO). Implementing a complicated 'points-based system' (e.g. DK, UK) could further discourage or delay integration.



Implementing a complicated 'points-based system' (e.g. DK, UK) could further discourage or delay integration.

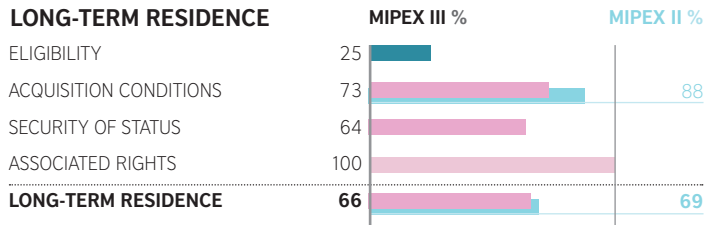
Citizenship difficult for immigrants

The 10-year residence requirement for most newcomers is the bare minimum tolerated by the Council of Europe Convention 166, which Italy signed but failed to ratify. Italy lets EU citizens apply 6 years earlier than non-EU residents, even if both meet the legal conditions.

The Security Act restricted the traditionally liberal provisions for foreign residents who marry an Italian. The government assumes that legitimate couples will be able to wait 18 months longer, but that sham marriages will not.

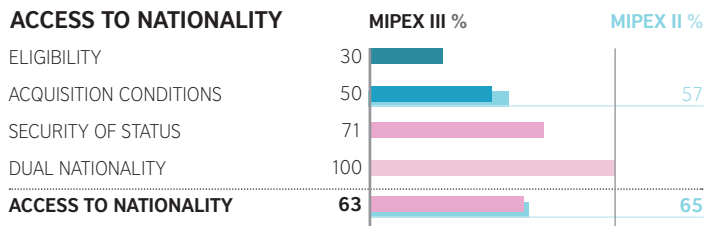


LONG-TERM RESIDENCE



Non-EU residents who can become long-term residents should be slightly secure in their status and treated equally like Italians in many areas of life, as required in EU law. Most European countries do not exclude so many categories of legal immigrants from long-term residence, with many others now opening to students (e.g. AT, BE, PT, ES). Those that Italy considers eligible do not face as many unfavourable conditions as for family reunion and naturalisation, such as the fee covering the procedure and deportations. Whether newcomers are encouraged to succeed as long-term residents will be determined by how government implements the Security Act's new language and integration requirements (see box).

ACCESS TO NATIONALITY



Immigrants and their Italian-born descendants are excluded from many areas of life because Italy has not yet reformed its citizenship laws, unlike other new countries of immigration. The country's high score shows that, with reform of eligibility for nationality, the basics are there for secure and equal citizenship. Naturalised and Italian-born citizens can only lose their status under certain conditions if they do military or civil service for another state. As a country with a large diaspora, Italy during the 1990s opened to dual nationality, now accepted as in 17 other MIPEX countries.

As Italy changed from a country of emigration to immigration, its citizenship policy fell behind European trends. Eligibility criteria are far more restrictive than nearly all major countries of immigration, as well as most of Western and Southern Europe. Nearly half the MIPEX countries recognise second or third generations as equal citizens (see

Italy behind reforming countries of immigration on eligibility for nationality.

See GR, LU, PT, DE.

ITALY

Born in Italy: no new approach to the new generation

Italian-born children of migrants can only declare themselves Italian after 18 years with legal registration and uninterrupted residence. Authorities, trying to introduce some flexibility, cannot overcome inevitable administrative problems. Knowing no other country but Italy as their own, Italian-born students are removed from classes according to new 30% non-citizens' quota (see education). Their residence is easily interrupted by spending too long with family abroad. PT (2006) and LU (2008) granted birthright citizenship to the third generation. GR (2010) and DE (1999) did so for the second.



box). Unlike in Italy, the first generation can apply for naturalisation after a shorter residence requirement of around 5 years in 8 established and reforming immigration countries. There is a clearer procedure in 10 (e.g. DE, NL, PT) that entitle applicants to citizenship once all the agreed legal conditions are met. Italy and ES are the only major immigration countries with such long and unequal residence requirements (see box).

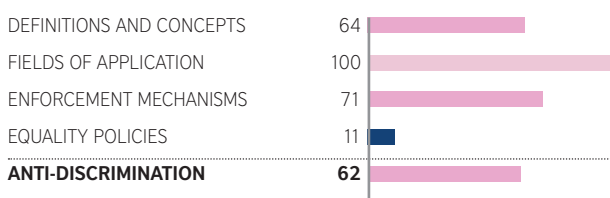
Italian politicians are often sidetracked from the reform that they have discussed for decades. The recent bipartisan Sarubbi-Granata bill would address these fundamental issues, while only raising Italy's MIPEX score a few points. The first generation would have to pass slightly more demanding conditions and procedures, as for long-term residence. Its eligibility provisions, mirroring those in Western Europe and North America, would better facilitate social and political integration of newcomers and Italian-born children. These goals are similar to other reforming new countries of immigration (e.g. GR, LU, PT). Naturalisation after 5 years would recognise the common links and future of all residents in a changing society. Automatic *jus soli* at birth would fight social exclusion of future generations.

EU improvements

Italy gave its residents full protection against discrimination following threats from the European Commission to take legal action. In order to tackle existing discrimination and continuously improve the law, the government responded to the points set out in the infringement proceeding 2005/2358 by implementing the Anti-Discrimination Law on 6 June 2008. Now more victims are protected from harassment and victimisation, while they do not have to shoulder the whole burden of proof throughout the legal proceedings.



ANTI-DISCRIMINATION



SAME AS MIPEX II

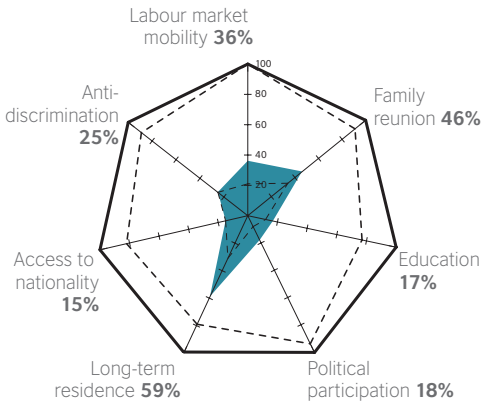
The weakest equality policies in Europe are undermining equal opportunities guaranteed in Italian law. Thanks to EU law (see box), victims of ethnic, racial, religious and nationality discrimination can use new concepts and slightly favourable mechanisms to enforce their rights in all areas of life. However, access to justice may be denied as equality policies score 35 points below European average. The State did create a diversity charter for business, similar to FR and DE, but has no positive duty to promote equality in its own actions. The Prime Minister controls the Office for Racial Discrimination, Europe's 2nd weakest equality body (after ES). It cannot instigate or engage in proceedings, unlike in 13 countries.

LATVIA

WWW.MIPEX.EU/LATVIA

SCORE OVERVIEW

— 100% on MIPEX scale ■ Latvia - - Best practice in 31 countries - - Worst practice in 31 countries



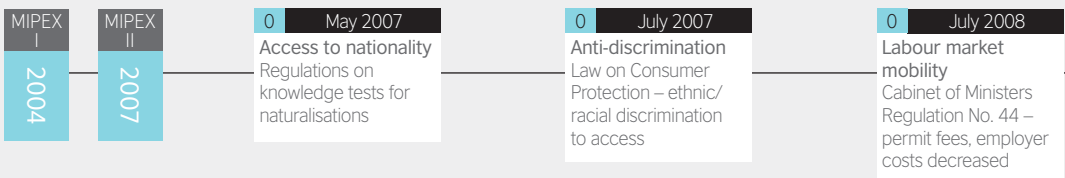
OVERVIEW

Latvia started changing immigration law to attract migrant workers and investors, despite some political resistance. Still, it has no comprehensive policy for their integration. Due to overall budget cuts, closing the Social Integration Ministry, Naturalisation Board and education projects will do little to serve integration objectives.

However, cuts did not extend to EU funds for societal integration. There may be a future integration strategy (2011–2014), after many failed attempts. Recent improvements (+ 3 points since 2007) were not enough for Latvia to catch up. Having projects but no coherent strategy, Latvian policies still fall behind other countries, scoring 31 and coming last of 31 countries.

Like many Central European countries, Latvia follows EU standards only to a minimum, e.g. on anti-discrimination. Basic access to education slightly improves newcomers' labour market mobility. Long-term residence is also slightly favourable, thanks to European standards. Major weaknesses are political opportunities for non-nationals, access to nationality, migrant education and discrimination protections. Debates (e.g. dual nationality for Latvian diaspora) have not solved wider integration problems for all residents.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	36	27
FAMILY REUNION	46	46
POLITICAL PARTICIPATION	18	18
LONG-TERM RESIDENCE	59	51
ACCESS TO NATIONALITY	15	16
ANTI-DISCRIMINATION	25	25
TOTAL (WITHOUT EDUCATION)	33	30

237: Eurostat
238, 239, 240, 241,
242, 243, 244, 245: Ibid
246: Note harmonised definitions
reported to Eurostat
247: Eurostat
248, 249, 250, 251: Ibid

KEY FINDINGS

- Catching up, but not enough: still last of all 31 countries.
- New immigration opportunities, but not immediate or equal right to work.
- All residents now have equal access to education, training, study grants.
- Still schools little adapted to needs of all newcomer children.
- Latvia takes only 'minimum' approach to fight discrimination, weakest enforcement possibilities.
- Weakest nationality policies in Europe impede common citizenship among all residents.
- Voting rights in Estonia and Lithuania, none in Latvia.
- Discretionary procedures that leave many types of newcomers insecure in their status can discourage integration.
- Small improvements for long-term residents: easier to certify language knowledge, longer periods allowed outside Latvia.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²³⁷	-5,000
TCN immigration (2008) ²³⁸	933
Largest third countries of origin (2008) ²³⁹	Recognised non-citizens, Ukraine, Belarus
TCN population (2009) ²⁴⁰	394,607
TCN as part of population (2009) ²⁴¹	17.50%
Foreign born as part of population (2009) ²⁴²	17.90%
Permits delivered for family (2009) ²⁴³	759
Permits delivered for work (2009) ²⁴⁴	464
Permits delivered for study (2009) ²⁴⁵	212
Permits delivered for humanitarian reasons (2009) ²⁴⁶	11,164
TCN employment rate (2009, change since 2006) ²⁴⁷	43.90% -2.2%
National employment rate (2009, since 2006) ²⁴⁸	60.90% -5.4%
TCN unemployment rate (2009, since 2008) ²⁴⁹	23.60% +12.6%
National unemployment rate (2009, since 2008) ²⁵⁰	17.10% +10.3%
Nationality acquisitions (2008, since 2005) ²⁵¹	4,320 -15,786

0 September 2009

Long-term residence
Regulation on
language for some
jobs, tests for long-
term residents

-2 January 2010

Access to nationality
– conditions
Naturalisation
Board becomes a
department of OCMA

Labour market
mobility
Equal access
education, vocational
training

+9 March 2010

MIPEX
III

2010

LATVIA

WWW.MIPEX.EU/LATVIA

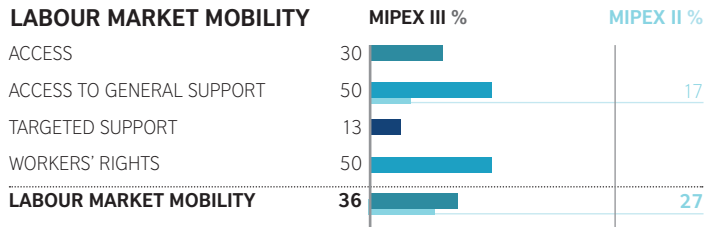
Equal education

Article 3 of the Education Law (26 March 2010) grants all third-country nationals with a residence permit (including temporary), equal access to education, training and study grants. This change came partly thanks to transposition of 8 EU Directives and follows recommendations from 2008 research from the Centre for Public Policy PROVIDUS. Previously, only permanent residents and EU citizens had equal access to education, even



though pre-school and education until 18 is compulsory. This was found to be contrary to the law on protecting the rights of the child.

LABOUR MARKET MOBILITY



Latvia started removing basic obstacles that prevent newcomers from entering its relatively closed labour market, despite continued politicisation and restrictions. Applicants should see reduced bureaucracy, waiting times and costs. Before July 2008, fees were 6 times higher than LT and 8 times above EE. These were decreased to encourage legal recruitment of migrant workers, in response to feedback from employers. 2 years later, in June 2010, a one-stop agency for employers was introduced, again to facilitate recruitment. Latvia is opening up to investors and in the same month established an immigration procedure for third-country businesspersons, on condition that they created 5 jobs and invested certain amounts in Latvia. Response to the scheme has so far been positive, according to the Office of Citizenship and Migration Affairs (OCMA), even if some political parties warn against fraud.

In general however, most newcomers to Latvia (as in its Baltic neighbours) will not have an immediate equal right to work. Non-EU residents must fulfil many conditions to enter the private and public sectors or to set up a business, which have a disproportionate impact on their ability to work. For example, since September 2009, persons working in an increased number of professional and craft professions in contact with the public must have a certain standard in the Latvian language. This requirement comes in response to complaints that non-citizens (not newcomers) have an insufficient knowledge of Latvian (see long-term residence).

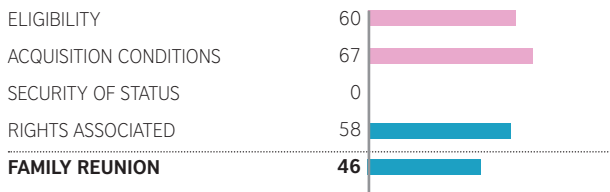
The greatest progress Latvia made on labour market integration came in March 2010, when it granted all with residence permits, equal access to vocational training and study grants. The new Education Law will provide new opportunities to migrant workers to improve their skills and qualifications (see box). Rights and general support score only halfway in Latvia (and LT) with little targeted support. In comparison, Estonia's Integration Strategy better assists all residents, especially youth, to find jobs and training, recognise their qualifications, improve their language skills and meet professionals in their field.

Significant progress on equal education and training, but projects just from time to time: integration can improve with dedicated strategy.

See EE, or further afield, PT and ES.

LATVIA

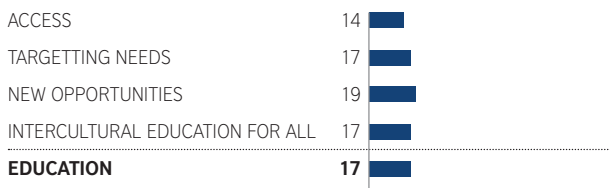
FAMILY REUNION



(SAME AS MIPEX II)

Non-EU residents in Latvia have less favourable opportunities to reunite with their families than in the average European country and in nearby EE, LT, and PL. The procedure has as many favourable as unfavourable elements. As across Central Europe, discretionary procedures may undermine favourable eligibility provisions and legal conditions. In contrast to EE’s clearer legal framework, family members in Latvia are critically insecure about their application and status. Authorities have wide grounds for discretion for rejection and withdrawal. In procedures they are not required to consider families’ personal circumstances (as in only 6 countries), nor allow for judicial oversight (as only in IE). If reunited, families do enjoy basic rights, as required by EU law.

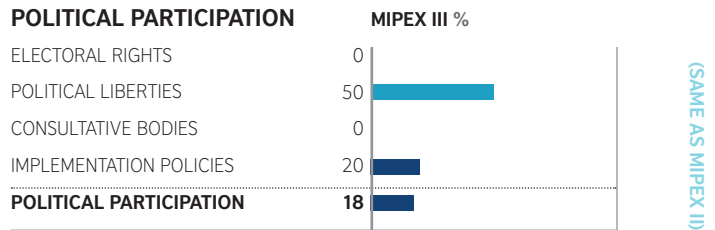
EDUCATION



So far, Latvia has few policies to ensure all newcomer pupils, whatever their background, participate and achieve like others, or to help all to learn how to live in a diverse society. All children can access compulsory education and pre-school, as well as general support for disadvantaged pupils. There, basic intercultural education is supposed to be taught. However, financial and targeted assistance to newcomers is ad hoc and largely EU funded, with no policy like EE’s Integration Strategy. They can learn the language of their family and of instruction, while standard courses were being developed by the Latvian Language Agency. However, projects linking mainstream and bilingual schools have been affected by funding cuts.

LATVIA

WWW.MIPEX.EU/LATVIA

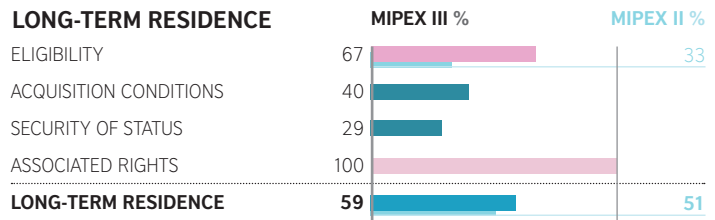


By keeping foreigners outside democratic life, Latvia has not addressed the need to build public trust. Long-term residents can vote locally in EE (also HU, SK), and be elected in LT (also SK). However, neither is possible in LV. Moreover, not all residents have equal political liberties, a problem in the Baltics and 6 Central European countries. In Latvia, they face restrictions on political associations and parties. Associations get some national support to represent immigrants (largely EU funds), though civic and political participation is not a funding priority (see PT). Community leaders are not yet brought into the public debate through the type of consultative bodies emerging across Europe (e.g. EE, GR, ES, IE).

Similar tests

Before 1 September 2009, applicants for long-term residence could certify knowledge of Latvian in numerous different ways. The new Regulation simplifies the procedure by requiring a language certificate from the State Education Centre. It standardises the level in line with European standards (e.g. including listening in tests). These changes mean applicants can use their certificate to work in the private

sector and prove their language level in other EU countries. They may improve quality and enhance the chances of success.



Long-term residence guarantees basic opportunities to newcomers in Latvia and promotes their fuller participation in society. Although an EU area of strength, especially in Central Europe and Baltics, long-term residence is relatively insecure in Latvia, alongside only IE and the UK, both outside EU law. Without effective judicial control (unlike 24 MIPEX countries), any long-term resident born in the country or living there for decades could be deported to countries they barely know (unlike a 3rd of countries). Applicants enjoy a few new conveniences: clearer requirements on periods abroad and more coherent language tests (see box). Still, they face comparatively burdensome conditions. Only 6 other countries impose such high job and language requirements on applicants.

On discrimination, political participation, citizenship, many other countries on path to improvement, but not yet Latvia.

See CZ, EE, GR

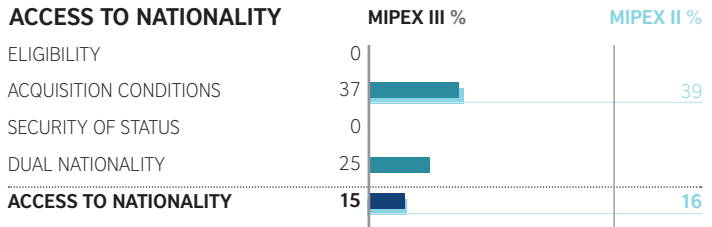
LATVIA

Crisis creates opportunities?

In January 2010 the Naturalisation Board was dissolved and 24 of the 60 staff members transferred to the OCMA. This may however improve the overall procedure. The OCMA is now responsible for the entire integration process, which may clarify the path to citizenship. The procedure may also become more accessible, with 30 offices as opposed to 8 under the Board. OCMA plans to analyse why people naturalise and aims to simplify the process e.g. similar language tests for different situations (NL, UK).

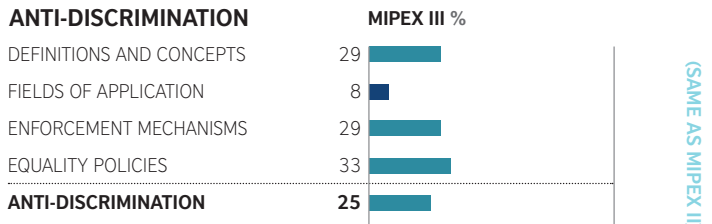


ACCESS TO NATIONALITY



Long-term democratic inclusion is the serious challenge for Estonia and Latvia. Limited access, restrictive conditions and persisting insecurity for naturalised citizens impede rather than encourage common citizenship. Moreover, children born a generation after independence are still foreigners. Europe's newer immigration countries are increasingly introducing some birthright citizenship (15 countries) and embracing dual nationality (18) as cornerstones of common citizenship (recently GR, LU). This debate has just started in Central Europe. New Latvian citizens can have their status withdrawn on many grounds, without appeal (unlike in 19 countries, including EE), even leading to statelessness (see HU for changes). This contrasts with nearby countries, such as CZ and PL, where all citizens are equally secure.

ANTI-DISCRIMINATION



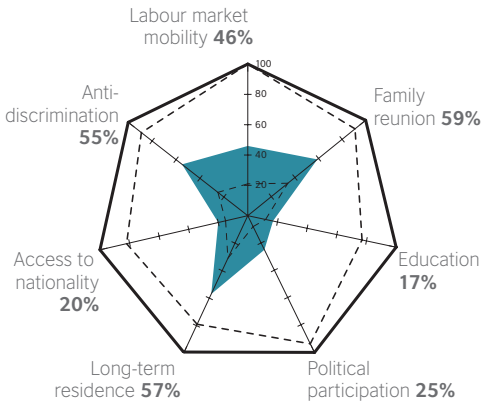
Latvia adopts a minimum approach to discrimination (like EE, CZ). Several other Central European countries lead the way (e.g. BG, HU, RO), while others (LT, SK) made the greatest progress to comply with EU law. Not only is Latvian law incoherent by not explicitly prohibiting religious or nationality discrimination in all areas of life (unlike racial/ethnic discrimination), but it is also discouraging for victims, who have the weakest mechanisms to enforce their rights in Europe. Most countries, including in Central Europe, have slightly favourable mechanisms providing free legal aid and wider ranges of sanctions. Apart from some EU funds and the Ombudsman's slightly favourable mandate, the State has made no legal commitments to equality in its work.

LITHUANIA

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Lithuania - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

Lithuania, a country of emigration, saw recent slight rises in immigration, mostly returning Lithuanians. Neighbouring Belarusians, Russians and Ukrainians are increasingly attracted to come and work or study, depending on economic conditions.

Since 2007, policies still provide non-EU newcomers with slightly unfavourable integration opportunities, one of the weakest of all 31 MIPEX countries. Their chances to reunite with their families, settle as long-term residents or fight a discrimination case are average for Europe, because of EU law. Since 2007, discrimination victims have negligibly better options to enforce their rights, following European trends. Policies make the labour market no more attractive than in most Central European countries with few immigrants. Lithuania, like the other Baltic countries, has restricted political opportunities and citizenship paths more than most European countries, while schools are some of the least prepared to welcome all types of migrant pupils. The major challenge across integration policy is the discretion left to authorities and the uncertainty created for foreign residents. Migrant workers, family members, long-term residents and citizens are some of the most insecure in their status in Europe.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	46	46
FAMILY REUNION	59	59
POLITICAL PARTICIPATION	25	25
LONG-TERM RESIDENCE	57	57
ACCESS TO NATIONALITY	20	20
ANTI-DISCRIMINATION	55	50
TOTAL (WITHOUT EDUCATION)	44	43

252: Eurostat
253, 254, 255, 256:
257, 258, 259, 260: Ibid
261: Urban Audit
262: Eurostat
263, 264, 265, 266: Ibid

KEY FINDINGS

- Lithuania scores below the half-way mark (40) and ranks 27th.
- Better access to labour market than most Baltic States, but overall economic policies just average for Central Europe.
- Simple conditions for family reunion undermined by insecure and dependent status, as in Central Europe.
- Long-term residence, average for Europe, though also more discretionary.
- Limited voting rights, but no other meaningful opportunities to participate in political life.
- 3rd worst access to nationality in Lithuania, missing out on several European trends.
- Wide definition of anti-discrimination is undermined by limited scope.
- Enforcement improved, but remains below average.
- Equal Opportunities Ombudsman has strong independent powers to help victims.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²⁵²	-15,000
TCN immigration (2008) ²⁵³	2,584
Largest third countries of origin (2008) ²⁵⁴	Russia, Belarus, stateless
TCN population (2009) ²⁵⁵	38,994
TCN as part of population (2009) ²⁵⁶	1.20%
Foreign-born as part of population (2009) ²⁵⁷	1.20%
Permits delivered for family (2009) ²⁵⁸	788
Permits delivered for work (2009) ²⁵⁹	1,358
Permits delivered for study (2009) ²⁶⁰	422
Permits delivered for humanitarian reasons (2009) ²⁶¹	12,149
Cities with largest TCN population (2001) ²⁶²	Vilnius 1.1%, Kaunas 0.49%, Panevezys 0.47%
TCN employment rate (2009, change since 2006) ²⁶³	38.40% -21.9%
National employment rate (2009, change since 2006) ²⁶⁴	60.10% -3.5%
TCN unemployment rate (2009, change since 2006)	N/A N/A
National unemployment rate (2009, change since 2006) ²⁶⁵	13.70% +8.1%
Nationality acquisitions (2008, change since 2005) ²⁶⁶	310 -125

0 June 2009

Family reunion
Law on Legal Status
of Aliens

Anti-discrimination
Criminal Code is
amended

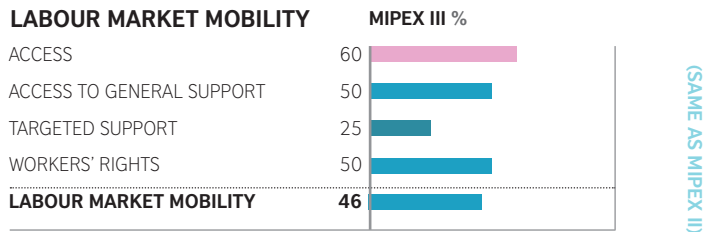
+5 June 2009

MIPEX
III

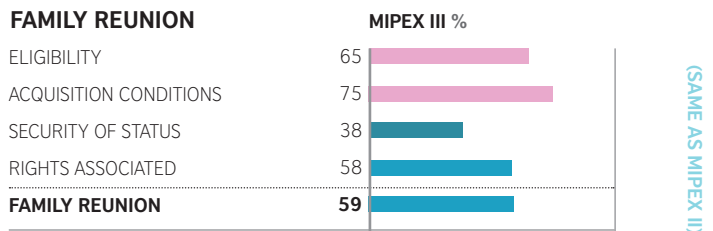
2010

LITHUANIA

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Lithuanian policies make the labour market slightly unattractive to migrant workers who want to integrate long-term. Non-EU temporary migrants do have slightly favourable access to their first job in all sectors except the public sector (as in only 9 other MIPEX countries). But they then face a long, inflexible path to improve their careers, skills and qualifications in Lithuania. Upon arrival, temporary workers are locked into their jobs, without an automatic right to change jobs and sectors for 5 years, until they become long-term residents. If they lose their job, they must technically leave the country, which means public employment services and targeted measures are partly inaccessible (see CZ, EE, RO).

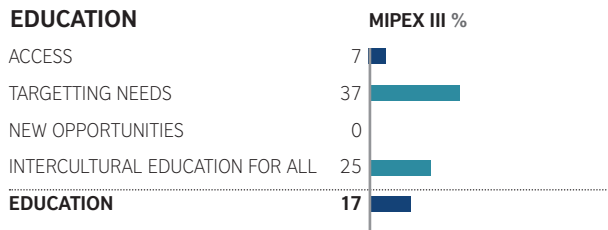


Policies are halfway encouraging for non-EU families, as in most countries under EU law, but plagued by discretion, as common across Central Europe. Only 8 other MIPEX countries keep families so long apart with their residence requirements. Non-EU couples wait longer than EU citizens and Lithuanians (age 21), as in only 7 others, without clear justification for this in national legislation. Beyond that, families meeting other inclusive legal conditions (e.g. registered partners, as in 14) face slightly discretionary procedures, with limited legal guarantees. Families are the 3rd most insecure of all countries, just above IE (without any policy here) and LV. Reunited families experience similar rights (work, education, benefits) and obstacles (independent status) as in most countries.

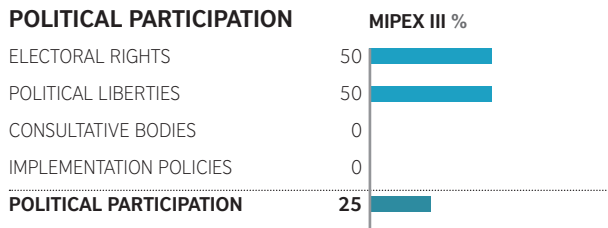
Despite some favourable practices, Lithuania missing out on full potential of migrant workers and students.

See CZ, EE.

LITHUANIA



Scoring fourth from the bottom, Lithuanian schools lack much of the basic infrastructure to welcome migrant pupils. Without access and targeted support for all migrant children at different school levels, those that can attend at least compulsory education may fall behind their peers. Newcomers can receive quality language support. Those not belonging to national minorities cannot learn mother tongues (unlike 22 countries) or cultures (14). Lithuania misses these new opportunities, like most Central European countries. But as immigration increases, Lithuanian pupils may not be equipped for a diverse society. Intercultural education is part of official aims, like most countries, but few schools receive systematic support to implement this in school life and curricula (see CZ, EE, SK).



(SAME AS MIPEX II)

Beyond limited voting rights, Lithuania does not value active migrant civic participation, a problem across Central Europe. Non-EU permanent residents can vote and stand in local elections, with Lithuania leading the region on this European trend towards best practice (see also EE, HU, SK, SI). Still, they cannot be members of the parties that they vote for or represent them as candidates. On the MIPEX scale, non-EU nationals enjoy only half their basic political liberties, which are problematic in CZ, EE, LV, PL, RO, SK. Beyond occasional projects, they are not supported in representing their interests through immigrant consultative bodies or structural funding for immigrant civic participation.

LITHUANIA

WWW.MIPEX.EU/LITHUANIA

Permanently insecure?

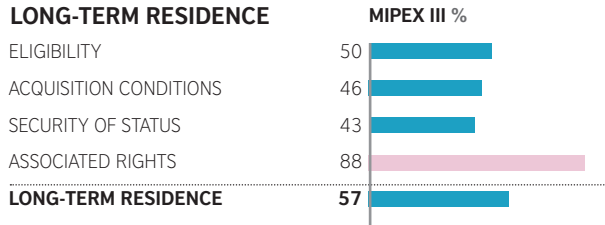
Long-term residents in Lithuania are some of the most insecure in their status. EC Long-term Residence aims to give 'reinforced protection against expulsion', in line with decisions of the European Court of Human Rights that security is a fundamental characteristic of this status. However, a long-term resident in Lithuania will always risk being expelled, regardless of how long they have had their status and without consideration

of some key personal circumstances.

Lithuania scores among the lowest on security, like many other Central European countries.



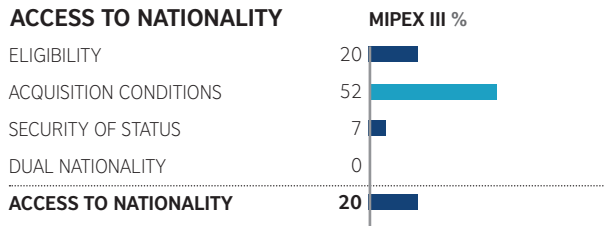
LONG-TERM RESIDENCE



(SAME AS MIPEX II)

To enjoy rights guaranteed by EU law, non-EU nationals wanting long-term residence go through rather average policies in Lithuania, but face slightly more conditions and less security (see box). The eligibility criteria for the standard 5-year-residence requirement are as favourable. All their time as students in Lithuania qualifies (as in 4 others), but they disqualify for periods abroad (6). Moreover, long-term residence is denied for those unable to meet integration conditions as restrictive as for citizenship. Only 5 others require so much and provide so little support (e.g. ad hoc courses from European Integration Fund). These go far beyond average trends to impose just basic requirements (e.g. CZ, FR, PT) or none at all (12).

ACCESS TO NATIONALITY



(SAME AS MIPEX II)

Foreigners still undergo long, complicated and discretionary paths to citizenship in Baltic States like Lithuania. Now a generation after independence, newcomers' children and eventual grandchildren will still be foreigners at birth, going against international trends (now 15 MIPEX countries, recently GR, LU, PT). The first generation waits 10 years in total. All are not well supported to succeed in language and citizenship tests (unlike in EE and LV). New citizens in Lithuania are some of the most insecure in their status. They can be rejected even if meeting the legal conditions (unlike in 10) and lose citizenship, even if leading to statelessness (unlike 19). Dual nationality (allowed in 18) is still not possible except for refugees.

Civil society and Equal Opportunities Ombudsman can work with victims to enforce rights and extend discrimination protection to all areas.

See BG, HU, RO.

LITHUANIA

ANTI-DISCRIMINATION	MIPEX III %	MIPEX II %
DEFINITIONS AND CONCEPTS	79	
FIELDS OF APPLICATION	33	
ENFORCEMENT MECHANISMS	46	25
EQUALITY POLICIES	61	
ANTI-DISCRIMINATION	55	50

All residents in Lithuania enjoy less discrimination protection than citizens in most European countries. The legal definitions of anti-discrimination in the Law of Equal Treatment are far broader than in other Baltic and Central European countries. The law protects against all grounds of discrimination (including nationality, as in 14 other MIPEX countries) and covers discrimination by association and on the basis of assumed characteristics. All actors in the private and public sector, including the police force, must respect the law, as in 26.

Nevertheless, victims enjoy such wide protection in fewer areas of life than 24 of the 30 other MIPEX countries. They are explicitly protected in education and employment, but not social protection, social advantages and access to goods and services (including health, housing). There is no case law available to prove otherwise.

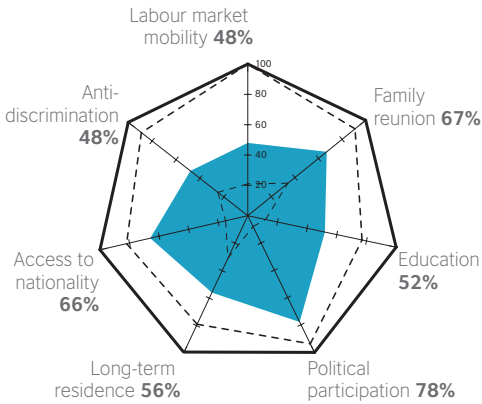
The mechanisms to enforce the law are better, but still below the European average. Since the July 2008 amended Law on Equal Treatment, victims can now benefit from sharing the burden of proof (as in 17) and bring a civil case before the court. Discriminatory motivation will also be treated as an aggravating factor, following criminal code changes that correspond to provisions in 14 countries. Still, they are discouraged by the challenge to bring forward a case alone. The long procedures do not involve full sanctions (unlike 20) or formal dispute resolution alternatives (unlike 19). Victims can turn to the Equal Opportunities Ombudsman, which is just as strong as in 8 countries (e.g. BG, HU, RO). It can offer independent assistance, issue binding appealable decisions and instigate its own investigations and proceedings. Some in government are working on equality policies. But without a legal commitment to regular information campaigns, dialogue and State duties to promote equality, few Lithuanian residents may know and use their rights.

LUXEMBOURG

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Luxembourg - - Best practice in 31 countries - - Worst practice in 31 countries

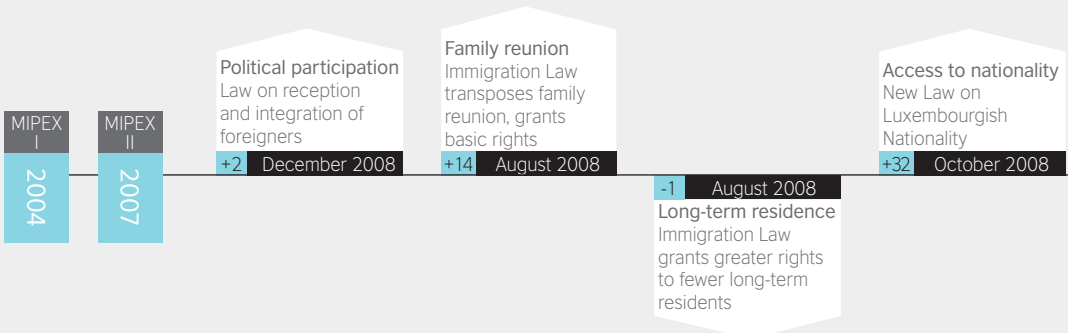


OVERVIEW

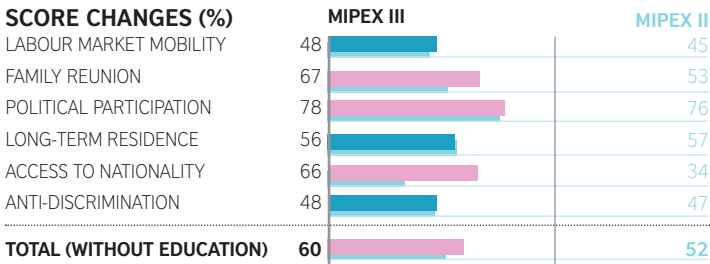
Of all EU Member States, Luxembourg has the largest part of its population as foreigners, mostly other EU citizens. A 2008 law on reception and integration of foreigners tried responding to Luxembourg's previously low-scoring policies, civil society recommendations, peer reviews and visits to neighbouring countries (BE, DE FR). It established the Reception and Integration Agency (OLAI) and a future voluntary integration contract.

With recent reforms, Luxembourg made the 2nd greatest progress on integration of all 31 MIPEX countries (after GR), increasing its MIPEX score 8 points overall and overtaking in rank FR, DE, IE and SI. Luxembourg nearly doubled its score on nationality, like GR, with immigrants taking paths to citizenship similar to other established and reforming countries. The way EU law was transposed granted clearer rights for all non-EU families to reunite and participate fully in society, but granted more rights to fewer long-term residents. Beyond that, residents saw negligible improvements (e.g. political participation). Luxembourg's integration strategies are weakest at promoting non-EU residents' mobility in the labour market and protecting all residents from discrimination.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



267: Eurostat
268, 269, 270, 271, 272: Ibid
273: Urban Audit
274: Eurostat
275, 276, 277, 278: Ibid

KEY FINDINGS

- Naturalised migrants and third generation benefit from secure status; all citizens enjoy dual nationality following 2008 nationality law.
- Transposing EU law grants basic rights to family reunion sponsors and families.
- While long-term residents have better rights and qualifications recognised, fewer can apply as eligibility is restricted.
- Access to the labour market remains among the most restrictive of all countries.
- A migrant child has good access to an intercultural education but specific needs may not be fully addressed.
- Below average discrimination protection, equality body too weak.
- Immigrant consultative bodies may be a little more representative, depending on implementation.
- Non-EU nationals unable to stand for elections, unlike in 13 MIPEX countries.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²⁶⁷	+7,000
TCN immigration (2008) ²⁶⁸	2,822
Largest third countries of origin (2008) ²⁶⁹	Bosnia and Herzegovina, Serbia and Montenegro, Cape Verde
TCN population (2009) ²⁷⁰	29,494
TCN as part of population (2009) ²⁷¹	6.00%
Foreign-born as part of population (2009) ²⁷²	43.50%
Permits delivered for family	N/A
Permits delivered for work	N/A
Permits delivered for study	N/A
Permits delivered for humanitarian reasons	N/A
Cities with largest TCN population (2004) ²⁷³	Luxembourg 7.18%
TCN employment rate (2009, change since 2006) ²⁷⁴	51.90% +7.4%
National employment rate (2009, change since 2006) ²⁷⁵	65.20% +1.6%
TCN unemployment rate (2009, change since 2006) ²⁷⁶	17.20% -4.5%
National unemployment rate (2009, change since 2006) ²⁷⁷	5.20% +0.6%
Nationality acquisitions (2008, change since 2005) ²⁷⁸	1,220 +266

Anti-discrimination
Law on Equal
Treatment – increase
in protection against
victimisation

+1 November 2008

Labour market mobility
New State information
centre (Guichet Citoyen)
provides information
on recognising
qualifications

+3 November 2008

0 December 2008

Reception and
integration
New law creates OLAI,
voluntary integration
contracts

Long-term residence
– rights
EU Law on recognition
of qualifications
transposed

+38 June 2009

MIPEX
III

2010

LUXEMBOURG

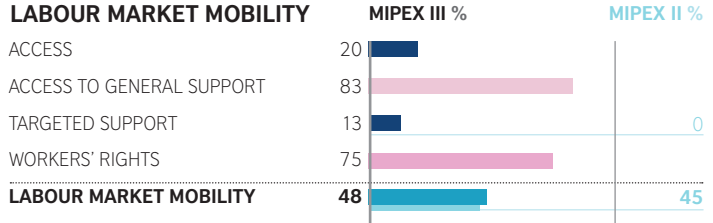
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Equal access?

Several new countries are working to provide basic equal access (e.g. HU, PL) as major European countries of immigration do (e.g. Nordics, NL, DE, ES, PT). In Luxembourg, only EU citizens benefited from the decade-long work to open the public sector, with pressure from European institutions but opposition from public service confederation (CGFP). The contradictions with integration goals are becoming more apparent following debates on letting migrants stand in future elections: non-EU nationals could become mayors, but not hold any of the municipal posts under their administration.



LABOUR MARKET MOBILITY



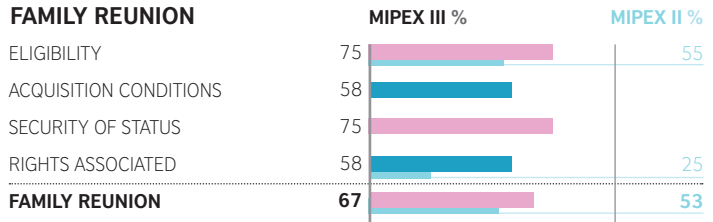
A major weakness in Luxembourg's integration strategies, non-EU residents have unfavourable access to the labour market (see box) and few measures targeting their specific situation. Non-EU residents with the right to work are excluded from the public sector (unlike in 21 of the 30 other MIPEX countries), several areas of the private sector (unlike 25) and self-employment (unlike 19). What jobs they find may be outside or below their qualifications, despite limited government efforts (see also CA, PT). Non-EU employees generally enjoy the same workers' rights and access to general support to improve skills. Most established immigration countries, such as neighbouring FR, DE, NL, are introducing complementary measures targeting needs of foreign-born and -trained workers.

EU law: basic rights and security

Luxembourg, one of the last to transpose EU law, had as its objective to fulfil 'obligations' from the Directive, with little parliamentary debate and changes. Before, no law governed family reunion for non-EU residents. While no specific period of residence was required to apply, in practice family reunion was accepted only for long-term residents (after more than 5 years). After EU minimum standards applied, Luxembourg followed general trends in established immigration countries.



FAMILY REUNION



Since transposing EU law in August 2008 (see box), non-EU families enjoy better and clearer right to make their home in Luxembourg. Sponsors can apply for their families after 1 year (as in most MIPEX countries), subject to fulfilling the necessary conditions. Reuniting family members will benefit from equal education and social opportunities as their sponsor. Integration prospects for both sponsor and family are now slightly favourable. However, these prospects can be delayed so long as procedures do not have maximum time limitations (unlike DE). The fact that spouses and adult children are not entitled to automatic autonomous permits after 3 years (unlike BE, Nordics, CA) can have unfavourable consequences for gender and family equality.

Progress made on family reunion, limited on long-term residence and political participation. Labour market remains major weakness for integration.

See DE, NL, Nordics.

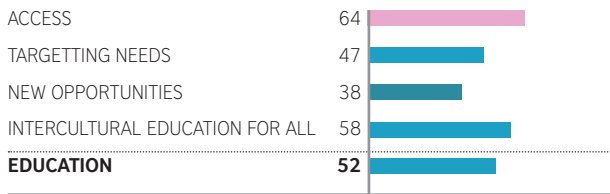
LUXEMBOURG

Welcoming new pupils

Luxembourg is one of very few countries with favourable means to welcome newcomer students and their parents: CASNA. This public institution informs newcomer parents about the school system and is trained to assess students' prior learning and place them in the right school and year. CASNA helped approximately 500 new students during the 2007/08 academic year. Luxembourg also provides intercultural mediators, most of immigrant background, to assist with communication between teachers and parents.



EDUCATION



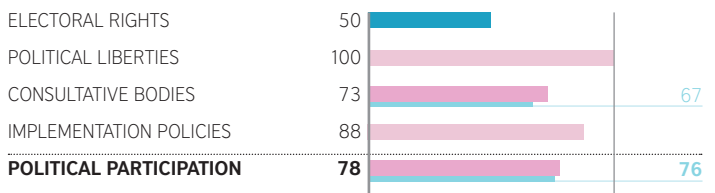
Average for established immigration countries, Luxembourg provides better access for newcomer children and intercultural education for all, but faces as many challenges addressing new needs and opportunities in school. All newcomers have at least initial access to schools, good introduction from CASNA (see box), some mother tongue support and ad hoc assistance from intercultural mediators. All are not guaranteed full and quality language support (e.g. BE, CA, Nordics, US) to learn Luxembourg's 3 official languages like most Luxembourgers. A 2009 ordinance acknowledged newcomers' challenges becoming fluently multilingual—a first in 40 years. Unlike Luxembourg, other leading countries bring immigrant cultures into the classroom (e.g. BE, CA, NO) and work to diversify schools and teachers (e.g. DK, DE, SE).

Improving policies to consult immigrants?

Immigrants may find the future National Council on Integration more representative of their experiences, following the 2008 Law, although changes must be implemented. With consultative bodies dating back to 1975, the new version will include more foreign residents, with only 8 Luxembourgers. Both the president and vice-president may no longer be appointed, but elected by member majority vote. The body already enjoys favourable rights of initiative and a representative composition in accordance with census figures. For other models, see NO, DK and NL (national).



POLITICAL PARTICIPATION



As the MIPEX country with the largest foreign population, Luxembourg provides nearly favourable opportunities for them to participate in politics, but behind NO, FI, IE and NL. Non-EU residents' voting rights are only average among established immigration countries. They are unable to stand in elections (as in 13) or be systematically informed of their political rights (as in FI, NO, PT, SE, UK). One of Luxembourg's strengths for integration is its support for immigrant civil society through State funding (like 10 others) and full political liberties (like 19). Foreigners may be better represented in future consultative bodies at both national and local level, although their powers will depend on implementing measures (see box).

LUXEMBOURG

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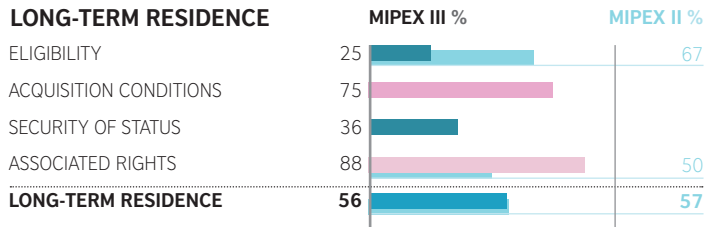
Transposing long-term residence

Long-term residents now cannot have their permit withdrawn on economic grounds. They may have better chances on the labour market, with full access, like Luxembourgers and EU citizens, to procedures recognising non-EU qualifications. The 2008 Law explicitly restricted the non-EU migrants who can apply for long-term residence, including refugees, beneficiaries of subsidiary protection, formally limited residents and students (see also FR and UK). In contrast, other countries are

improving long-term residence access for temporary migrants and students that they work to attract (e.g. AT, BE, ES).

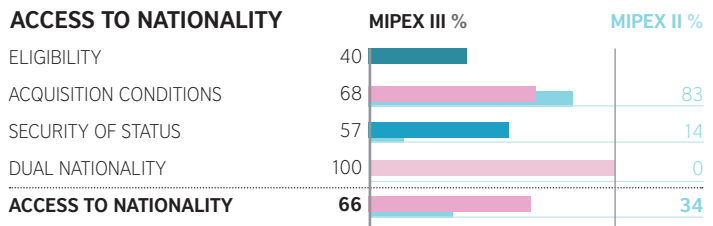


LONG-TERM RESIDENCE



Compared to family reunion, the way Luxembourg transposed EU obligations in 2008 had little positive integration impact on long-term residence. Fewer groups are now eligible for greater rights (see box). Those with 5 years' residence and eligible permits can apply under slightly favourable conditions. Voluntarily participating in an integration programme can only help immigrants in the review of their application. If rejected, they are not guaranteed the right to learn why and appeal (unlike in 24 countries). If accepted, they acquire average equal rights as in most European countries, but little residence security. For example, Luxembourg does not protect minors and residents settled there since childhood from expulsion (unlike in BE, FR, NL, SE).

ACCESS TO NATIONALITY



Luxembourg citizenship, once a major barrier for immigrants, has transformed into slightly favourable opportunities for long-term integration and democratic inclusion. The 2008 Nationality's Law acceptance of dual nationality (like 17 other MIPEX countries) and limited *jus soli* (14) doubled the country's MIPEX nationality score. Luxembourg followed some major European trends, with reforms just since 1999 in DE, BE, SE, FI, PT and GR.

Applicants no longer need to renounce their previous citizenship, a major disincentive for naturalisation that immigrants and NGOs opposed for years. According to the law, applying for dual nationality proves immigrants' willingness to contribute to Luxembourg's future, without severing their ties to their or their parents' home countries. Naturalised citizens face fewer, clearer grounds for rejection and withdrawal. They may lose their status if they committed fraud, but

Applicants for dual nationality seen as willing to integrate. Whether they apply and succeed depends on implementation of new conditions.

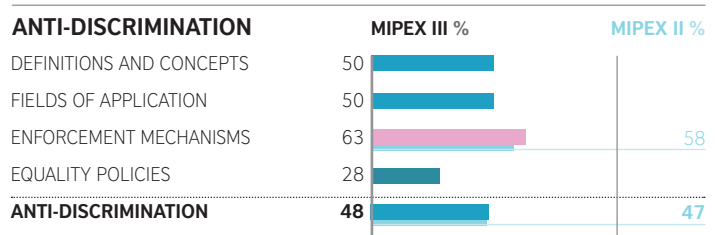
See CA, PT, US

LUXEMBOURG

may not if becoming stateless. *Jus soli* was hesitantly accepted for the third generation, while all 14 others doing so also accept it in some form for the second generation.

As a compromise within the conservative party to open *jus soli* and dual nationality, naturalisation was put further out of reach for the first generation. The minister reduced residence requirements from 10 to 5 years in 2001, and then raised it to 7 in 2008. Both times, changes were justified as the 'European average' (below 7 for the EU's established immigration countries). Spouses of citizens no longer have better options for citizenship, as they do in most (19) countries. The government argued that all should wait just as long for naturalisation.

After the longer wait, the procedure should be quicker because of legal limits (previously 2+ years) but more complicated because of new conditions, such as an exacting criminal record check. If applicants receive free courses and test questions in practice (see CA, DE, US), the required citizenship course would provide a favourable learning environment. But the language requirement may be too limited in scope for many applicants actively participating in society. Only 6 countries explicitly require such a high level, which, in Luxembourg, can now only be taken in Luxembourgish (not French or German, both official languages).



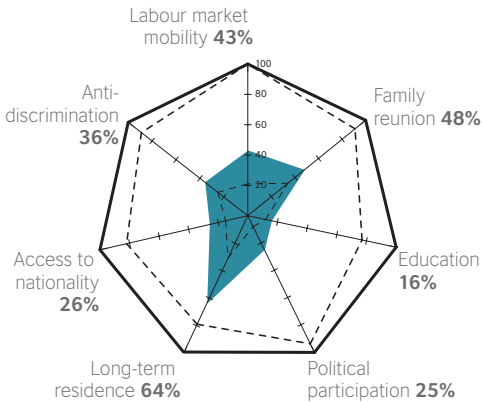
All residents in Luxembourg are less protected from discrimination than on average in Europe. The Centre for Equality of Treatment has weak powers (unlike in e.g. BE, FR, NL), while the State makes few legal commitments to equality (see SE, UK). The Centre is slightly ineffective for providing victims real assistance, without the mandate to represent them in court (unlike in 12), initiate its own proceedings (16) or provide alternative dispute resolution mechanisms (12). Other enforcement mechanisms have improved to meet European averages, now that victims receive full protection against victimisation. Luxembourg's legal definitions and fields of discrimination fall behind in explicitly outlawing nationality/citizenship discrimination (17), which is necessary to guarantee equal opportunities in countries of immigration.

MALTA

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Malta - - Best practice in 31 countries - - Worst practice in 31 countries



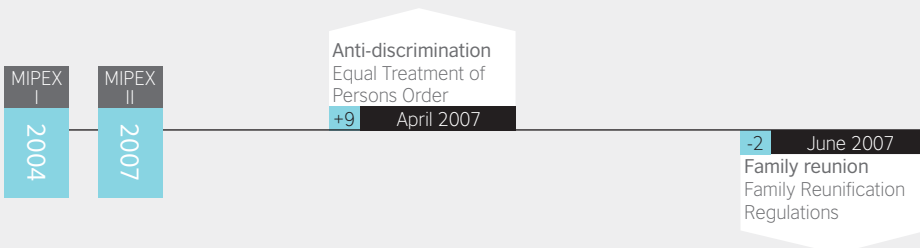
OVERVIEW

Malta, the EU's smallest and most densely populated country, has fewer foreigners (4.4%) than average (6.4%). Most came for work, family or tax reasons from the EU, the Commonwealth, Serbia and the former USSR.

Malta is only beginning to address immigration and asylum. 2007 and 2008 saw more people arriving on the island than leaving. Most newcomers (65% in 2009) fleeing Somalia, Eritrea and Sudan successfully applied for asylum, although are often called illegal migrants in fierce public debates. Since March 2009, hardly any even reach Malta—or the continent—following Italy's controversial 'push-back' policy with Libya. More are also leaving as Malta seeks to resettle or relocate them elsewhere. Those who stay are seeing limited integration programmes, often EU funded.

Conditions would become more favourable for integration if Malta's policies (currently 28th of 31 MIPEX countries) improved to Europe's average. Malta usually makes progress when it follows EU laws and trends. All residents have better protection from discrimination (+9). However, many non-EU residents are now denied equal access to the labour market. Eventually they can become long-term residents but few become Maltese citizens.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	43	48
FAMILY REUNION	48	50
POLITICAL PARTICIPATION	25	25
LONG-TERM RESIDENCE	64	64
ACCESS TO NATIONALITY	26	26
ANTI-DISCRIMINATION	36	27
TOTAL (WITHOUT EDUCATION)	40	40

279: Eurostat

278, 279, 280, 281, 282, 283, 284, 285,
286, 287, 288, 289, 290, 291, 292: Ibid

KEY FINDINGS

- Malta behind most countries of immigration in improving integration policy.
- Anti-discrimination law improved, but still one of weakest in Europe.
- Many Non-EU nationals with right to live in Malta do not have equal right to work.
- Becoming long-term resident provides best integration opportunities and should be encouraged.
- Some of longest waits for family reunion.
- Political opportunities closed to non-EU residents.
- Education policy leaves schools some of the least prepared in Europe for migrant children.
- One of most exclusionary naturalisation policies in Europe.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²⁷⁹	-2,000
TCN immigration (2008) ²⁸⁰	3,347
Largest third countries of origin (2009) ²⁸¹	India, Serbia, China
TCN population (2009) ²⁸²	9,883
TCN as part of population (2009) ²⁸³	2.40%
Foreign born as part of population (2009) ²⁸⁴	4.40%
Permits delivered for family (2009) ²⁸⁵	391
Permits delivered for work (2009) ²⁸⁶	669
Permits delivered for study (2009) ²⁸⁷	191
Permits delivered for humanitarian reasons (2009) ²⁸⁸	5,975
TCN employment rate (2009, change since 2006) ²⁸⁹	54.00% +9.6%
National employment rate (2009, change since 2006) ²⁹⁰	54.90% +1.3%
TCN unemployment rate (2009, change since 2006)	N/A N/A
National unemployment rate (2009, change since 2006) ²⁹¹	7.00% -0.1%
Nationality acquisitions (2008, change since 2006) ²⁹²	640 +568

-5 June 2007
Labour market mobility
Family Reunification
Regulations

0 July 2007
Access to nationality
Amendments to
Citizenship Act modify
accessing nationality
for spouses of
nationals

+9 March 2010
Anti discrimination
Public Administration
Act: public bodies
must promote
equality

MIPEX
III
2010

MALTA

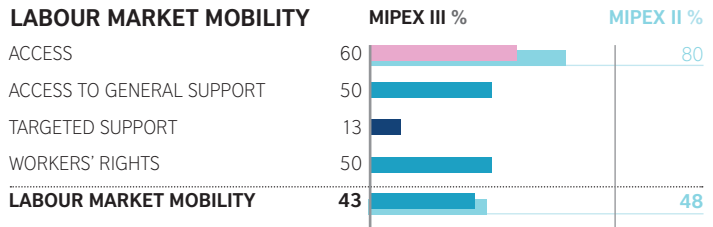
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Labour market access

Malta is one of the few countries to use EU law (2003/86/EC) to restrict family members' access to employment or self-employment. As of 2007, they need to pass a labour market assessment in their 1st year and may need an employment licence. A temporary worker also needs one. The Minister has full discretion to cancel or change the licence at any time. Malta also restricts access to public employment services and unemployment benefits, which only occurs in CY, LV and SK.



LABOUR MARKET MOBILITY



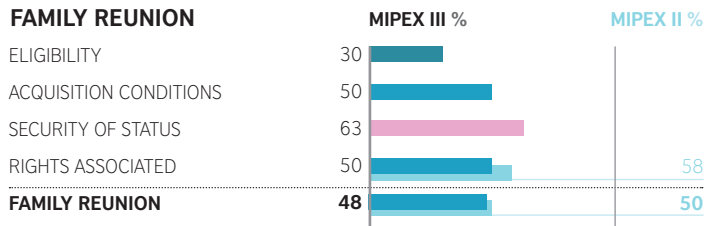
Non-EU nationals who obtained the right to reside in Malta would be able to contribute to its economy, if the authorities gave them equal access (see box). The private sector, self-employment and public sector are legally open to support their integration. Migrants and Maltese nationals enjoy the same working conditions and access to trade unions. Unlike in Malta, most non-EU workers and families have immediate equal access to the labour market in two thirds of the 31 MIPEX countries. Many of these are new countries benefiting from labour migration (e.g. GR, PT, ES) as well as Central European countries developing their first integration strategies (e.g. HU, PL).

Basic access in new countries of immigration

Malta has not used the opportunities for implementing EU law (2003/86/EC) to improve its family reunion policies, unlike other new countries of immigration. 17 of the 31 countries include dependent family members such as parents or adult children. Recently, LU reduced the residence period to 1 year, which is standard in the majority of EU Member States. Families have also gained equal rights to work (GR, ES). Thanks to new 6-month caps on the procedure in HU and ES, families are not kept apart longer than necessary.



FAMILY REUNION



Malta's non-EU residents have some of the worst opportunities in Europe to integrate with their families (see box). The few families that can be reunited will be relatively secure in their future together in Malta, especially compared to other low-scoring countries. But to reach that point, they must overcome major hurdles in basic access and limited rights. The residence period is 2 years, which is much longer than in 22 other countries. Sponsors can only reunite with their nuclear family. Reunited families have equal access to education and social benefits, but not work (see earlier section). They are not just made economically dependent on their sponsors, but they also obtain autonomous status with great difficulty.

There are few opportunities to integrate without basic access to the labour market, family reunion and public life.

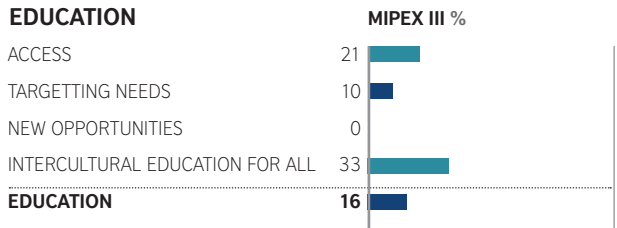
See recent changes in GR, ES, PT.

MALTA

Intercultural education: a start
 'Democracy and Values Education' is part of the National Minimum Curriculum, at least on paper, while immigrant languages and cultures are not. Valuing social diversity is one of its broad core values, along with considering change in the community, human rights and responsibilities, and promoting active global citizenship. In Malta, the Ministry of Education has a post for visiting and supporting schools to implement intercultural education through, for instance, some pre-service courses.

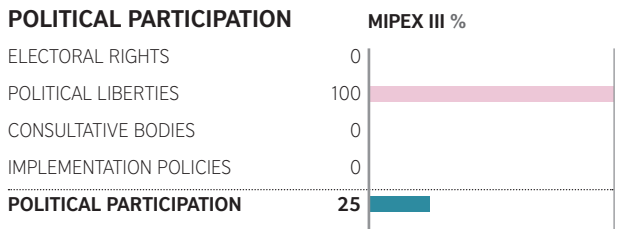


EDUCATION



Since Malta has just started to adapt its schools to diversity, its policies are among the least favourable in Europe for migrant pupils. All children, regardless of their status, have the implicit right to an education, at least until age 18 but not until university. Despite some help for disadvantaged students, Malta does not target specific needs of newcomers in its policies. Teachers may receive some pre-service training on these needs, but schools are not guaranteed extra teachers, funding or language support for each newcomer. Malta is one of 5 countries without any policy on new opportunities such as immigrant children's languages in mainstream schools. At least intercultural education is slightly more favourable (see box).

POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Malta has not progressed on political participation like neighbouring new immigration countries: IT, PT, ES and recently GR. It more resembles CY or Baltic and Central European countries. Non-EU residents still cannot participate in most parts of the public debate. They can join political parties, work as journalists and form associations. But in the absence of structural support for associations or consultative bodies of immigrants, new communities find it hard to reach politicians and the public. Moreover, Malta's old policy on reciprocal local voting rights for Council of Europe countries is ineffective and less relevant for today's immigrant population. Unlike ES, Malta (and CZ) has not tried to sign reciprocity agreements.

MALTA

WWW.MIPEX.EU/MALTA

Only the minimum?

Non-EU residents who want to settle in Malta go through a similar procedure as in most European countries because government adopted the minimum EU requirements. The procedure would become less favourable for integration if authorities add new conditions that discourage immigrants from succeeding or even trying. At EU level, the Maltese government refused to extend EC long-term residence to beneficiaries of international

protection, even when all other delegations agreed to this in November 2008. Under the new Lisbon Treaty, unanimity is no longer necessary.



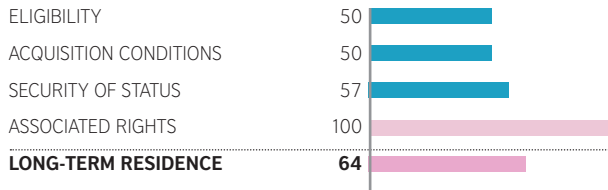
Trustworthy lawyers, doctors, MPs?

Malta's slightly unfavourable conditions for naturalisation are applied in a totally discretionary procedure, leaving applicants uncertain about the outcome. Only 7 other MIPEX countries lack public standards for quality language assessments. While 10 others have 'good character' requirements, few are as complicated or confusing as in Malta. For example, an applicant needs two 'trustworthy' sponsors. Neither can be a relative, both are non-naturalised Maltese, and one

must be, for example, a Member of Parliament, judge, priest, doctor, lawyer, army officer or policeman. For more information, see: <http://eudo-citizenship.eu/docs/CountryReports/Malta.pdf>



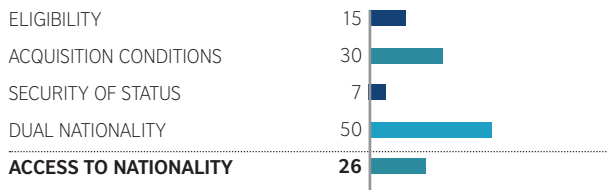
LONG-TERM RESIDENCE



(SAME AS MIPEX II)

Becoming a long-term resident in Malta gives non-EU residents their best chance to integrate (see box). With this status, they participate on a more equal footing in Maltese society and move freely within the EU. They simply renew their permit every 5 years, and enjoy good legal guarantees, as in most countries. Still, their right to settle is not fully secure in Malta, especially since few can progress to full citizenship (see next section). Even if they live in the country for years, or were born there, they can still be deported and risk losing their status, for example, if they visit their country of origin for long periods of time.

ACCESS TO NATIONALITY



(SAME AS MIPEX II)

Most migrants are never eligible to become citizens, unless a Maltese national marries, adopts or has given birth to them. Without this family connection, the country only extends citizenship for humanitarian reasons and with absolute discretion (see box). They become dual nationals. This removes at least one barrier to naturalising and protects them from statelessness, since authorities can withdraw their Maltese citizenship on many grounds. Birthright citizenship, which Malta abolished in 1989, is re-emerging in some form across Europe (now 15, most recently DE, PT, LU, GR). Nowadays, if non-EU residents have children in Malta, they continue to be treated like newcomers themselves. They are outside the pension system and pay university fees like international students.

Migrants' best chance of equal opportunities? Become long-term residents, fight discrimination as long as path to citizenship is exclusionary and discretionary.

See GR, PT.

MALTA

ANTI-DISCRIMINATION	MIPEX III %	MIPEX II %
DEFINITIONS AND CONCEPTS	57	43
FIELDS OF APPLICATION	8	
ENFORCEMENT MECHANISMS	63	46
EQUALITY POLICIES	17	11
ANTI-DISCRIMINATION	36	27

Migrants at least enjoy better opportunities to integrate in Malta following improvements to the anti-discrimination law, following enactment of the Equal Treatment of Persons Order in April 2007. One of the last countries to transpose EU law, Malta, like CZ and EE, took the minimum standards approach. On the positive side, all Maltese residents are now explicitly protected from racial discrimination in all fields, with protection extending to both the public and private sectors. However, discrimination on grounds of nationality is only prohibited in employment, while religion is not covered at all. People are therefore exposed to discrimination in more areas of life than in nearly all European countries. Half the MIPEX countries address all 3 grounds in all areas of life. Malta receives the 2nd lowest score on 'fields of application', together with AT, EE, and LV.

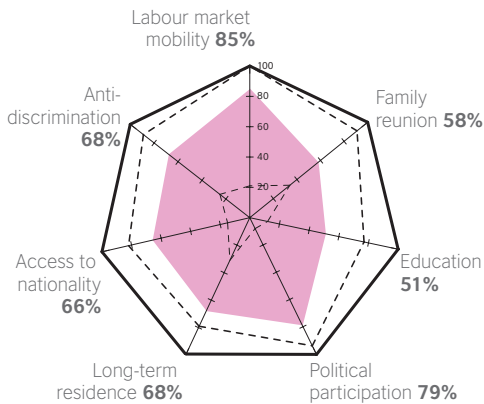
Where Malta prohibits discrimination, a potential victim can seek justice through slightly effective enforcement mechanisms, which are similar across Europe. Victims of racial discrimination can use mediation, receive protection against victimisation and hope for a wide range of sanctions if the judge finds an offence. They also do not have to carry the burden of proof throughout the procedure. However, the process is long and they have no scope for class action. They do receive independent advice and investigative assistance from the specialised agency but only if they suffer racial discrimination, since the mandate of the National Commission for the Promotion of Equality is limited to such cases. As in the newly adopted laws of EE and CZ, equality policies are weak. While public bodies are obliged to promote equality since 2010, they do not need to mainstream it into their work or inform the public about their rights. Nor is there scope for positive action.

NETHERLANDS

WWW.MIPEX.EU/NETHERLANDS

SCORE OVERVIEW

— 100% on MIPEX scale ■ Netherlands - - Best practice in 31 countries - - Worst practice in 31 countries



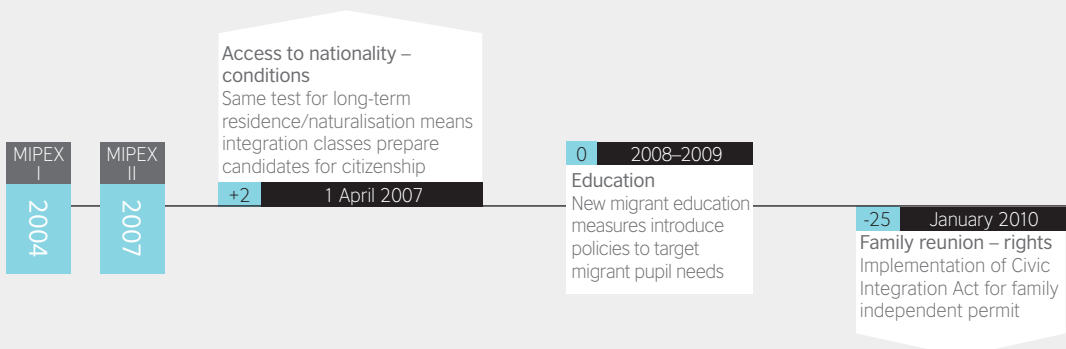
OVERVIEW

The Netherlands remains a significant immigration country, with most newcomers being EU citizens or Dutch citizens including from Antilles and Aruba. More permits are delivered for family reasons since citizens of 2004 'New' EU Member States no longer require work permits.

Since 2007, newcomers have seen few changes to Dutch policies, still slightly favourable for integration and more favourable than in most corners of Europe. As in other established and reforming immigration countries, all residents are able to participate with equal rights and responsibilities, secure residence, *jus soli*, dual nationality and political opportunities.

While only SE and PT do more to promote economic integration, the Netherlands does slightly less to promote family life. Most other leading countries see having either a job or a family in country as meaningful starting points for integration in society. Increasingly, the Netherlands imposes the same conditions on very different statuses and at higher levels than expected for Dutch citizens (e.g. income). A family applicant (Chakroun) brought this issue before the European Court of Justice, whose judgement temporarily made the family reunion process more clear and coherent.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	85	85
FAMILY REUNION	58	59
POLITICAL PARTICIPATION	79	79
LONG-TERM RESIDENCE	68	68
ACCESS TO NATIONALITY	66	65
ANTI-DISCRIMINATION	68	68
TOTAL (WITHOUT EDUCATION)	71	71

293: Eurostat
294, 295, 296, 297,
298, 299, 300, 301, 302: Ibid
303: Urban Audit
304: Eurostat
305, 306, 307, 308: Ibid

KEY FINDINGS

- Since 2007, policies still 'slightly favourable' for integration; ranks 5th.
- Dutch have 3rd best policies on labour market mobility: equal economic opportunities and targeted measures for foreign-born workers.
- Equal treatment for all families following Chakroun, equal income, age requirements.
- Multiple integration tests for family members: more obstacle than facilitator compared to few countries imposing them.
- Good intercultural education for all pupils, but few new opportunities addressed in schools.
- Restrictive conditions for long-term residence and citizenship, otherwise law-based procedures.
- Broad definitions of anti-discrimination enforced but limited in scope.
- Equality policies an area of weakness, as across Europe.
- Migrants can participate in democratic life and national consultations.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ²⁹³	+41,000
TCN immigration (2008) ²⁹⁴	38,922
Largest third countries of origin (2008) ²⁹⁵	Turkey, Morocco, China
TCN population (2009) ²⁹⁶	346,719
TCN as part of population (2009) ²⁹⁷	2.10%
Foreign-born as part of population (2009) ²⁹⁸	3.90%
Permits delivered for family (2009) ²⁹⁹	23,078
Permits delivered for work (2009) ³⁰⁰	10,433
Permits delivered for study (2009) ³⁰¹	9,944
Permits delivered for humanitarian reasons (2009) ³⁰²	8,197
Cities with largest TCN population (2004) ³⁰³	Amsterdam 8.47%, Rotterdam 7.97%, Utrecht 5.94%
TCN employment rate (2009, change since 2006) ³⁰⁴	52.30% +6.6%
National employment rate (2009, change since 2006) ³⁰⁵	77.00% +2.7%
TCN unemployment rate (2009, change since 2006) ³⁰⁶	9.30% -3.6%
National unemployment rate (2009, change since 2006) ³⁰⁷	3.40% -0.5%
Nationality acquisitions (2008, change since 2005) ³⁰⁸	28,230 -258

0 January 2010
Access to nationality
Increased fee for
naturalisation

Family reunion –
conditions
Case C578/08
Chakroun

+9 March 2010

Family reunion –
eligibility
Case C578/08
Chakroun

+10 March 2010

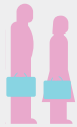
MIPEX
III
2010

NETHERLANDS

WWW.MIPEX.EU/NETHERLANDS

Tailored programmes for equal opportunities in practice:

Migrants in the Netherlands enjoy targeted measures to help find work and improve skills. Vulnerable categories are specifically recognised as needing special assistance. For example, migrant youth benefit from programmes to improve language skills and to keep them in school. Local projects support migrant women to find jobs and set up businesses, with pilot schemes to attract them into the health sector and to bring 50,000 to voluntary sectors.



Meet the Chakrouns

Mr. Chakroun immigrated in 1970 and, 2 years later, married his wife, who stayed in Morocco. Working in manufacturing until 2005, he then could not sponsor her because of more restrictive conditions for 'family formation.' In March 2010, the European Court of Justice judged that all families with a minimum wage and minimum age limit (18) fulfilled the basic conditions for

living in the Netherlands, defined by Dutch authorities for family reunion. This was at least the case until a new July 2010 law.



LABOUR MARKET MOBILITY

	MIPEX III %
ACCESS	100
ACCESS TO GENERAL SUPPORT	67
TARGETED SUPPORT	75
WORKERS' RIGHTS	100
LABOUR MARKET MOBILITY	85

(SAME AS MIPEX II)

Residents with the right to work are encouraged to find the right job in the Netherlands, which ranks 3rd best (after SE and PT). Non-EU workers and families have equal access and workers' rights in all parts of the economy. The Netherlands' policies resemble other countries attracting labour migration such as CA, ES, PT and US. Their needs are targeted with some of the most developed measures of all countries (see box). Outside the Netherlands, non-EU residents can use study grants (see FR, LU, PT, SE) and the same facilitated procedures as citizens to recognise foreign qualifications (see recently CA, PT). In DE and SE, newcomers use coaches and mentors to access public employment services who are themselves trained on foreign-born workers' needs.

FAMILY REUNION

	MIPEX III %	MIPEX II %
ELIGIBILITY	55	45
ACQUISITION CONDITIONS	51	42
SECURITY OF STATUS	50	
RIGHTS ASSOCIATED	75	100
FAMILY REUNION	58	59

Scoring average, the Netherlands increasingly requires conditions and tests that few European countries follow. Most countries, especially labour migration countries, which score so well for labour market mobility, also do so for family reunion. The Netherlands' score dropped only 1 point because reunited families now face greater integration tests, while sponsors temporarily enjoyed more equal age limits and income requirements as of the MIPEX research cut-off date in May 2010.

Dutch law's limited definition of non-EU families excluded as many family members as it included, though fewer since the Chakroun case. Adult children and parents only have a conditional right to join their sponsor, unlike in 7 more inclusive countries. Only BG and CH also apply extra criteria to minor children: in the Dutch case, including integration exams for children over 16. Non-EU spouses and partners

After Chakroun, family reunion average, despite several exceptional obstacles to integration. Several countries promote both family life and job opportunities.

See CA/US, FI/SE, PT/ES.

NETHERLANDS

Tests: more obstacles than incentives for family integration?

The Dutch pre-departure test, scoring just 14, is more likely to delay or discourage family members, with expensive tests and materials on both language and integration knowledge. In contrast, applicants learn the same subjects through France's simpler requirement to attend free, more accessible courses (71). In the Netherlands, courses and tests are also unfavourably expensive, though some successful participants can be refunded. DK and FR better encourage families to succeed with free courses; DE with free tests; and NO with just courses.



had to wait 3 more years if meeting their sponsor before he or she moved to the Netherlands, but not following the Chakroun case (see box). They fulfilled the same 18-years-old age limit as in 23 of the 30 other MIPEX countries.

After the Chakroun case, newcomers passed largely average conditions for Europe, except for the test abroad, an obstacle for integration, especially compared to the few other countries with them. All sponsors temporarily had to prove the minimum income, which applies to all Dutch residents. In May 2010, only 3 of the 30 other MIPEX countries required pre-departure measures (proposals in AT, BE, UK). Only 6 others required in-country measures (see box).

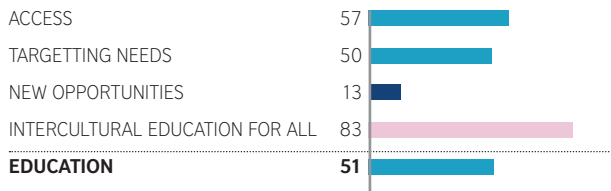
Because of further tests, family members no longer have fully equal rights as their sponsor. Since January 2010, they must pass an integration exam to gain an independent permit. If they cannot, they remain dependent on their sponsor. Exceptions apply in cases of divorce or abuse where family members are guaranteed an autonomous status, as in AT and CA. Families still enjoy the same right to work, study and access benefits as their sponsors (as 18 other countries). Slightly less secure in their status than in most countries, reunited family members can lose their permits on wide grounds, but with judicial oversight.

Targeting specific needs for migrant pupils

At 50 points, the Netherlands scores slightly above average on targeting the specific needs of migrant pupils. It initiated new migrant education measures in 2008/09, when some problems were recognised and addressed. Measures include a covenant on higher education to stimulate the influx of non-western students and to combat drop-out, desegregation measures in 7 pilot cities and support for language skills in early childhood education. See also BE, CA, Nordics, PT, UK, US.



EDUCATION



The Dutch education system is half-way prepared for diversity, but less so than international leaders that include new opportunities for diverse languages, cultures, parents and students in all schools. All children with a migrant background can attend compulsory schooling. They benefit from targeted support at higher levels, language support throughout and data to monitor their progress and improve policies. All pupils, regardless of background, learn to appreciate diversity as intercultural education permeates school life (see also NO, UK) with some measures to diversify teachers (see 6 other countries). Dutch policies have been less effective at teaching immigrant languages (taught in 22 countries) and cultures (14), parental outreach (12) and social integration (experiments in DK, SE).

NETHERLANDS

WWW.MIPEX.EU/NETHERLANDS

National Dialogue Structure with minorities (LOM)

Introduced in 1985 and regulated in 1997, LOM creates slightly favourable conditions for minorities and government to build consensus around policy changes and social events (e.g. Iraq War, Fitna film). The Dutch Parliament settles any disputes. All 8 minority organisations are legally qualified for dialogue: i.e. representation of women and second generation, major groups. All are structurally funded to inform and consult communities. However, the Integration Minister chairs and decides whether they meet more than 3 times per year. See also Nordic countries. www.minderheden.org



POLITICAL PARTICIPATION

	MIPEX III %
ELECTORAL RIGHTS	100
POLITICAL LIBERTIES	100
CONSULTATIVE BODIES	30
IMPLEMENTATION POLICIES	88
POLITICAL PARTICIPATION	79

(SAME AS MIPEX II)

The Netherlands, as a long-established immigration country, allows and encourages newcomers to improve democratic life. Immigrant organisations can rely on specific funding with potential for real impact at national level, through the National Consultation of Minorities, regulated by law (see box). Local consultative bodies come and go (e.g. Amsterdam, The Hague), which can discourage immigrants from building bridges across communities and participation in civic life. Non-EU residents and EU citizens nevertheless participate in mainstream politics through electoral rights (as in 5 leading countries) and full political liberties (as in most). Still, newcomers may have trouble learning about organisations and rights (see policies in Nordics, PT).

LONG-TERM RESIDENCE

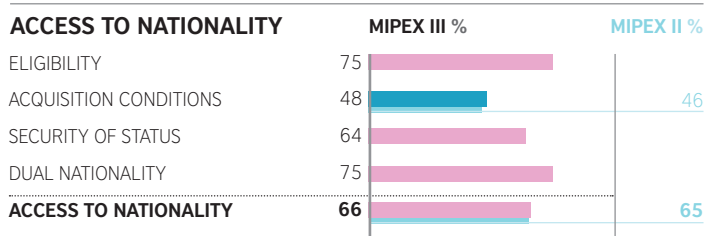
	MIPEX III %
ELIGIBILITY	58
ACQUISITION CONDITIONS	47
SECURITY OF STATUS	79
ASSOCIATED RIGHTS	88
LONG-TERM RESIDENCE	68

(SAME AS MIPEX II)

Long-term residents in The Netherlands enjoy equal and secure rights, but reach this point with difficulty. All time as students is counted towards the 5-year residence requirement. Still, 19 categories of temporary migrants cannot apply. Conditions limit long-term residence to those with permanent incomes and paying comparatively high €400 fees. Slightly unfavourable language and integration tests provide no guaranteed support (see CZ, FR, NO, PT). At least procedures are long established on rule of law and residence security. Authorities use few grounds to withdraw permits (as in 7 others, e.g. AT, BE, DE, ES), consider personal circumstances (23) and protect groups from deportation who have long called The Netherlands their home (10).

Policies slightly encourage newcomers to become politically active, long-term residents, citizens, while slightly protecting all from discrimination.

SE: See also FI, PT, NETHERLANDS



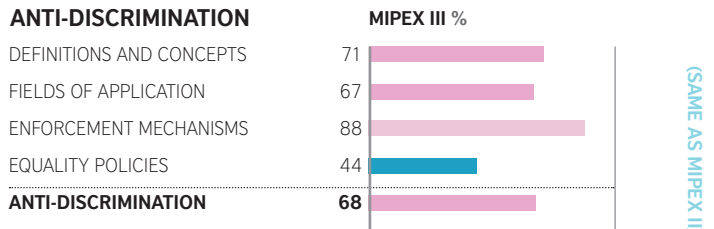
Newcomers take a basic and clear path to citizenship, as in established and reforming immigration countries. BE, CA, FR, GR, IE, SE, US also require no more than 5 years' residence for naturalisation. Most countries with *jus soli* fully accept dual nationality for the second and/or third generation. Unlike The Netherlands, most MIPEX countries now fully accept it for the first generation. Since the same test now applies for long-term residence and naturalisation, long-term residents do not need to pass it again. The State guarantees that applicants become citizens when successfully passing the conditions (as in 10 others). As of May 2010, naturalised immigrants and Dutch-born citizens were legally treated as largely equal and secure citizens.

Effective equality bodies

The Dutch Equal Treatment Commission is an independent quasi-judicial body established in 1994 to hear and investigate claims of discrimination. Anyone can ask for an opinion, free of charge. As part of its mandate, it conducts surveys, issues reports and recommendations, and performs consultative functions for government. 'Article 1', a Dutch NGO, covers all grounds of EU law and fills the role of providing advice and assistance to victims, while broadly monitoring discrimination in society. Local governments



are obligated in law to provide anti-discrimination offices, which Article 1 coordinates and supports.



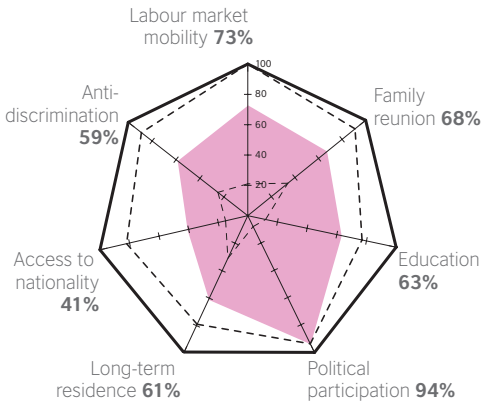
Broad anti-discrimination definitions protect all residents on many grounds (17 other countries) and racial profiling (5), but not fully for social protection or social advantages (unlike half). Enforcement mechanisms are the strongest (with US, PT) and would be strengthened with alternative dispute procedures (in 19). During proceedings, victims can benefit from sharing the burden of proof, situation testing, NGO support, class actions and *actio popularis*. They also turn to one of Europe's strongest equality bodies for independent advice and proceedings (see box, also BG, HU, IE, SE). The Netherlands shares Europe's weakness on equality policies, with the State not legally committed to promote equality through information, dialogue, duties and actions (see CA, SE, UK).

NORWAY

WWW.MIPEX.EU/NORWAY

SCORE OVERVIEW

— 100% on MIPEX scale ■ Norway - - Best practice in 31 countries - - Worst practice in 31 countries

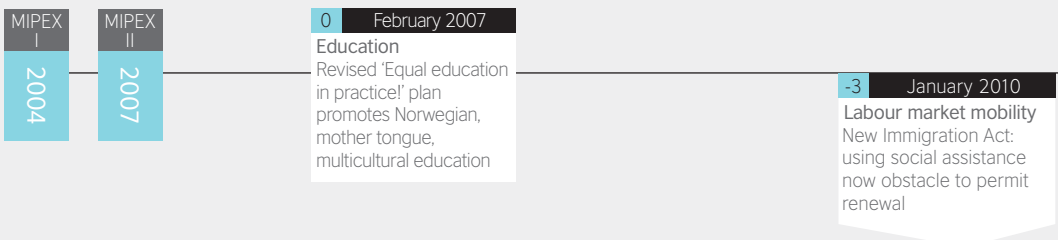


OVERVIEW

Norway, a relatively new country of immigration, saw some increase in asylum seekers, then new restrictions to discourage them. The new Immigration Act, first proposed in 2004, came into force in 2010. Referring to general international obligations, the Act was seriously amended to focus on numbers of migrants. The Directorate of Immigration monitors migration trends and revises regulations when the need arises.

Since MIPEX II, many newcomers enjoy the same slightly favourable opportunities to participate in Norwegian society. Still, Norway lost 1 point and 1 place in the ranking because new family reunion conditions create conflicts of interest with integration goals. The Red-Green government, to be both 'just' and 'strict' on immigration, wants a more inclusive integration policy but reductions in numbers. The effect on residents already living in Norway is to keep them separated from their family for years. The government wants to avoid social dumping but penalises migrant workers using social assistance. Government policy and evaluations improve education quality for all, while excluding from the calculation many unaccompanied minors and 'non-returnable' migrants who live in Norway.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	73	76
FAMILY REUNION	68	72
POLITICAL PARTICIPATION	94	94
LONG-TERM RESIDENCE	61	61
ACCESS TO NATIONALITY	41	41
ANTI-DISCRIMINATION	59	59
TOTAL (WITHOUT EDUCATION)	66	67

309: Eurostat
 310: Statistics Norway
 311: Statistics Norway
 312: Eurostat
 313, 314, 315, 316, 317, 318: Ibib
 319: Urban Audit
 320: Eurostat
 321, 322, 323, 324: Ibib

KEY FINDINGS

- Conflict of interest: new family reunion conditions some of least favourable in Europe.
- Family permit and long-term residence gives favourable security, opportunities to participate.
- Available introduction programme sets some of most favourable learning conditions.
- New education policies target well pupils' needs, new opportunities, multicultural education.
- Access for unaccompanied minors, 'non-returnables', is a weakness for education.
- Social assistance obstacle to residence renewal: only half MIPEX countries, few immigration countries.
- Best political opportunities for foreigners.
- Dual nationality, birthright citizenship missing: key reforms in immigration countries.
- Average anti-discrimination laws, but strong commitment to equality.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³⁰⁹	+39,000
TCN immigration (2008) ³¹⁰	24,000
Largest third countries of origin (2009) ³¹¹	Eritrea, Afghanistan, Iceland
TCN population (2009) ³¹²	137,552
TCN as part of population (2009) ³¹³	2.90%
Foreign born as part of population (2009) ³¹⁴	6.30%
Permits delivered for family (2009) ³¹⁵	10,495
Permits delivered for work (2009) ³¹⁶	7,632
Permits delivered for study (2009) ³¹⁷	3,289
Permits delivered for humanitarian reasons (2009) ³¹⁸	7,699
Cities with largest TCN population (2004) ³¹⁹	Oslo 5.97%, Stavanger 3.13%, Kristiansand 3.12%
TCN employment rate (2009, change since 2006) ³²⁰	58.90% +4.8%
National employment rate (2009, change since 2006) ³²¹	76.40% +1%
TCN unemployment rate (2009, change since 2006) ³²²	10.10% -4.5%
National unemployment rate (2009, change since 2006) ³²³	3.10% -0.3%
Nationality acquisitions (2008, change since 2005) ³²⁴	10,310 -2,345

-4 January 2010
Family reunion
 Same Act keeps families apart longer, imposes new job, education, housing conditions

0 January 2010
Education
 Same Act reduces access to secondary and higher education for unaccompanied minors over 16

0 January 2010
Anti-discrimination
 Revised Anti-Discrimination Act includes positive duty to promote and report on equality

MIPEX III
2010

NORWAY

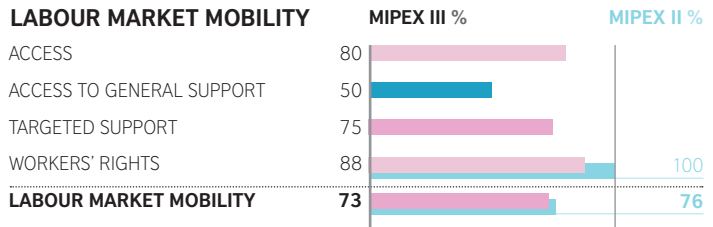
WWW.MIPEX.EU/NORWAY

Social assistance in a globalised labour market

Immigrants do not have equal access to social security in half the MIPEX countries: mostly Central European countries, but few immigration countries (i.e. DK and UK). Since Norway's 2010 Immigration Law, work or family migrants who need to use social assistance can have their permit withdrawn. The stated goal is 'to discourage social dumping'. By contrast, Swedish social partners agreed in their 2008 immigration law to fight unfair competition between nationals and new migrants by offering the same employment terms and insurance protection (See also AT, FR, DE, NL).

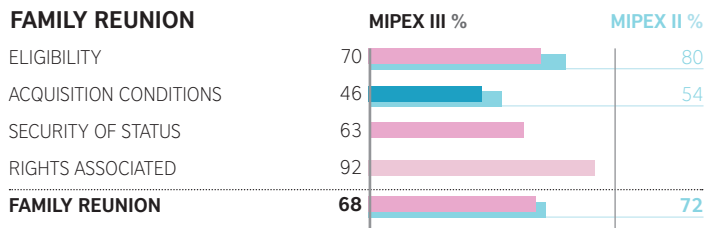


LABOUR MARKET MOBILITY



As in most established countries of immigration, Norway slightly encourages non-EU families, long-term residents and some migrant workers to improve their careers. They can change jobs and sectors, or use general training and study grants like Norwegians. Developing targeted measures (e.g. 2008 'Welcome in' for migrant women) may be evaluated to measure their impact. Still, non-EU qualifications may be recognised for Norwegians and EU nationals, but not non-EU nationals, forcing this group into jobs below their skills. They may also have difficulties accessing public employment services (for new policies, see DK and SE). If they find work, the law guarantees them equal working conditions but now unequal access to social security (see box).

FAMILY REUNION



Immigrants settled in Norway now have less favourable starting points for integration because of new conditions, rare in Europe. Overall, reuniting families in Norway face the 5th most restrictive conditions in Europe (with only AT, DK, FR, and CH further below). Several in Norway also go beyond the scope of law in the EU. Families can be kept apart until the sponsor has worked for 4 years and they must have secured adequate housing. For many asylum seekers, this requirement may mean 7 years (year for a decision, plus 2 years for an introduction programme). For new marriages, sponsors must have worked or studied for 2 years. These conditions, with the aim of decreasing the number of family reunions and asylum seekers, may be a conflict of interest with goals to promote integration.


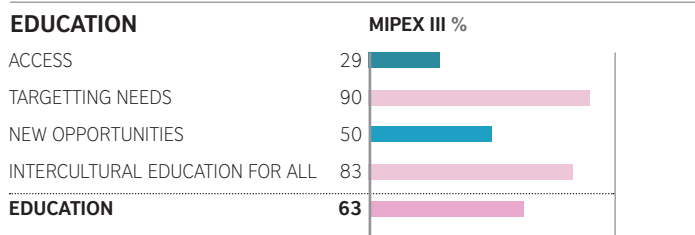
Besides these less favourable conditions, immigrants go through similar policies as in Europe. Families are largely defined the same way

Promote integration, but reduce family reunion: Conflict of interest?	See BE, PT, ES, SE.	NORWAY
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under Norwegian family law and family reunion policies, although non-EU families may have a harder time documenting their connections. A proposal for a 21-year age limit would have brought Norway below the European average. Only 8 in total impose them, often for objectives difficult to measure in practice (see UK).

If families can access the procedure, they have better opportunities to integrate than on average in Europe. Like in most European countries, they are slightly secure in their status and largely the equal of their sponsor. They too can work and participate in education and training programmes. The introduction and language programme is one of the most favourable in the MIPEX countries, scoring 75. It provides them the basic knowledge and support they need to succeed in Norway. More might successfully participate if it was free for all who needed it (e.g. DK, FI, FR, SE) with more public learning materials (e.g. online, AT, DK). Norway creates better conditions for independence and gender equality within families than 26 MIPEX countries because of its policy on autonomous residence.

Including all pupils
 The 2010 Immigration Law reduced access to secondary and higher education for unaccompanied minors over 16. Undocumented immigrants who cannot be returned also cannot access education levels like vocational training. Though living in Norway, these groups are denied a full education during critical years for their personal development. Half the MIPEX countries allow equal access to the whole education system. Most of the other leading countries on migrant achievement and participation (e.g. CA, DK, FI, US) do not create such problems with legal access.

Reforms to improve general education quality and outcomes slightly improved targeting needs and ‘opportunities brought by Norwegians with other cultural backgrounds.’ These goals figure in ‘Equal education in practice!’, developed since 2004 by monitoring national and international assessments (e.g. PISA). Migrants learn Norwegian at all school levels, while receiving mother tongue support, to continue developing cognitively. Multicultural education is strengthened in curricula, a national body (NAFO) and objectives for more trained and diverse teachers. Students may or may not fully see these changes without better school support and evaluation (i.e. policies based on migrant parent projects from NAFO and parents’ committee, FUG). Future policies may also address access for undocumented migrants (see box).

NORWAY

WWW.MIPEX.EU/NORWAY

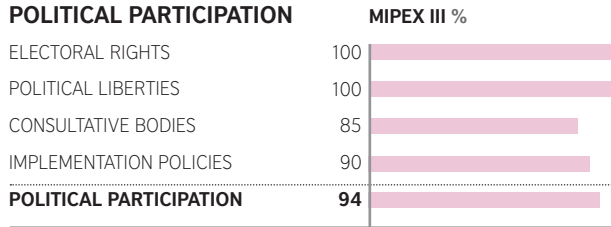
National Contact Committee for Immigrants and the Authorities

Immigrants are nominated regionally to become members of KIM and have experienced community leaders as chairs. Its final members represent all ages, ethnicities, genders and nationalities. Since 1984, KIM has been required by law to propose its own issues and act on requests for consultation. Likewise, the relevant public authorities are required to respond. KIM facilitates dialogue and provides advice on matters affecting immigrants not only to government, but also to researchers, parties and other stakeholders.

www.kim.no



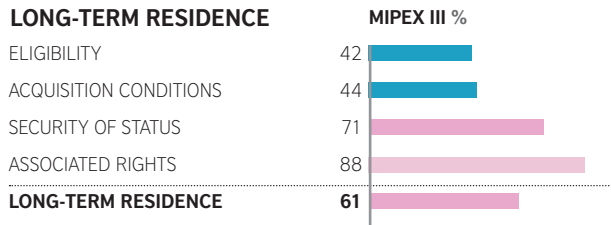
POLITICAL PARTICIPATION



(SAME AS MIPEX II)

With the top score, alongside other Nordic countries, Norway grants equal political opportunities and supports immigrants to organise and improve policies. All legal residents join or form parties, associations and media (as in 19 other MIPEX countries). After 3 years, all newcomers can vote in all but national elections (as in DK, FI, IE, NL, SE). National and city leaders in e.g. Oslo and Drammen consult with immigrants through robust and independent consultative bodies. Some regions and cities model theirs on the national body (KIM, see box). Others grant consultative status to immigrant umbrella NGOs, as in IE (local) and BE (regional). A few make political appointments without direct input from these communities.

LONG-TERM RESIDENCE



(SAME AS MIPEX II)

Norway’s permanent residence is just a slightly favourable route to full participation, which is average for European countries. Permanent residents have many equal rights, as in most, and just slightly better residence security. Norwegian-born cannot be expelled, but most can on many grounds, with judicial review but without full legal aid. Eligibility provisions and conditions are also average. Several types of immigrants in Norway for the required 3 years cannot apply. Those who can should expect 11 months for an answer, while only some have free access to favourable introduction programmes (see earlier). Still, compared to test-based systems (e.g. DK), Norway’s courses provide slightly better learning environments (see also CZ, FR, PT, UK’s ESOL route).

Norway leading on political participation, equality policies; below European average on reforming citizenship, enforcing discrimination law.

See overall results.

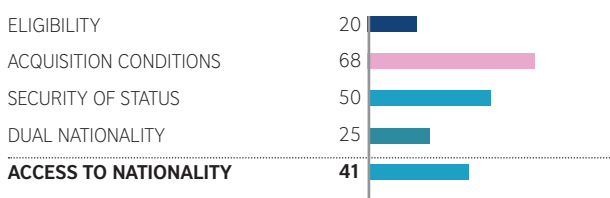
NORWAY

Trends in reform

Reforming countries are removing renunciation requirements because they act as major obstacles to naturalisation and are not incentives for integration. According to the 2008 Luxembourg nationality law, foreigners who apply can contribute to society over long-term while maintaining attachments to their country of origin. Countries are also making the second and/or third generation citizens at birth (e.g. since 1999, DE, SE, FI, PT, LU, and GR). The goals here are often to promote social inclusion and equal recognition among future generations.



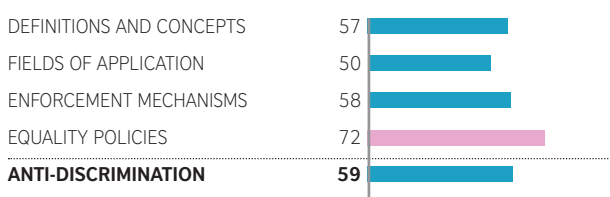
ACCESS TO NATIONALITY



(SAME AS MIPEX II)

The path to Norwegian citizenship for immigrants and their descendants is weak, missing key provisions in established immigration countries. Most countries that open political opportunities to foreigners have also opened a path to citizenship, unlike Norway. The increasing majority of MIPEX countries embraces dual nationality (now 18) and some birthright citizenship (15). For the first generation in Norway, the residence requirement (7 years) and security of status is around average for Europe. Slightly better conditions encourage integrating immigrants to pass e.g. introduction programme, qualifying period for minor crimes. Any future test may undermine – rather than improve on – this success. In-depth research and evaluation is beginning on the full impact of nationality law on immigrants.

ANTI-DISCRIMINATION



(SAME AS MIPEX II)

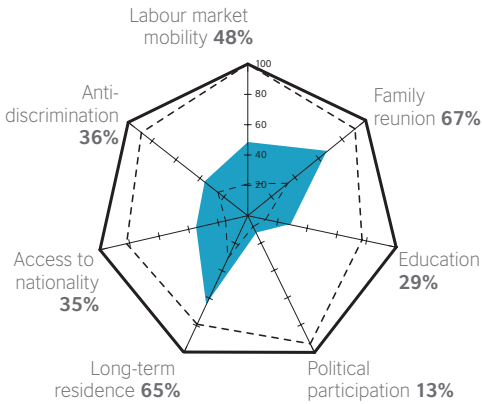
Norway, at the European average, would catch up on more established immigration countries by outlawing nationality discrimination and strengthening enforcement (e.g. greater sanctions and legal aid). In 15 MIPEX countries, immigrants cannot be treated unequally in most areas solely because they are not nationals. Norwegian government commitments to equality are among the strongest in Europe and North America. New 2009 positive duties (also SE, UK) build on a national action plan and international standards (ICERD, ECRI). Authorities must promote equality in their work, while companies must report on their actions. The Equality and Discrimination Ombudsman has slightly favourable powers to help victims, except representing them in court (unlike in 12 e.g. BE, HU, NL, SE).

POLAND

WWW.MIPEX.EU/POLAND

SCORE OVERVIEW

— 100% on MIPEX scale ■ Poland - - Best practice in 31 countries - - Worst practice in 31 countries



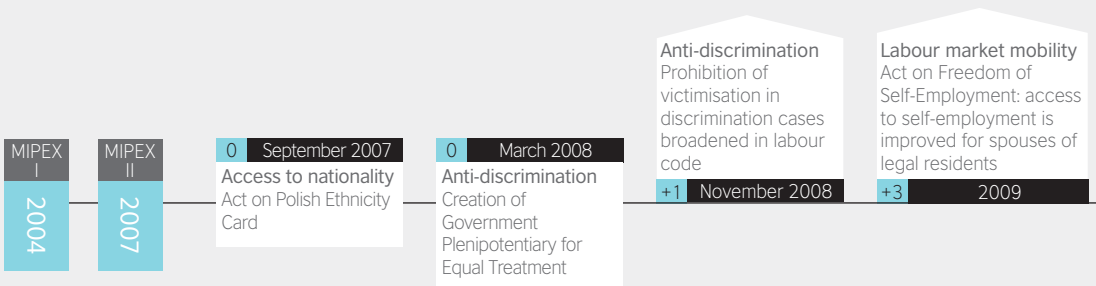
OVERVIEW

Poland is a country of emigration, though fewer Poles have left since the global recession. Non-EU migrants, a rare sight in the country and its major cities, are increasingly needed to fill labour shortages. The growing number of international students can now apply for work permits, as can seasonal workers, especially from neighbouring Ukraine, Belarus, Russia and also Moldova.

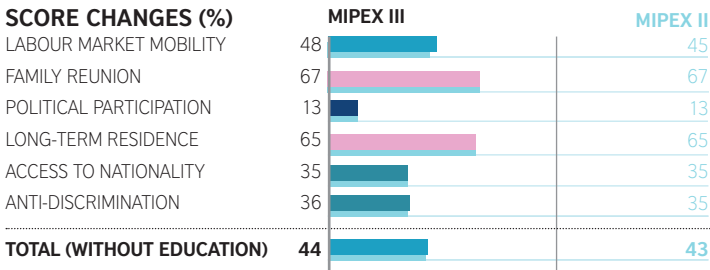
That Poland lacks an integration strategy for its non-EU residents is reflected in its low MIPEX scores in most areas. High scores on family reunion and long-term residence reflect laws that were low political priorities and thus modelled on EU directives. Migrants should have a secure family life and future in Poland – at least according to the law.

Since 2007, Poland's minor improvements (+1 on MIPEX scale) were not enough to keep up with other countries catching up on integration (-3 on MIPEX ranking, behind AT, CZ, GR). The 2009 Citizenship Bill and Draft Act on Equal Treatment were hard to negotiate. But, if passed, they would substantially improve integration by providing basic protection from discrimination (recently EE) and entitlement to naturalisation (recently GR, LU).

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



325: Eurostat
326: Eurostat
327: OECD SOPEMI 2010
328: Eurostat
329, 330, 331, 332, 333, 334: Ibid
335: Urban Audit
336: OECD SOPEMI 2010
337: Eurostat
338: OECD SOPEMI 2010
339: Eurostat
340: Eurostat

KEY FINDINGS

- Draft Equal Treatment Act needed to comply with EU law: Poland one of last needing basic protections.
- Only country without an equality body to help discrimination victims.
- Path to Polish citizenship long and insecure: entirely depends on the President.
- 2009 Citizenship Bill, if approved, would bring Poland closer to European average.
- Better labour market access? Some temporary migrants can now open businesses, but many sectors still closed.
- Family reunion and long-term residence: Poland at European average.
- Immigrants lack key civil rights, as in 9 Central European countries.
- Migrant children can now study until age 18: education still poorly addressing their needs, despite 2006 Ordinance on Polish and immigrant languages.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³²⁵	-1,000
TCN immigration (2008) ³²⁶	8,908
Largest third countries of origin (2008) ³²⁷	Ukraine, Belarus, Vietnam
TCN population (2009) ³²⁸	25,618
TCN as part of population (2009) ³²⁹	0.10%
Foreign born as part of population (2009) ³³⁰	0.10%
Permits delivered for family (2009) ³³¹	8,699
Permits delivered for work (2009) ³³²	11,123
Permits delivered for study (2009) ³³³	7,066
Permits delivered for humanitarian reasons (2009) ³³⁴	180
Cities with largest TCN population (2001) ³³⁵	Warsaw 0.25%, Wroclaw 0.13%, Krakow 0.11%
Foreign-born employment rate (2008, change since 2007) ³³⁶	43.55% +6.3%
National employment rate (2009, change since 2006) ³³⁷	59.30% +4.8%
Foreign-born unemployment rate (2008, change since 2007) ³³⁸	5.55% -3.8%
National unemployment rate (2009, change since 2006) ³³⁹	8.20% -5.7%
Nationality acquisitions (2008, change since 2005) ³⁴⁰	1,800 -1,086

0 January 2009

Family reunion; Long-term residence
Minimum income amount changed for family reunion and long-term residence permit

0 April 2009

Access to nationality
New Citizenship Bill adopted by Parliament but vetoed by President – currently examined by Constitutional Court

0 April 2010

Education
Ordinance of Education Minister: possibilities for migrant children to learn Polish and their own language/culture

MIPEX III

2010

POLAND

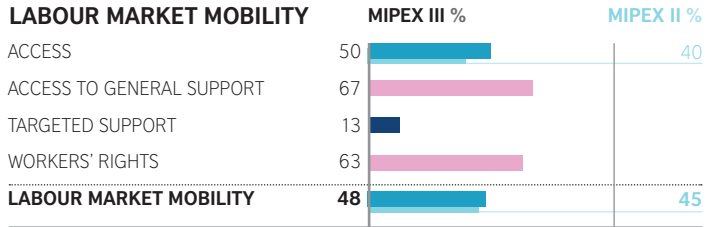
WWW.MIPEX.EU/POLAND

Starting a family business

Several types of temporary migrants and their family members may not have equal access to the labour market, but they can now go into business for themselves, following enactment of a law on freedom of self-employment in 2009. Poland increased access because it had to comply with EU directives on family reunion (2003/86/EC) and free movement (2004/38/EC).



LABOUR MARKET MOBILITY



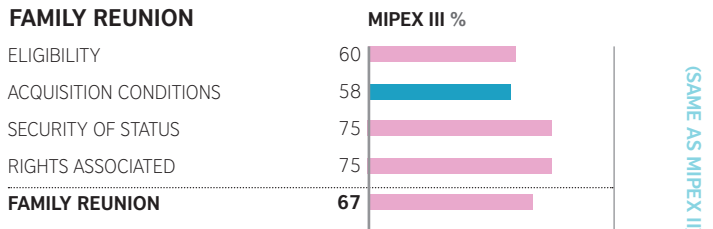
Poland's policies are as contradictory as most Central European countries, since non-EU newcomers with the right to work are both encouraged and discouraged to integrate into the labour market. They can use training and public employment services, but cannot change jobs and careers like EU citizens can. They also cannot enter the public sector, as in only 9 other MIPEX countries. Targeted support is limited, as across Central Europe (see EE). The main reason that temporary migrants gained equal access to self-employment was to fulfil Poland's EU obligations (see box). In contrast to Poland, countries recently attracting labour migrants (e.g. CZ, ES) tend to grant newcomers and families equal access to all parts of the labour market.

Conditions and procedure: from law to practice

Many Central European countries create few legal obstacles for non-EU citizens to apply, but maintain very discretionary procedures with many grounds for authorities to reject them. Poland does not follow this trend. While the length and cost of the procedure may be burdensome, there are few additional grounds for rejecting their application or withdrawing their status (as in CA, IT, ES). Families learn why authorities took the decision they did, and can appeal (as in 24 other countries).



FAMILY REUNION



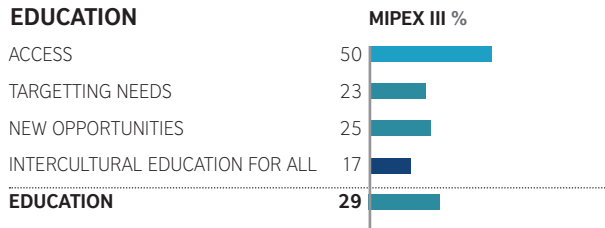
The law in Poland encourages family life among immigrants slightly better than in most countries. The eligibility criteria recognise the importance of reuniting non-EU residents with their spouse, children and, under conditions, extended family. Still, sponsors cannot apply for 2 years, even if they have the clear means to support their family. Only 8 others of the 27 EU Member States kept families separated for that long. According to the law, the procedure should be less discretionary than in other Central European countries (see box), while conditions for sponsors are average for most European countries. Conditions and time delays also impede family members from acquiring their own autonomous residence permit.

The new countries attracting migrant workers give them full access to the labour market.

See CZ, PT, ES. Others are catching up, see GR, HU.

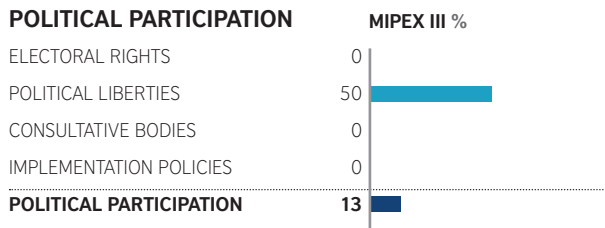
POLAND

EDUCATION



Like most Central European countries, Poland does not prepare its schools well to integrate immigrant students into the classroom. Access is halfway favourable. All migrant children, regardless of their status, are treated the same as Polish students until they turn 18. Despite projects here and there, Poland’s education policy cannot meet the needs and opportunities of a diverse student body. Students may not become academically fluent in Polish because the free but weak language courses have limited duration and quality standards. Schools may or may not obtain special teaching assistants and organise immigrant language and culture courses with embassies. Intercultural education is largely absent from the curriculum and school life (see CZ, EE, PT).

POLITICAL PARTICIPATION



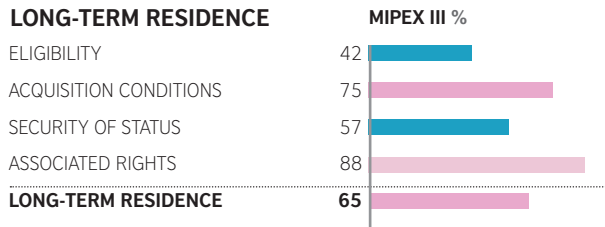
(SAME AS MIPEX II)

A non-EU immigrant in Poland has very limited opportunities to participate in political life. Poland scores second to last with CZ, just above RO. No attempt has been made to improve this score since 2007. They cannot vote in any election at any level nor have their voice heard through an immigrant consultative body, despite trends in new countries of immigration (e.g. IE, ES, PT). They cannot form their own association or join a political party. These serious restrictions on basic civil liberties are also found in 9 Central European countries. Immigrants do not get structural funding to represent their new communities in public debates.

POLAND

WWW.MIPEX.EU/POLAND

LONG-TERM RESIDENCE



(SAME AS MIPEX II)

Long-term residence is a slight area of strength for integration in Poland, thanks to EU law. A non-EU resident waits 5 years on a particular permit without leaving Poland for over 6 months. The conditions follow the basic requirements set down in EU law. Applicants should be relatively secure in their status according to the law. Most Central European countries have greater problems with discretionary conditions (e.g. HU, SK, LV). While a long-term resident can travel back and forth to their home country, they cannot stay for more than a year. In Poland, like in most EU Member States, they should enjoy equal access to employment and social benefits but must follow a special procedure to finally get their qualifications recognised.

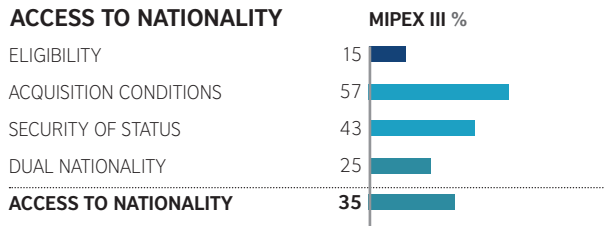
President vetoes Citizenship Bill

Poland's 2009 'Citizenship Bill' would have provided a clearer path to citizenship for its settled foreign residents. The procedure, based on the rule of law, would justify decisions and provide scope for judicial review. Those meeting the legal conditions and background checks would be entitled to citizenship. Permanent residents, stateless persons, refugees and spouses of nationals can apply after fewer years of residence. In

April 2009, the President vetoed it, largely to keep Poland's voivodeships (administrative provinces) from diminishing his role in the procedure. The Bill is being reviewed by the Constitutional Court.



ACCESS TO NATIONALITY



(SAME AS MIPEX II)

As in most Central European countries, access to nationality remains an area of weakness in Poland, with the former President vetoing a significant attempt at improvement (see box). Only the President of Poland can withdraw citizenship, which leaves immigrants relatively secure in their status as new citizens. But only he can approve a naturalisation, which leaves applicants entirely insecure about the procedure. Their application can be refused on numerous undefined grounds, with no legal guarantees. The current path to citizenship is long for the first generation (10 years) and ignores the situation of the second and third generation. While the conditions mainly involve assessing Polish language, their criminal record and income level can be assessed in practice.

Tackling discrimination consistently improves integration policy, especially in Central and Eastern Europe.

For leaders, see BG, RO, HU. For recent changes, see CZ and EE.

POLAND

	MIPEX III %	MIPEX II %
ANTI-DISCRIMINATION		
DEFINITIONS AND CONCEPTS	50	
FIELDS OF APPLICATION	17	
ENFORCEMENT MECHANISMS	54	50
EQUALITY POLICIES	22	
ANTI-DISCRIMINATION	36	35

Despite some recent improvements, Poland still offers its residents slightly unfavourable protection against discrimination, well below the European average. Residents are protected against discrimination on grounds of nationality, ethnicity and religion but only in employment. 15 countries extend protection to all other areas of life. Because Poland is breaching the EU Racial Equality Directive, residents are not explicitly protected from any of these forms of discrimination in education, social protection or access to goods and services. Such protection against discrimination is found in nearly all of the 31 MIPEX countries.

The procedures to enforce these weak laws are themselves slightly below average. If an action is brought, victims can access various legal procedures and benefit from legal aid. Since 2009 they are protected against victimisation in employment and vocational training. However, they must in general take the action themselves, with no independent advice or investigative assistance from a specialised agency. The 'Plenipotentiary for Equal Treatment,' created in 2008, helps the government with anti-discrimination policy, but not victims with their cases. Poland is now the only EU Member State that has not created an independent equality body as required by EU law. The government's commitment to equality is very weak within its own functions and much weaker than most EU Member States.

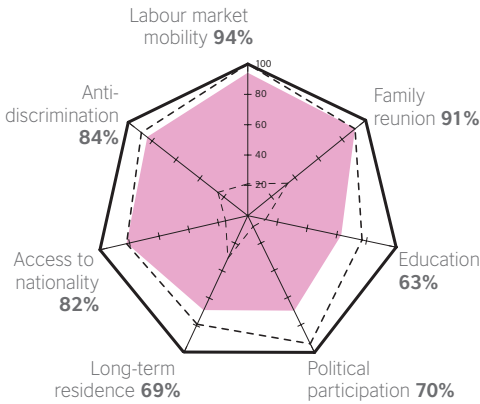
Victims may benefit from a few recent attempts to implement the Equality Directives and to pass various drafts of the Act on Equal Treatment. The current draft (May 2010) adopts a minimum standard approach, as in CZ and EE. Even so, all residents in Poland would be protected from various forms of discrimination in all areas of life. The Ombudsman would also have the competence to hear their individual discrimination cases.

PORTUGAL

WWW.MIPEX.EU/PORTUGAL

SCORE OVERVIEW

— 100% on MIPEX scale ■ Portugal - - Best practice in 31 countries - - Worst practice in 31 countries

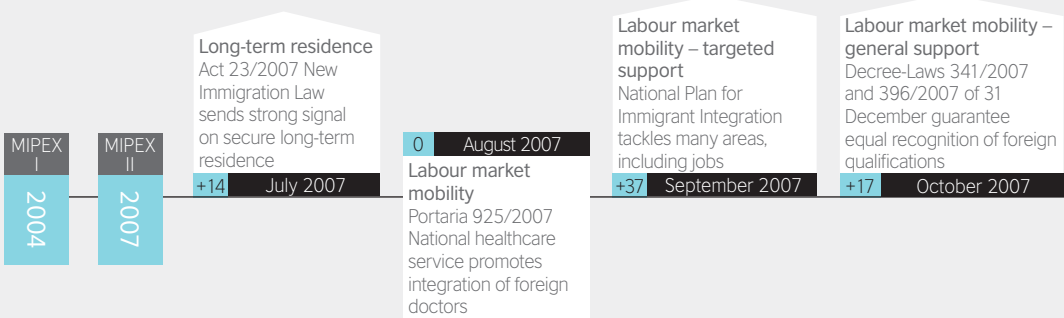


OVERVIEW

With the crisis, this major recent country of labour migration suffered job losses among all Portuguese residents, especially newcomers. Immigrants are seen as equal victims of the recession, not the scapegoats for it, unlike in several European countries. Austere economic and political choices have not reduced national consensus and support for integration.

Scoring few points below leading SE, Portugal made some of the greatest progress overall since MIPEX II (+5 points, +10 GR, +8 LU). It worked more than most to secure long-term residence (2007 Immigration Law) and target immigrants' specific employment situations (Immigrant Integration Plans, Recognition of Qualifications). Requirements for residence kept up with the crisis and changes in society to avoid long-term exclusion. Portugal's nationality law, based on 2006's coherent reform, best promotes common citizenship of all 31 MIPEX countries. Residents would still benefit from more effective anti-discrimination laws, political opportunities and education policies, even if Portugal leads new immigration countries on these MIPEX strands. The country benefits from more integration researchers and evaluations in Portugal (e.g. Immigration Observatory), whose recommendations can improve policies, decisions and public awareness.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	94	80
FAMILY REUNION	91	89
POLITICAL PARTICIPATION	70	69
LONG-TERM RESIDENCE	69	55
ACCESS TO NATIONALITY	82	82
ANTI-DISCRIMINATION	84	84
TOTAL (WITHOUT EDUCATION)	81	76

341: Eurostat
342, 343, 344, 345, 346, 347, 348, 349,
350: Ibid
351: Urban Audit
352: Eurostat
353, 354, 355, 356: Ibid

KEY FINDINGS

- Portugal leads new labour migration countries on labour market mobility, family reunion.
- Greatest recent progress on targeting immigrants' specific employment situation.
- Conditions for residence keeping up with realities of recession.
- 2006 Nationality Law best for common citizenship of all 31 MIPEX countries.
- 2007 Immigration Law makes greatest improvements on long-term residence in Europe.
- 2007 Law to recognise foreign qualifications for all.
- Migrant education policies, political opportunities, anti-discrimination laws are the best of the new immigration countries.
- All pupils have favourable access to schools and intercultural education.
- Voting rights less effective, consultative bodies less proactive.
- Anti-discrimination laws, equality bodies harder to use than in leading MIPEX countries.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³⁴¹	+15,000
TCN immigration (2008) ³⁴²	16,050
Largest third countries of origin (2008) ³⁴³	Brazil, Cape Verde, Ukraine
TCN population (2009) ³⁴⁴	358,375
TCN as part of population (2009) ³⁴⁵	3.40%
Foreign born as part of population (2009) ³⁴⁶	4.20%
Permits delivered for family (2009) ³⁴⁷	19,964
Permits delivered for work (2009) ³⁴⁸	18,275
Permits delivered for study (2009) ³⁴⁹	4,302
Permits delivered for humanitarian reasons (2009) ³⁵⁰	13,652
Cities with largest TCN population (2001) ³⁵¹	Setubal 3.18%, Lisbon 2.66%, Faro 2.57%
TCN employment rate (2009, change since 2006) ³⁵²	64.90% -5.5%
National employment rate (2009, change since 2006) ³⁵³	66.30% -1.6%
TCN unemployment rate (2009, change since 2006) ³⁵⁴	17.30% +6.2%
National unemployment rate (2009, change since 2006) ³⁵⁵	9.60% +1.8%
Nationality acquisitions (2008, change since 2005) ³⁵⁶	22,410 +21,471

Political participation
City Council for
Interculturalism and
Citizenship revived in
Lisbon

+1 January 2009

Family reunion
Ordinances during
crisis reduce income
requirements for
permits

+2 July 2009

0 July 2009

Education
Escolhas (Choices)
Programme renewed
for 2010–2012

MIPEX
III

2010

PORTUGAL

WWW.MIPEX.EU/PORTUGAL

Women and children too

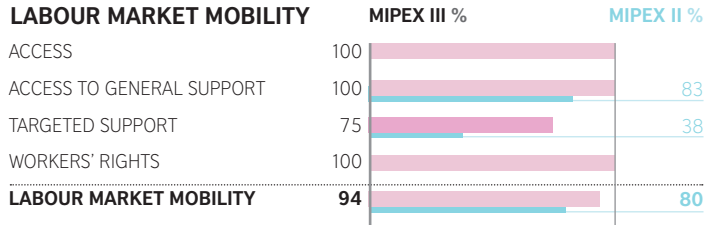
With major immigration to Portugal barely a generation old, the Plan also commits the country to promote equal opportunities for immigrant youth, largely through equal access to work and training (see education strand). The Plan gives special attention to gender equality, recognising that female immigrants are not just doubly vulnerable, but also full of potential as entrepreneurs. Under these programmes, employers should be motivated to set up gender equality programmes to recruit and train immigrant workers. For similar programmes, see DK, FR, DE, NL, NO, SE.

Putting an end to 'brain waste'

2007 laws guarantee all Portuguese and non-Portuguese residents easier and equal opportunities to get their foreign qualifications recognised. For example, foreign doctors will also have better access to the national healthcare service, building on a successful project since 2003 of the ministry, Gulbenkian Foundation and Jesuit Refugee Service. CA and LU also recently committed to equal recognition procedures for all foreign-trained workers, while the debate is emerging in DE and at EU level.



LABOUR MARKET MOBILITY



Labour migration countries generally do well at making residents part of the labour market, whatever its strengths and weaknesses. In Portugal, workers and families, whatever their nationality, have equal legal opportunities to change jobs and careers, serve the public, or start a business (as in NL, ES, SE, US). They have equal general support to find jobs (ES, SE) and equal rights on the job (as with CA, DE, NL, RO, SE on this dimension). Immigrants can learn how to use their rights in cases of exploitation through the National Immigrant Support Centre's Legal Aid for Immigrants Office.

Portugal improved more than any country in addressing immigrants' specific job situations. The country outranks Spain, scoring 2nd behind SE (100). New policies may help them after the crisis to find the better jobs that they are qualified for and aspire to. While most recent labour migration countries overlook the specific problems of foreign-born and -trained workers, Portugal had average policies in place before 2007.

MIPEX finds that the 2007–2009 National Plan for Immigrant Integration put in place slightly favourable targeted measures, similar to well-established immigration countries (e.g. CA, DE, NL). According to the Plan, immigrants and nationals should face the same opportunities accessing work, free of discrimination and administrative malpractice. Immigrants may see these objectives in practice, thanks to many targeted measures (see box), especially from the High Commissioner for Immigration and Intercultural Dialogue (ACIDI). Despite the crisis, ACIDI's budget has grown from 6.8 to 12.27 million euros between 2008 and 2010. In the future, the Portuguese economy may benefit from the untapped economic potential of vulnerable groups such as immigrant women and youth (see first box). Foreign-trained workers may also have better access to the careers that match their skills (see second). The Plan's official evaluation found that 80 to 89% of its objectives were met on work, employment, training and education. A new plan is being developed. To speed up immigrants' (re)integration into the post-crisis labour market; Portugal could follow top-scoring SE's new plans to train and open up public employment services.

Portugal leads on integrating workers and families in changing society. Still, areas to improve: strong education and political participation policies.

See Nordics.

PORTUGAL

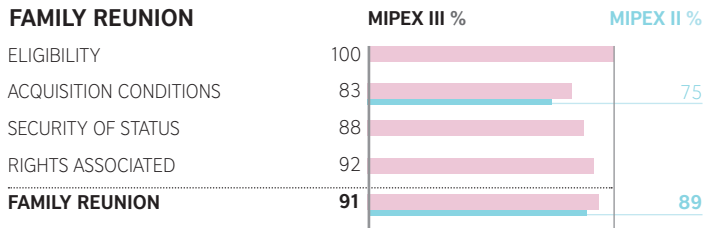
Legal conditions based on general societal conditions

According to Ordinance No. 1563/2007, family reunion sponsors are temporarily asked to prove lower levels of basic subsistence. The reason is that the crisis forces everyone in Portugal to get by with less. Government considered that disproportionate effects of unemployment and temporary work on immigrants did not justify keeping their families apart. This exceptional solution will be evaluated yearly.



Migrants in BE, ES and SE also benefited from this approach to monitor policies so that they do not undermine family life in society.

FAMILY REUNION



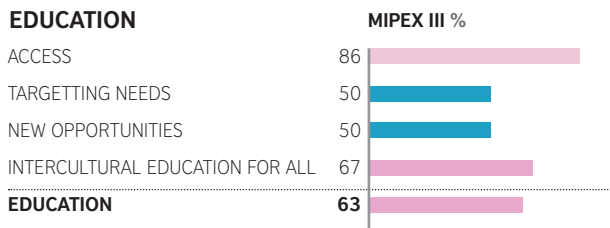
Leading alongside CA, ES and SE, Portugal recognises that living in a family is a starting point for integration in society, even during the recession. This objective is clearly stated in the 2007–2009 Plan. Many new immigration countries have laws – if not fully operational practices – to promote both labour market mobility and family reunion. Transposing EU law in most countries provided non-EU families’ basic security and rights. Portugal provided not only the 2nd most secure and equal status (after CA) but also a more inclusive definition of the family. Today, newcomers still go through that same legal procedure, but with legal conditions keeping up with the changing conditions in society (see box).

Areas for improvement

Portugal could set obligatory quality standards for Portuguese courses (8 MIPEX countries score 100 %) and teach more immigrant languages (e.g. Bilingual Cape Verdean and Mandarin schools). Nordic countries work better with migrant parents to get them involved and get their children in pre-school. Teachers benefit from required training on migrants’ needs in DK, NL and UK. Countries including DK, DE, NO, SE experiment to diversify schools and teaching staffs. FR and LU use centres of expertise to assess newcomer pupils’ prior learning and make proper placements.



EDUCATION



With slightly favourable policies, Portugal goes further than other new immigration countries to promote societal integration in education, though still a weakness in its and most countries’ integration policies. Best on access (with US) and 5th on ‘international education’ (after UK, NO, NL, SE), all pupils, regardless of status, access school and support for disadvantaged families, while learning to live together in diversity. Where Portugal falls halfway is targeting new opportunities and needs (see box) that migrants bring to schools. They are entitled to learn Portuguese and to some extra support. Besides many ACIDI projects, the national programme of reference is Escolhas which, in its 3rd edition, worked with 780 partners and 81,695 beneficiaries, particularly disadvantaged immigrant youth.

PORTUGAL

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Immigrant leaders

That Portugal's consultation score improved when Lisbon reactivated its consultative body exposes the flaws in these newer bodies' structures (see also IE, ES, US). Older bodies in Europe have become sustainable and proactive because they are immigrant-organised and chaired, as in NO, NL (national) and BE (Flanders). Immigrant NGOs in Portugal have the capacity for such roles within their communities, thanks to ongoing private and public support. For example, GATA worked with the Consultative Council for Immigration Affairs to recognise immigrant associations, build capacity and expand networks.

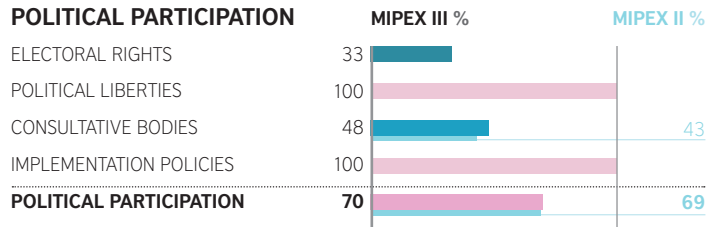


2007 Immigration Law

The law aimed to establish a legal regime fostering legal immigration. To be eligible for long-term residence, non-EU residents can count half their time studying, which follows international trends (AT, BE, ES). Conditions and rights better reflect changes in society (see earlier income requirement) and improvements in integration (see earlier qualification recognition). Applicants, who must know some Portuguese, also following trends, are slightly well supported to succeed. Assessments and 'Portuguese for Everyone' courses are basic, professional and rather inexpensive (e.g. CZ, FR, NO).

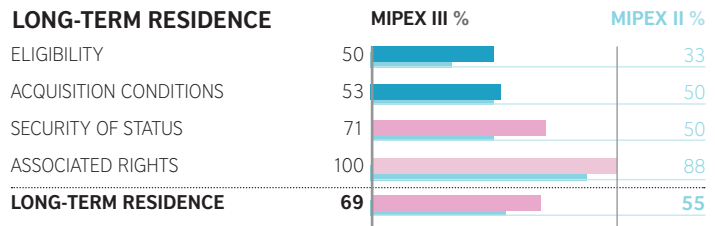


POLITICAL PARTICIPATION



Foreign residents of Portugal have the best political opportunities of new immigration countries but only 7th overall. 11 MIPEX countries score better on voting rights, 6 on consultative bodies. The current system of voting only at local level (7 also open higher levels) based on reciprocity (used by only 3 MIPEX countries) will always be less effective for integration of all residents, no matter how many treaties can be signed (e.g. ES). Any proposal (as in 2007) requires constitutional reform, which could follow the Nationality Law approach (see later), opening conditions once reserved for Lusophone countries' citizens. Immigrants are structurally consulted at all levels, but the State often takes the leading role (see box).

LONG-TERM RESIDENCE



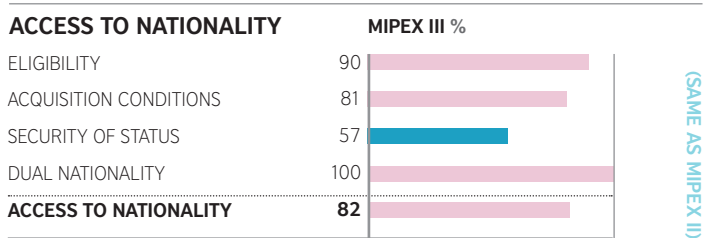
Settled residents are becoming more secure in their status, as in most European countries. With wide parliamentary approval, 2007's Immigration Law used the opportunity of implementing EU law to make better legal and transparent procedures. Long-term residence, once a slight weakness in national policies, substantially improved (+14, see also BE). Newcomers will see better eligibility provisions, conditions and rights, which are average in Europe (see box). The law sends an especially strong signal that all long-term residents can put down permanent roots in Portugal as their home. Authorities (as in 10 other countries) now protect many from deportation because Portugal is the country where they were born, lived since childhood, or are raising their children.

2006 Nationality Law secures common citizenship like most established immigration countries, can be model for new reforming countries.

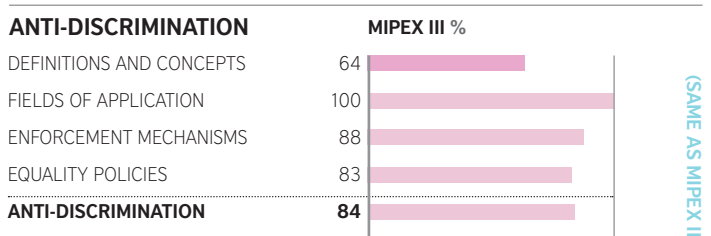
See IT, ES.

PORTUGAL

Naturalisation rates
 Application and acceptance rates are used as indicators of the Nationality Law reform's impact on integration. Since the reform, 5 times as many residents applied from 2006 to 2008, with most able to pass. These new Portuguese citizens are still largely from the settled communities from Portuguese-speaking countries. More are coming from newer countries of immigration (e.g. Moldova). Overall, the mix of new Portuguese citizens better reflects the changing ethnic diversity in the country. For more, see <http://eudo-citizenship.eu>

2006's Nationality Law raised Portugal's MIPEX II score and emerged on MIPEX III's expanded indicators as the most effective for integration in the 31 countries. Parliament unanimously approved a coherent approach to reform; Favourable conditions once reserved for people from Portuguese-speaking countries were opened to all residents speaking basic Portuguese. Meeting the conditions proves residents' effective links to the national community. This entitles them to citizenship (as in 9 other MIPEX countries) as secure as for most Portuguese (8). Portugal's path to citizenship follow trends in established and reforming countries (recently GR and LU, debated in IT and ES): short residence requirements (6 years or less in 8 others); some birthright citizenship (14); dual nationality (17).



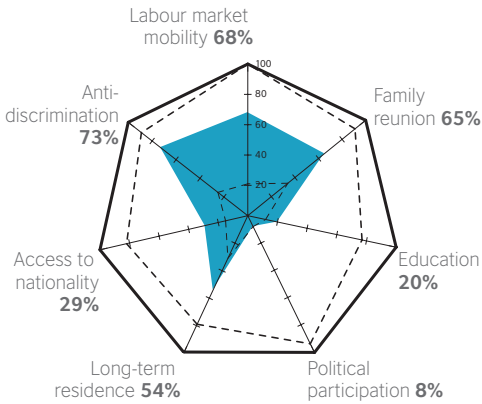
Portuguese anti-discrimination laws are the strongest in Southern Europe but less effective than in other leading countries (e.g. CA, SE, US, UK). These countries are reorganising their equally high-scoring enforcement mechanisms and equality bodies to make them more coherent and publically accessible. Potential victims in Portugal have a harder time bringing cases and getting decisions and sanctions. Procedures are still complex and lengthy (as in 19 other MIPEX countries). They lack clear definitions of multiple discrimination (e.g. UK) and racial profiling (e.g. FR, NL, US). Equality bodies cannot represent victims in all proceedings, unlike in 12. According to the 2007–2009 Immigrants' Integration Plan's evaluation, Portugal scored least well on implementing objectives in areas like racism and discrimination.

ROMANIA

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Romania - - Best practice in 31 countries - - Worst practice in 31 countries

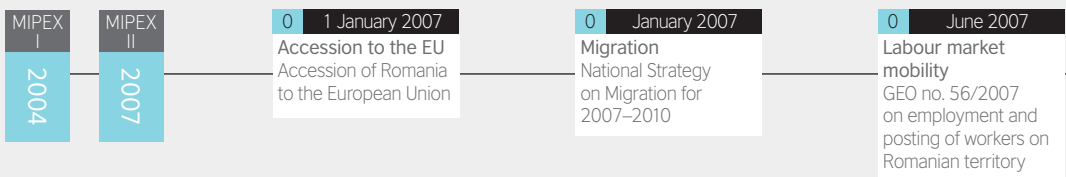


OVERVIEW

In the run up to EU accession in 2007, legal rules on family reunification, long-term residence and anti-discrimination were adopted to ensure conformity with EU law. Since then, emigration has remained much stronger than the modest starts towards work immigration and asylum in Romania.

Newcomers to Romania enjoy just half-way favourable integration policies, but better than those in most Central European and Baltic countries. Robust anti-discrimination laws are the country's greatest contribution to equal opportunities for all residents, including migrants. Since adopted in 2000, they have successively improved in 2002, 2003, 2004 and 2006, in line with the general European trend. Romania is better prepared than most in the region for migrant workers and families, with policies like the new countries of labour migration. Policies on these areas may be undermined by ongoing administrative discretion to refuse or withdraw permits from migrants who meet the legal conditions. In areas such as nationality, political participation and education, Romania is missing some fundamental principles becoming the norm across Europe; for example, dual nationality, *jus soli*, voting rights and equal access to education.

INTEGRATION POLICY TIMELINE



357: Eurostat
 358: OECD SOPEMI 2010
 359: Eurostat
 360, 361, 362, 363, 364, 365, 366: Ibid
 367: Urban Audit
 368: Eurostat
 369, 370, 371: Ibid

KEY FINDINGS

- Policies can promote future labour market mobility and family reunion like in new immigration countries.
- Good policies to target the specific needs of migrant pupils are undermined by poor access to the education system.
- Romania's strong and improving discrimination laws could be greatest asset for integration. Like BG and HU, can follow other leading countries to make law easier to use.
- Long-term residence scores slightly below average, with burdensome conditions and poor security.
- Limited political participation and restrictive access to nationality despite new trends in Europe.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³⁵⁷	-2,000
Foreigners immigration (2008) ³⁵⁸	10,000
Largest third countries of origin (2008) ³⁵⁹	Moldova, Turkey, China
TCN population (2009) ³⁶⁰	25,313
TCN as part of population (2009) ³⁶¹	0.10%
Foreign-born as part of population (2009) ³⁶²	0.10%
Permits delivered for family (2009) ³⁶³	6,043
Permits delivered for work (2009) ³⁶⁴	4,724
Permits delivered for study (2009) ³⁶⁵	3,541
Permits delivered for humanitarian reasons (2009) ³⁶⁶	6,162
Cities with largest TCN population (2001) ³⁶⁷	Bucharest 0.49%, Cluj-Napoca 0.27%, Oradea 0.19%
TCN employment rate (2009, change since 2006) ³⁶⁸	51.60% -9%
National employment rate (2009, change since 2006) ³⁶⁹	58.60% -0.20%
TCN unemployment rate (2009, change since 2006)	N/A N/A
National unemployment rate (2009, change since 2006) ³⁷⁰	6.90% -0.4%
Nationality acquisitions (2008, change since 2007) ³⁷¹	5,590 +5,560

0 2008
 Labour market mobility
 Order 4022/2008:
 Regulation on methodology to recognise and validate qualifications

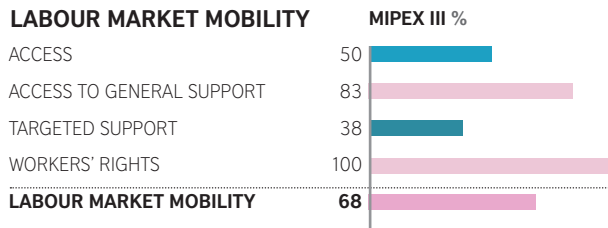
0 March 2009
 Anti-discrimination Decision 444:
 Constitutional court confirms role of the National Council on Combating Discrimination

0 November 2009
 Education
 Ministry of Education Order no. 5925 concerning courses in Romanian language

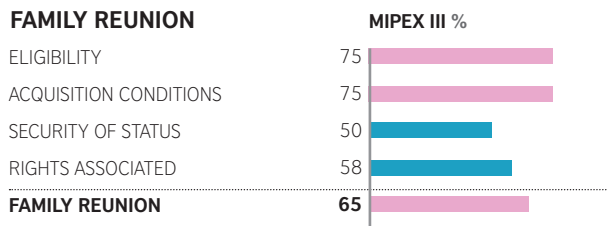
MIPEX III
 2010

ROMANIA

WWW.MIPEX.EU/ROMANIA



Migrant workers who make it to Romania have better legal opportunities to contribute economically than in other Central European and Baltic countries. According to the law, migrants and Romanians doing the same work should be granted the same conditions (as in most) and social security (as in half). Temporary workers and families cannot fully access all professions as in the newer and older countries opening to labour migration. Still, they can use similar general job support such as education, vocational training and study grants. They can also access a few targeted measures to recognise qualifications and access employment services.

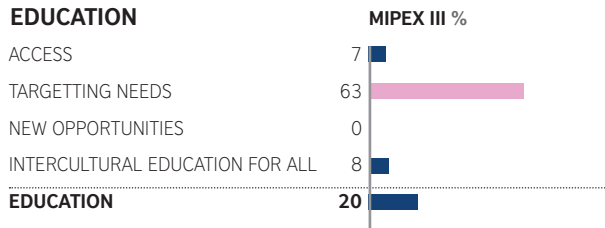


The family eligibility provisions and conditions in law are better developed than many elements of the procedures themselves. Newcomers who want to be reunited with their families enjoy slightly favourable conditions in line with EU law requirements. Sponsors have 1 year's residence permits (as in 17 other MIPEX countries). All dependent adult children/relatives are included (5). Any income/accommodation conditions are set at no more than basic levels (21). Just halfway secure, they can receive refusals or withdrawals on many grounds, but with the right to reasoned decisions and appeals. Reunited families have similar legal rights as their sponsors (18). But they have limited chances at autonomous residence permits before long-term residence, which remains problematic in most countries.

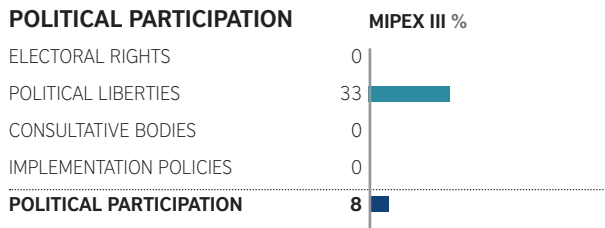
Voting rights and consultative bodies; trend towards political inclusion across Europe.

See GR, HU,
IE, PT.

ROMANIA



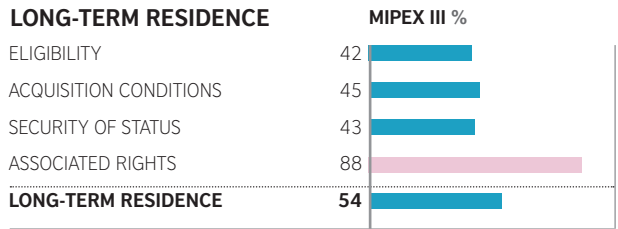
For children that can access the education system, schools are slightly able to target their 'problems' but not the new opportunities they bring to all pupils. Undocumented children in Romania (and only BG, HU and SK) need stronger and more explicit legal guarantees to access schools. For all migrant pupils in the classroom, there are targeted measures above average for Central Europe, including standardised language support, trained teachers and ongoing guidance. But there is no systematic support to teach immigrant languages (unlike 22) and cultures (14) or fight potential segregation (12). All pupils are unlikely to see cultural diversity across the curriculum with little State support to meet official aims on intercultural education (see CZ, EE, SK).



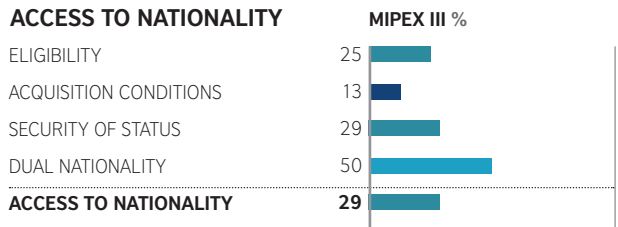
Romania scores lowest on political participation of all 31 MIPEX countries. Apart from the right to create media, non-EU residents cannot become a part of democratic life. Law 194/2002 confirms that they cannot set up their own political association or join political parties, as in only 6 other countries. New communities cannot obtain State funds to organise politically, except through occasional European Integration Fund projects. They cannot vote as in 19, including 5 Central European countries. Immigrant consultative bodies (recently GR) are still absent from Central Europe. Migrants may be better engaged in the future, since the 2010 Action Plan to implement the National Migration Strategy mentions possible consultative bodies.

ROMANIA

WWW.MIPEX.EU/ROMANIA



Slightly below the European average, non-EU citizens already resident in Romania for 5 years still face many obstacles to have equal opportunities to integrate as guaranteed in EU law. Eligibility is relatively restrictive, as certain temporary permits cannot count towards the 5-year waiting period. Those who can apply may be excluded under more burdensome conditions than other Central European countries. They receive free language courses, but they do not know if they can pass the discretionary language interview (see CZ, PT). Again, applicants and long-term residents are uncertain about the future, as the State retains wide discretion, like other Central European countries. To protect themselves, they have some legal avenues of redress and prohibitions against expulsion.

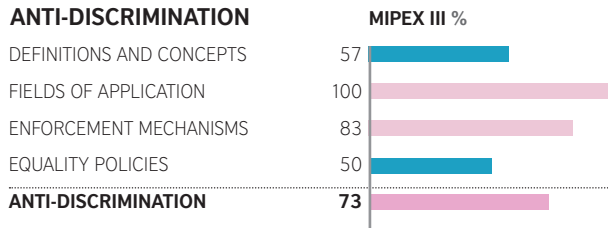


After years in the country, migrants and their descendants do not have clear paths to citizenship, a gap in integration policies in most Central European countries. Their children born legally on Romanian territory are not automatically Romanian at birth (see recently GR). First generation immigrants face State committees testing their language and knowledge of Romanian citizenship, history, geography, culture, etc., all without specific support to help them pass, unlike in BG. They must also prove vague income and good character requirements (as in 11 others). Citizenship can be withdrawn on wide grounds without any time limits (unlike 14) or protection against statelessness (unlike 19). Dual nationality is only possible for first generation migrants who naturalise.

Strong legal prohibitions, enforcement mechanisms and equality body can be used to better promote equal opportunities for all residents.

See BG, HU

ROMANIA



All residents, whatever their ethnicity, race, religion and nationality, can use Romanian anti-discrimination law so that the integration opportunities guaranteed in the law are better respected in practice. They enjoy better laws than in most countries in Europe and the region, leading with BG and HU. These laws extend far beyond the minimum standards seen in the recently adopted laws in CZ, EE, SK. As in 17 other countries, a migrant is protected against discrimination on all grounds including nationality, and Romania is one of 15 countries in which this protection extends to all areas of life.

Mechanisms for enforcement are 2nd most favourable in law in all MIPEX countries. In comparison, other leading countries continue to make them more accessible to the public (e.g. SE, UK). Potential victims in Romania can bring a case to alternative dispute resolution, courts or administrative proceedings. Though the procedure remains long and complex, victims can benefit from financial assistance and shifts in the burden of proof. NGOs also have opportunities to help by initiating proceedings and using statistical evidence and situation testing to prove discrimination. However, class actions are not possible, unlike in BG, PT and SK.

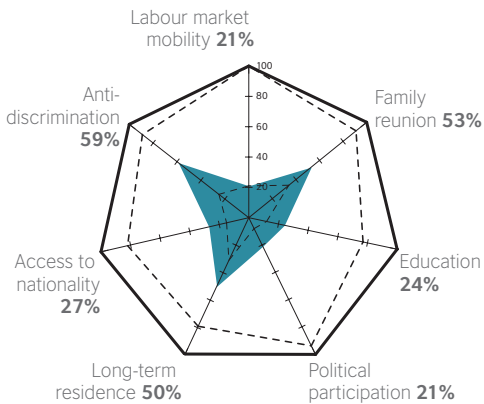
Victims can also receive independent advice and investigation of facts from the strong equality body – the ‘National Council on Combating Discrimination’ (NCCD), which can also issue binding and appealable decisions. It can instigate proceedings on its own initiative. The role of the NCCD as an independent administrative body with a jurisdictional mandate was recently confirmed by the Romanian Constitutional Court. However, it cannot take a case in the name of the complainant, unlike bodies in 12 MIPEX countries. Moreover, the State has taken few obligations upon itself to promote equality. Compared to states such as BG or HU, it does not have to undertake information campaigns, public dialogue or positive duties or actions.

SLOVAKIA

WWW.MIPEX.EU/SLOVAKIA

SCORE OVERVIEW

— 100% on MIPEX scale ■ Slovakia - - Best practice in 31 countries - - Worst practice in 31 countries

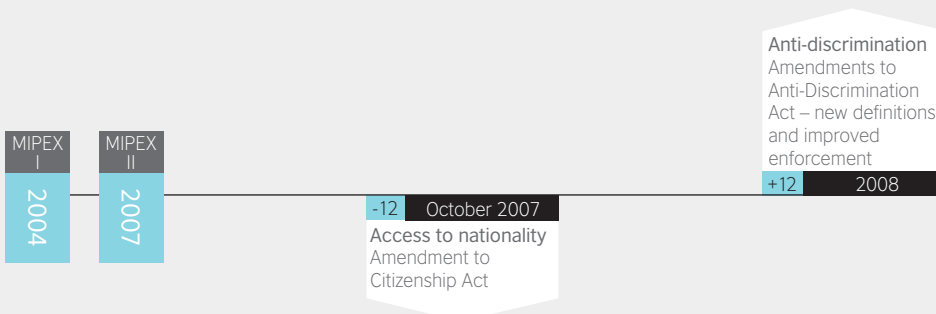


OVERVIEW

Slovakia, with one of the EU's smallest foreign populations (1% 2009), is slowly transforming into a country of labour migration because of the economic conditions before the crisis and future demographic trends.

The country, one of the last EU Member States to adopt even a 'concept' of integration in May 2009, has not achieved much progress in policy. Newcomers still experience weak and incoherent policies, scoring third worst of all 31 MIPEX countries. At least the concept raised basic awareness and commitments from different ministries. Because of EU law, immigrants can best integrate in Slovak society by settling long-term with their families, even if discretionary Slovak procedures create more problems than in most countries. Stakeholders have started to work on integration, especially to fight discrimination. Procedures improved for victims in line with European trends, largely thanks to NGO support. The greatest challenge for Slovakia – and Central Europe – is basing procedures on the law and facts of the case. Giving authorities more discretion, as in the amended 2007 Citizenship Act, gives all residents less security about their future, which discourages integration.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	21	21
FAMILY REUNION	53	53
POLITICAL PARTICIPATION	21	21
LONG-TERM RESIDENCE	50	50
ACCESS TO NATIONALITY	27	39
ANTI-DISCRIMINATION	59	47
TOTAL (WITHOUT EDUCATION)	38	38

372: Eurostat
373: Eurostat
374: OECD SOPEMI 2010
375: Eurostat
376, 377, 378, 379, 380, 381: Ibid
382: Urban Audit
383: OECD SOPEMI 2010
384: Eurostat
385, 386: Ibid

KEY FINDINGS

- Integration improves most in Slovakia through better work on discrimination.
- Strong enforcement mechanisms can be better used in court, but State commitment to equality is weak.
- 2007 Citizenship Act makes naturalisation less favourable for integration.
- Policies make labour market least favourable for long-term economic integration.
- Family reunion is average, but limited rights for family members in country.
- Education area of weakness, as in region, especially access.
- Besides voting, few opportunities for immigrants to contribute to politics.
- Becoming long-term residents is burdensome, discretionary.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³⁷²	+4,000
TCN immigration (2008) ³⁷³	7,947
Largest third countries of origin (2008) ³⁷⁴	Ukraine, Serbia, Korea
TCN population (2009) ³⁷⁵	19,836
TCN as part of population (2009) ³⁷⁶	0.40%
Foreign-born as part of population (2009) ³⁷⁷	1.00%
Permits delivered for family (2009) ³⁷⁸	1,156
Permits delivered for work (2009) ³⁷⁹	2,302
Permits delivered for study (2009) ³⁸⁰	334
Permits delivered for humanitarian reasons (2009) ³⁸¹	10,298
Cities with largest TCN population (2004) ³⁸²	Kosice 0.33%, Bratislava 0.32%
Foreign-born employment rate (2007, change since 2006) ³⁸³	66.25% +10.85%
National employment rate (2009, change since 2006) ³⁸⁴	60.20% +0.8%
Foreign-born unemployment rate (2007, change since 2006)	N/A N/A
National unemployment rate (2009, change since 2006) ³⁸⁵	12.00% -1.4%
Nationality acquisitions (2008, change since 2005) ³⁸⁶	480 -913

0 September 2009

Minority languages
Language Act
criminalises use of
minority languages in
certain areas

0 July 2010

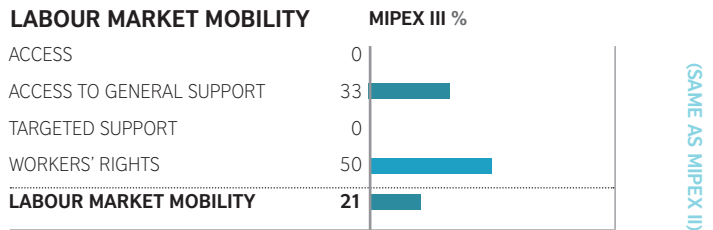
Access to nationality
Amendment to
Citizenship Act:
Slovak citizen cannot
subsequently benefit
from dual nationality

MIPEX
III

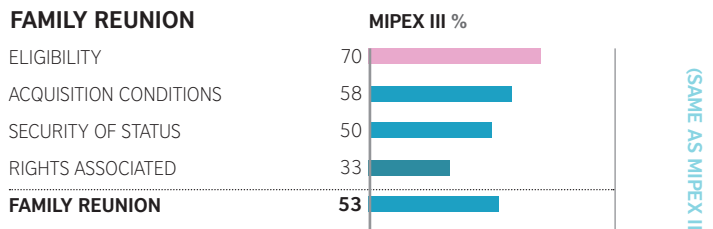
2010

SLOVAKIA

WWW.MIPEX.EU/SLOVAKIA



Unlike most other new immigration countries (e.g. CZ, PT), Slovakia provides its new non-EU migrant workers with nearly unfavourable policies that could jeopardise their long-term economic integration. With CY, Slovakia scores worst of all 31 countries, alone in getting zeros on access and targeted support. Newcomers are excluded from the public sector and several professions. They cannot access public employment services or touch unemployment benefits and, in principle, must leave Slovakia if unemployed. The jobs that they manage to find could be well below their skills since non-EU qualifications might not be recognised. Their way out may be using their equal right to education and training, one strong point in Slovakia and 8 other MIPEX countries.



Newcomers have a legal right to reunite with their families because of EU standards, which Slovakia only follows to a minimum. Reunited family members in Slovakia do not have the full rights to participate in society, unlike in most European countries. Only IE, which lacks any policy in this area, grants fewer rights. Extended families that meet Slovakia's average legal conditions can still be rejected on wide grounds, with limited legal avenues of redress (as only 5 others). If accepted, they have little chance of an autonomous status before long-term residence. The law can push families into dependency on their sponsor by limiting their access to employment, education and social benefits, as in only HU and IE.

Migrants from outside EU have limited opportunities to work, while families are kept dependent on sponsors.

See CZ, EE, GR

SLOVAKIA

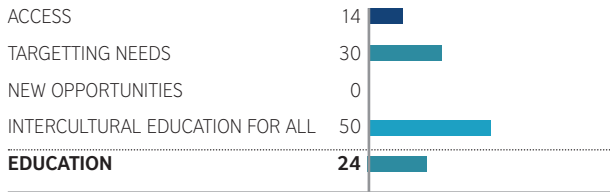
Multicultural education: to be implemented...

To teach all pupils to live in a diverse society, Slovakia goes half-way on intercultural education, further than most in Central Europe, similar to CZ (42). In 2008, multicultural education was introduced as a cross-curricular subject to be reflected in all subjects taught, though this has not fully happened yet. Schools are also encouraged to reflect their diverse student



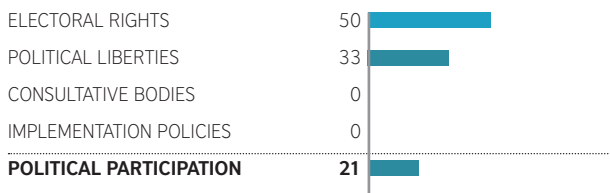
bodies in curricula and in daily life under the 2008 Methodical Regulation, while there is training on intercultural education for qualifying and working teachers.

EDUCATION



Migrant children living in Slovakia are less well integrated into schools than in many European countries, including CZ (44), even if students may receive a better intercultural education in the future (see box). Only migrant children with permitted residence can access full schooling and general support for disadvantaged students. Many can be excluded (only BG, HU, RO are so restrictive). Among the newcomers in schools, not all may be able to keep up with their peers, since only those in the asylum system have guaranteed State support to learn Slovak (unlike most MIPEX countries). They are also not learning their own language or culture, since efforts to profit from new opportunities of immigration are limited.

POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Slovakia does not value immigrants' civic political participation, besides limited voting. Non-EU nationals with permanent residence have more electoral rights than in many countries (with EE, HU, LT, SI). Still, Slovakia and RO deny more basic political liberties to immigrants than any country. They cannot be members of parties that they vote or stand for as candidates. They face limits on political associations. They are not licensed to broadcast TV/radio programmes without permanent residence, unlike in 28 MIPEX countries. Though immigrant associations helped design the recent Integration Concept, they are not structurally funded or consulted to share immigrants' experiences (see 15, including new immigration countries IE, PT). Integration work remains largely dependent on projects from the European Integration Fund.

SLOVAKIA

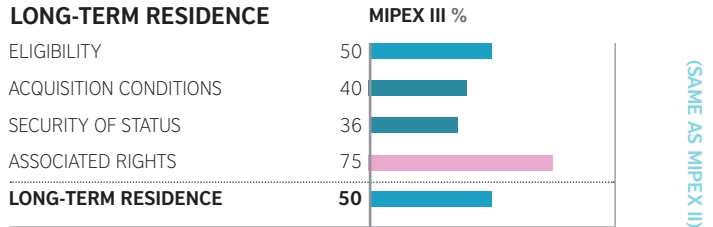
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Reducing State discretion

Migrants pass numerous State procedures to integrate e.g. for family reunion, long-term residence and citizenship. Procedures that lack explicit rules give discretion to the administration, which risks being abused. Moreover, applicants are never fully prepared as they do not know what will be asked. The 2009 CZ language test for long-term residence aimed to ensure equal and reasonable conditions. With an attainable level (A1), wide exemptions, free support and professional testers, this model creates conditions for applicants to succeed, rather than creating more bureaucratic obstacles.

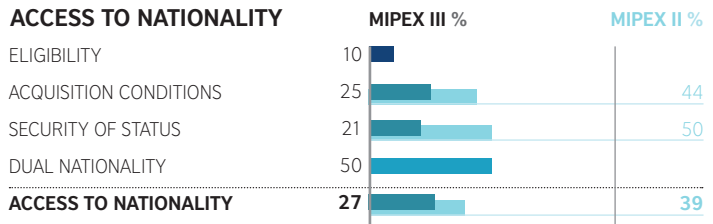


LONG-TERM RESIDENCE



Where most countries converge around the 60-point average, Slovakia's many conditions and discretionary powers bring down its score 10 points. As in most countries, most migrants are eligible after 5 years to gain equal access to employment and social benefits. However, they cannot prepare properly for language and integration conditions where authorities exert wide discretion in implementing them. These conditions are also more onerous than other Central Eastern countries (particularly CZ – see box). Slovakia's long-term residents are some of the most insecure in Europe, as discretion continues to govern their fragile status. Leaving the EU beyond 180 days without permission is just one of many grounds for withdrawal, without requirement to consider key personal circumstances.

ACCESS TO NATIONALITY



Foreign residents will see a path to citizenship that is even less based on the law and facts, thanks to the 2007 amended Citizenship Act (see box). They must now wait for one of the longest periods in Europe, complete some of the most subjective and restrictive conditions, and become as insecure in their status as across the region. The interior minister presented the longer wait and subjective conditions to 'the growing danger of organised crime and international terrorism' under the pretext of Slovakia entering the Schengen Zone. However, they may be more related to populist-nationalist coalition's focus on 'proving cultural acclimatisation.' Rather, these amendments make problems of discretion slightly worse, with slightly more obstacles discouraging integration.

Discrimination victims have better opportunities to seek justice. Leaders SE and UK continuously improve enforcement.

For uses in Central Europe. See BG, HU and RO.

SLOVAKIA

Applicants must now wait 3 more years on a permanent residence permit. Under the new conditions, they do not know how much Slovak they must write and speak because the law does not have any language standard, as in only 7 other countries. They are also uncertain how to prove their knowledge of the Slovak Republic, without any access to the questions and free courses, unlike half the countries with citizenship requirements (e.g. EE, DE, LV). The level and content are both subject to the discretion of non-specialised administrators at the Commission of the District office, as in only 5 others. The procedure remains difficult, potentially lengthy (24 months), and one of the most expensive (663.50 euros), especially for Central Europe.

The 2007 amendments have also made applicants more insecure, with security now falling around the very low Central European average and behind the Czech Republic. In particular, the ministry can deem that the migrant never naturalised (e.g. in cases of fraud, crime or where the authorities lacked knowledge of facts that could have substantial influence). It does not matter how long they have been a Slovak citizen, or whether they would become stateless. Luckily for naturalised citizens, they are allowed to retain their original nationality, as in 17 other countries, even after the July 2010 citizenship amendments.

2008 amended anti-discrimination law

Passed with strong NGO support, the law improved Slovakia's score across all dimensions. By allowing *actio popularis* and enabling the Centre for Human Rights and NGOs to bring actions in the public interest, legal protection becomes a reality for victims, particularly for those unable to bring a case themselves. The Centre can also independently investigate the facts of a case. Protection is more

concrete with an explicit definition of equal treatment, now covering discrimination by association and assumed characteristics, and religious discrimination in all areas.



ANTI-DISCRIMINATION

	MIPEX III %	MIPEX II %
DEFINITIONS AND CONCEPTS	71	64
FIELDS OF APPLICATION	50	25
ENFORCEMENT MECHANISMS	75	67
EQUALITY POLICIES	39	33
ANTI-DISCRIMINATION	59	47

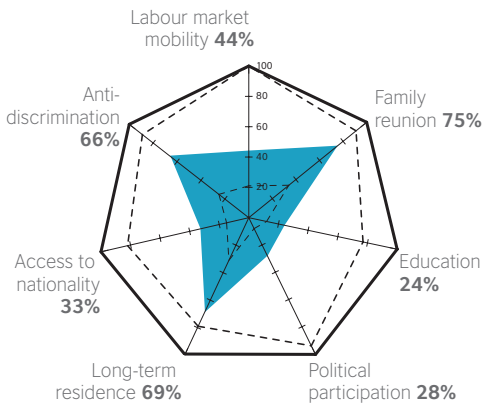
Integration policy improved most through better discrimination definitions and access to justice (see box). Nationality (citizenship) discrimination remains the key challenge for any country of immigration. Though this ground is not explicitly covered, now race and religious discrimination are in all areas of life. The legal system now has some of the best mechanisms to enforce victims' rights. *Actio popularis* is a new possibility, while victims can call on broad NGO support and legal aid. High-scoring countries such as SE and UK continuously work to make these mechanisms easier to use for victims. Notwithstanding the powers of equality bodies such as Slovakia's Centre for Human Rights (see BG, HU), equality policies remain weak across the region.

SLOVENIA

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Slovenia - - Best practice in 31 countries - - Worst practice in 31 countries



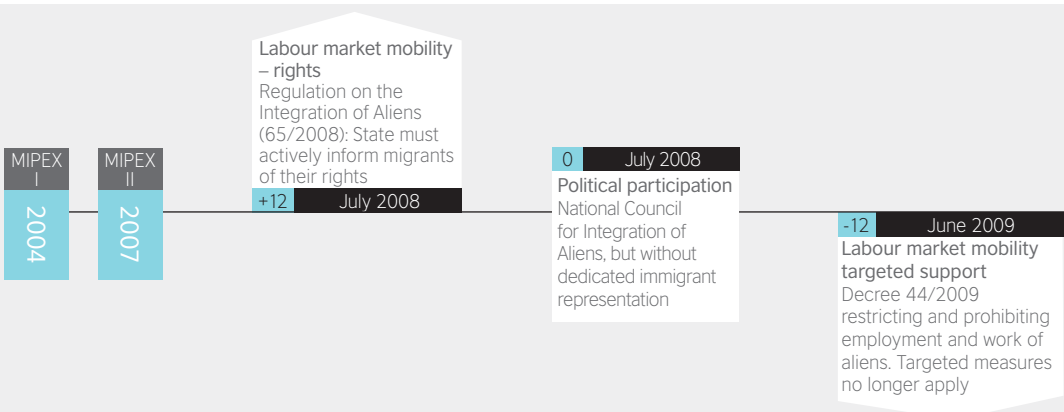
OVERVIEW

New policies to control foreign labour in response to the financial crisis have affected inward labour migration to Slovenia, which had been growing since EU accession. The only changes registered since 2007 relate to labour market mobility, as targeted measures for migrants were abolished and information on rights improved.

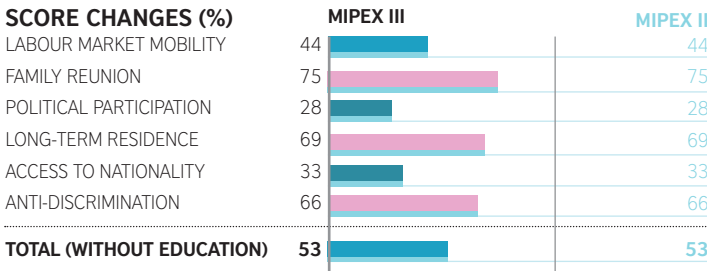
Newcomers still enjoy more favourable integration possibilities than other Central European countries. Slovenia stands apart by granting family members and long-term residents a secure status and generally accessible conditions. However, NGOs and the equality body have weak powers to help victims access the broad anti-discrimination principles in law.

As with other Central European countries, access to nationality and political participation are areas of weakness. Slovenia still does not accept *jus soli* and full dual nationality (see GR, LU). Exclusion of migrants from democratic life was reinforced in 2008 when the National Council for Integration of Aliens was established without any formal immigrant representation. Integration policies are starting to emerge in education but are not systematic, and migrants cannot equally access education beyond what is compulsory.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



387: Eurostat
388, 389, 390, 391, 392, 393, 394, 395,
396: Ibid
397: Urban Audit
398: Eurostat
399, 400, 401, 402: Ibid

KEY FINDINGS

- Slovenia ranks 18th, above all other Central European countries.
- Scoring 5th after SE, CA, PT and ES, securing family life is a strength for integration, but may create economic dependency.
- Economic crisis means fewer migrants can improve skills if they lose their jobs but are better informed on their rights.
- Wide definitions and application of anti-discrimination principles undermined by weak equality body.
- Access to nationality still lacks key principles for countries of immigration.
- Conditions for accessing long-term residence and security best promote integration through settlement.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ³⁸⁷	+12,000
TCN immigration (2008) ³⁸⁸	25,894
Largest third countries of origin (2008) ³⁸⁹	Bosnia and Herzegovina, Serbia, FYR of Macedonia
TCN population (2009) ³⁹⁰	55,359
TCN as part of population (2009) ³⁹¹	3.30%
Foreign-born as part of population (2009) ³⁹²	3.50%
Permits delivered for family (2009) ³⁹³	3,116
Permits delivered for work (2009) ³⁹⁴	11,910
Permits delivered for study (2009) ³⁹⁵	666
Permits delivered for humanitarian reasons (2009) ³⁹⁶	8,410
Cities with largest TCN population (2001) ³⁹⁷	Ljubljana 3.63%, Maribor 1.69%
TCN employment rate (2009, change since 2006) ³⁹⁸	52.20% +2.4%
National employment rate (2009, change since 2006) ³⁹⁹	67.50% +0.9%
TCN unemployment rate (2009, change since 2006) ⁴⁰⁰	15.70% N/A
National unemployment rate (2009, change since 2006) ⁴⁰¹	5.90% -0.1%
Nationality acquisitions (2008, change since 2005) ⁴⁰²	1,690 -994

0 2009

Labour market mobility
Amendment to
Employment of
Aliens Act

0 2009

Access to nationality
Decree on citizenship
clarifies interruption
of residence no more
than 60 days/year

0 2009

Education
Guidelines for
the education of
children of aliens in
kindergartens and
schools

MIPEX
III

2010

SLOVENIA

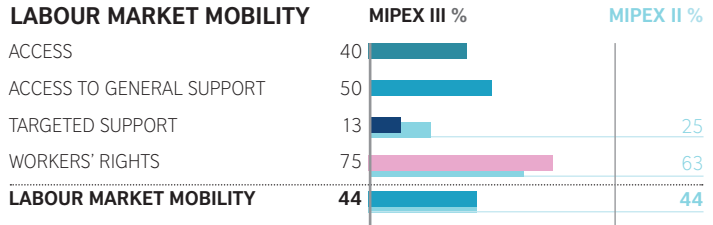
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Migrants feel the crisis

In June 2009, against the backdrop of the economic crisis, the government activated Article 5(7) of the Aliens Act for the first time by implementing, in addition to its usual quotas, the temporary Decree on restrictions and prohibition of employment and work of aliens. Specifically, this measure prohibits seasonal employment of aliens in all areas except farming and forestry, as well as employment from certain regions. The Decree was amended twice in 2010 and these temporary measures have been prolonged until the end of 2010.



LABOUR MARKET MOBILITY



Labour market mobility is restricted in Slovenia, at 44 points, scores around the Central European average. While migrant workers have largely equal rights when in jobs, their temporary status may prevent any long-term economic integration. They are limited in accessing or changing jobs, while fewer measures target their specific circumstances.

Only certain temporary migrants can immediately access the labour market, with additional restrictions to enter the country in place since 2009 (see box). Unlike leading new countries of labour migration (ES, PT), those who have a right to work are still denied access to the public sector (as in 10 countries, including IT) and can only set up their own business after 1 year (unlike in 10). Certain professions, such as the legal sector, are completely closed off.

If migrant workers become unemployed, they can only be entered on the register of unemployed persons if they have a personal work permit that is valid for 3 years or for an indefinite period of time. Their possibilities for employment have been further affected by the crisis, which has shifted focus from promoting their integration and tackling immigrant unemployment to reducing the unemployment of nationals. Slovenia was alone (with IE) in reducing its commitment to migrant-specific measures, unlike other countries (AT, DE, LU, PT, ES, EE), where these were maintained. As a result, workers already in Slovenia may no longer benefit from targeted measures to encourage further training. Not only will this affect their ability to advance in the labour market, but those that lose their jobs will have less chance to be employed, despite their contribution to the economy in periods of growth.

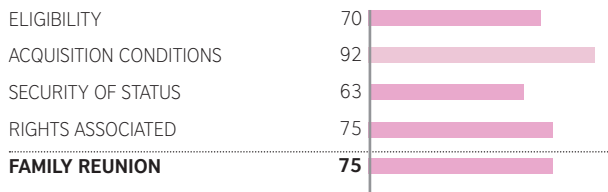
On the other hand, they are now better informed of their workers' rights through the employment service of Slovenia in an effort to protect them against exploitation. These rights include equal working conditions (as in 29 countries), but do not extend to equal access to social benefits for all (as in only half MIPEX countries, most of which have few migrant workers).

Migrant workers are affected by the crisis with less opportunity to improve their skills but more information on their rights.

See DE, NL, DK, PT.

SLOVENIA

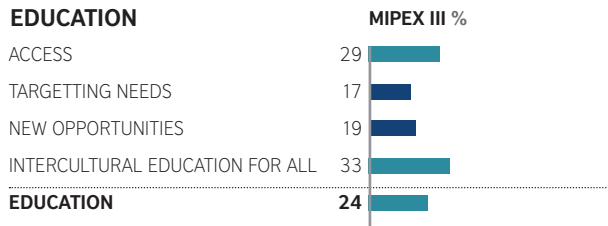
FAMILY REUNION



(SAME AS MIPEX II)

Newcomers enjoy favourable conditions to secure family life as a starting point for integration. They can join dependent adult children/relatives with no extra requirements (as in 6 other countries) and show only minimum income. A major weakness is that family members do not have the same possibilities as their sponsor to work (unlike 22 countries, including GR, ES), which forces financial dependence under the breadwinner model. Still, they can become independent faster; Slovenia being one of 8 countries offering autonomous status for spouses/children after 3 years. They can also equally access education and social security. Family members can lose their permit if original conditions no longer apply but personal circumstances are considered.

EDUCATION



All migrant pupils may not advance as well through the education system, without equal access to non-compulsory and pre-school education except under reciprocity principles. They are supported in learning their own language and Slovenian, while teachers have some training on their needs. Positive developments in school might not extend beyond the classroom without monitoring or systematic policies to encourage parental involvement (see CA, FI, SE). Intercultural education appears as an official aim and, with 33 points, Slovenia scores above the low Central European average (see HU, PL, CZ). There is ad hoc funding and some possibilities to adapt curricula but no concrete measures to implement intercultural education in all schools, e.g. recruiting migrant teachers (DE, NO, UK).

SLOVENIA

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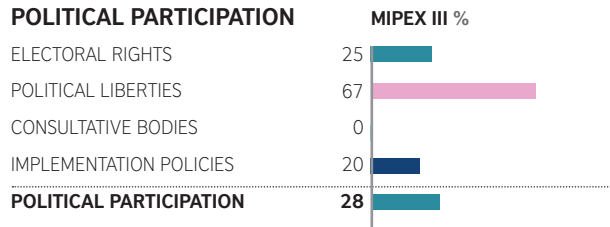
No room for immigrant voice

The Council for the Integration of Aliens was established in 2008 and reports to the government. It issues recommendations, participates in drafting laws and is responsible for implementing and monitoring integration measures. Members are appointed by the government from ministries and NGOs but not from immigrant associations. As such, the Council is not representative, democratic or autonomous, unlike

the recently reinforced National Council for Foreigners in LU (see also DE, FI, NO and the new local body in GR. For cities, see Rome, DE, AT).



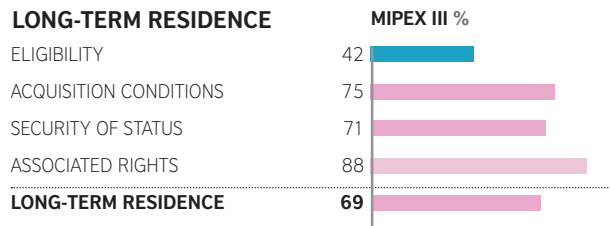
POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Slovenia sets some best practices in Central Europe but, at 28 points, the concrete opportunities for migrants to participate remain limited. Permanent residents have local voting rights (as EE, HU, LT, SK) and there is some funding for national immigrant organisations. Migrants were also informed of their rights during another ad hoc information campaign launched by the Ministry of Interior in 2009. Like many Central European countries, migrants cannot stand in elections and are restricted in joining political parties, although they can form their own associations. They have no meaningful consultative role in the recently established Council for the Integration of Aliens (see box).

LONG-TERM RESIDENCE



(SAME AS MIPEX II)

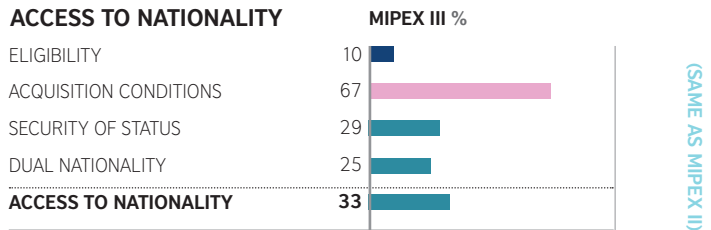
Migrants face initial restrictions in applying for long-term residence since some temporary permits are excluded (as 15 countries) and not all student time is counted. But, once eligible, they need only prove basic minimum income and pay a basic fee, as Slovenia sets accessible conditions and facilitates integration, as with family reunion. With permanent permits, long-term residents are more secure than other Central European countries and closer to established countries of immigration (DE, NL, FR) and PT. Minors cannot be expelled and some personal circumstances are considered in cases of withdrawal. They have equal access to employment and social security as in most countries.

Weak roles for NGOs and equality bodies to help victims.

See BG, HU, RO.

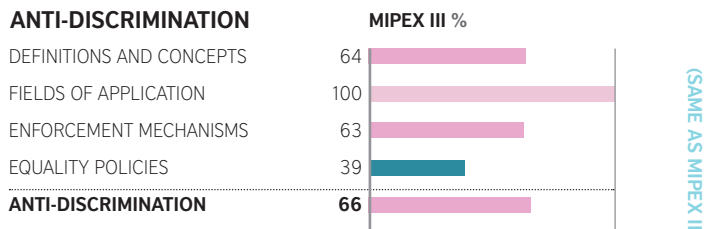
SLOVENIA

ACCESS TO NATIONALITY



Migrants face a long uncertain path to citizenship, unlike established and reforming countries of immigration. Their descendants are not considered Slovenian at birth (see GR and 14 others) and there is limited dual nationality only for first generation migrants. Applicants wait 10 years in total and cannot leave Slovenia beyond 60 days/year, which is one of the longest residence requirements in Europe. They fulfil more accessible conditions than average in Central Europe. Applicants are helped pass the language requirement with free support, independent testing, exemptions and low threshold (also BG). Their status can be lost on wide grounds regardless of time but with some consideration of statelessness and full legal protections.

ANTI-DISCRIMINATION



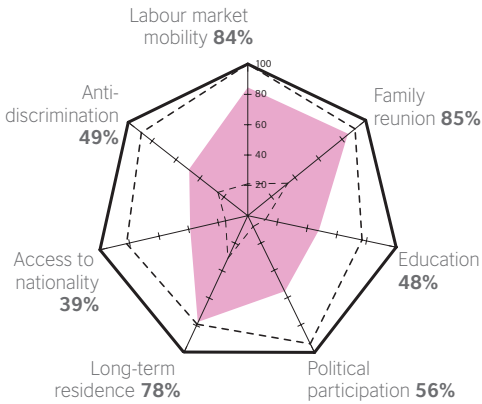
Victims will see broad anti-discrimination laws weakly enforced by courts because of limited support from the equality body. Residents are protected against some forms of discrimination on all grounds and in all areas of life. Potential victims can access all legal proceedings with aid, wide sanctions and sharing of the burden of proof, but they receive little external support with no class actions (unlike in BG, PT, SK) or help from NGOs in pursuing their claim (24 countries). The Advocate of the Principle of Equality is one of the weakest equality bodies with no legal standing, power to issue binding decisions or lead investigations (unlike BG, HU, RO). The State promotes equality through social dialogue and in its daily work.

SPAIN

WWW.MIPEX.EU/SPAIN

SCORE OVERVIEW

— 100% on MIPEX scale ■ Spain - - Best practice in 31 countries - - Worst practice in 31 countries

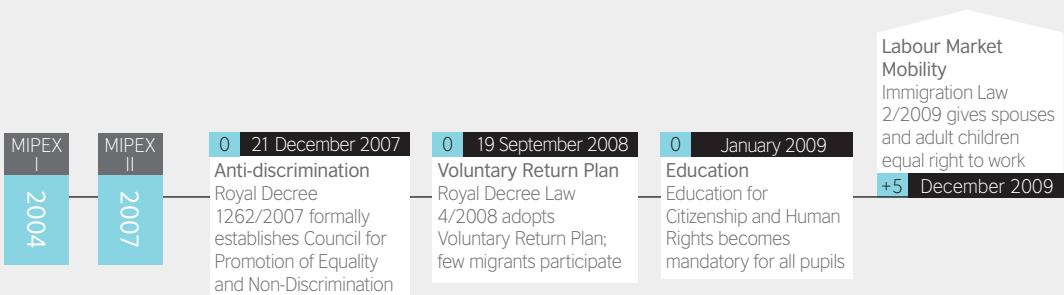


OVERVIEW

Few societies transformed as quickly and permanently into countries of immigration as Spain – now Europe’s largest. From record employment, the crisis brought the highest unemployment in the EU. Job losses hit young and temporary workers the hardest, including migrants. While fewer have come, few who settled in Spain will return, with futures invested in a recovery. Society saw some politicised debates (e.g. welfare, Islam) and changes (e.g. education).

Nevertheless, Spain benefits from slightly favourable policies for integration – now the best of Europe’s major immigration countries and 2nd among its newest ones, behind PT. Despite cuts affecting all residents, government maintained and even slightly enhanced long-term commitments to economic, family, and societal integration. European standards and co-operation were used to secure settled migrants’ residence and family equality. All children saw new strengths on school access and intercultural education. Despite recent efforts, voting rights and equality bodies remain ineffective. Moreover, residents lack shared paths to citizenship found in reforming (PT and GR) and established immigration countries. Evaluations are starting (e.g. Strategic Plan for Citizenship and Immigration). Consensus is often needed among Autonomous Communities for integration improvements.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	84	79
FAMILY REUNION	85	76
POLITICAL PARTICIPATION	56	56
LONG-TERM RESIDENCE	78	72
ACCESS TO NATIONALITY	39	39
ANTI-DISCRIMINATION	49	49
TOTAL (WITHOUT EDUCATION)	65	62

403: Eurostat
404, 405, 406, 407,
408, 409, 410, 411, 412: Ibid
413: Urban Audit
414: Eurostat
415, 416, 417, 418: Ibid

KEY FINDINGS

- Spain leads new immigration countries on Economic Integration and Family Life.
- Like most countries, only goes halfway to address crisis' disproportionate impact on foreign residents.
- More equal opportunities for non-EU spouses/partners, adult children.
- Crisis brings new limits on reunion with parents and grandparents.
- New strengths on Access to Schools, and Education for Citizenship and Human Rights.
- Voting rights remain ineffective for all non-EU residents.
- Worst path to citizenship for all newcomers and descendants of all major countries of immigration, unlike reforming countries Greece and Portugal.
- Anti-discrimination laws below European average because of nationality discrimination and weak equality body.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁴⁰³	+58,000
TCN immigration (2008) ⁴⁰⁴	498,899
Largest third countries of origin (2008) ⁴⁰⁵	Morocco, Ecuador, Colombia
TCN population (2009) ⁴⁰⁶	3,376,810
TCN as part of population (2009) ⁴⁰⁷	7.40%
Foreign-born as part of population (2009) ⁴⁰⁸	12.30%
Permits delivered for family (2009) ⁴⁰⁹	100,620
Permits delivered for work (2009) ⁴¹⁰	22,262
Permits delivered for study (2009) ⁴¹¹	22,068
Permits delivered for humanitarian reasons (2009) ⁴¹²	130
Cities with largest TCN population (2004) ⁴¹³	L'Hospitalet de Llobregat 12.96%, Madrid 11.66%, Barcelona 10.19%
TCN employment rate (2009, change since 2006) ⁴¹⁴	54.10% -15%
National employment rate (2009, change since 2006) ⁴¹⁵	59.80% -5%
TCN unemployment rate (2009, change since 2006) ⁴¹⁶	30.20% +17.6%
National unemployment rate (2009, change since 2006) ⁴¹⁷	18.00% +9.5
Nationality acquisitions (2008, change since 2005) ⁴¹⁸	84,170 +41,310

Family reunion

Immigration Law transposes EU law to improve gender and family equality, but limits parents

+9 December 2009

Long-term residence

Immigration law transposes EU law and opens to international students

+6 December 2009

0 December 2009

Immigration law gives irregular immigrants freedom of association, assembly, education and vocational training

0 March 2010

Integration funds Government limits Integration Fund with regions to 70 million, later raises to 130 million

MIPEX III

2010

SPAIN

WWW.MIPEX.EU/SPAIN

Working families, skills for all

Before 2009's Immigration Law, Spain (and just 9 others) did not automatically give reunited families the right to work. When transposing EU law, Spain, like recently GR and LU, now grants immediate labour market access. The goal is to get more spouses and adult children into employment and discourage irregular work. Undocumented workers also gained equal access to post-compulsory education and training. The law's reasoning was

that improving the skills, qualifications and languages needed for Spain's labour market allows integration in the host society.



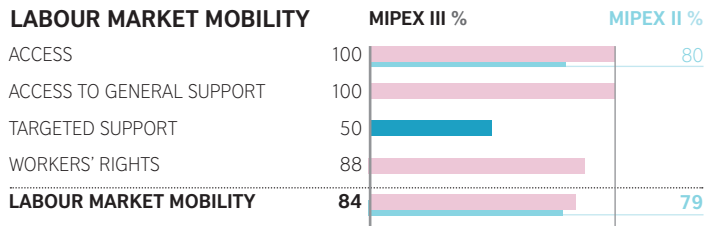
Plans and funds on integration, employment

Migrants and local communities have seen long-term growth in funds for integration, despite some cuts. In 2010, government reduced from 200 to 130 million euros the Autonomous Communities' Support Fund for Reception and Integration of Immigrants and Educational Reinforcement. Still, the Spanish Integration Fund 2007–2010 totals 2 billion euros, based on the Strategic Plan for Citizenship and Immigration (2007–2010). 11% is allocated for employment, which

the Plan focuses on economic problems related to diversity. A comprehensive evaluation is planned for 2010.



LABOUR MARKET MOBILITY



Spain scores in the top 5 among SE, NL, PT and CA because all residents, whatever their nationality, have the same legal opportunities to get back into jobs – if and when the Spanish economy recovers. All sectors benefit from their potential because of equal access to private, public and self-employment. Spaniards, other EU citizens and non-EU residents can also use general education, training and the same procedures to recognise foreign qualifications. With the 2009 Immigration Law, spouses and adult children gained the same opportunities to access legal work (see box).

Basic equal access and rights are also guaranteed in other developed countries that are dependent on migrant labour, both traditionally (e.g. CA, UK, US) and recently (e.g. CZ, IT, PT). As such, newcomers became part of the Spanish labour market, with its parallel systems of temporary contracts, informal employment and 'bubble' sectors such as construction. All residents in Spain and 12 other MIPEX countries should, according to law, experience the same working conditions and access unemployment benefits and social security that they paid into as workers. Voluntary return plans have proved ineffective because most unemployed migrants do not see their future in their countries of origin.

Spain has already gone half of the way to address the crisis' disproportionate impact on foreign residents. Unemployed migrants are specifically encouraged to have their qualifications recognised and use available education and training. These targeted measures are average for established immigration countries, behind PT and 7 others (FR, DE, NL, Nordics). These countries better inform foreign residents about job and study opportunities, while setting specific targets to reduce inequality for all vulnerable groups. For example, DK, FR, DE and SE open up public employment services through the right to migrant mentors and coaches. Along these lines, Spain could work to encourage young and mobile foreign residents to get into better recovering and secure sectors and regions. Similar employment policies and funding could be implemented for migrant women and youth, following up on the 2009 law granting equal job access for reunited families. New immigration countries improving their targeted policies, such as PT, may avoid long-term inequality and exclusion.

Spain, like other leading countries attracting labour migration, promotes long-term economic integration and family life.

See CA and PT.

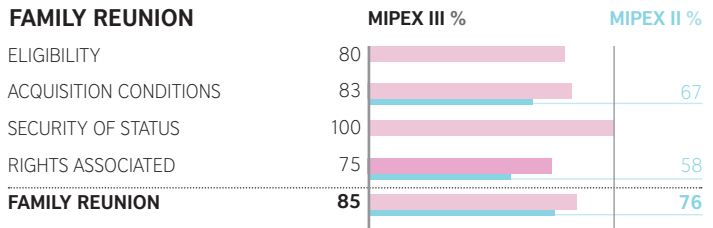
SPAIN

Broader definition of family, despite crisis?

2009's Immigration Law 'recognises family diversity' by letting partners apply (as in half MIPEX countries). Provisions on work, autonomous residence and protection against sexual violence meet family and gender equality goals. However, parents/grandparents face new limitations; more than in 9 MIPEX countries, but still better than 12. Sponsors must prove either long-term residence or urgent care/humanitarian needs. Responding to recession, the goals are to encourage ascendants to work in countries of origin and discourage new burdens on Spain's labour market and welfare state.



FAMILY REUNION



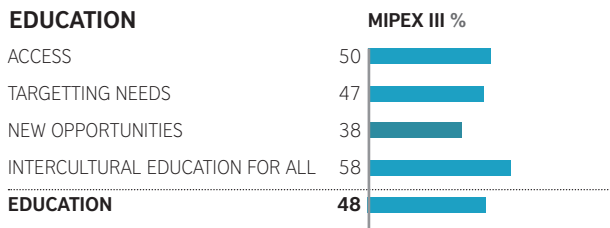
Reuniting non-EU families now enjoy more equal opportunities in Spain, the 3rd most favourable for integration in all 31 MIPEX countries, after CA and PT. Spain promotes both economic integration and family reunion like other labour migration countries. Transposing EU law expanded eligibility for spouses/partners and adult children, while limiting it for parents and grandparents, which is why MIPEX registered no change on eligibility (see box). During free and now short procedures, there is little reason to reject sponsors who fulfil the same basic conditions for family life as Spanish nationals (e.g. basic support and housing). Spouses and adult children can use their new equal labour market access to become financially independent and autonomous residents.

'Education for Citizenship and Human Rights'

This curriculum became mandatory in 2009. All students must acquire a specific skill set and understanding on citizenship rights and obligations, diversity and global social problems. Based on evidence of changes in society, government intended to end recent problems of violence, harassment, discrimination and racism among students. The final curriculum drew on European standards (e.g. Council of Europe's Education for Democratic Citizenship and Human Rights) and consultations with 20 social organisations, though many Catholics and conservatives objected to moral and sexual education.



EDUCATION



Now that all pupils have equal access to schools (as in half the MIPEX countries) and to intercultural education curricula (see box), schools' new needs and opportunities are the major challenges for Spain's Autonomous Communities and most European countries. Socially disadvantaged pupils benefit from general support. But if newcomers have different needs, there are very few systematic legal entitlements for all pupils, parents, and teachers. Autonomous Communities have some introduction and language courses, limited funding and projects, and few programmes diversifying schools and teachers (see DK, DE, NO, SE, UK). To promote the 2-way integration process, they could also teach immigrant languages and cultures to immigrants (currently for some Moroccans and Romanians) and Spaniards (currently only Portuguese).

SPAIN

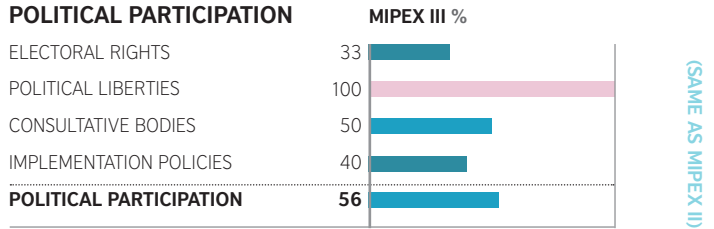
WWW.MIPEX.EU/SPAIN

Ineffective voting rights

Spain and PT, both leading new immigration countries on political participation, cannot get around their reciprocity-based voting systems that need political will for constitutional change (as in AT, DE, IT). Civil society and socialist/left parties supported full immigrant voting rights after the 2004 general election. Since then, government sought a 'flexible' constitutional interpretation. Bilateral voting agreements have been offered to 15 third countries, but ratified with only 9, because parliament deemed conditions not reciprocal enough. Reciprocity is not possible for several key countries such as Brazil, Mexico and Morocco.

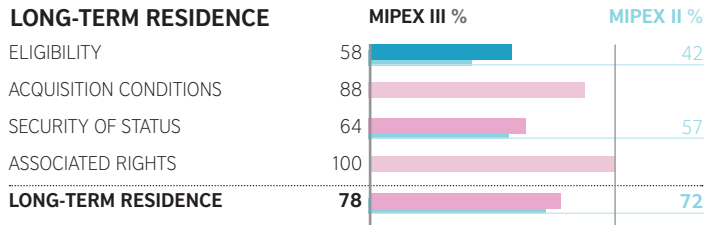


POLITICAL PARTICIPATION



All Spain's non-EU residents cannot effectively participate in public life and have seen little progress, despite government pledges on voting rights (see box). The various consultative bodies have strong powers (see also DE regional, FI and NO). However, immigrant representatives are not leading them or directly elected. Their role is weaker than in Europe's older, democratic bodies, which rely on experienced community leaders (e.g. FI, LU, NO). 20 MIPEX countries guarantee equal political liberties. 2009's Immigration Law also does so for undocumented migrants, who cannot be denied such fundamental rights under the Constitution. Immigrants organise with some State funding, but may not know about all these political opportunities (see FI, NO, PT).

LONG-TERM RESIDENCE



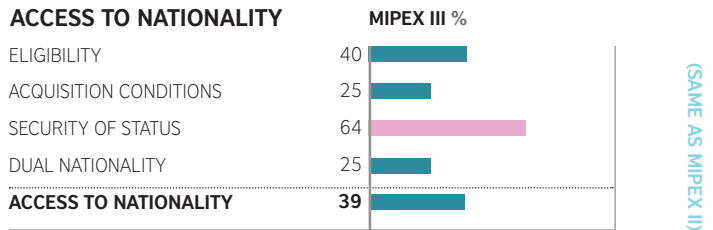
Like reunited families, long-term residents are better able to secure their future in Spain than in most European countries (along with BE and SE) because of the 2009 Immigration Law's use of EU standards (see also progress in BE and PT). Former international students are better eligible for EC long-term residence. Following recent trends (e.g. AT, BE, PT), Spain opened equal chances for former students trained for its labour market to settle there. Once non-EU residents have 5 years' residence and a basic income like any Spanish resident, the procedure is short and simple. Provisions on absence from the EU are clearer, but still short for their co-development projects, as in most countries.

Spanish path to citizenship for all newcomers out of step with all major countries of immigration.

See recent reforms in DE, PT, LU, GR.

SPAIN

ACCESS TO NATIONALITY



For Spain to resemble other major immigration countries, its slightly unfavourable path to citizenship needs reform. Many reforming countries make access quicker for all newcomers and simpler for their descendants, inspired by established immigration countries: around 4 to 6 years' residence (currently 10 in ES and IT) and citizenship at birth after one generation (as in 6 MIPEX countries, recently DE, PT, GR) or 2 (as in 5, including Spain). For example, PT's conditions for citizens of Lusophone countries were made into entitlements for all speaking basic Portuguese. Dual nationality for all naturalising immigrants is another trend (now 18). Spain even scores below unreformed countries like IT, because of Spain's potentially time-consuming and discretionary procedures.

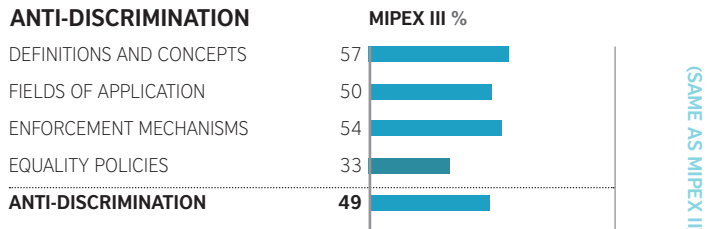
Equality body: weak and not independent

The law and decrees creating the Council and regulating its powers have raised little parliamentary debate, civil society consultation or public awareness-raising. The Council, only operational since September 2009, was not modelled on Europe's many strong and fully independent equality bodies (e.g. *La Halde* in FR). Their assistance to victims stops at advice and investigations. Bodies in 12 MIPEX countries offer victims alternative procedures or support in court.

Countries such as BE, CA, FR, NL, SE and UK also provide networks of regional/local anti-discrimination bureaus.



ANTI-DISCRIMINATION



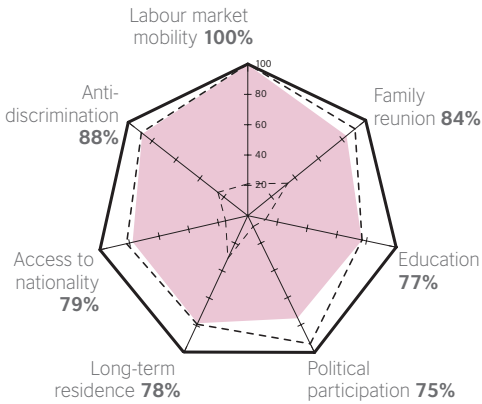
Spain is slightly less prepared to fight discrimination than the average European country because of nationality discrimination and its critically weak equality body. Spain's average definitions and enforcement mechanisms protect victims of ethnic, racial and religious discrimination, but not nationality discrimination, an issue of national interest for a country of immigration. 15 MIPEX countries, including FR, IT and PT, explicitly protect all residents from unjustified forms of nationality discrimination in major areas of their life. Equality policies, weak across Europe, are even weaker in Spain. The Council for Promotion of Equality and Non-Discrimination, with a weak mandate to help victims (see box), undermines the effectiveness of anti-discrimination laws and government's broad equality commitments.

SWEDEN

WWW.MIPEX.EU/SWEDEN

SCORE OVERVIEW

— 100% on MIPEX scale ■ Sweden - - Best practice in 31 countries - - Worst practice in 31 countries



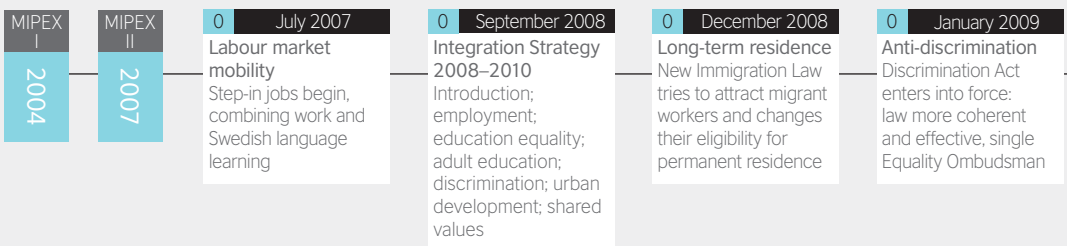
OVERVIEW

Sweden, a major country providing international protection, recently received more reunited families and international students. The 2008–2010 Integration Strategy focuses on 7 areas across all MIPEX strands.

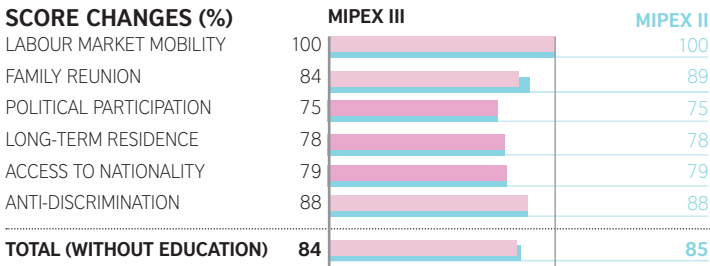
Ranked 1st again, Sweden’s ‘mainstreaming’ approach works to improve equal opportunities in practice. All residents are legally entitled to be free from discrimination, live with their family and secure in their residence and citizenship. Within Sweden’s social model, each individual is also legally entitled to support that addresses their specific needs (e.g. labour market introduction, orientation programmes, Swedish language and mother tongue courses).

All Swedish residents still enjoy largely equal rights and responsibilities. Newcomers saw few changes affecting Sweden’s MIPEX score, but new laws may improve implementation and impact. An employer-based immigration system and labour market introduction structure should help more become self-sufficient – and faster. It should also help them meet new family reunion conditions. Government wants these to act as incentives – not obstacles – in practice because a newcomers’ right to family life is equally important. Integration policy benefits from Sweden’s commitment to evaluation and partnership with researchers, civil society and immigrants themselves.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



419: Eurostat
420, 421, 422, 423, 424, 425, 426, 427,
428: Ibid
429: Urban Audit
430: Eurostat
431, 432, 433, 434: Ibid

KEY FINDINGS

- Swedish mainstreaming approach favourable overall for integration: equal rights and responsibilities, work on equal opportunities in practice.
- Favourable policies on labour market, family reunion, anti-discrimination.
- Slightly favourable policies on long-term residence, education, political participation, access to nationality.
- New income/housing requirements for some family reunion: incentive or obstacle?
- 2009 Labour Market Introduction Act: policies (MIPEX 100 per cent) should have better impact on newcomers over time.
- 2009 Discrimination Act: strong laws and policies easier to use for victims.
- Schools best prepared for diverse classroom in Sweden, alongside CA.
- More countries adopt dual nationality, like SE, but also citizenship at birth for second/third generation.
- Immigrant consultative bodies, strong in Nordics, absent in Sweden.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁴¹⁹	+63,000
TCN immigration (2008) ⁴²⁰	52,583
Largest third countries of origin (2008) ⁴²¹	Iraq, Serbia and Montenegro, Turkey
TCN population (2009) ⁴²²	292,093
TCN as part of population (2009) ⁴²³	3.20%
Foreign-born as part of population (2009) ⁴²⁴	5.90%
Permits delivered for family (2009) ⁴²⁵	37,890
Permits delivered for work (2009) ⁴²⁶	18,978
Permits delivered for study (2009) ⁴²⁷	13,968
Permits delivered for humanitarian reasons (2009) ⁴²⁸	1,723
Cities with largest TCN population (2004) ⁴²⁹	Malmö 5.93%, Gothenburg 5.54%, Stockholm 5.35%
TCN employment rate (2009, change since 2006) ⁴³⁰	46.30% +0.8%
National employment rate (2009, change since 2006) ⁴³¹	72.20% -0.9%
TCN unemployment rate (2009, change since 2006) ⁴³²	26.30% +6%
National unemployment rate (2009, change since 2006) ⁴³³	8.30% +1.3%
Nationality acquisitions (2008, change since 2005) ⁴³⁴	30,460 -9,113

0 December 2009

Labour market mobility
Labour Market Introduction Act aims for more efficient and quicker economic integration

0 December 2009

Stockholm Programme
End of Swedish Presidency of EU leads to 2010–2014 Stockholm Programme

MIPEX III

2010

-5 December 2009

Family reunion
2009/10:77 New income and housing requirements for some family reunions

SWEDEN

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Sweden in comparison

If non-EU newcomers to Sweden went instead to newer labour migration countries (e.g. ES, IT) they would also have equal access, support and rights, but their challenges as foreign born and trained workers would be overlooked (e.g. recognition of qualifications). In more established immigration countries (e.g. DK, DE, NL), they would benefit from some of the targeted measures as in Sweden, but they may still find them less useful because various sectors and general support are closed to immigrants.

The evidence for reform

Before the Act, statistics showed that newcomers, especially refugees and women, faced long waits to find jobs. They may not effectively participate in support measures because the benefit to do so went to households – not each member – and depended on the municipality in which they lived. As part of preparing the Act, a new law piloted financial incentives for quicker Swedish learning in 13

municipalities. As part of regular evaluations of the Act, the 'introduction guides' will be compensated based on their own performance and immigrants' results.



LABOUR MARKET MOBILITY

MIPEX III %

ACCESS	100	
ACCESS TO GENERAL SUPPORT	100	
TARGETED SUPPORT	100	
WORKERS' RIGHTS	100	
LABOUR MARKET MOBILITY	100	

(SAME AS MIPEX II)

All workers are treated equally and use targeted support to address their individual needs. Once residents obtain a permit of at least 1 year, the Swedish labour market does not create distinctions between Swedes and EU/non-EU nationals. For example, study grants are available for anyone working, including childcare within the family. Newcomers are informed of their rights under labour law through introduction programmes, unions, NGO partnerships and several multilingual websites (unlike in half the MIPEX countries). The 2008 Swedish Immigration Law reinforces that all workers have equal rights to fight exploitation and unfair competition (also unlike half). Immigrants to Sweden will find that rare combination of a country experienced with immigration and open to their economic potential (e.g. CA and PT, see box).

With its 100% score, Sweden is working to better implement this mainstreaming approach. New labour policies (see box) aim to improve the country's specific labour market model and the situations of different types of newcomers within it. Recent evaluations show immigrants are among those benefitting from 'New Start Jobs,' 'Trial Opportunities,' and 'Work-Place Inductions.' A few thousand have also taken 'Step-In' Jobs, combining Swedish courses with part-time work in their area of skill.

The 2009 Labour Market Introduction Act aims to make it quicker for newcomers to learn Swedish, find or create a job matching their skills and, ultimately, support themselves in a more inclusive society. The new structure, at around 100 million euros, is described as 'individual responsibility with professional support'. Administrations will deliver better and distinct services, while individuals will have better opportunities to participate. The Swedish Public Employment Service is now responsible for assessing newcomers' skills (e.g. DK, FR, PT). During the introduction interview, it also informs them of available general and targeted support (e.g. DE, Flanders in BE). Newcomers help write up their introduction plan and have the individual right, wherever they live, to equal benefits for these measures. They freely choose an 'introduction guide' who helps them find a job. Their municipality provides introduction and language courses, housing and family initiatives and a new civic orientation programme.

Mainstreaming: equal rights, responsibilities, and opportunities for all workers, families, most children.

See CA, PT.

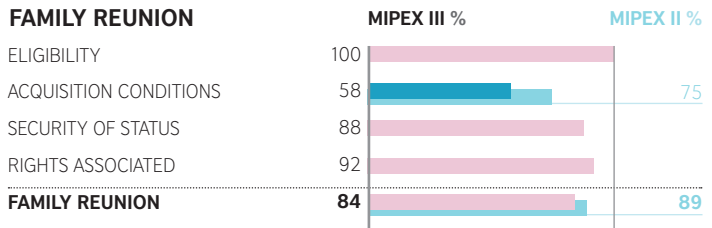
SWEDEN

Monitoring goals

Citing asylum increases and unemployment and overcrowding statistics, Law 2009/10:77 required non-EU sponsors to prove basic personal income and family housing. Consulted humanitarian actors feared negative impacts on family wellbeing. Government responded that Sweden was the 'only' EU country preserving its more favourable conditions under EU law. Still, they promised to remain the best at taking into account the rights of children and international protection. These groups and permanent residents are exempt. It assumed 10% of cases would be affected. By summer 2010, 2% were affected and 1% rejected.



FAMILY REUNION



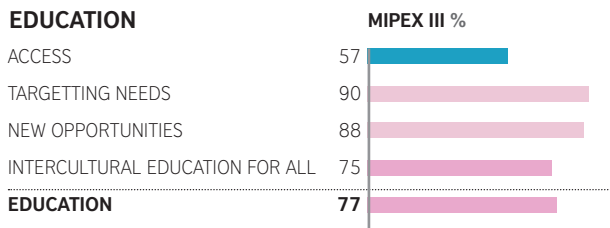
Sweden largely secures family life for newcomers to quickly become part of society (e.g. NO, FI and labour migration countries). Policies are inclusive of many family types, provide equal and secure rights, and are improving free and voluntary introduction programmes (see earlier). New income and housing requirements (see box) were a change in Sweden's score and a change in direction – but not a significant one. Government (as in BE and PT) promised not to implement conditions (as in DK, FR, NO) that would lower family reunions and raise legal challenges (see NL). Considering the goals, evaluations can assess whether or not the conditions acted as incentives to work (including to move to municipalities with more work and housing) for all newcomers separated from their family.

Areas for improvement

Undocumented children in the country can have problems accessing all school levels. All children living in half the MIPEX countries are included in the whole education system. Newcomers in FR and LU go to specialised institutions to assess what they learned abroad and place them at the right level. In other countries, bodies such as the Swedish National Board of Education have pilot projects on school induction (e.g. CA, FI), school and teacher diversity (e.g. DK, DE, NO, UK), and teacher training requirements (e.g. DK, EE, LU, NL, UK).



EDUCATION



Sweden's slightly favourable policies (see box), the best of the 31 MIPEX countries, encourage most students to do their best in a diverse school and society. Each pupil in the system is legally entitled to general and targeted support that addresses their individual needs and new opportunities: from interpreters welcoming newcomer families, to 'equal respect and tolerance' curricula, and the right to high standard Swedish-as-a-second-language and mother tongue tuition. Still, much of how migrant pupils and parents are included in school life is discretionary for municipalities and uneven across the country. Some may benefit from multicultural pre-schools, teacher diversity campaigns and National Board of Education projects e.g. 'Better results and decreased differences'.

SWEDEN

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From national to local consultation

National authorities could once consult with immigrant representatives through the Centre Against Racism. They still support immigrant associations through the SIOS, the Co-operation Group for Ethnic Organisations. Recently, NGOs, municipalities

and authorities have signed partnership agreements at local level in 21 cities to better co-ordinate their work in 38 urban development areas, characterised by exclusion.



POLITICAL PARTICIPATION

	MIPEX III %
ELECTORAL RIGHTS	100
POLITICAL LIBERTIES	100
CONSULTATIVE BODIES	0
IMPLEMENTATION POLICIES	100
POLITICAL PARTICIPATION	75

(SAME AS MIPEX II)

Scoring 6th, Sweden opens equal political opportunities for all residents in general politics. All can vote in local/regional elections and can form or join associations, media and political parties. Newcomers are better able to use their rights because policies are implemented to inform them and include their associations in civic life, as in BE, FI, DE, IE, NO, and PT. Sweden once scored higher like its Nordic peers because it supported official immigrant consultative bodies. These have now spread to 14 European countries. In Sweden today, authorities generally consult with civil society when they change policies. They also partner at national and local levels with NGOs that work with immigrants, but cannot speak for them.

LONG-TERM RESIDENCE

	MIPEX III %
ELIGIBILITY	75
ACQUISITION CONDITIONS	50
SECURITY OF STATUS	86
ASSOCIATED RIGHTS	100
LONG-TERM RESIDENCE	78

(SAME AS MIPEX II)

Becoming long-term residents gives newcomers slightly better chances to participate in most European countries, partly due to EU law. These standards were recently used in other high-scoring countries (e.g. BE, PT, ES) to create national statuses as secure as Sweden's. Sweden provides equal status to nearly all settled legal residents for as long as they live in the country. They fulfil conditions that are average for Europe, but more coherent with the different reasons people settle in the country. Migrants who came to work prove they did so and pay a basic fee now after 4 years' residence. Others already proved their personal attachments to Sweden, with families eligible after 2 years and refugees immediately.

Sweden adopts new single approach to equality. Other leading countries work to bring equality law closer to reality.

See BE, CA, FR, UK, US.

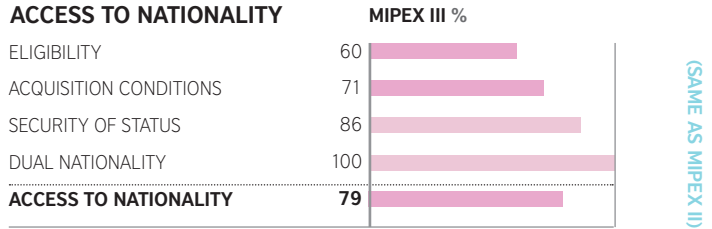
SWEDEN

The trend to citizenship at birth

Both major and reforming countries of immigration are converging around some form of citizenship at birth (as in 12 MIPEX countries, recently DE, PT, LU, GR). Indeed, dual nationality for immigrants' descendants is becoming harder to avoid and easier to regulate through international law. The goals of these reforms are often to eliminate any possible social exclusion over generations (e.g. GR, PT) and to better reflect a changing society (e.g. DE, LU).

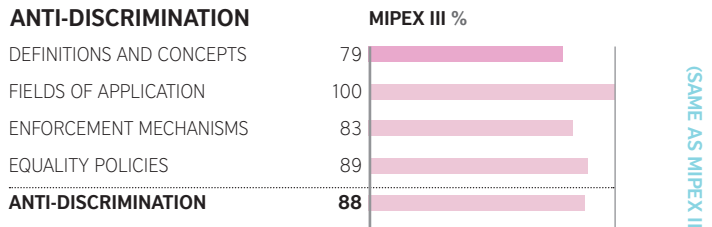


ACCESS TO NATIONALITY



Since 2001, Sweden has a clear and uncontroversial path to citizenship, following several international trends. Newcomers are legally entitled (as in 9 other MIPEX countries) after 5 years (7) to the same secure citizenship (e.g. CZ, FI, IT, PL) and dual nationality (17) as Swedish-born citizens. SE (and BE, IE, IT) do not require language knowledge. Most countries do, but few effectively support all applicants to succeed (see CA, NO, PT, US). Swedish-born children are not automatically recognised as Swedish, since their legal guardians may or may not notify authorities once conditions are met. The trend to citizenship at birth – a simpler and clearer entitlement – creates equality after one or two generations (see box).

ANTI-DISCRIMINATION



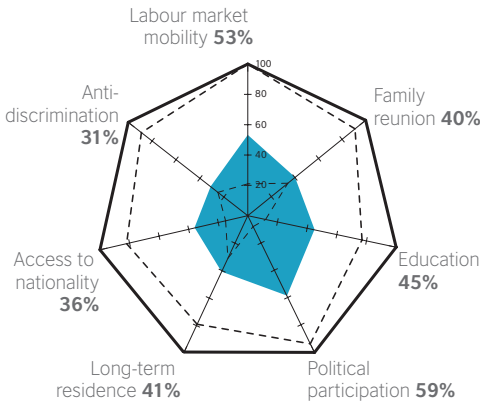
Swedish residents may know better about discrimination and how to fight it, since equality legislation, bodies and duties become easier to use. Like other leading countries (BE, CA, FR, UK, US), Sweden continues to improve implementation. Its 2009 Anti-Discrimination Act replaces 7 laws with one and 4 equality bodies with one Equality Ombudsman (as in the 5 leading countries). This single approach aims to work more effectively and comprehensively on all grounds in even more areas of society. In court, more NGOs can support victims and judges can award higher damages, both to compensate and to deter. Government renewed requirements for active measures (see also UK) and will investigate their past impact and future potential.

SWITZERLAND

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SCORE OVERVIEW

— 100% on MIPEX scale ■ Switzerland - - Best practice in 31 countries - - Worst practice in 31 countries



OVERVIEW

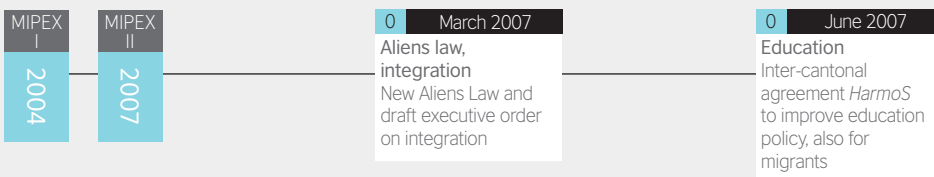
Switzerland’s newcomer population is largely European, as free movement for EU citizens gradually opens, while conditions toughen for non-EU workers. Reforms of Aliens’ Law, naturalisation, internal mobility and integration are on the agenda.

Scoring 43 overall, no Swiss policy emerges as slightly favourable for integration, although labour market mobility comes close. Switzerland ranks behind FR, DE, IT and closer to AT and Central Europe. Major immigration cantons provide voting rights, consultation, education and labour market mobility like established immigration countries. Its low-scoring policies do not benefit from many EU and Council of Europe standards.

Federal standards are shifting integration responsibility to cantons and grant them much discretion e.g. conditions for family reunion and citizenship. Cantons evaluate the ‘degree of integration,’ create contracts, and adopt integration laws, but without a national definition. While national funds are co-ordinated, evaluations and indicators are encouraged, but not required.

Switzerland registered no major MIPEX changes since 2007, only that cantons established consultative bodies. It has not reformed like other countries, losing 3 places to LT, CZ (basic anti-discrimination laws) and GR (facilitated naturalisation, *jus soli* citizenship).

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)

	MIPEX III	MIPEX II
LABOUR MARKET MOBILITY	53	53
FAMILY REUNION	40	40
POLITICAL PARTICIPATION	59	58
LONG-TERM RESIDENCE	41	41
ACCESS TO NATIONALITY	36	36
ANTI-DISCRIMINATION	31	31
TOTAL (WITHOUT EDUCATION)	43	43

435: Eurostat
436: Statistiques Suisse
437, 438: Ibid
439: Eurostat
440, 441, 442, 443, 444: Ibid
445: BADAC
446: Eurostat
447, 448: Ibid
449: Statistiques Suisse
450: Statistiques Suisse

KEY FINDINGS

- Switzerland ranks 23rd with 43 points and no major change since 2007, despite new laws.
- With no policies scoring slightly favourable, falling behind established and now reforming countries.
- Low federal integration standards, policies can vary under cantonal discretion.
- Migrants can face restrictive conditions for family reunion, long-term residence and naturalisation.
- Limited labour market access and general support for non-EU residents.
- Swiss face similar challenges as across Europe for migrant pupils, but good chances to learn immigrant languages and cultures.
- Major cantons facilitate political participation with voting rights and consultation.
- Worst protections against discrimination: victims cannot rely on dedicated laws, enforcement, equality body, unlike nearly all countries.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁴³⁵	+66,000
TCN immigration (2008) ⁴³⁶	138,300
Largest third countries of origin (2008) ⁴³⁷	Serbia and Montenegro, Turkey
Foreign-born population (2009) ⁴³⁸	1,680,197
TCN as part of population (2009) ⁴³⁹	8.30%
Foreign-born as part of the population (2009) ⁴⁴⁰	21.70%
Permits delivered for family (2007) ⁴⁴¹	18,900
Permits delivered for work (2007) ⁴⁴²	2,000
Permits delivered for study (2007) ⁴⁴³	10,300
Permits delivered for humanitarian reasons (2007) ⁴⁴⁴	5,400
Cities with largest TCN population (2009) ⁴⁴⁵	Geneva 45%, Vernier 43.9%, Lugano 36.7%
TCN employment rate (2009, change since 2006) ⁴⁴⁶	64.90% +3.30%
National employment rate (2009, change since 2006) ⁴⁴⁷	79.20% +1.30%
TCN unemployment rate (2009, change since 2006) ⁴⁴⁸	12.00% -1.10%
National unemployment rate (2009, change since 2004) ⁴⁴⁹	4.70% +0.50%
Nationality acquisitions (2009, change since 2004) ⁴⁵⁰	43,400 +4,963

0 February 2008

Long-term residence Referendum proposed deporting residents with criminal record. Also counter-proposal on integration. Vote in November 2010

0 January 2009

Access to nationality 'Democratic naturalisations' outlawed after Federal High Court decision, defeated referendum, new Naturalisation Act

0 August 2009

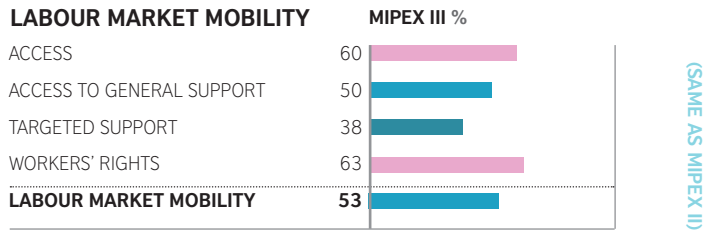
Access to nationality Government proposes total revision of nationality law

MIPEX III

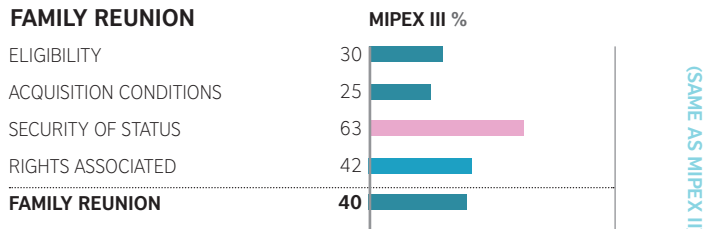
2010

SWITZERLAND

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Switzerland scores below the average of established immigration countries (DK, DE, NL), especially those attracting labour migrants (CA, ES, UK, US), as it restricts access and mainstream support for non-EU residents. While EU citizens have gradually gained access to the labour market, non-EU highly-skilled residents and their families cannot equally work or change jobs. Most cantons also close off parts of the public sector, though migrants can work in federal public jobs (as AT, NL, Nordics, UK). Cantons also limit self-employment to long-term residents (only 6 other countries) as well as education and study grants for some (only 5). There is no equal access to social assistance (as half countries, mostly with few immigrants).



Migrant families face some of the least favourable family reunion procedures, similar to AT but below most European countries (including FR, DE). Beyond 3 basic minimum conditions in law (no social assistance, living together, appropriate accommodation), cantons can impose even more, whose effects may be to delay and discourage families' integration. Sponsors often prove higher incomes (only 5 other countries) and meet integration conditions (6 others) during costly and potentially long procedures. Restrictions extend to minor children (unlike 28) while extended families cannot apply (unlike 21). Reunited families have average security but less opportunity to integrate, with limited access to employment (unlike 22) and education (unlike 26), and few chances for autonomous status.

Cantons consult non-EU residents, but can restrict labour market access and family reunion conditions, potentially discouraging or delaying their full integration.

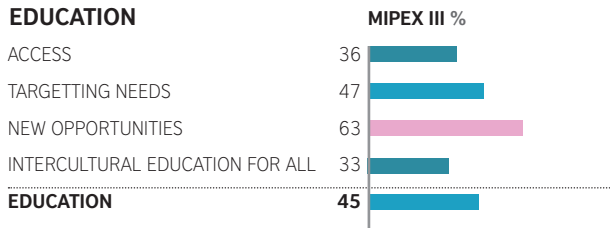
See FI, PT, SE
SWITZERLAND

Cantonal policies, standards

The first official document on migrant education was 1991's federal recommendations on foreign language-speaking children. *HarmoS* inter-cantonal agreement of 2007 later aimed to address needs of the increasingly mobile population between languages and cantons, including migrants. The process began years ago, picking up after Switzerland's results in the international PISA study. Widely approved by referendum, it was ratified by only 12 cantons, mostly those with higher mobility. MIPEX also uses mappings of cantonal education policies (i.e. Fibbi and Mellone 2010) and those in Basel and Geneva.

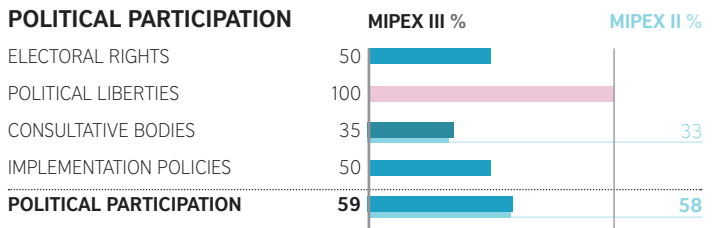


EDUCATION



Migrant pupils face similar challenges on access and needs as in many European countries, but enjoy better opportunities to learn languages and cultures of origin under the *HarmoS* agreement (see box). Federal recommendations encourage access for all to compulsory schooling and 2 new pre-primary years. Cantons often targeted participation in just compulsory and vocational education, but are evolving (see DE, Nordics, NL). Migrant pupils may benefit from the recommendations on induction, extra tuition and pre-service training. There are few federal or cantonal quality standards for teaching national languages to immigrants (for other federal/ decentralised countries, see Nordics, US). Depending on the canton, children receive slightly unfavourable intercultural education compared to most European countries (DE, Benelux).

POLITICAL PARTICIPATION



Cantons do best at promoting integration when granting all residents basic political opportunities, like other established immigration countries. Foreigners can vote in local and cantonal elections in several cantons and enjoy basic political liberties in all (as 19 other countries). Immigrant associations must fulfil several conditions for State funding on integration. They are consulted by local and national government, as well as 21 cantons, including through 17 permanent and mostly recent consultative bodies. Participants may find them only slightly favourable for meaningful participation, since participants are not freely elected by their communities or organisations. They also do not fully represent different nationalities, generations, gender, etc. See FI, LU, NO; BE and DE (regional); IT (Rome).

SWITZERLAND

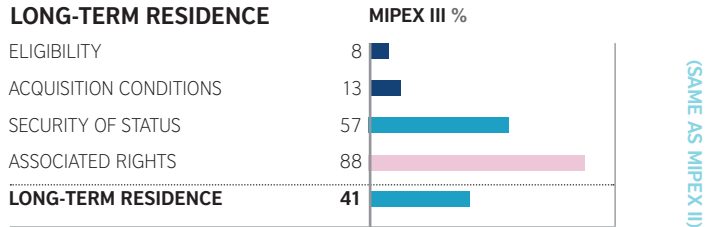
WWW.MIPEX.EU/SWITZERLAND

Switzerland: a secure home?

Personal circumstances will be considered in expulsion cases but long-term residence is rejected or withdrawn on wide grounds (unlike in 18 countries, including AT, DE, NL), without protection for any group, even those living there for years or since childhood (unlike BE, FR, IT, NL). A referendum in November 2010 will determine whether or not Switzerland widens these grounds further by systematically expelling all foreign nationals with a criminal record and precluding re-entry for many years.



LONG-TERM RESIDENCE



Swiss policies on long-term residence are the 3rd most discouraging for residents who want equal opportunities to participate in society. Migrants face the 2nd most restrictive eligibility criteria and conditions, far below most European countries, which have converged around EU standards. In Switzerland, migrants wait longer than the 5-year EU standard and many categories are excluded. They cannot count time as students (unlike 21 countries, recently AT, BE). Cantons can impose several unfavourable conditions, as for family reunion. While applicants are recommended to prove just elementary knowledge of any national language, cantons can define higher. Long-term residents gain only half-way security (see box).

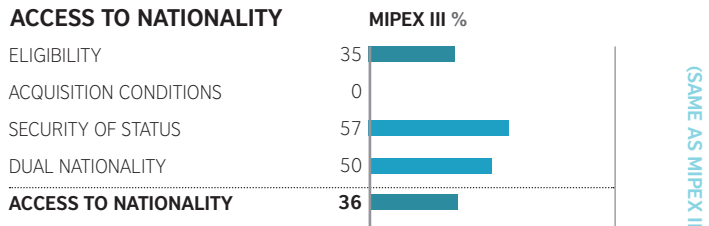
Basic security

Before 2003, cantons gave naturalisation to any authority: bureaucrats, legislatures (as in only BE and DK), even voters (only one), without requiring any evidence to justify their decisions. Voters could see applicants' private information, treat differently those meeting the same conditions and discriminate against those with certain backgrounds. Federal High Court judgments outlawed ballot box naturalisations and guaranteed reasoned decisions and appeals.

Later followed a failed 2008 referendum and successful federal act, citing the European Convention on Nationality. No statistics exist on whether these guarantees changed naturalisation outcomes.



ACCESS TO NATIONALITY



Nationality policies are still slightly unfavourable for encouraging and recognising immigrants' integration. Recently, all applicants have been guaranteed security from discrimination and discretion (see box). Still, their citizenship paths are more complicated and lengthy than average in Europe, especially its established immigration countries. The issue is regularly politicised by the Swiss People's Party. Reforming countries draw from international trends to better encourage immigrants and descendants to become citizens (see LU in 2008, GR in 2010). With procedures shifting canton-to-canton, Swiss immigrants lack basic citizenship entitlements and standards on residence and conditions (see box).

Many immigrants who would pass conditions as 'integrated' are still treated as ineligible for years. The first generation waits 12+ uninterrupted years, longer than in any of the 30 MIPEX countries.

Swiss residents missing European trends towards shorter paths to naturalisation, more professional requirements, citizenship at birth for descendants.

See DE, LU, PT
SWITZERLAND

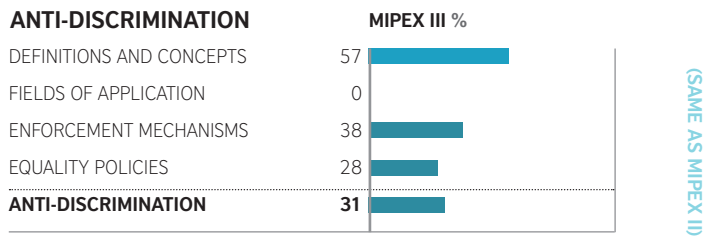
Future reform?

2009's Naturalisation bill proposed 3 goals: to 'harmonise and simplify administrative requirements', 'reduce administrative duplication' and 'assure that only well integrated foreigners obtain Swiss passports'. The reasoning is that more people moving between cantons are penalised by the different naturalisation conditions. The bill would nationally define 'successful integration' and knowledge of 1 national language, reduce residence requirements from 12 to 8 years to encourage 'rapid' integration, restrict eligibility to long-term residents as a 'guarantor of integration', and introduce time limits to accelerate procedures.



Most established immigration countries require 3–7 years, closer to Swiss requirements for spouses/partners (5 years). Moreover, Swiss-born children and grandchildren are not entitled to citizenship at or after birth, which was again unsuccessful in a 2004 referendum. More immigration countries (now 15) are mixing traditional *jus sanguinis* with *jus soli*, with goals to include and recognise future generations (recently DE, SE, FI, PT, LU, GR). Most others without *jus soli* are Central European countries without many immigrant children.

Complex and burdensome conditions in cantons are critically unfavourable for integration, with only Switzerland scoring zero. Cantons decide who qualifies as Swiss national citizens, as well as what is integration and 'Swiss lifestyles, manners and customs'. Unlike in other federal countries (see AT, CA, DE, US), all applicants are not supported to succeed with professional assessments, public test questions and free courses. Becoming Swiss can be time-consuming (no time limit, unlike 13) and the most expensive of all MIPEX countries, averaging an estimated 1,500 euros. At least applicants face one less barrier to naturalisation since 1992: no need to renounce previous citizenship (now 18 MIPEX countries). Applicants are still partly uncertain of the outcome, even if they meet these conditions (unlike 10 countries, e.g. DE, NL). Authorities have many grounds for rejection, but few for withdrawal, good statelessness protection and now procedural guarantees (see box).



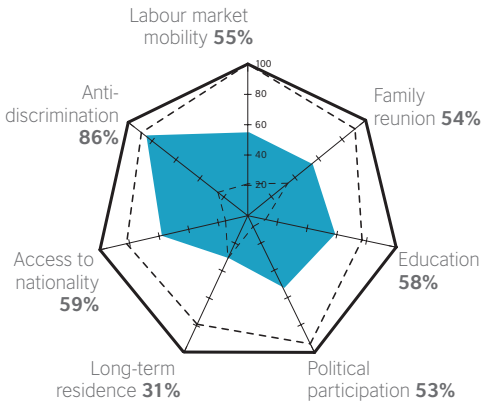
After LV, Switzerland has the poorest protection, without dedicated laws and no progress since 2007. Most other countries made their greatest gains on integration through anti-discrimination, often because of European standards. Since Switzerland's limited definitions do not directly extend to the major areas of life, residents are exposed to discrimination on many grounds. Swiss enforcement mechanisms are weak. Victims can only bring individual cases and only to court, with no sharing the burden of proof, State aid or protections against victimisation. Equality bodies are ineffective, only giving advice, without further powers to initiate investigations or join proceedings. Nearly all other European countries grant victims slightly favourable enforcement possibilities and equality bodies with legal standing.

UNITED KINGDOM

WWW.MIPEX.EU/UK

SCORE OVERVIEW

— 100% on MIPEX scale ■ UK - - Best practice in 31 countries - - Worst practice in 31 countries



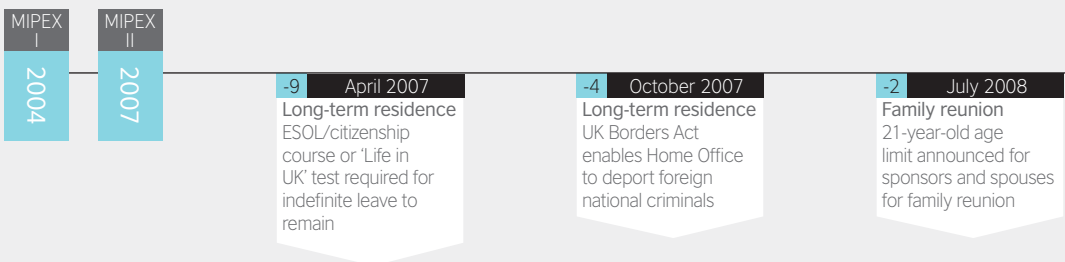
OVERVIEW

Government appeared unprepared for the numbers of EU citizens who came from the 2004 accession countries. Debate raged about immigration’s perceived and real costs vs. benefits, ‘community cohesion’ and ‘British jobs for British workers.’

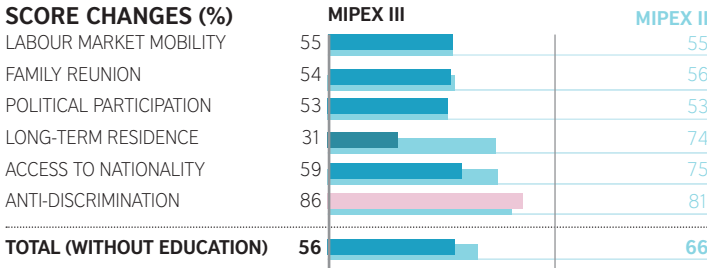
To restore public confidence, 2008’s points-based system controls the type of non-EU migrant workers and tried mitigating local impacts. Opposition and pressure groups talked about capping numbers of newcomers. When England was ranked Europe’s most densely populated country, they added capping population growth and net migration. The UK’s many mobile immigrants and expatriates make both targets problematic. With ‘earned citizenship,’ government shifted from controlling the numbers who can come to those who can stay.

On the eve of the May 2010 elections, MIPEX found the recent turn in policies made conditions slightly less favourable for integration. The UK fell 10 points—the most of any country—and out of the top 10. All residents will benefit from the stronger equality laws. If implemented, the long and confusing path to ‘earned citizenship’ may delay and discourage potential citizens and local communities from investing in integration as they had before.

INTEGRATION POLICY TIMELINE



SCORE CHANGES (%)



451: Eurostat
452: European Migration Network
453: Eurostat
454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465: Ild

KEY FINDINGS

- Longer and more bureaucratic path to ‘earned citizenship.’ will newcomers contribute more to their communities, or less?
- Some of strongest anti-discrimination laws and equality policies.
- 2010 Equality Act makes law and duties simpler and easier to use.
- 21-year age limit for sponsors, spouses, partners: to fight forced marriage?
- UK policies for non-EU workers and families only half-way favourable: better career opportunities and more secure family life in CA and US.
- Schools in England, Wales, Scotland, Northern Ireland are some of best prepared for newcomer pupils, leading European countries of immigration.
- Strongest commitment to implement intercultural education.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2009) ⁴⁵¹	+182,000
Foreign-born immigration flow (2007) ⁴⁵²	237,000
Largest third countries of origin (2008) ⁴⁵³	India, USA, Pakistan
TCN population (2008) ⁴⁵⁴	2,406,000
TCN as part of population (2008) ⁴⁵⁵	3.90%
Foreign-born as part of population (2008) ⁴⁵⁶	6.60%
Permits delivered for family (2009) ⁴⁵⁷	121,280
Permits delivered for work (2009) ⁴⁵⁸	116,670
Permits delivered for study (2009) ⁴⁵⁹	268,525
Permits delivered for humanitarian reasons (2009) ⁴⁶⁰	6,602
TCN employment rate (2009, change since 2006) ⁴⁶¹	57.40% -2%
National employment rate (2009, change since 2006) ⁴⁶²	69.90% -1.7%
TCN unemployment rate (2009, change since 2006) ⁴⁶³	11.20% +1.5%
National unemployment rate (2009, change since 2006) ⁴⁶⁴	7.60% +2.2%
Nationality acquisitions (2008, change since 2005) ⁴⁶⁵	129,260 -32,495

0 September 2008
Education
Diversity and
Citizenship curriculum
revised based on
Ajegbo report

-30 July 2009
Long-term residence
Borders, Citizenship
and Immigration Act
– May take effect in
July 2011

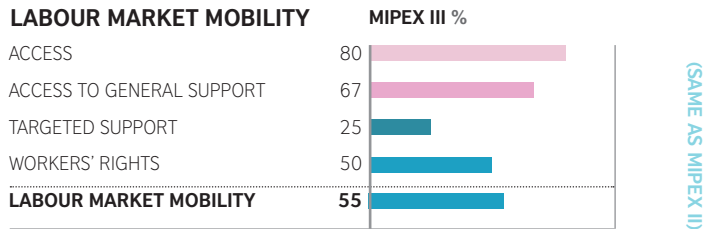
-16 July 2009
Access to Nationality
Borders, Citizenship
and Immigration Act
– May take effect in
July 2011

+5 April 2010
Anti-discrimination
UK Equality Act makes
law and equality duties
simpler and more
coherent

MIPEX
III
2010

UNITED KINGDOM

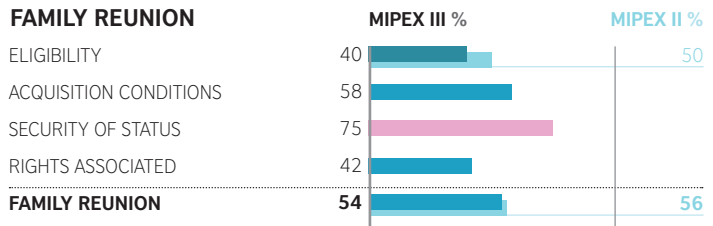
WWW.MIPEX.EU/UK



Non-EU migrants' labour market mobility in the UK is no better than a few years ago, average for Europe and well below CA or the US. Their basic access to the labour market is favourable, as in most countries of labour migration. Once they pass the points system, they are generally treated the same as British workers. The UK does not close off sectors of the economy to immigrants, nor deny access to job services. However, they are unlikely to benefit from any special support (see SE, DE, DK). They are also denied access to many parts of social security, which is uncommon in most major countries of immigration such as CA, US, FR, DE and ES.

The limits of age limits?

Sponsors and spouses/partners must be 21, although nationals can marry at 18. Preventing forced marriages through age limits is a trend in NL, DE and DK. The UK government pulled data from the 'Forced Marriage Unit' and Home Affairs Select Committee, according to which fewer forced marriages occur over 21 because older victims can better refuse them. Several academics and NGOs questioned the accuracy of forced marriage data, the effectiveness of age limits and the justification for the negative impact on all genuine couples.



British family reunion policies are just half-way favourable for societal integration, especially when compared to the US and CA. EU citizens have the right to live with their families under EU law. Non-EU couples aged 18 to 20 will now be kept apart, ostensibly to frustrate an unknown number of forced marriages (see box). For other non-EU families, the general requirements to be fulfilled are average for Europe. The procedure should generally be based on the facts and the rule of law. Still, the rights for families once admitted fall below. Just 6 other countries specifically restrict their access to public benefits. 'Indefinite leave to remain' may be placed further out of their reach (see long-term residence).

British pupils receive the best education in Europe and North America on citizenship, identity and diversity.

For other approaches, see CA, NL, NO, PT, SE

UNITED KINGDOM

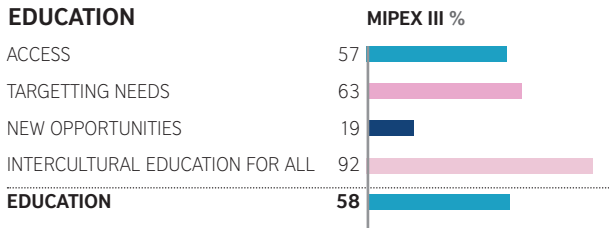
Citizenship, diversity, identity

Since 2006, schools had legal duties to promote community cohesion, and Ofsted to inspect progress. Citizenship Education is a national curriculum subject, with 'identity and diversity' as a cross-curricular dimension. Though contested, it was revised using the 2007 Ajebo report. Ofsted's 2010 'Citizenship Established' evaluation showed more confident schools and teachers. Schools must also accommodate different cultural,

racial and religious needs (e.g. Race Relations Amendment Act 2000, Northern Ireland Act 1998). Teacher training and development bodies (TDA, ITTs) are reaching out to ethnic minority candidates (see DE, NO).

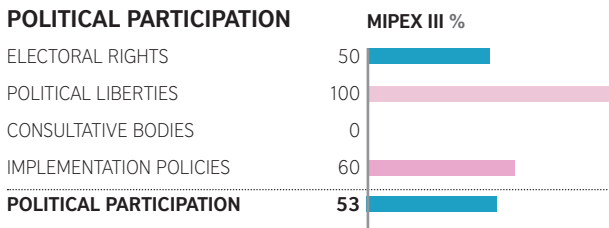


EDUCATION



Migrant pupils receive better support in schools across Britain than they do on the continent, while all pupils receive the best education on how to live together in a diverse society (see box). Still, the UK could learn from North American and Nordic countries on targeting new needs and opportunities that immigrants bring to schools. Generally across England, Wales, Scotland and Northern Ireland, newcomers benefit from slightly favourable targeted measures. Data is collected on migrant pupils' achievements and possible school segregation. But much depends on whether schools and municipalities apply for available extra funding, support and training. Migrants have hardly any entitlements; for example, to introduction or high quality English programmes.

POLITICAL PARTICIPATION



(SAME AS MIPEX II)

Non-EU residents would have the opportunity to become involved in public life if they lived in most other long-established countries of immigration in Europe. Not all can vote in elections, since only EU and Commonwealth citizens can. All enjoy basic political liberties under the law (as in 19 other countries). The many organisations that have been created by immigrants and often supported by government are not organised together in the types of consultative bodies that are emerging across Europe (e.g. IE) and even in the US. Grassroots movements on voting rights can also be seen in CA and the US, with IE as the leader.

UNITED KINGDOM

WWW.MIPEX.EU/UK

The future of the 2009 Borders, Citizenship and Immigration Act

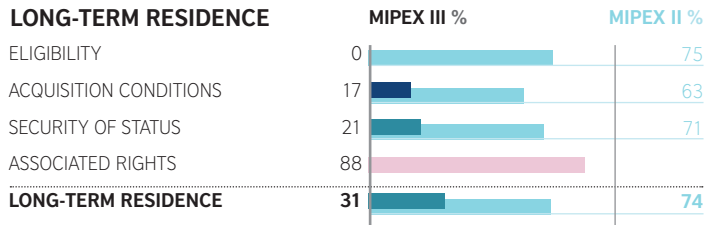
The new provisions on permanent residence and citizenship raised significant objections from opposition, many integration experts and the immigrant community. They questioned the methodology of the consultations, which produced a final proposal little different from the government's plan. They also requested any evidence that the policy would improve integration in practice. The plans for a clearer and simpler architecture on citizenship have been called 'complicated', 'bureaucratic' and 'pure spin' by members of parliament. The Act would come into force in 2011 and be evaluated in 2014, if the new coalition passes the necessary secondary legislation.

'Earned citizenship' objectives

Government believed that making non-EU residents demonstrate more that they earned their 'citizenship' would make the public more confident about the immigration system. Impact assessment claimed immigrants would have greater incentives and opportunities in their communities than before. As such, it assumed that application and acceptance rates would go up, not down. The assessment even noted withholding public benefits would increase the 'value' of citizenship and be a net transfer of funds from immigrants to the State, although it did not go so far as to quantify either.



LONG-TERM RESIDENCE



According to the 2007 MIPEX, 'indefinite leave to remain' (ILR) was one of the major strengths for integration policy in the UK, as it is in most European countries. Non-EU citizens do not have the right to permanent residence, as EU citizens do. Instead they had to apply for ILR to get basic security and rights through procedures that were just as demanding in the UK as in most MIPEX countries. They had to prove that they spoke English, maintained close ties with the UK and learned all about life there. Authorities could still reject them on several grounds. They could also withdraw ILR from criminals, as of the 2007 Border Act.

If the new permanent residence policy is implemented (see box), immigrants and local communities could be significantly delayed or discouraged from investing in integration. Many legal residents, such as students and some workers, would be excluded from applying, while the rest would have to wait up to 8 years to be accepted. In between, they are held up for 3 to 5 years as 'probationary citizens,' with an uncertain future and without public benefits. All throughout, they would have to keep meeting new confusing requirements about how long they can travel outside the UK, be in-between jobs, and volunteer as part of their 'activity condition' (see next). Since the conditions would be the same as for citizenship, permanent residence would just be an 'alternative' for those unable to naturalise.

The policy would not be similar to other advanced industrial states, as the government's green paper on earned citizenship claimed. All EU Member States require 5 years or less; CA and the US do so for immigrants upon arrival; and none do so under probation. Dropping 43 points overall, the UK policies on permanent residence would be the weakest in Europe and North America; even weaker than Ireland, which has no set policy.

Long and complicated path to 'earned citizenship' may delay or discourage integration. Other policies better enable newcomers to succeed.

See previous UK system or CA, US.

UNITED KINGDOM

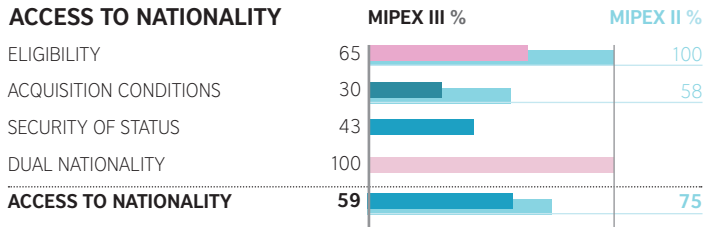
Points-based citizenship?

Government estimated the activity condition's impact as increasing immigrant volunteering by 5%, worth 5.6 million pounds to the UK economy. But the Home Affairs Committee found little evidence that the voluntary sector needs or can handle this condition. Before elections, government proposed using a citizenship 'points system.' Based on 2008's scheme to control the types of non-EU migrant workers, this system would aim

to manage the number of residents granted citizenship. Immigrants would need more or fewer points if government thinks it is in the UK's current interests.



ACCESS TO NATIONALITY



With a citizenship policy as welcoming as Canada's, the UK often served as a model for reform across Europe. If the 2009 Act is implemented, potential citizens may be discouraged by the longer and less clear path to citizenship. The government assumed that they would apply and be accepted as much as before. Now the conditions go beyond the 5 years, which were the standard in the UK and still are in established countries of immigration (e.g. US, FR, NL, SE). If probationary citizens commit a crime, they wait longer. If they complete 'prescribed activities' in the voluntary sector (see box), they wait a little less: 1 year to become British citizens; 3 to become permanent residents.

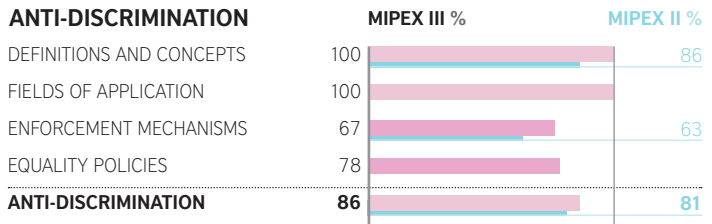
Equality Act 2010

The Act aims to 'rationalise, simplify and harmonise existing equality law into a consistent, coherent and easy to understand manner, which also serves to strengthen the law in treatment.' It tackles multiple discrimination (as in only 6 others) and extends equality duties on race to religion and other grounds, in order to 'improve efficiency and protection.' It incorporates principles from ECHR and ECJ rulings and

EU legislation. Extensive consultation preceded the changes and evaluation is planned. Secondary legislation is needed, for instance on equality duties. www.equalities.gov.uk/equality_act_2010.aspx



ANTI-DISCRIMINATION



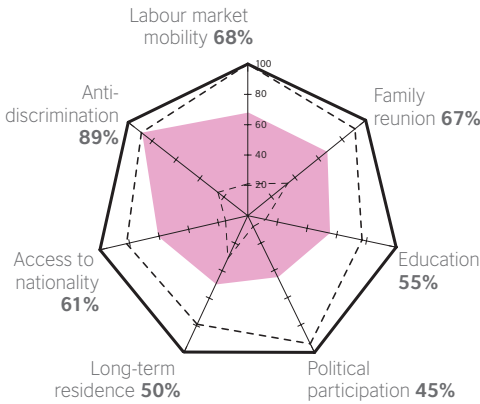
The UK has some of the strongest anti-discrimination laws and equality policies, which help newcomers and ethnic minorities achieve equal opportunities in practice. Discrimination is illegal on grounds of race, ethnicity, religion or nationality in all areas of life. During the last MIPEX, the 2006 Equality Act created a single equality body, the EHRC. The 2010 Equality Act makes the law more coherent and easy to use (see box). The UK has committed to promote equality through the EHRC's powers, state equality duties and public information policies. Still, its rather average enforcement mechanisms would improve if equality NGOs could play a role in court, as in 24 countries, and use class actions, as in 14.

UNITED STATES OF AMERICA

WWW.MIPEX.EU/USA

SCORE OVERVIEW

— 100% on MIPEX scale ■ US - - Best practice in 31 countries - - Worst practice in 31 countries



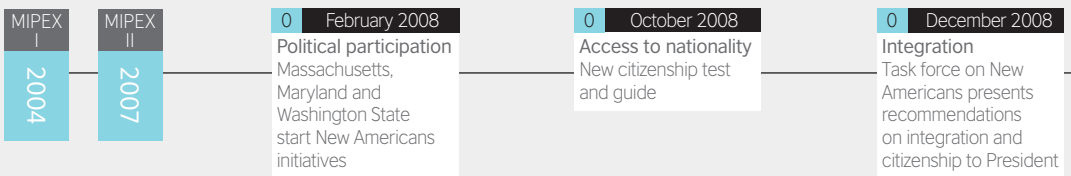
OVERVIEW

Most Americans are but a few generations from the immigrant experience. With more US residents born abroad since 1990, they numbered 40 million in 2008: 36% naturalised citizens, 31% legal permanent residents, 30% undocumented (about 11 million), and 4% legal temporary workers. The mostly work- and family-based immigration is tied to ‘ceilings,’ unchanged since 1990.

Debates on comprehensive immigration reform focus on border security, legalisation, breakdown of the legal immigration system and the need for a national integration strategy. Since early 20th century ‘Americanisation’ movements, voluntary and community organisations largely drive integration work, with government focusing on family reunion and naturalisation.

MIPEX finds that the US has some slightly favourable policies to encourage immigrants to participate and become full citizens. Immigrants with a legal status have good opportunities to live with their family and find a job, but not as good as those Americans enjoy. Strong anti-discrimination laws protect all residents. Still, the path to citizenship, even for legal immigrants, is not as easy as many think: high fees, backlogs and insecure rights put the US at just 9th compared to 29 European countries and Canada.

INTEGRATION POLICY TIMELINE



466: OECD SOPEMI 2010
467, 467, 469. Ibid
470: 2008 American Community Survey
471: OECD SOPEMI 2010
472, 473, 474, 475: Ibid
476: Eurostat
477: OECD SOPEMI 2010
478: Bureau of Labor Statistics, US
Department of Labor
479: Department of Homeland Security,
Office of Immigration Statistics, Yearbook
of Immigration Statistics 2008

KEY FINDINGS

- Strongest anti-discrimination laws, tied with CA, benefit all, including newcomers.
- Green Card: fragile status and exclusion from key federal benefits.
- Fees and backlogs for family reunion, green cards and naturalisation: signs of 'broken' immigration system.
- Family reunion policies do not reflect many ways Americans and immigrants live together as families.
- 'No Child Left Behind' help schools target needs of limited English-proficient students.
- Dual nationality and some form of birthright citizenship: US and CA as model for most established and reforming immigration countries.
- Revised citizenship test encourages immigrants to succeed.
- Limited new state and local initiatives on 'New Citizens' and voting rights.

INTERNATIONAL HARMONISED MIGRATION STATISTICS

Net migration (2008) ⁴⁶⁶	883,000
Immigration flow (2008) ⁴⁶⁷	1,107,100
Largest countries of origin (2008) ⁴⁶⁸	Mexico, China, India
Foreign-born population (2009) ⁴⁶⁹	39,624,000
Foreign-born as part of population (2008) ⁴⁷⁰	12.50%
Permits delivered for family (2007) ⁴⁷¹	778,900
Permits delivered for work (2007) ⁴⁷²	73,100
Permits delivered for study (2006) ⁴⁷³	273,900
Permits delivered for humanitarian reasons (2007) ⁴⁷⁴	136,100
Foreign-born employment rate (2007, change since 2000) ⁴⁷⁵	69.35% +1.6%
National employment rate (2009, change since 2006) ⁴⁷⁶	67.60% -4.4%
Foreign-born unemployment rate (2007, change since 2000) ⁴⁷⁷	5.65% +2.9%
National unemployment rate (2009, change since 2008) ⁴⁷⁸	9.20% +3.3%
Nationality acquisitions (2008, change since 2007) ⁴⁷⁹	1,046,539 +386,062

0 December 2009
Immigration reform
Comprehensive
Immigration Reform for
America's Security and
Prosperity Act (CIR ASAP)
introduced in House

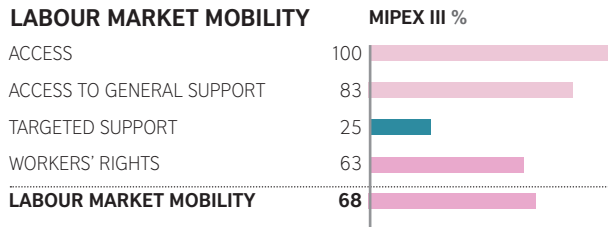
0 February 2009
Integration
2010 federal budget
increases support for
integration of new
immigrants to \$18 million

0 March 2010
Long-term residence
Affordable Care Act
does not address
federal benefits for legal
permanent residents

MIPEX
III
2010

UNITED STATES OF AMERICA

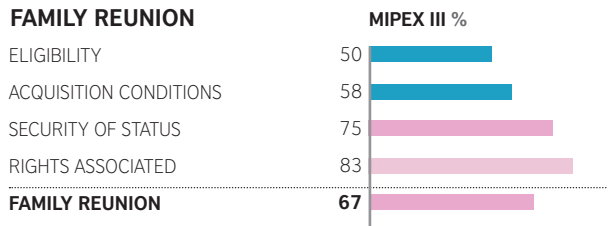
WWW.MIPEX.EU/USA



A legal status in the US gives most migrant workers and their families some of the same chances in the labour market as native-born Americans. Both can look for employment, start a business, get help from the government in their job hunt, expect the same working conditions, and pay the same levels of tax and social security. Still, the job they find may be far below the skills they have, because some states and professional organisations are not working together to recognise their foreign diplomas. Countries with comprehensive integration strategies better target this and the other specific needs of workers born and trained abroad (e.g. CA, the Nordics and Northwest Europe).

The typical American family?

US immigration law often fails to reflect the many ways that Americans and immigrants live together in families. Unlike legal permanent residents, many temporary residents cannot apply for their families while in the US, even with the resources to support them (instead, see 17 MIPEX countries). US legal permanent residents can only sponsor their parents or adult children after they naturalise. No one in the US has the right to apply for a visa to sponsor their foreign homosexual partner, unlike in half the MIPEX countries.



Immigrants with legal status have a slightly favourable chance of immigrating with their immediate family members. But before families can reunite, they must overcome numerous institutional barriers including limited visa availability, high fees, and backlogs. For some, the wait to reunite can be 20 years because demand for visas far outweighs availability. In addition, the US defines family relationships narrowly (see box). Once families arrive, they have a generally secure future in the country and the same rights as their sponsor, as in most MIPEX countries. Some family members can also apply for autonomous residence permits, especially in cases of divorce or death, which is an area of weakness for most countries (see also leading CA, Nordics).

Path to US citizenship is not paved with gold: limited access, high fees, long waits, insecure rights.

See CA or, in Europe, ES, PT, SE.

USA

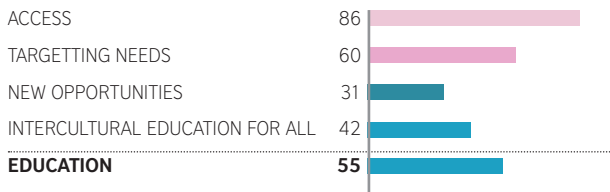
Targeted programmes, ‘No Child Left Behind’ (NCLB)

Targeted programmes are provided by Head Start, the College Assistance Migrant Program and affirmative action. The 2001 NCLB Act set new goals for states to improve the attainment of all students, including certain immigrant groups such as limited English proficient (LEP) or Hispanic students. LEP students benefit from more targeted funding, support, monitoring, parental outreach and overall school accountability. Although immigrants have rights to English support since



1974’s Supreme Court decision *Lau v. Nichols*, NCLB improved the quality and range of these courses.

EDUCATION



All students, regardless of status, attend free public schools. Undocumented students have no clear legal path to college, nor in-state tuition in 39 states (unlike around half the MIPEX countries). Targeted programmes slightly help minority students and limited English speakers complete school, from pre-school to college (see box). Still states rarely see the new opportunities that migrant children bring. Some guarantee that all students can learn immigrant languages as their foreign language (like 22 countries), with around 10 states requiring bilingual education. A third requires all teachers be trained for diverse classrooms. States like Illinois and Texas try training and recruiting immigrant teachers. Many students do not learn about living together in diverse societies or see this in their textbooks.

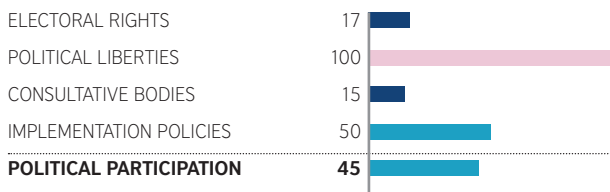
Councils of New Americans

Illinois started the movement in 2005, followed by states such as Massachusetts, New Jersey, Maryland and Washington State. Immigrants are also consulted in major cities like New York, Chicago and San Francisco. Immigrant faith and community leaders are appointed by governors or city officials. Councils meet from time-to-time, often to organise public hearings, report, and make recommendations to government. In MIPEX countries, newer bodies are often organised this way (e.g. FR, GR, IE), while the older bodies in



Northern Europe are more representative and immigrant-led. <http://www.immigrants.illinois.gov/NewAmericans.htm>

POLITICAL PARTICIPATION



Before immigrants naturalise, they have few formal opportunities in American democratic life. All in the US have basic political freedoms, as in most MIPEX countries. Very few legal residents have local voting rights. More may get them, as towns and states debate the idea. These rights existed in 22 US states before the 1920s and exist today in 18 other MIPEX countries. Most new communities need private funds to organise, especially at national level. They are not represented by federally-sponsored organisations or advisory bodies (unlike in 9 MIPEX countries e.g. ES, NL). Several cities and states have recently recognised the importance of integration and created Councils of New Americans, though with basic mandates (see box).

UNITED STATES OF AMERICA

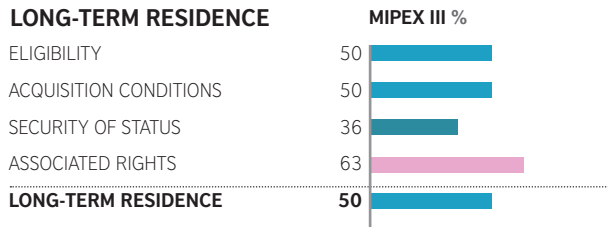
WWW.MIPEX.EU/USA

Green Cards: more fragile than most

Legal permanent residence is more insecure in the US than in 21 European countries and CA. It is lost for several reasons, including relatively minor crimes, failure to file taxes, or travel abroad for more than 6 months. Decisions to deport legal permanent residents do not need to balance these reasons with their personal circumstances tying them to the US. Not even people living there for decades, since childhood, or with children are fully protected, because standards to cancel removal orders are very high.



LONG-TERM RESIDENCE



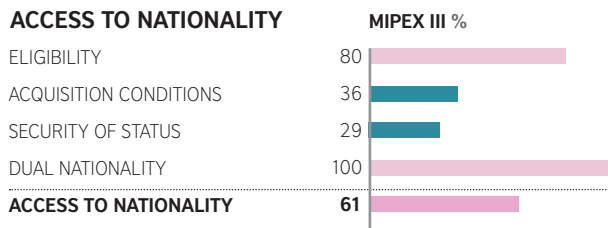
Immigrants who can become legal permanent residents enjoy fewer guarantees in American life than they do in most MIPEX countries. Many entering on temporary visas cannot settle as green-card holders, including immigrants the US tries to attract like international students and highly-skilled workers (instead, see CA, DK, SE). For those eligible, conditions in law are not unfavourable, but fees are among the highest in MIPEX countries and procedures the longest. Green-card holders are free to work and study. But since 1996, many cannot use federal benefits, unlike in all MIPEX countries but CY. This was not remedied in the final 2010 health care reform. Moreover, legal permanent residents have a relatively fragile status (see box).

American citizenship: a dream deferred?

New fees and backlogs may discourage many eligible residents. Fees rose by 69 % in 2007. These are now higher than in 25 of the 30 other MIPEX countries. Half ask for just normal administrative fees similar to obtaining passports. The US naturalisation procedure remains backlogged without any legal time limits (unlike in 13 MIPEX countries). Many long and discretionary security checks also leave applicants slightly insecure about their status. In terms of good practice, Canadian citizenship judges ensure the integrity of the naturalisation process.



ACCESS TO NATIONALITY

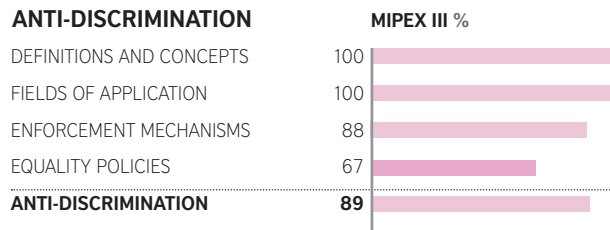


As a nation of immigrants, the US slightly encourages newcomers to become citizens in order to fully participate in American public life. Its core principles on citizenship are shared with other established countries of immigration (CA, FR, UK) and newer countries that have been inspired to reform. These principles are: around 5-years' permanent residence for newcomers (7 other MIPEX countries), some birthright citizenship for their descendants (14) and dual nationality (17). MIPEX also finds that the revised citizenship test continues to provide the basic conditions for most applicants to succeed. Still, obstacles in the current procedure can keep eligible immigrants from the promise of citizenship, which gives the US its score of 61 (see box).

Promoting naturalisation and equal opportunities are central to integration strategies in the US and CA.

In Europe, see BE, FR, PT, SE and UK.

USA



People in the US (and CA) enjoy the strongest laws to protect them against discrimination and guarantee them equal opportunities. As models for other countries of immigration, a few leading countries in Western Europe are trying to make their laws as easy to use (SE, UK), while those in Central Europe are still learning how to use their relatively recent laws (BG, HU, RO).

Racial, ethnic and religious discrimination is illegal in all areas of life. Equal opportunities legislation guarantees that no legal resident can be denied opportunities because of their national origin or citizenship, as in 14 other MIPEX countries. The US also limits accent discrimination and language requirements. For example, employers cannot ask non-US citizens to provide extra documents proving their right to work; they cannot require a higher level of English than is strictly necessary for the job; landlords cannot rent only to American citizens; schools and government agencies cannot refuse services to people with limited English.

The mechanisms to enforce the law are the most favourable for potential victims of discrimination in the MIPEX countries. Organisations can support them in their cases or file civil actions. If they do not speak English well, the law requires free interpreters in federal court and state courts that receive federal funds. Courts are used for these cases and regularly accept statistical evidence and situation testing to prove discrimination. Civil and criminal cases are well enforced, but still lengthy. If their case is against the government, the Equal Employment Opportunity Commission investigates the facts of their case, can instigate its own proceeding and enforces its findings.

The federal government promotes equal opportunities throughout its work. The Department of Justice's Civil Rights Division takes the lead on policy. Across government, disadvantaged groups can benefit from affirmative action as well as support for minority businesses, for instance through 'supplier diversity'. Their work would improve if potential victims could obtain information and advice from national or local agencies, as in 21 other MIPEX countries, including FR, NL, SE and UK.

ANNEX: LIST OF INDICATORS

1. LABOUR MARKET MOBILITY

1.1 Access

1. Immediate access to employment; 2. Access to private sector; 3. Access to public sector; 4. Immediate access to self-employment; 5. Access to self-employment

1.2 Access to general support

6. Public employment services; 7. Education and vocational training; 8. Recognition of qualifications

1.3 Targeted support

9. State facilitates recognition of qualifications; 10. Measures for economic integration of third-country nationals; 11. Measures for economic integration of migrant youth and women; 12. Support to access public employment services

1.4 Workers' rights

13. Accessing trade unions; 14. Accessing social security; 15. Working conditions; 16. Information policy

2. FAMILY REUNION

2.1 Eligibility

17. Time and documents considered; 18. Partners and age limits; 19. Minor children; 20. Dependent relatives; 21. Dependent adult children

2.2 Conditions for acquisition of status

22. Pre-departure integration conditions; 23. Upon arrival integration conditions; 24. Accommodation; 25. Economic resources; 26. Maximum duration; 27. Costs

2.3 Security of status

28. Duration of validity; 29. Grounds for rejection, withdrawal, refusal; 30. Personal circumstances considered; 31. Legal protections

2.4 Rights associated with status

32. Autonomous permit for partners and children; 33. In case of widowhood, divorce, death, violence; 34. For other family members; 35. Access to education and training; 36. Employment and self-employment; 37. Social benefits

3. EDUCATION

3.1 Access

38. Accessing pre-primary education; 39. Compulsory education as a legal right; 40. Assessment of prior learning; 41. Support to access secondary education; 42. Accessing vocational training; 43. Accessing higher education; 44. Advice and guidance

3.2 Targeting needs

45. Induction programmes; 46. Support in language(s) of instruction; 47. Pupil monitoring; 48. Educational situation of migrant pupils; 49. Teacher training

3.3 New opportunities

50. Option to learn immigrant languages; 51. Immigrant cultures; 52. Promoting integration and monitoring segregation; 53. Measures to support parents and communities

3.4 Intercultural education for all

54. Inclusion in school curriculum; 55. State supports information initiatives; 56. Modifying curricula to reflect diversity; 57. Adapting daily life; 58. Bringing migrants into the staff; 59. Teacher training

4. POLITICAL PARTICIPATION

4.1 Electoral rights

60. Right to vote in national elections; 61. Regional elections; 62. Local elections; 63. Right to stand in local elections

4.2 Political liberties

64. Right to association; 65. Political parties; 66. Creating media

4.3 Consultative bodies

67. Consultation at national level; 68. Regional level; 69. Capital city level; 70. Local city level

4.4 Implementation policies

71. Information policy; 72. Public funding/support for national immigrant bodies; 73. For regional immigrant bodies; 74. At local level in capital city; 75. At local level in city

5. LONG-TERM RESIDENCE**5.1 Eligibility**

76. Required time of residence and documents considered; 77. Counting time as pupil/student; 78. Periods of prior-absence allowed

5.2 Conditions for acquisition of status

79. Language and integration conditions; 80. Economic resources; 81. Duration of procedure; 82. Costs

5.3 Security of status

83. Duration of validity; 84. Renewable permit; 85. Periods of absence; 86. Grounds for rejection, withdrawal or refusal; 87. Personal circumstances considered before expulsion; 88. Expulsion precluded; 89. Legal protections

5.4 Rights associated with status

90. Residence after retirement; 91. Working and conditions; 92. Social benefits; 93. Recognition of qualifications

6. ACCESS TO NATIONALITY**6.1. Eligibility**

94. Time of residence for first generation immigrants; 95. Periods of absence; 96. Partners/spouses of nationals; 97. Birthright citizenship for second generation; 98. For third generation

6.2 Conditions for acquisition

99. Language; 100. Citizenship/integration; 101. Economic resources; 102. Criminal record; 103. Good character; 104. Maximum duration of procedure; 105. Costs

6.3 Security of status

106. Additional grounds for refusal; 107. Discretionary powers in refusal; 108. Personal circumstances considered before refusal; 109. Legal protections; 110. Grounds for withdrawal; 111. Time limits for withdrawal; 112. Statelessness

6.4 Dual nationality

113. Dual nationality for first generation; 114. For second/third generations

7. ANTI-DISCRIMINATION**7.1 Definitions and concepts**

115. Definition includes direct and indirect discrimination, harassment, instruction to discriminate 116. Discrimination by association and on basis of assumed characteristics; 117. Applies to natural and legal persons; 118. Applies to public sector; 119. Legal prohibitions; 120. Freedom of association restricted when impeding equality; 121. Multiple discrimination

7.2 Fields of application

122. Anti-discrimination law covers employment and vocational training on grounds of race and ethnicity, religion and belief, and nationality; 123. Education; 124. Social protection including social security; 125. Social advantages; 126. Access to and supply of public goods and services, including housing; 127. Including health

7.3 Enforcement mechanisms

128. Procedures available; 129. Alternative dispute resolution; 130. Grounds; 131. Duration; 132. Burden of proof; 133. Situation testing and statistical data; 134. Victimisation; 135. State assistance; 136. Role of legal entities; 137. Range of legal actions; 138. Sanctions; 139. Discriminatory motivation

7.4. Equality policies

140. Specialised equality agency established; 141. Assists victims; 142. Acts as a quasi-judicial body; 143. Has legal standing; 144. Can instigate proceedings, lead investigations, enforce findings; 145. State disseminates information and facilitates dialogue; 146. Mechanisms ensure compliance at national level with dedicated government units; 147. Public bodies promote equality in functions and contracts; 148. Positive action.

Please note this is a condensed list. The full list of indicators is available at www.mipex.eu.

MANAGING PARTNERS



RESEARCH PARTNERS



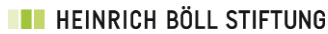
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Universität Konstanz

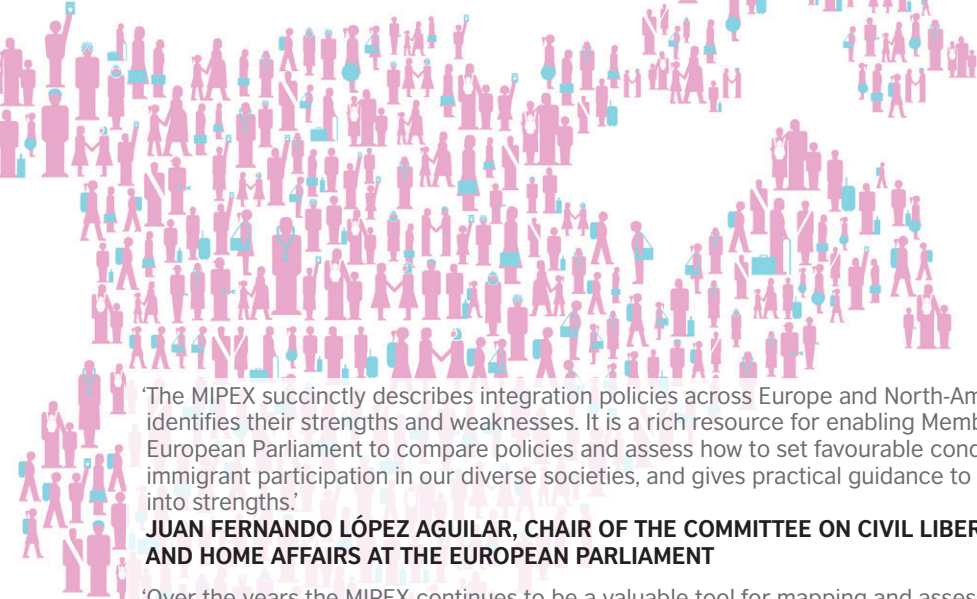


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'The MIPEX succinctly describes integration policies across Europe and North-America and identifies their strengths and weaknesses. It is a rich resource for enabling Members of the European Parliament to compare policies and assess how to set favourable conditions for immigrant participation in our diverse societies, and gives practical guidance to turn weaknesses into strengths.'

JUAN FERNANDO LÓPEZ AGUILAR, CHAIR OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS AT THE EUROPEAN PARLIAMENT

'Over the years the MIPEX continues to be a valuable tool for mapping and assessing existing integration policies in the European Union. I am pleased to support this initiative, especially as the third edition covers all EU Member States and more policies relevant to integration. The MIPEX provides a good basis for the analysis of trends in Europe. It is worthwhile to note that many Member States generally perform better, in terms of migrant integration policies, in those areas where Union law exists such as family reunification, long-term residence and anti-discrimination.'

CECILIA MALMSTRÖM, EUROPEAN COMMISSIONER FOR HOME AFFAIRS

'The MIPEX enables human rights actors to raise very precise questions as to whether and how governments have implemented international fundamental rights principles in national integration policies and law. The MIPEX brings these normative standards to the practical level and clarifies how the legal concepts apply to immigrants' access to work and education, securing their residence and family life, promoting citizenship and civic participation, as well as protecting against discrimination.'

ILZE BRANDS KEHRIS, CHAIRPERSON OF THE EU FUNDAMENTAL RIGHTS AGENCY MANAGEMENT BOARD

'MIPEX is an impressive effort by an international team of scholars and experts to map integration policies from a growing number of countries in the world. Their results will inspire further international comparative analysis and provide a comprehensive evidence-base on which to build informed policies. Policy and research affiliates of the Metropolis Project will find in MIPEX a fertile ground for analysis and decision making.'

HOWARD DUNCAN, EXECUTIVE HEAD OF THE METROPOLIS PROJECT

'I am impressed by the quality of the Migrant Integration Policy Index. Your long-term approach to integration issues is extremely promising. I think we need to monitor Integration issues as accurately as we monitor Health, Education, or Unemployment. We also need to re-orientate the debate towards facts and figures, away from the ideological and rhetorical discourse that prevails today on such issues. I am sure the British Council and the Migration Policy Group have taken an excellent initiative by creating the Migrant Integration Policy Index. I support your project without hesitation, and I wish MIPEX all the best.'

AMIN MAALOUF, AUTHOR

WWW.MIPEX.EU



The MIPEX III is produced as part of the project: Outcomes for Policy Change, co-financed by the European Fund for the Integration of Third-Country Nationals.

MIPEX III

MIGRANT INTEGRATION POLICY INDEX III